



## Dallas City Council Agenda

**Kenneth L. Woods, Jr., Presiding**

**Monday, March 4, 2024**

**7:00 PM**

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

### COUNCIL

**Mayor**

Kenneth L Woods, Jr.

**Council President**

Michael Schilling

**Councilor**

Nancy Adams

**Councilor**

Carlos Barrientos

**Councilor**

Larry Briggs

**Councilor**

Kirsten Collins

**Councilor**

Kim Fitzgerald

**Councilor**

Micah Jantz

**Councilor**

David Shein

**Councilor**

Debbie Virden

### CITY STAFF

**City Manager**

Brian Latta

**Asst. City Manager**

Emily Gagner

**City Attorney**

Lane Shetterly

**Police Chief**

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) Fire Department, Chief Wallace b) Police Department, Chief Simpson c) Public Works, Director Gary Marks	
3. PUBLIC HEARING a) Application for Comprehensive Plan Amendment and Zone Change of property located on Clow Corner Road p.4	MOTION
4. PUBLIC COMMENT ( <b>SEE PAGE 3 FOR MORE INFORMATION</b> ) <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> <b>+1 253 215 8782</b> <b>MEETING ID: 213 855 0622</b>  *We encourage you to be logged into the public comment queue by 7:00PM*	
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>  a) Approval of the February 20, 2024 Work Session Meeting Minutes p.54 b) Approval of the February 20, 2024 City Council Meeting Minutes p.55	MOTION

**Our Motto: Come Thrive With Us, We Invest in People and Business**



**Dallas City Council Agenda**  
**Monday, March 4, 2024**  
**7:00 pm**

6.	ITEMS REMOVED FROM CONSENT AGENDA	
7.	REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
8.	REPORTS FROM CITY MANAGER AND STAFF	
9.	SECOND READING OF ORDINANCES	ROLL CALL VOTE
	<ul style="list-style-type: none"> <li>a) Ordinance No. 1892 adopting new provisions of the Dallas Development Code, and amending other provisions; and repealing all prior and conflicting ordinances p.57</li> </ul>	
10.	EXECUTIVE SESSION	
	<ul style="list-style-type: none"> <li>a) Pursuant to 192.660(2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions</li> </ul>	
11.	OTHER BUSINESS	
12.	ADJOURNMENT	



## Guide for Remote Meeting Access

### **Watch a Dallas City Council Meeting or Planning Commission Meeting Live on Youtube**

Visit: [www.dallasor.gov/community/page/dallasyoutube](http://www.dallasor.gov/community/page/dallasyoutube)

### **Submit public testimony at a Dallas City Council Meeting or Planning Commission Meeting by Phone**

\*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:** March 4, 2024  
**AGENDA ITEM NO.** 3.a  
**TOPIC:** Public Hearing on an application for comprehensive plan amendment and zone change of property located on Clow Corner Road  
**LAND USE FILE #:** CPA-23-01 & ZC-23-02  
**PREPARED BY:** Chase Ballew, City Planner  
**APPROVED BY:**  City Manager  
**ATTACHMENTS:**  
A. Staff Report to Planning Commission  
B. Zoning Map prepared by City Staff  
C. Notice of Public Hearing  
D. Application Materials  
E. Letters of Public Testimony

**RECOMMENDED ACTION:**

Approve the Planning Commission recommendation in support of the requested amendment of the Comprehensive Plan and rezoning from Industrial to Medium-Density Residential (RM).

Direct the City Attorney to prepare an Ordinance for the subject property amending the comprehensive plan and designating the zoning of said property.

**BACKGROUND:**

The property owner, Ken Perkins, has submitted an application to change the comprehensive plan map designation from industrial to residential, and change the zoning from industrial to medium density residential of a parcel approximately 5.36 acres in size.

On February 13, 2024, the Dallas Planning Commission conducted a public hearing to consider the applicant's proposal and to receive public testimony. The applicant attended and addressed the Commission during the meeting. The Commission received public testimony. The Planning Commission deliberated and voted unanimously to forward to City Council their recommendation that the City Council approve the Comprehensive Plan amendment and zone change requests.

**COMPREHENSIVE PLAN AMENDMENT & ZONE CHANGE APPROVAL CRITERIA:**

The Approval Criteria for map changes are contained in section 4.10.030.B of the Dallas Development Code. In response to these criteria, Staff refer to the findings contained in the staff report dated February 6, 2024 which was presented to the Planning Commission.

Staff will supplement the Planning Commission staff report with an addition to the finding addressing comprehensive plan policy 2.1.4. That policy reads,

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

**Staff's Finding:** While the city's 20-year supply of industrial land demonstrates a surplus compared to the 20-year demand, portions of that supply are not ready for construction within one year of an application for a building permit. This site is suitable for development and could be considered part of the "short-term supply" of industrial land. There are two questions that must be answered. First, does the rezoning of this property away from industrial zoning create an inadequate short-term supply of industrial land? Second, in balancing competing comprehensive plan policies, is retaining the adequate short-term supply of industrial land more important than the reducing the deficit of medium density residential land? The Planning Commission's recommendation to the City Council is to approve the comprehensive plan amendment and zone change application. As such, the planning commission found that approval of the application retains an adequate supply of short-term industrial land and/or reduces the current 20-year planned deficit of medium density residential land.

**RECOMMENDED MOTION:**

I move to adopt the recommendation of the Planning Commission to approve the Comprehensive Plan amendment and zone change, and direct the City Attorney to prepare an Ordinance amending the Dallas Zoning Map to reflect this action.

**ATTACHMENTS**

- A. Staff Report to Planning Commission
- B. Zoning Map prepared by City Staff
- C. Notice of Public Hearing
- D. Application Materials
- E. Letters of Public Testimony

# ATTACHMENT A.1

## CITY OF DALLAS PLANNING COMMISSION STAFF REPORT

**Meeting Date:** February 6, 2023  
**Report Date:** February 13, 2023  
**Topic:** CPA-23-01 & ZC-23-02

**Application Type:** Comprehensive Plan Amendment & Zone Change  
**Applicant:** Ken Perkins  
**Location:** Clow Corner Road – Taxmap #8.5.3 Taxlot #801 – Parcel 3

### **APPROVAL CRITERIA:**

DDC Chapter 4.7 – Land Use District Map Amendments

### **RECOMMENDED ACTION**

That the Planning Commission reaffirm their recommendation that the City Council approve the request

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

### **SITE INFORMATION**

**Current Zoning:** Industrial  
**Comprehensive Plan Map:** Industrial  
**Floodplain:** Yes  
**Riparian Corridor:** Yes  
**Wetlands:** No  
**Lot Size:** 5.36 Acres  
**Prior Land Use Approvals:** Urban Growth Boundary Expansion (2004)  
Annexation & Zone Change (2022)  
Partition (2023)

### **PROJECT OVERVIEW**

- Amend comprehensive plan from Industrial to Residential.
- Change zoning from Industrial (I) to Medium-Density Residential (RM).

### **BACKGROUND INFORMATION**

The property was annexed in 2022, and at that time the applicant requested a comprehensive plan change to residential for part of the site, which the city council denied, finding that because the property was larger than 10 acres the land qualified as ‘prime industrial’ under comprehensive plan policy 2.3.1.

Subsequently the property has been divided into three smaller parcels. Parcel 1 is undergoing wetland development permitting, Parcel 2 has received development approval for mini-storage, and Parcel 3, the subject of this application, is proposed for conversion to residential use.

# ATTACHMENT A.2

## COMPREHENSIVE PLAN AMENDMENT / ZONE CHANGE APPROVAL CRITERIA

The applicant proposes to amend the comprehensive plan and rezone the property. The applicable criteria are contained in the DDC 4.7.030.B, “*Criteria for Quasi-Judicial Amendments.*”

### **CRITERION:**

*DDC 4.7.030.B.1 – Approval of the request is consistent with the Statewide Planning Goals.*

### **FINDING:**

Oregon has 19 Statewide Planning Goals, of which six (6) are directly applicable to the approval criteria of this request and are discussed individually below.

**Goal 5 – Natural Resources:** This goal requires cities to protect natural resources and conserve scenic and historic areas and open spaces, with fifteen (15) resources specified. The subject property has a mapped riparian corridor and floodplain (North Fork Ash Creek on the north edge of the property) which are Goal 5 resources; to protect this resource the City of Dallas has standards for setbacks and storm water management that must be met at the time of development.

**Goal 7 – Natural Hazards:** This goal requires cities to adopt comprehensive plan measures that reduce risk to people and property from natural hazards, with six (6) hazards specified. As identified by the Oregon Department of Geology and Mineral Industries and incorporated into the Polk County Multi-Jurisdictional Hazard Mitigation Plan, the subject property is located in an area of the city with moderate risk of expansive soils. In accordance with Goal 7, the City of Dallas requires geotechnical evaluation of all new development, which can mitigate some of the expansive soil risk through site-specific design and engineering, such as structural foundation systems, as well as storm water management to reduce risk of rain-induced expansion and landslides.

**Goal 9 – Economy:** Goal 9 requires cities in develop Comprehensive Plans that inventory areas suitable for increased economic growth and activity. The 2020 Economic Opportunities Analysis identified a surplus of 168 acres of industrial land. Rezoning of the property to a non-industrial use would not reduce the 20-year supply of industrial land below the expected demand.

**Goal 10 – Housing:** This goal requires cities to encourage availability of adequate numbers of needed housing units at prices commensurate with the financial capabilities of Oregon households and allow flexibility of location, type, and density. The zone change would re-designate the subject property from industrial to medium-density residential, thereby allowing dwellings to be constructed, increasing the supply of needed housing units.

The 2019 Housing Needs Analysis found that over the next 20 years the city would have a 21 acre shortage of medium-density residential land. Since then only 9 acres have been rezoned, leaving a shortage of 12 acres of needed medium density residential land. The proposed comprehensive plan amendment and zone change would contribute to fulfilling the continued deficit.

**Goal 11 – Public Facilities:** This goal requires cities to plan and develop a timely, orderly and efficient arrangement of public facilities and services. Water, sanitary sewer, and storm drainage of adequate capacity are adjacent to the subject property. City services, including fire and police protection and health and recreation services, have adequate capacity to serve a development of the subject property.

**Goal 12 – Transportation:** This goal requires cities to provide and encourage a safe, convenient, and economic transportation system and to coordinate land use and transportation planning. Goal 12 is implemented by the Transportation Planning Rule (TPR) which requires cities to evaluate whether proposed

# ATTACHMENT A.3

plan amendments and zone changes are consistent with adopted land use and transportation plans, to ensure the system can accommodate the development.

The applicant's narrative concludes that the reasonable worst case development of the property would not have a significant impact on the functional classification of the roadways or reduce the performance of the roadways. Staff concurs that the amendment conforms with the provisions of the Transportation Planning Rule, so this criterion is met.

**Conclusion:** Given the application materials and the above information, the proposed amendment is consistent with the statewide planning goals, and this criterion is satisfied.

**CRITERION:**

*DDC 4.7.030.B.2 – Approval of the request is consistent with the Comprehensive Plan.*

**FINDING:**

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

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

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

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

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

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

*Policy 2.3.1 – Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand. Prime industrial sites include site characteristics that are difficult or impossible to replicate in the Dallas Urban Growth Boundary. These characteristics may also include: 1) sites / properties larger than 10*



# ATTACHMENT A.4

*acres, 2) sites with direct access to a highway or major arterial road, 3) sites with existing investments in infrastructure needed by industrial uses, and 4) sites / properties surrounded by properties that are planned Industrial.*

Prior to the partitioning of the parent property, the City Council determined this property, along with parcels 1 and 2 together, to be considered a prime industrial site.

Staff note that after the partition, parcel 3 is smaller than 10 acres, and does not have any previous investment in industrial-serving infrastructure. The site currently does not have direct access to a highway or major arterial, however a major arterial is planned to run along the east side of the subject site. The site is surrounded on three sides by other properties that are planned Industrial. Staff conclude that the site has some, but not all, of the characteristics to be considered prime industrial.

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

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

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

*Policy 3.1.1 – Each residential neighborhood shall be located within 1.5 miles of the Central Business District or land that is zoned or planned for general commercial or neighborhood commercial development.*

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

*Policy 3.1.4 – Land planned or zoned to allow for multi-family housing shall be located adjacent to planned commercial areas or along arterial and collector streets, and shall be reserved exclusively for that purpose. Land planned or zoned to allow less dense attached middle family dwellings (like tri-plexes, four-plexes and townhomes) shall be located, in whole or in part, within a quarter mile of employment, retail and service centers but does not need to be located adjacent to planned commercial areas, or along arterials and collector streets. Land planned or zoned for medium density residential is an appropriate transition between land planned or zoned for high density residential and land planned or zoned for low density residential.*

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

*Policy 3.1.7 – Identified river and stream corridors, wetlands, flood hazard, steep hillsides and slide hazard areas where building would be hazardous shall be considered unbuildable, and shall be used to define neighborhood boundaries.*

The property contains a riparian corridor and flood hazard areas. Ash Creek is along the northern edge of the property, and thereby forms the boundary of the neighborhood.

# ATTACHMENT A.5

The Dallas Development Code has provisions for resource protection (e.g. top of creek setbacks) that help implement this policy during development.

## **Comprehensive Plan Chapter 7 – Public Facilities Plan:**

*Policy 7.2.3 – Prior to annexation, zone change or development approval, the City must make an affirmative determination that adequate sanitary sewer, water, storm drainage, transportation and park services are available to service the area to be annexed or rezoned, or the site to be developed.*

This policy is implemented by DDC 4.7.030.B.3 which requires such a determination, and is provided herein consistent with this policy.

**Conclusion:** Given the application materials and the above information, the proposed zone change, in balance, is consistent with the Comprehensive Plan, and has satisfied this criterion.

### **CRITERION:**

*DDC 4.7.030.B.3 – The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period.*

### **FINDING:**

Public Facilities – Sewer, water, and storm drainage main lines of adequate capacity to support development are located at the eastern terminus of SE Ana Avenue.

Public Services – Existing city services, including fire and police protection and health and recreation services, have adequate capacity to serve a development of the subject property. Water mains will need to be extended and fire hydrants installed to serve the development.

Transportation Networks – The applicant’s property is located at the terminus of a neighborhood street with adequate capacity to accommodate residential development. The property is also adjacent to the future extension of Fir Villa Road, a major collector which the Transportation System Plan envisions within the 20-year planning period, and which would provide additional capacity once completed.

**Conclusion:** Staff finds that the property and affected area are or can be served with adequate public facilities and services, and that this criterion is satisfied.

### **CRITERION:**

*DDC 4.7.030.B.4 – The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application.*

### **FINDING:**

The proposed change to medium-density residential (RM) may be found to be in the public interest, as the Housing Needs Analysis found a shortage of medium-density land, so this change will help reduce the RM land deficit without meaningfully impacting the surplus of industrial land.

# ATTACHMENT A.6

***CRITERION:***

*DDC 4.7.030.B.5 – The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.*

***FINDING:***

The applicant’s narrative concludes that the reasonable worst case development of the property would not have a significant impact on the functional classification of the roadways or reduce the performance of the roadways. Staff concurs that the amendment conforms with the provisions of the Transportation Planning Rule, so this criterion is met.

**RECOMMENDED ACTION**

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

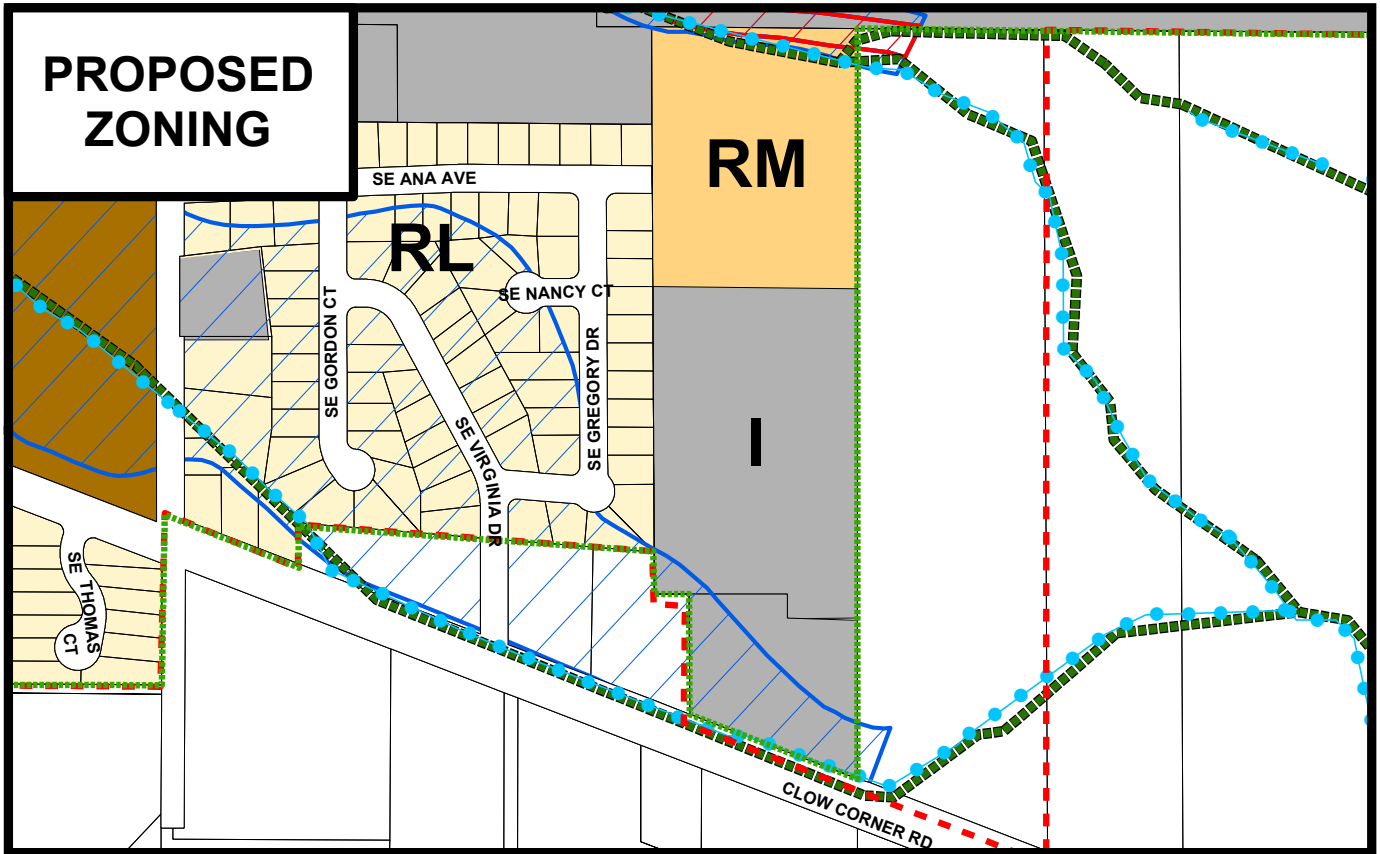
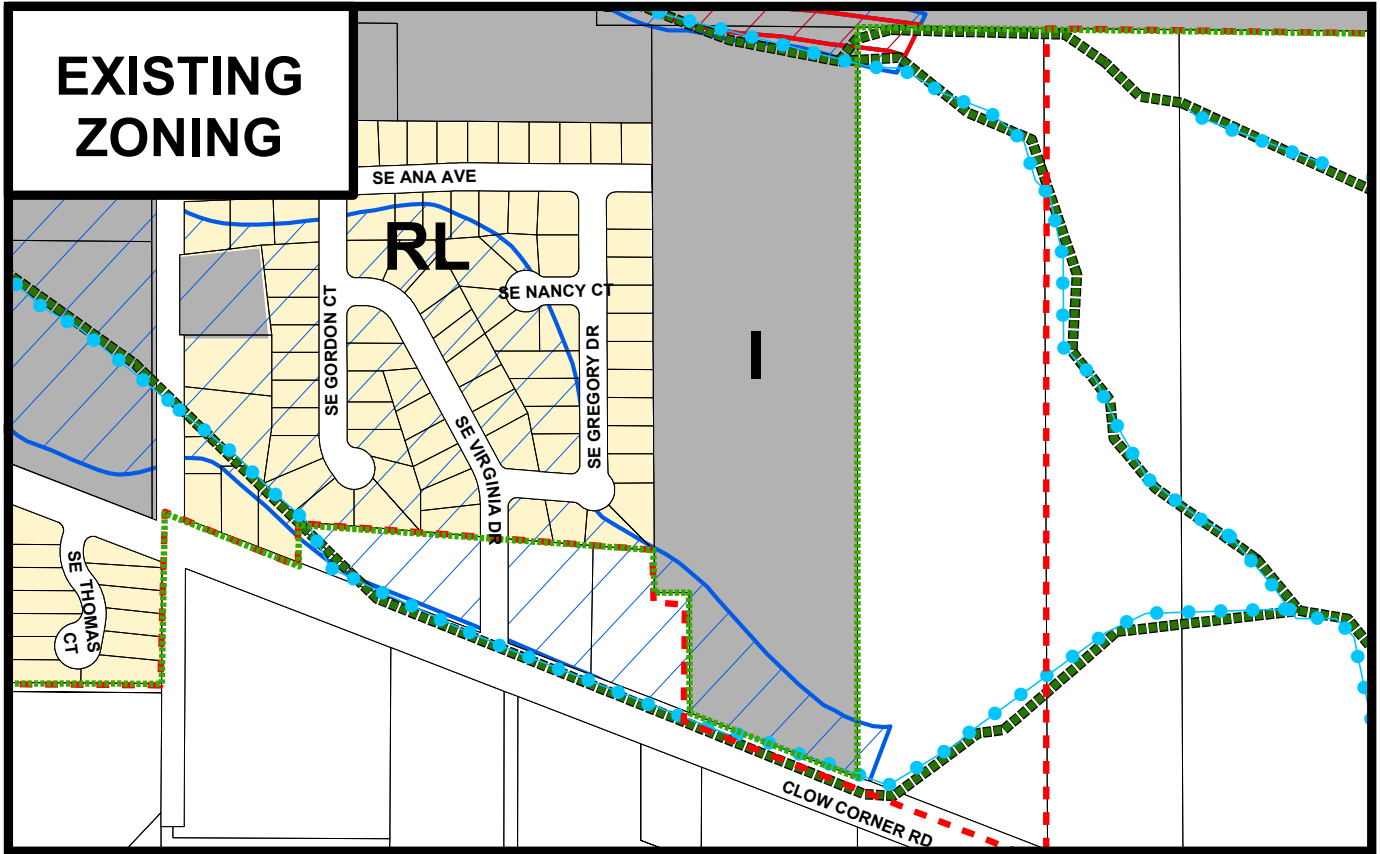
**RECOMMENDED MOTION:**

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

**EXHIBITS:**

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

# ATTACHMENT B.1



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

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

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

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

**APPLICANT/OWNER:** Ken Perkins

**NATURE OF REQUEST:** Change comprehensive plan designation and zoning on 5.31 acres  
from Industrial to Medium-Density Residential.

**APPLICABLE CRITERIA:** DDC Chapter 4.7 – Land Use District Map Amendments

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

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

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

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At the above day and time the Dallas Planning Commission will hold a public hearing on the request to change comprehensive plan designations and zoning.

You may attend this meeting in-person at Dallas City Hall. You may also participate by telephone by dialing the number above and entering the passcode when prompted. Video of the proceedings will be broadcast live at the website above, but oral testimony must be in-person or by phone.

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

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

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

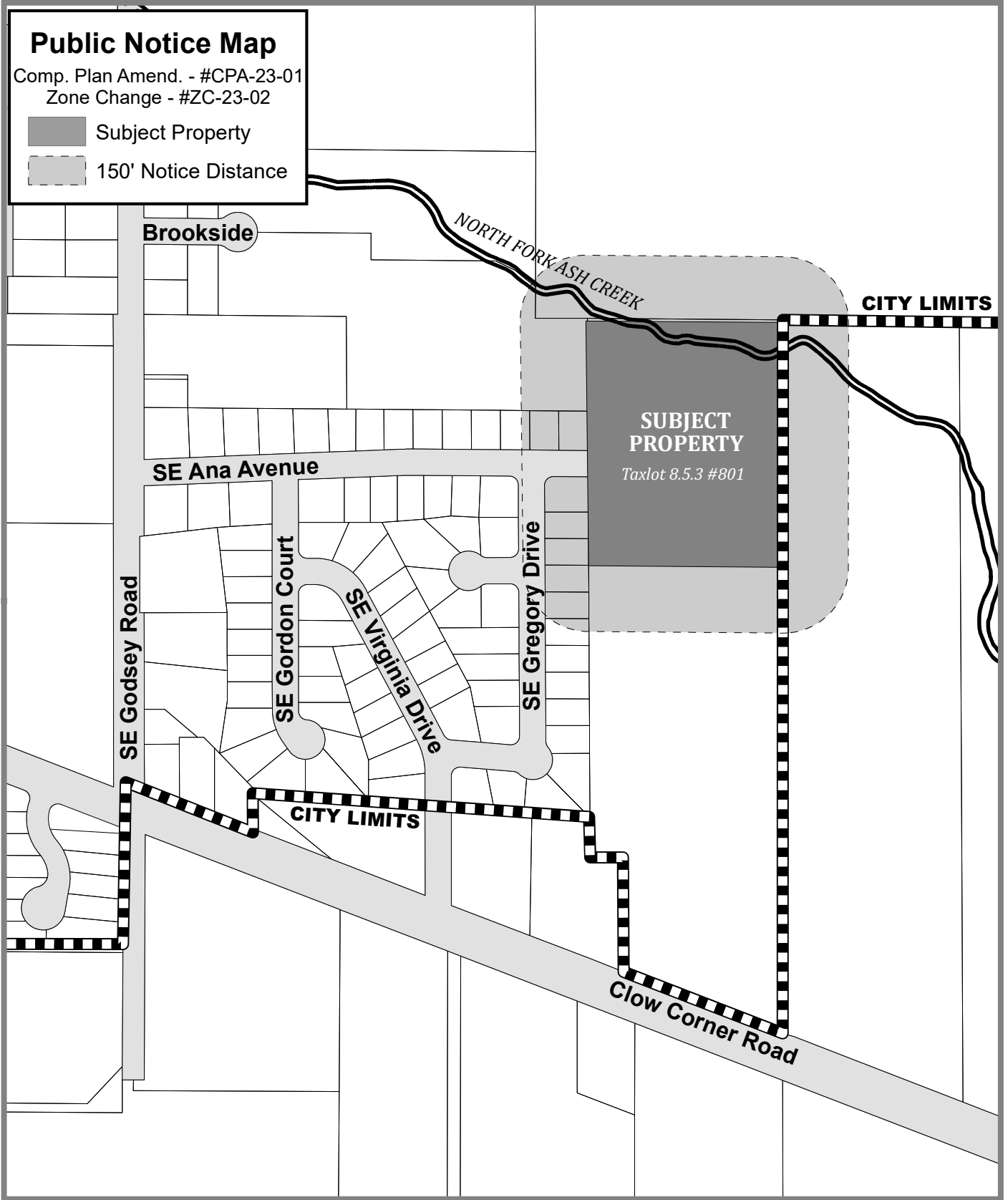
Dated: January 24, 2024

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

The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

# ATTACHMENT C.2





# ATTACHMENT D.1

## Land Use District Map Change

### Dallas Planning Department

#### Development Code Type III/IV Review

**Official Use Only:**

File No.: \_\_\_\_\_

Date: \_\_\_\_\_

Fee: \_\_\_\_\_  PAID

A change in land use district designations may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. A change in land use district map designation that involves a Comprehensive Plan map amendment is reviewed and approved by the City Council, upon receiving a recommendation from the Planning Commission. The Planning Commission reviews and makes the final decision on land use district map changes that do not involve Comprehensive Plan map amendments. NOTE: A Pre-application conference is required before a Land Use District Map Change application is submitted. Please return a completed application form with attachments, and the required fee to the City of Dallas Planning Department, City Hall, Second Floor, 187 SE Court Street, Dallas, OR 97338.

### Section 1 – Applicant Information

Name(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_

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

Property Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Cell Number: \_\_\_\_\_

### Section 3 – Project Description

Site Address: \_\_\_\_\_ Total Land Area: \_\_\_\_\_

Assessor Map/Taxlot No. \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Proposed Designation: \_\_\_\_\_

Comprehensive Plan Amendment Requested?:  Yes  No

Current Plan Designation: \_\_\_\_\_ Proposed Plan Designation: \_\_\_\_\_

Present Use of Property: \_\_\_\_\_

### Section 4 – Application Submittal Information

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

- Completed application form;**
- Required fee;**

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# ATTACHMENT D.2

- Property deed and deed restrictions.** Copy of the deed and all existing and proposed restrictions or covenants, including those for access control.
- If Map Amendment, include a map showing the extent of the proposed change.**
- Written narrative that addresses the relevant criteria contained below:**
  - Approval of the request is consistent with the **Statewide Planning Goals**;
  - Approval of the request is consistent with the **Comprehensive Plan**;
  - The property and affected area is presently provided with **adequate public facilities**, services and transportation networks to support the use, or such facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
  - The change is in the **public interest** with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
  - The amendment conforms to the **Transportation Planning Rule** provisions under Section 4.7.060.
- Other Information** determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, environmental features, natural hazards, etc.), in conformance with this Code.

## Section 5 – Signatures Required

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

### PROPERTY OWNER(S):

\_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

### APPLICANT(S)

\_\_\_\_\_ Date: \_\_\_\_\_  
\_\_\_\_\_ Date: \_\_\_\_\_

## Section 6 – Transportation Planning Review (TPR)

When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Dallas Transportation System Plan; or



## ATTACHMENT D.3

2. Change the standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or
5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.
6. Where the City lacks specific transportation policies or standards, the City Council shall be consulted, as provided under Section 4.1.050 (Type IV Legislative Review).

Amendments to the Comprehensive Plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
2. Amending the Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
4. Amending the planned function, capacity or performance standards of the transportation facility; or
5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

### Section 6 – Review and Approval

**Official Use Only:**

Approved  Denied Reason for Denial: \_\_\_\_\_

Staff Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# ATTACHMENT D.4

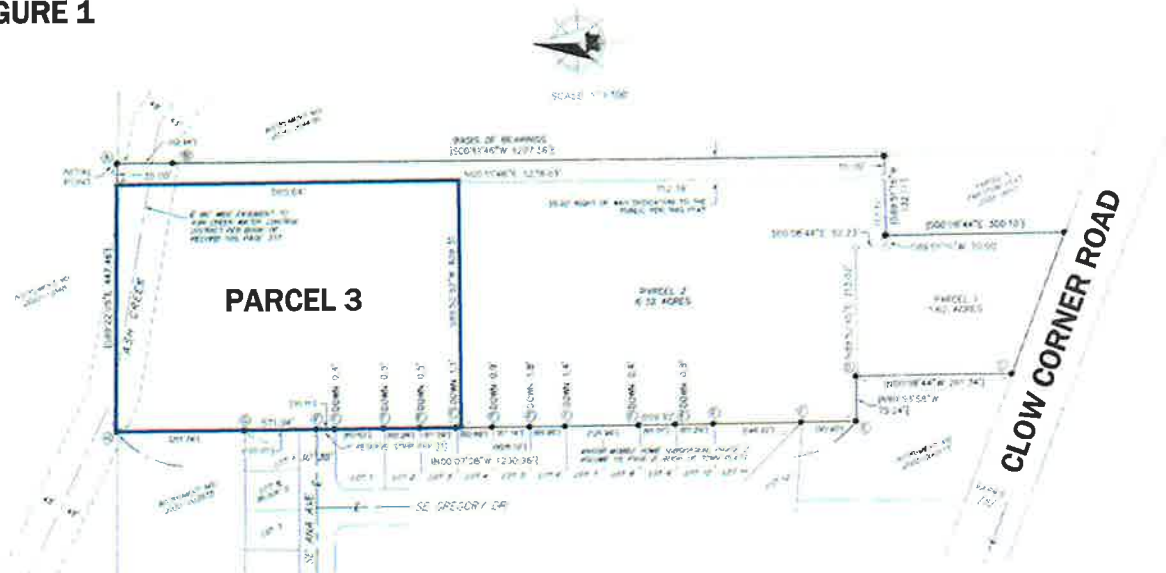
**DATE:** October 28, 2023  
**TO:** Dallas Planning Commission and City Council  
**FROM:** Ken Perkins  
**RE:** Comprehensive Plan Redesignation and Zoning Map Change  
Of Property Near Clow Corner Road

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This application seeks to change the Comprehensive Plan designation and zoning map classification for Parcel 3 of Partition Plat 2023-0010, 5.36 acres off Clow Corner Road.

The property was annexed into the City in 2022 as part of a larger parcel and was designated Industrial at that time. The originally annexed land has since been divided into three separate parcels (see Figure 1).

**FIGURE 1**



This request seeks to redesignate/rezone:

- Parcel 3 of Partition Plat 2023-0010 – 5.36 acres near Clow Corner Road as Residential (on the Comprehensive Plan Future Land Use Map) and Residential Medium Density (RM) (on the Dallas Zoning Map).

To consider this application, the Dallas Planning Commission and City Council must consider a variety of factors. These factors are laid out below.

## CRITERIA FOR QUASI-JUDICIAL AMENDMENTS

Under the Dallas Development Code, the Planning Commission and City Council are required to consider the follow criteria before adopting a quasi-judicial amendment.

# ATTACHMENT D.5

***B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:***

***1. Approval of the request is consistent with the Statewide Planning Goals;***

Analysis: The proposed redesignation/rezone is consistent with the Statewide Planning Goals (as demonstrated in Attachment A).

***2. Approval of the request is consistent with the Comprehensive Plan;***

Analysis: The applicant seeks:

- A change in the Comprehensive Plan Designation of the parcel from “Industrial” to “Residential.”
- A change to the zoning from “Industrial to “Residential Medium Density (RM).”

As outlined in Attachment B, the proposal complies with the “Residential Neighborhood” goals and policies of the Dallas Comprehensive Plan.

***3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and***

Analysis: The property proposed for redesignation/rezone is located in an area where future extensions of services can be provided in a feasible, efficient and economical manner. All public services and facilities needed for future development will be provided at levels that are adequate to serve the proposed uses and will be consistent with adopted City plans.

The City of Dallas maintains public services including sewer, water, and storm drainage facilities and will specify any needed changes to the existing service levels at the time a future subdivision is requested.

***4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and***

Analysis: The proposed Comprehensive Plan/zoning change is in the public interest.

Parcel 3 of Partition Plat 2023-0010 is directly east of the Angor Mobile Home (Phases 1 and 2) and English Addition subdivisions, and SE Ana Avenue provides access to the site. Using the existing residential street (SE Ana Avenue) to provide access to a future industrial use on the property would not respect the surrounding neighborhoods, and therefore would not be in the public interest. A change of the zoning from industrial to residential would be more compatible given the surrounding development.

The merits of the proposed change are further supported by City policy documents. According to the 2021 City Economic Opportunities Analysis, the City has too much land zoned for Industrial use, and according to the 2019 Housing Needs Analysis, the City has too little land zoned for Residential Medium Density Use. Rezoning the land in the area, would correct this imbalance while also helping to maintain the quality of life of the residential neighborhood on SE Ana Avenue.

These factors help demonstrate that the proposal satisfies a public interest.

# ATTACHMENT D.6

***5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.***

Analysis: A Transportation Planning Rule (TPR) Analysis has been submitted along with this application (see Attachment C). Given the findings of that analysis, this standard is met.

# ATTACHMENT D.7

## **ATTACHMENT A STATEWIDE PLANNING GOALS RELATED TO THE PROPOSAL**

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The following Statewide Planning Goals apply to the proposed redesignation/rezone:

### Goal 1 – Citizen Involvement

The City's adopted Comprehensive Plan and development code implement the Statewide Citizen Involvement Goal, and the City will review the proposed application in accordance with the adopted public review process. Notice of the proposal will be mailed to nearby property owners and affected public agencies and be published in a newspaper of general circulation. The published notice will also identify applicable approval criteria.

Through the notification and public hearing process all interested parties will be afforded the opportunity to review the application, comment on the proposal, attend the public hearings, and participate in the decision. These procedures will satisfy the requirements of the Citizen Involvement Goal of the Oregon land use planning process.

### Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements and is acknowledged to be in compliance with the Statewide Land Use Planning Goal.

The proposed application is made in accordance with the Comprehensive Plan goals, policies and procedures, as well as the ordinances that implement the plan. A description of the proposal in relation to the intent of the plan, its applicable goals and policies, and the zone change criteria is included as part of this submittal. Facts and evidence have been provided to support and justify the proposed zone change, along with findings and evidence to support the application. For these reasons, the proposal conforms to the land use planning process established by this goal.

### Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address this statewide goal.

The site has a stream (a branch of the North Fork of Ash Creek) that crosses the property, and future development of the site will occur in accordance with City requirements. A wetland delineation prepared by Zion Natural Resources Consulting located the ordinary high-water mark of the stream but did not note any other wetland on the property.

Given these facts, this change will be consistent with Goal 5 of the statewide planning goals.

### Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Goals and Policies related to Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Land Use and Transportation, along with adopted facilities plans, implement this goal.

Proposed development will be reviewed by the City and any applicable outside agencies for impacts on the environment and compliance with standards and regulations. Development will also be required to meet applicable water, sewer, and storm drainage system master plan requirements. Given these factors, this goal will be achieved.

# ATTACHMENT D.8

## Goal 8 – Recreational Needs:

The City’s adopted Comprehensive Plan Open Space, Parks and Recreation Element implements the Statewide Recreation Needs Goal by encouraging conservation and the identification of existing and needed park resources and identifying funding mechanisms. To help ensure that these goals and policies are met, the applicant will be required to dedicate land or pay a fee-in-lieu of dedication (during a future subdivision of the property) and pay system development charges (during the development of homes). With these mechanisms in place Goal 8 of the statewide planning goals will be achieved.

## Goal 9 – Economic Development:

The proposed redesignation/rezone will not have a negative impact on the economy of the City of Dallas.

According to the 2021 Economic Opportunities Analysis, the City of Dallas had 163 acres of surplus industrial land, and the redesignation/rezoning of the 5.36 acres to residential will help address a known need in the City. According to the 2019 Housing Needs Analysis, the City of Dallas had a deficit of 21.8 acres of Residential Medium Density land. Redesignating/rezoning this land will help to address this gap.

Further, the area proposed to be removed from the Industrial designation is not well suited for Industrial development. The westernmost portion of the site is bordered by a mix of industrial and residential uses, and is accessed by SE Ana Avenue, a local street. Vehicular trips to the site will have to occur via that road. Given the access to the property, the site is not well suited for industrial development. Removal of the 5.36 acres from the industrial surplus is therefore warranted.

## Goal 10 - Housing

The City of Dallas adopted a Housing Needs Analysis in 2019 to address Statewide Planning Goal 10 (Housing). Among the findings within that plan included the facts that:

- Dallas has an existing deficit for market-rate rental housing.
- Dallas has an existing deficit for affordable housing.

The applicant seeks to rezone 5.36 acres from Industrial (I) to Residential Medium Density (RM) to help address these needs. The zoning would allow the opportunity for the applicant to construct market-rate owner and renter housing, including some options with attached or common-wall construction, which at least theoretically would make the units more affordable than other new homes on the market. The housing would also help address a key factor that has driven up the costs of housing in the region – a lack in the supply of units.

The zoning would additionally allow the development to better tie into the adjacent residential neighborhood on SE Ana Avenue and SE Gregory Drive, and limit the potential negative impacts associated with having future industrial development accessed through the existing residential neighborhood. Currently, the neighborhood includes several single-family lots with a mixture of manufactured and stick-built homes and offers the opportunity for individuals to own a lower-cost affordable home in a pleasant rural setting. These features could be significantly impacted by the addition of new industrial truck traffic on the local residential streets. The Comprehensive Plan and zoning map change, as proposed, would significantly reduce the likelihood that industrial cut-through traffic would use the neighborhood and help ensure that all traffic along SE Ana Avenue would be residential in nature.

Further, the redesignation/rezoning of the land is appropriate in this instance because the City of Dallas 2021 Economic Opportunities Analysis identified that “Dallas has about 163 acres more of unconstrained vacant industrial land than the forecast shows will be needed over the 20-year planning

# ATTACHMENT D.9

period” (see page 43). Targeting the redesignation/rezoning of industrial land to ensure the protection of an existing residential neighborhood is an appropriate method to deal with this surplus.

## Goal 11 - Public Facilities and Services:

The City’s adopted Comprehensive Plan, development code and facilities plans implement this goal by requiring development to be served by public services. The property proposed to be redesignated/rezoned is located in an area where future extensions of services can be provided in a feasible, efficient and economical manner, and the services and facilities necessary for the property can be provided at levels that are adequate to serve the proposed uses.

The City maintains public services including sewer, water, and storm drainage facilities. The City will specify needed changes to existing service levels at the time a subdivision is requested.

Vehicle, bicycle, and pedestrian circulation systems will additionally be provided at the time of development and be designed to connect to activity centers in the Dallas urban area, as well as provide access to area residential, shopping, and schools.

The Dallas School District provides public education facilities. The education district’s master plan provides for growth in the district and has options to address demand. The education district reviews population growth factors to guide their planning, funding and location of new schools or provision of additional facilities at existing schools.

Other public/private service providers supply garbage, telephone, television, postal and internet services as needed by developments. Required public services and facilities to serve the developments will be determined by the City at the time development permits are requested. Given this variety of factors, the requirements of this goal will be met.

## Goal 12 – Transportation:

The City’s adopted Comprehensive Plan Transportation Goal and Policies implement the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. Major streets surrounding the site are largely in place due to previous developments. A separate Traffic Planning Rule Analysis (TPR) analyzing conformance with the transportation goal has been submitted along with the application.

# ATTACHMENT D.10

## ATTACHMENT B COMPREHENSIVE PLAN GOALS AND POLICIES RELATED TO THE PROPOSAL

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The City of Dallas “Residential Neighborhood” Goals are as follows:

- A. To maintain and enhance the quality of existing residential neighborhoods and, through master planning, to ensure that new development is integrated into the community and results in new, high quality residential neighborhoods.*
- B. To encourage the development of a variety of housing types and densities to meet the needs and desires of the community, and assure that existing and future residents of the community have the opportunity to acquire safe and sanitary housing at reasonable cost.*

These goals are implemented through a variety of policies related to items such as:

- The siting of residential neighborhoods
- Innovative techniques
- Incentivizing construction of affordable housing
- Incentivizing construction of market-rate rental housing
- Optimizing available land within the UGB for Medium Density

The redesignation/rezoning of the Parcel 3 of Partition Plat 2023-0010 would offer the City the opportunity to optimize the land for RM and allow the applicant to develop a variety of housing types and densities (see Policy 3.10). Further, the designation would better compliment the character of the surrounding neighborhood, especially when compared with the Industrial uses that are presently allowed on the site. Compatibility between the future development of the site and the neighboring residential uses would be further assured through the future Planning Commission review of any subdivision that occurs on the site.

The City of Dallas adopted a Housing Needs Analysis in 2019 to meet Statewide Planning Goal 10 (Housing). According to the analysis, the City had a need for nearly 1,389 single-family detached homes, 554 multi-family dwelling units and 661 townhomes/duplexes. With the RM designation applied to the proposed site, the subject property could be developed with a variety of middle housing options such as cottage housing, duplexes, and townhomes as well as detached single-family dwelling. This Comprehensive Plan map change/rezone would help to maximize the options available and density of the site, while helping to meet housing needs in the City of Dallas.

At the time a subdivision application is submitted for the northern property, the development will be reviewed for compliance with the Dallas Development Code and applicable facilities plans. All public services and facilities needed will be provided at levels that are adequate to serve the proposed use. Roadways and sidewalks will additionally be provided onsite at the time of development and will connect to SE Ana Avenue. These facilities will connect to major population and employment centers in the Dallas urban area, and provide access to local neighborhood residential, shopping, and schools in the area (see Policy 3.1).

The additional policies below guide the location and design of residential neighborhoods in Dallas.

### ***3.1 Locational & Design Policies***

***Residential neighborhood areas shall be planned and developed consistent with the following design requirements:***

- 1. Each residential neighborhood shall be located within 1.5 miles of the Central Business District or land that is zoned or planned for general commercial or neighborhood commercial***



# ATTACHMENT D.11

## *development.*

**Analysis:** The development will be located with 1.5 miles from downtown Dallas. This standard will be achieved.

- 2. *Each residential neighborhood shall be served by a grid street system, which minimizes the use of cul-de-sacs, double-frontage lots and walled subdivisions.***

**Analysis:** No development application, other than the Comprehensive Plan and Zoning map change, is included as part of this application. As such, the exact road arrangement for the property has not been determined and will not be finalized until a subsequent subdivision is submitted.

Given this acknowledgment, some facts about the future road system through the property are clear:

- The property will connect to SE Ana Avenue to the west.
- The applicant dedicated the City a north/south connection as part of Partition Plat 2023-0010. This 35-foot-wide right-of-way will be able to connect to a similar 35-foot-wide strip on the parcel to the east, when it is developed, to allow connections north to properties across the North Fork of Ash Creek, as well as south to Clow Corner Road.

These connections should allow the City of Dallas to achieve a gridded street system in the area as future development occurs. This standard will be achieved.

- 3. *Each residential neighborhood within a Mixed-Use Node shall provide multi-family housing.***

**Analysis:** The subject property is not located within a Mixed-Use Node. This standard does not apply.

- 4. *Land planned or zoned to allow for multi-family housing shall be located adjacent to planned commercial areas or along arterial and collector streets, and shall be reserved exclusively for that purpose. Land planned or zoned to allow less dense attached middle family dwellings (like tri-plexes, four-plexes and townhomes) shall be located, in whole or in part, within a quarter mile of employment, retail and service centers but does not need to be located adjacent to planned commercial areas, or along arterials and collector streets. Land planned or zoned for medium density residential is an appropriate transition between land planned or zoned for high density residential and land planned or zoned for low density residential.***

**Analysis:** The subject property is intended for middle housing development and is not intended for larger multifamily options. As such, the proposal is required to be “located, in whole or in part, within a quarter mile of employment, retail and service centers.” The application meets this requirement. The proposed Comprehensive Plan and zoning map change for the northern property would be within 1,320 of land zoned for industrial use and roughly 1,600 feet from Ascentec Engineering. This standard will be achieved.

- 5. *Pedestrian and bicycle access shall be provided between commercial, open space and residential uses in all new development.***

**Analysis:** At the time of future development of the property, the applicant will construct improvements within the development and provide pedestrian and bicycle access to the rest of Dallas via the City facility on SE Ana Avenue. All improvements in the development will be designed in accordance with City standards.

Further, the applicant will pay System Development Charges at the time of building permit issuance, which will contribute to needed road improvements outside of the development site. While none of the projects included within the Transportation SDC methodology specifically address bike and pedestrian improvements, the plan notes that “aspects of ped and bike (are) included in all roadway improvement projects” (see the 2018

# ATTACHMENT D.12

Transportation System Development Charge Update, p. 15). Given these factors, this standard will be achieved.

- 6. Public or private park land shall be provided in proportion to residential development and in accordance with Chapter 4.5 (Level-of-Service).***

Analysis: The applicant will be required to dedicate land or pay a fee-in-lieu of dedication for park purposes during the future subdivision of the property and pay system development charges during the development of the area. Given these requirements, public or private park land will be provided as part of future development.

- 7. Identified river and stream corridors, wetlands, flood hazard, steep hillsides and slide hazard areas where building would be hazardous shall be considered unbuildable, and shall be used to define neighborhood boundaries.***

Analysis: The North Fork of Ash Creek travels across the property. This stream will act as a barrier and provide a clear transition to whatever type of development occurs on the parcel to the north (currently owned by Salem Health). A small floodplain, with established floodplain elevations is present around the stream and future residential development of the property will be designed to be consistent with the floodplain regulations.

A delineation of the northern parcel conducted by Zion Natural Resources Consulting did not reveal any wetlands on the site but did help define the Ordinary High-Water Mark of the stream.

- 8. Outside of the Mixed Use Node, high density residential zoning shall be limited to the area immediately adjacent to the Central Business District and to the General and neighborhood commercial zones.***

Analysis: The applicant seeks to build Residential Medium Density (RM) on the subject property. No RH zoning is proposed. As such, this standard does not apply.

- 9. Redevelopment of the second and third stories of buildings in the Central Business District for residential and commercial uses shall be encouraged.***

Analysis: The subject property is not located within the Central Business District. This policy does not apply.

# ATTACHMENT D.13

## ATTACHMENT C TRANSPORTATION PLANNING RULE ANALYSIS RELATED TO THE PROPOSAL

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To evaluate the potential traffic impact of the proposed comprehensive plan and zoning change associated with this application, it is important to consider how the potential traffic impacts of the new permitted uses relate to the traffic impacts of the existing permitted uses.

Given this acknowledgement, some of the highest potential traffic generators (according to Institute of Transportation Engineers data<sup>1</sup>) are already allowed within the Dallas Industrial Zone. Uses such as convenience stores, grocery stores, and tasting rooms are currently allowed within the zone as accessory uses. That is, if a primary use was built within the zone, an accessory convenience store, grocery store, or tasting room could also be allowed.<sup>2</sup> Assuming that these activities could be developed, the potential uses could generate anywhere between 109.27 PM Peak Hour trips per 1000 square feet gross floor area (GFA) for a “Gasoline/Service Station” (the highest number of trips for ITE data) and 11.36 PM Peak Hour trips per 1000 square feet GFA for a “Drinking Place.”

Beyond these potential accessory uses, the following uses are also allowed as primary uses by right within the Dallas Industrial Zone:

- Offices
- Quick Vehicle Servicing and Repair
- Industrial Service
- Manufacturing and Production
- Warehouse and Freight Movement
- Wholesale Sales
- Utilities

These activities range widely in trip generation rates: from 14.20 PM Peak Hour trips per 1000 square feet GFA for an “Automated Car Wash,” to 2.27 trips for “Utilities;” 1.97 for “Specialty Trade Contractors” and 0.19 trips for “Warehousing.” Rates for items such as offices range from 3.46 trips for a “Medical-Dental Office building to 1.74 trips per 1000 square foot GFA for a “Single-Tenant Office” building. Given these rates, the potential traffic impacts of the uses within the industrial zone vary substantially based the type of use proposed.<sup>3</sup>

### THE CHANGE TO RESIDENTIAL MEDIUM DENSITY

Given the large array of trip generation rates allowed within the Industrial Zone and assuming that a relatively conservative 50,000 square feet of the property were built (or slightly under 10,000 square feet of industrial building per acre), a large range of PM Peak Hour trips may occur. Assuming activities typical of an industrial zone (such as “Utilities” and “Specialty Trade Contractors”), between 98.5 trips and 113.5 trips could be generated.

The proposed change to residential would generate less trips, even if built out at the highest possible density. If the applicant were somehow able to achieve a single-family residential density of 16 units per acre, the maximum number of trips to be generated would be roughly 85.1 trips. This density of single-family homes however is not achievable given the minimum lot size of 5,000 square feet.

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

<sup>2</sup> While this might seem somewhat unlikely, several activities could achieve these ends. Potential methods for this to occur include the development of a food distribution center with a smaller retail outlet in front, an auto-oriented business, such as a large car wash with a secondary convenience store/ gas station, or a large brewery with a tasting room/brewpub.

<sup>3</sup> Rates also vary substantially based on the quality of the business, though this is not easily accounted using ITE data.

# ATTACHMENT D.14

The applicant envisions establishing approximately 20 lots to be built out with duplexes in the development of the property. If this development were built, the applicant would generate between:

- 22.4 PM Peak Hour Trips (when using ITE Code “Multifamily Housing (Low-Rise)” with the PM Peak Rate of .56) and
- 27.6 PM Peak Hour Trips (when using ITE Code “Residential Planned Unit Development” with the PM Peak Rate of .69).

If the lot were zoned for residential development and built-out at maximum density (with 86 units), the property would accommodate between 48.2 and 59.3 PM Peak Hour trips using the “Multifamily Housing (Low-Rise)” and “Residential Planned Unit Development” rates. This potential number of trips is significantly less than allowed under the current zoning.

## ANALYSIS OF TRANSPORTATION PLANNING RULE CRITERIA

Given these considerations, an analysis of the proposed change with regard to OAR 660-012-0060, the Transportation Planning Rule, is offered below:

### **660-012-0060 Plan and Land Use Regulation Amendments**

*(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

**Analysis:** The proposed redesignation/rezone will not change the functional classification of existing or planned transportation facilities. Clow Corner Road is considered a Minor Arterial within the Dallas Transportation System Plan (TSP) and the site has future minor arterial designated on the east end of the property. Neither classification will be impacted by the Comprehensive Plan/zoning changes.

*(b) Change standards implementing a functional classification system; or*

**Analysis:** The proposed redesignation/rezone will not alter the standards implementing a functional classification system. While the merits of the future minor arterial (given the environmental constraints associated with its future construction and the classification of the facility as an arterial that is intended to provide a connection to a collector) will be further explored as part of the upcoming Dallas TSP, the applicant has effectively provided for the roadway through the dedication of 35 feet to the road.

*(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection. If a local government is evaluating a performance standard based on projected levels of motor vehicle traffic, then the results must be based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

*(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

# ATTACHMENT D.15

Analysis: The proposed redesignation/rezone will not promote types of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility. Residential traffic will be guided to existing local streets, and access spacing standards will continue to apply to the future arterial and Clow Corner Road.

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

Analysis: The proposed redesignation/rezone will likely encourage a smaller amount of PM Peak Hour trips than the existing allowed Industrial Development. As such, the changes will not degrade the performance of an existing or planned transportation facility.

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Analysis: The proposed redesignation/rezone will likely promote a smaller number of PM Peak Hour trips than allowed in the existing Industrial zone. As such, the proposed redesignation/rezone will not degrade the performance of an existing or planned transportation facility.

## CONCLUSIONS

Based on these items, it is clear that a significant number of trips are currently allowed by right as a primary or accessory use within the Dallas Industrial Zone, and the proposed redesignation/rezone will generate a smaller amount of traffic than currently allowed. As such the proposed changes will not have a significant effect on a transportation facility.

# ATTACHMENT D.16

## **ATTACHMENT D ANALYSIS RELATED TO REMOVING NORTHERN PARCEL FROM INDUSTRIAL ZONE**

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To remove larger pieces of land from an industrial designation, the City is required to evaluate the proposal with regard to OAR 660-009 0010(4). This analysis is offered below.

### **OAR660-009-0010(4)**

*For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:*

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or*
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or*
- (c) Adopt a combination of the above, consistent with the requirements of this division.*

**Analysis:** The proposed redesignation/rezone of Parcel 3 of Partition Plat 2023-0010 is consistent with the City of Dallas' most recent economic opportunities analysis and will not have a negative impact on the economy of the City.

According to the 2021 Economic Opportunities Analysis, the City of Dallas had 163 acres of surplus industrial land. Removing the 5.36 acres associated with this proposal:

- Would help address a known need known in the City of Dallas. According to the 2019 Housing Needs Analysis, the City of Dallas had a deficit of 21.8 acres of Residential Medium Density (RM) land and redesignating/rezoning this land will help fill this gap.
- Would complement the neighboring residential properties in a better way than industrial development. The area proposed to be removed from the Industrial designation is not well suited for industrial development; the westernmost portion of the site is bordered by a mix of industrial and residential uses, and the property is accessed by SE Ana Avenue, a local residential street. Vehicular trips to the site will have to occur via that road.

Given the need for Residential Medium Density in the City, the relatively small size of the industrial property, and the neighboring residential development, the site is not well suited for industrial development. Removal of the 5.36 acres from the industrial surplus is therefore warranted.

# ATTACHMENT E.1

RECEIVED

JAN 10 2024

To Whom it May Concern:

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

We have several reasons that we support the proposed change:

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

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

Sincerely,

Judith A BAKER  
Name

Judith A. Baker  
Signature

1-6-24  
Date

# ATTACHMENT E.2

RECEIVED

JAN 10 2024

To Whom it May Concern:

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

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

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

Sincerely,

Nelda Carroll-Allegar

Name

Nelda S. Carroll-Allegar

Signature

1930 SE Virginia Dr, Dallas 97338

January 8, 2024

Date



# ATTACHMENT E.3

RECEIVED  
JAN 8 2024

To Whom it May Concern:

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

We have several reasons that we support the proposed change:

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

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

Sincerely,

Nancy C Tidwell  
Name

Nancy C Tidwell  
Signature

12-31-2023  
Date

ATTACHMENT E.4

RECEIVED  
JAN 8 2024

RECEIVED  
JAN 8 2024

To Whom it May Concern:

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

We have several reasons that we support the proposed change:

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

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

Sincerely,

Travis J Slack

Name

[Signature]

Signature

12/29/23

Date

(1997 SE Virginia Dr)

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

ATTACHMENT E.5

RECEIVED  
JAN 8 2024

To Whom it May Concern:

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

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

Sincerely,

NUNN

Kesey Nunn  
Name

1515 S. E. Ana Ave  
Dallas, TX 75238

Kesey Nunn  
Signature

1-3-24  
Date

# ATTACHMENT E.6

RECEIVED

JAN 4 2024

To Whom it May Concern:

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

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

Sincerely,

Connie Morris - 1860 SE Gregory Dr

Name

Connie Morris

Signature

1-2-2024

Date

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

# ATTACHMENT E.7

RECEIVED

JAN 4 2024

To Whom it May Concern:

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

Sincerely,

Vicki L. Ironmonger 1963 SE Gregory Dr  
Name

  
Signature

1-1-24  
Date

# ATTACHMENT E.8

RECEIVED

JAN 4 2024

To Whom it May Concern:

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

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

Sincerely,

Tom & Jennifer Stites

Name

 Jennifer Stites

Signature

10-1-24

1/1/2024

Date

# ATTACHMENT E.9

RECEIVED

JAN 4 2024

To Whom it May Concern:

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

Sincerely,

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

Name

*Helen Jackson*

*Thank You!*

Signature

Date

*01-04-24*

ATTACHMENT E.10

RECEIVED  
JAN 8 2024

RECEIVED  
JAN 8 2024

To Whom it May Concern:

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

Sincerely, *No Rezoning of said property*

Cathy Williams  
Name

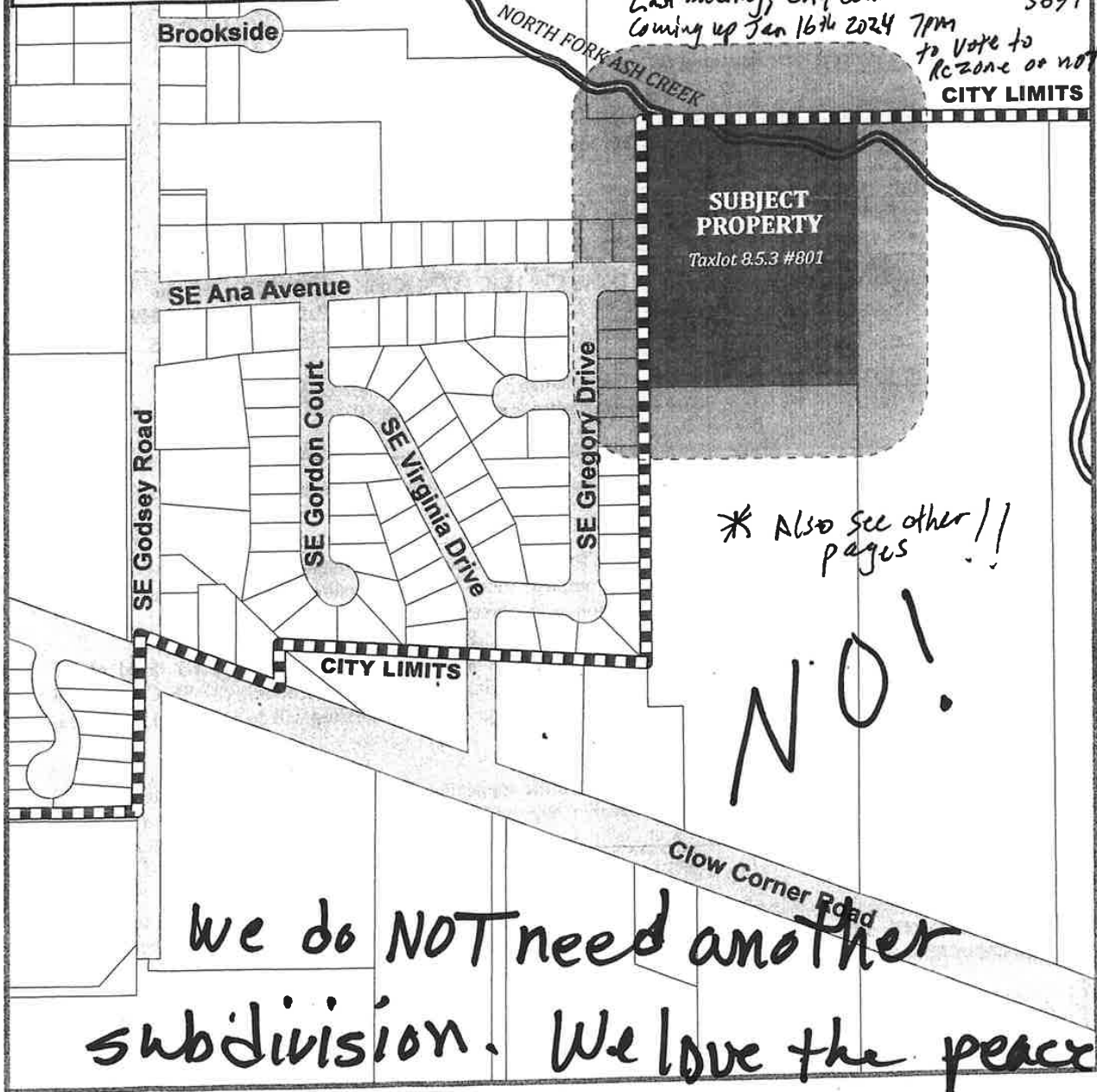
Cathy Williams  
Signature

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



*\* Important: Please Read !!!*

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



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

*\* Also see other pages !!*

*NO!*

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

Ken Perkins  
PO Box 74  
Independence, OR 97351

RECEIVED  
8 2024

# ATTACHMENT E.12

To Whom it May Concern:

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

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

Sincerely,

Krista Collins Krista Collins  
Name

\_\_\_\_\_  
Signature

1-3-24  
Date

# ATTACHMENT E.13

To Whom it May Concern:

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

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

Sincerely,

Gary McGauran

Name

[Handwritten Signature]

Signature

1.11.24

Date



OREGON

City Council

March 4, 2024

# Comprehensive Plan Amendment & Zone Change

Ken Perkins  
Clow Corner Road  
#CPA-23-01

**Request:**  
Change 5.36 Acres from  
Industrial to Medium-Density Residential (RM)

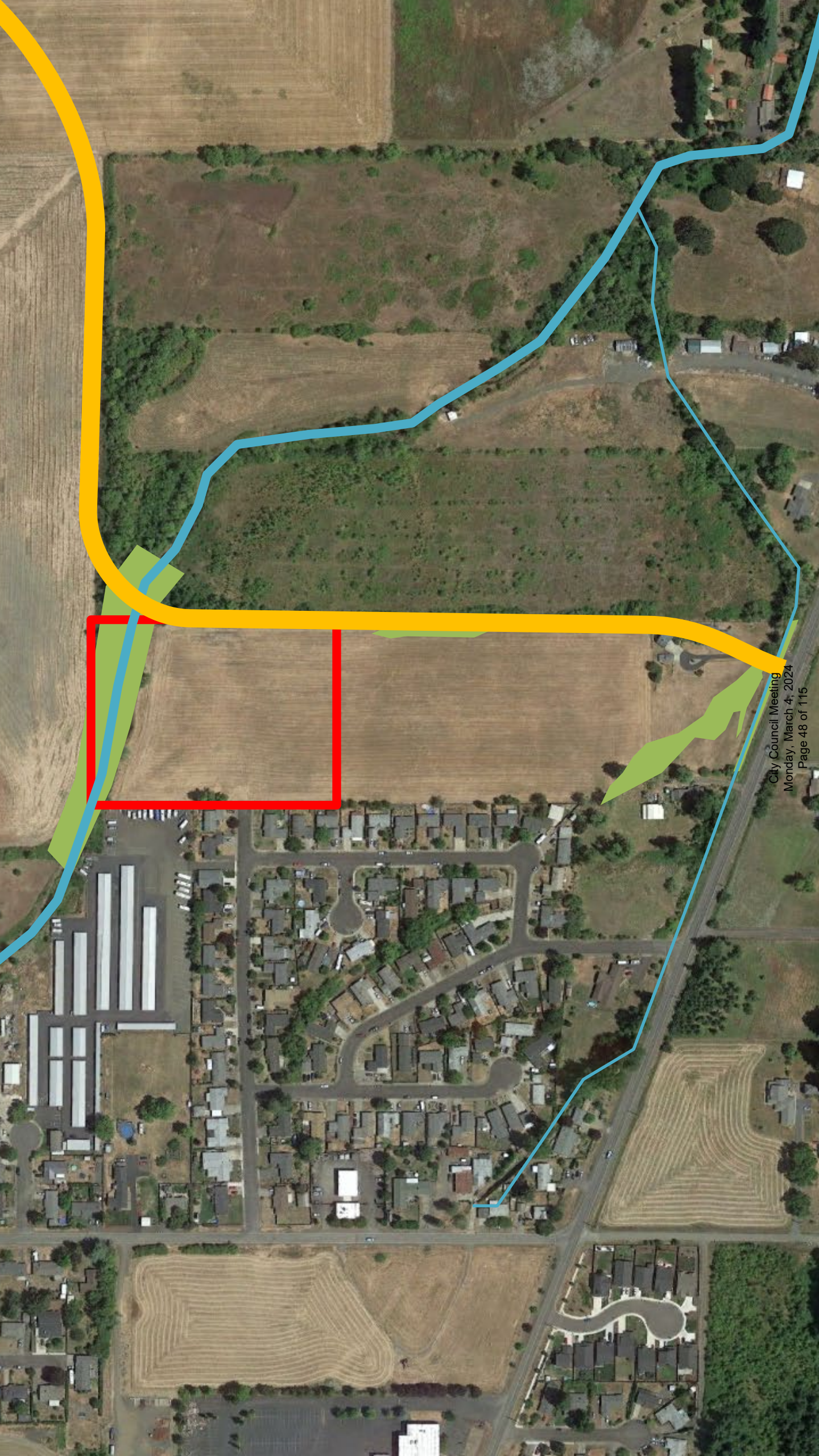
# Location

Clow Corner Road



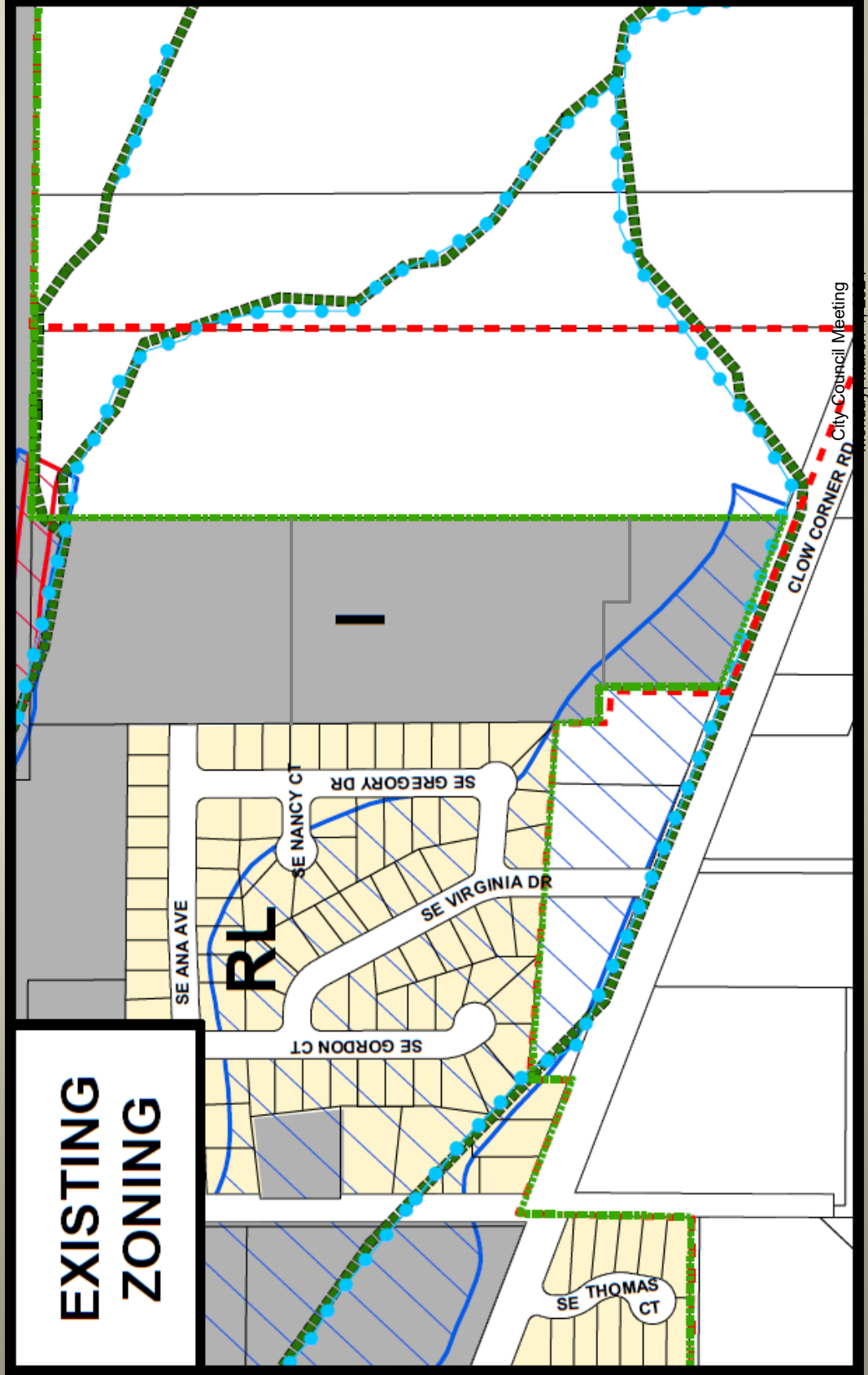
Image Credit: Google







# Zoning



**EXISTING  
ZONING**

**RL**

SE ANA AVE

SE GORDON CT

SE VIRGINIA DR

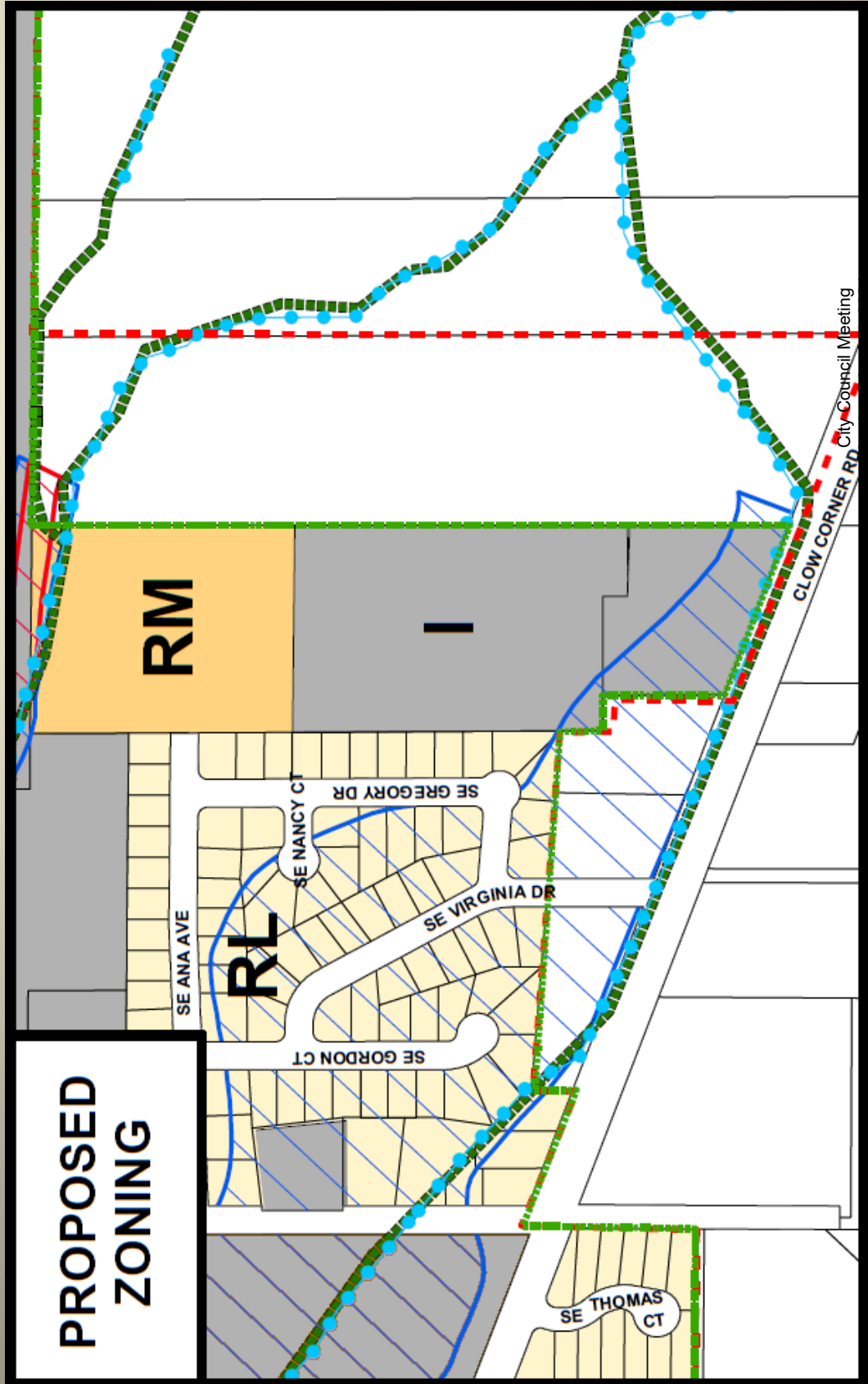
SE GREGORY DR

SE NANCY CT

SE THOMAS CT

CLOW CORNER RD  
City Council Meeting

# Zoning



**PROPOSED  
ZONING**

# Approval Criteria

- **Comp. Plan & Zone Change - 5 criteria**  
(DDC Section 4.7.030.B):
  - The request is consistent with the Statewide Planning Goals.
  - The request is consistent with the Comprehensive Plan.
  - Public facilities have adequate capacity to support.
  - The change is in the public interest.
  - The request conforms to the Transportation Planning Rule.

# Recommendation

- Affirm the Planning Commission's recommendation for Approval of the Comprehensive Plan Amendment and Zone Change.



**OREGON**

*City Council*

March 4, 2024



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

**Tuesday, February 20, 2024**

1 Mayor Kenneth L. Woods, Jr. called the City Council Work Session to order on Tuesday, Febru-  
2 ary 20, 2024 at 6:00 pm.

3 **ROLL CALL**

4 **Councilors Present:** Council President Michael Schilling, Councilor Nancy Adams, Councilor  
5 Carlos Barrientos, Councilor Micah Jantz, and Councilor Debbie Virden

6 **Councilors Excused:** Councilor Larry Briggs, Councilor Kirsten Collins, Councilor Kim Fitz-  
7 gerald, and Councilor David Shein

8 **Also Present:** Mayor Kenneth L. Woods, Jr., City Manager Brian Latta, City Attorney Steve El-  
9 zinga, Police Chief Tom Simpson, Economic & Community Development Director Charlie  
10 Mitchell, Library Director Mark Greenhalgh-Johnson and City Recorder Kim Herring

11 **Chamber of Commerce Annual Report**

12 Sam Dufner, President of the Dallas Area Chamber of Commerce, presented the combined annu-  
13 al report of the chamber and Dallas Area Visitors Center. The report highlighted their combined  
14 value to the community, goals and budget.

15 **ADJOURNMENT:** 6:49 pm



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

Tuesday, February 20, 2024

1 Mayor Kenneth L. Woods, Jr. called the City Council meeting to order on Tuesday, February 20,  
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 Micah Jantz, and Councilor Debbie Virden

14 **Councilors Excused:** Councilor Larry Briggs, Councilor Kirsten Collins, Councilor Kim Fitz-  
15 gerald, and Councilor David Shein

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

21 **INTRODUCTIONS, RECOGNITION, PROCLAMATIONS**

22 Mayor Woods read a proclamation proclaiming the year of 2024 to be known as “Dallas’ 150<sup>th</sup>  
23 Celebration Year”.

24 Brian Latta reported to the Council that as part of the 150<sup>th</sup> Birthday Celebration the city con-  
25 ducted an essay contest for local students. Six of the seven finalists were in attendance and were  
26 called up to have their picture taken with Mayor Woods and were presented with a certificate and  
27 cash prize.

28 **PUBLIC HEARING**

29 a) **Application for comprehensive plan amendment and zone change of property locat-**  
30 **ed on Clow Corner Road**

31 Mayor Woods opened the public hearing at 7:10 pm and called on Chase Ballew to pro-  
32 vide the staff report.

33 The applicant’s representative, Fred Evander, presented information regarding the appli-  
34 cation. The applicant, Ken Perkins, also came forward regarding the proposal.

35 The Mayor asked for public input and Gwen Draper came forward in favor of the zone  
36 change.

37 Mayor Woods closed the hearing at 7:28 pm.

38 Due to the absence of four councilors and a lack of consensus among the five councilors  
39 present the vote needs to be delayed until more councilors are present.

40 Councilor Schilling moved to postpone the action to March 4, 2024 at 7:00 pm due to  
41 lack of consensus within the Council. Councilor Adams seconded the motion. After fur-  
42 ther discussion Councilor Schilling withdrew the motion.

1 Councilor Virden made a motion to reopen the public hearing and Councilor Adams se-  
2 conded the motion. The motion passed with a vote of 5-0.

3 Councilor Schilling made a motion to continue the hearing to March 4, 2024 at 7:00 pm  
4 and Councilor Virden seconded the motion. The motion passed with a vote of 5-0.

5 **PUBLIC COMMENT**

6 Ann Hurd, Friends of the Dallas Aquatic Center, came forward and provided comment on the  
7 pump installation at the lazy river.

8 Robert Greenway came forward and gave comment on sewer usage and the City’s Building De-  
9 partment.

10 **CONSENT AGENDA**

- 11 a) **Approval of the February 3, 2024 Work Session Minutes**
- 12 b) **Approval of the February 5, 2024 City Council Meeting Minutes**
- 13 c) **January 2024 Financial Report**

14  
15 Councilor Schilling moved and Councilor Adams seconded to approve the Consent Agenda as  
16 presented. The motion passed with a vote of 5-0.

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

18 Councilor Virden gave kudos to all of the students who submitted an essay for the essay contest.

19 Councilor Barrientos spoke about the “Freedom Trail” in Boston and how Dallas could do some-  
20 thing similar.

21 **FIRST READING OF ORDINANCES**

- 22 a) **Ordinance No. 1892 Adopting new provisions of the Dallas Development Code, and**  
23 **amending other provisions; and repealing all prior and conflicting ordinances**

24 Mr. Latta presented the staff report. Mayor Woods declared that the ordinance has passed  
25 the first reading.

26 **SECOND READING OF ORDINANCES**

- 27 b) **Ordinance No. 1890 changing the zoning designation of a parcel of real property**  
28 **owned by Polk Community Development Corporation from Residential Low Densi-**  
29 **ty to Residential High Density**

30 Mr. Latta presented the staff report. Mayor Woods called for a roll call vote. Ordinance  
31 No. 1890 passed with a vote of 5-0.

- 32 c) **Ordinance No. 1891 repealing Dallas City Code Sections 3.900 to 3.916**

33 Mr. Latta presented the staff report. Mayor Woods called for a roll call vote. Ordinance  
34 No. 1891 passed with a vote of 5-0.

35 **ADJOURNMENT: 7:51 pm**

36 **Read and approved this 4<sup>th</sup> day of March 2024.**

37

38 \_\_\_\_\_

39 **Mayor**

40

41 \_\_\_\_\_

42 **City Manager**





**CITY COUNCIL  
STAFF REPORT**

**MEETING DATE:** March 4, 2024  
**AGENDA ITEM NO.** 9.a  
**TOPIC:** Ordinance No 1892 - Development Code Updates  
**APPROVED BY:** *SM* City Manager  
**ATTACHMENTS:** Attachment A – Draft of Ordinance No. 1892

**RECOMMENDED ACTION:**

Staff recommends the Council allow Ordinance 1892 to pass its second reading and place the ordinance for a roll call vote.

**BACKGROUND:**

On February 5, 2024, the City Council approved amendments to the City’s development code, subject to adoption of an ordinance. Ordinance 1892, if adopted, would enact the approved changes to the development code.

**SUMMARY TIMELINE:**

February 5, 2024 – City Council approved amendments to the City’s development code.  
February 20, 2024 – Ordinance 1892 scheduled for its first reading  
March 4, 2024 – Ordinance 1892 scheduled for its second reading and vote to adopt  
April 3, 2024 – Ordinance 1892, if approved, becomes effective.

**FISCAL IMPACT:**

None

**RECOMMENDED MOTION:**

N/A – Ordinance 1892 scheduled for its second reading, and will be subject to a roll call vote.

**ATTACHMENTS:**

A – Draft of Ordinance 1892

ORDINANCE NO. 1892

An Ordinance adopting new provisions of the Dallas Development Code, and amending other provisions; and repealing all prior and conflicting ordinances.

WHEREAS, the Dallas Planning Commission considered amendments to the Dallas Development Code relating to development in the City; and

WHEREAS, the City duly notified the Oregon Department of Land Conservation and Development of the proposed Development Code amendments not less than 35 days prior to the first evidentiary hearing and the Department did not object to the proposed changes; and

WHEREAS, the Dallas Planning Commission held a public hearing on said amendments, on April 11, 2023, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the Dallas City Council held a public hearing on said amendments on June 5, 2023, at which time the public was given full opportunity to be present and heard on the matter; and

WHEREAS, the City Council found and hereby finds that the amendments to the Dallas Development Code as shown on Exhibit 1, attached hereto and by reference incorporated herein, are in the public interest to approve; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The Legislative Amendment attached hereto as Exhibit 1, adding new provisions to the Dallas Development Code, codified as Sections 1.3.280, 1.3.440 and 2.4.080, and amending Sections 1.3.500, 2.2.010, 2.2.020, 2.2.030, 2.2.050, 2.2.070, 2.2.080, 2.2.100, 2.2.120.A, 2.2.120.H, 2.2.120.L, 2.3.020, 2.4.020, 2.4.150 (renumbered as Section 2.4.060), 2.8.020, 2.10.030, 2.10.040, 3.1.030, 3.4.015, Table 3.4.010.F (renumbered as 3.4.015.F), 3.4.020, 3.6.066, 4.3.020, 4.4.040, and 6.1.030, is hereby adopted and approved.

Section 3. The Staff Report of Chase Ballew, City Planner, dated February 5, 2024, inclusive of the exhibits attached thereto, all of which are in the record of the proceeding, is hereby adopted as the findings and conclusions of the City Council in support of the adoption of said Legislative Amendment, and the text amendments to the Dallas Development Code, as set forth herein.

Section 4. All prior and conflicting ordinances are hereby repealed.

Read for the first time: February 20, 2024  
Read for the second time: March 4, 2024  
Adopted by the City Council: March 4, 2024  
Approved by the Mayor: March 4, 2024

---

KENNETH L. WOODS, JR., MAYOR

ATTEST:

APPROVED AS TO FORM:

---

BRIAN LATTA,  
CITY MANAGER

---

LANE P. SHETTERLY,  
CITY ATTORNEY

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.

**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.

## 1.3.500 Agriculture

- 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 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.

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.

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.

<b>Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts</b>				
<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)	<b>RL</b>	<b>RM</b>	<b>RH</b>	
<b>Residential Categories</b>				
<b>Household Living</b>				
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 <del>8</del> 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



Zero Lot Line Courtyard Housing (not common wall)				
<b>Group Living</b>				
Residential Home	S	S	N	Section 2.2.120D
Residential Facility	CU + S	S	S	Section 2.2.120D
<b>Commercial Categories</b>				
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	
<b>Commercial Parking</b>	<b>CU</b>	<b>CU</b>	<b>CU</b>	
Quick Vehicle Servicing or Vehicle Repair	N	N	N	
Recreational Vehicle Park	N	N	N	
Retail Sales and Service; <del>excluding Eating and Drinking Establishments as primary use</del>	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
<b>Industrial Categories</b>				
Industrial Service, enclosed in primary building	N	N	N	

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	
<b>Institutional Categories</b>				
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	

- 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 – <del>Animals</del>	<del>SN</del>	N	N	Section 2.2.120L
Agriculture – <del>Crops and Nurseries</del> <del>SNN</del>				
Mining	N	N	N	
<del>Radio Frequency Transmission</del> <del>Wireless Communication</del> Facilities, Wind Turbines, and Similar Structures	<del>CUN</del>	<del>CUN</del>	<del>CUN</del>	<del>Chapter 4.3 Conditional Use Permit, except</del> 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 <b>January 22, 2010</b> , are permitted	CU	CU	CU	
<b>Temporary Uses</b>	P/CU			Temporary uses subject to Section 4.9.010
<b>Transportation Facilities</b> (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.				
<b>Non-Conforming Uses.</b> Uses and structures lawfully established prior to <b>January 22, 2010</b> 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				

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.

<b>Table 2.2.030– Development Standards for Residential Districts</b>				
<b>Standard</b> General Development Standards may be adjusted through Chapter 4.5 Master Planned Development		<b>Land Use Districts</b>		
		<b>RL</b>	<b>RM</b>	<b>RH</b>
<i>A)</i>	<b>Minimum and Maximum Residential Density</b> ( 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
	<b>Minimum Average Lot Area*</b>			
	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	7,000 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	

<p><b>C)</b></p>	<p><b>Minimum Lot Width/Depth (feet), per minimum lot size, density, setbacks, and lot coverage</b></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' / <del>22</del>25'</p> <p>40' / 60'</p> <p>30' / 45'</p> <p>100' / 100'</p>
<p><b>D)</b></p>	<p><b>Building/Structure Height</b> 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 <del>(except accessory dwellings are subject to the height limitations and setback requirements for primary structures)</del></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><b>E)</b></p>	<p><b>Lot Coverage (Impervious Surfaces):</b> 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>

## 2.2.030 - Residential Districts - General Development Standards

F)	<p><b>Min. Open Space Area (% site area);</b> 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><b>Minimum Setbacks (feet)</b>, 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, <del>as determined by Community Development Dept.</del>	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.		

<b>G.6</b> <b>)</b>	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
<b>G.7</b> <b>)</b>	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
<b>G.8</b> <b>)</b>	Interior Side Yard, Accessory Structure	3 ft for structures up to 15 ft in height; Taller structures shall conform to Primary Structure setbacks		
<b>G.9</b> <b>)</b>	Yard Abutting Alley; Allowed Only Where Alley is Improved to City Standards	3 ft	3 ft	3 ft
<b>G.1</b> <b>0)</b>	RM or RH Yard Abutting RL Yard	10 ft	10 ft	15 ft
<b>G.1</b> <b>1)</b>	Parking Lot (e.g., multi-family, commercial, or institutional use) abutting RL District; see Chapter 3.2 Landscaping	10 ft	10 ft	10 ft
<b>G.1</b> <b>2)</b>	Rear Yard, Primary Structure	10 ft	10 ft	15 ft
<b>G.1</b> <b>3)</b>	Rear Yard, Accessory Structure	3 ft for structures up to 15 ft in height; Taller structures shall conform to Primary Structure setbacks		
<b>G.1</b> <b>4)</b>	Reduced Setback for Covered Front Porch	8 ft Reduction in front and street side setbacks allowed where structure does not conflict with any easement		
<b>G.1</b> <b>5)</b>	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 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.

\*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).

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 <del>best</del> lots in the project are at least 20% smaller than the project's median lot size*	9

\*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.

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> <del>dwelling units in the project consist of "small housing types"*</del>	3
b) At least 20% of the <u>lots in the project are reserved for "small houses"*</u> <del>dwelling units in the project consist of "small housing types"*</del>	6
c) At least 30% of the <u>lots in the project are reserved for "small houses"*</u> <del>dwelling units in the project consist of "small housing types"*</del>	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.*	<del>3</del> 6
b) At least <del>10%</del> <u>20%</u> of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below <del>80%</del> of Polk County area median income.*	6
c) At least <del>5%</del> <u>25%</u> of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below <del>60%</del> of Polk County area median income.*	<del>9</del> 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.

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

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:

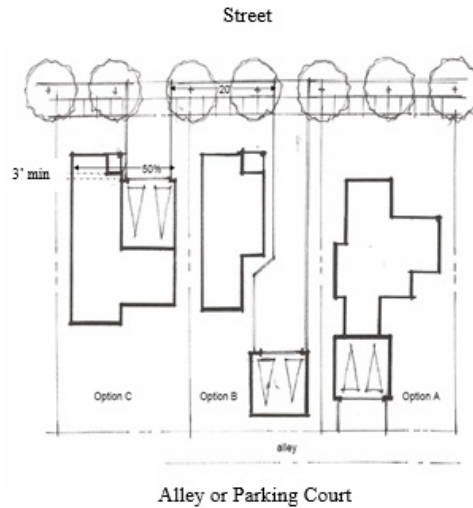
1. Reinforce Dallas' sense of place and respect the local architectural vernacular of Dallas.
2. Reduce the visual dominance of garage openings as viewed from abutting streets, parks, and other public use areas
3. Encourage a diversity of building facades and rooflines at an appropriate neighborhood 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.

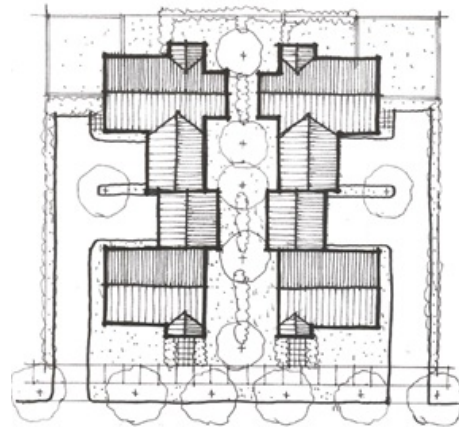
## C. Standards

## 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.~~



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

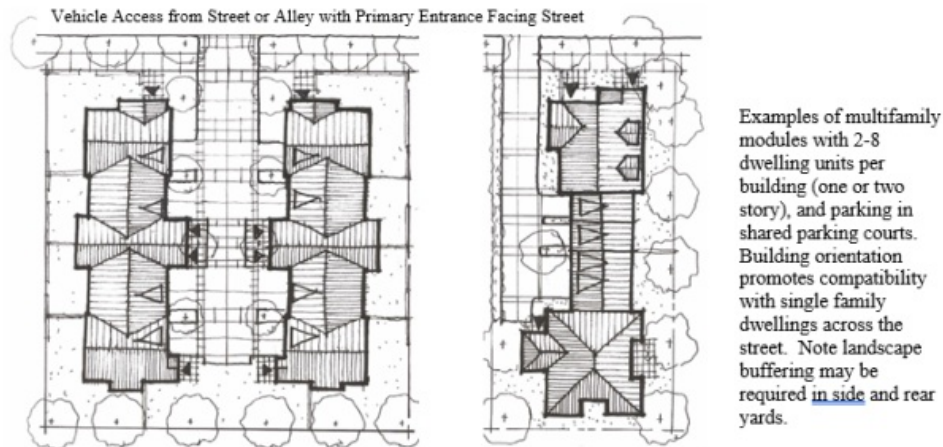
- E. *Driveway Approaches.* Driveway throats servicing detached single-family houses shall not exceed the following widths (not including wings):

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

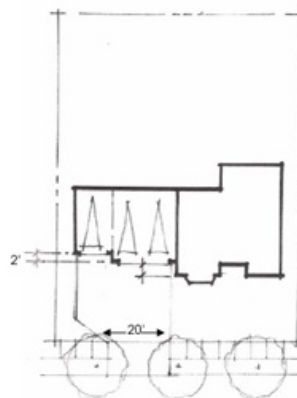
Driveways may *expand* to a width greater than the maximum width where they are located behind the property line. For driveways servicing attached single-family houses (townhomes) see section 2.2.070.C.5.

- 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.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.



## 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.

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.

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*

<b>Table 2.3.020B – Land Uses Allowed in Commercial Districts</b>				
<b>Land Uses</b>	<b>Status of Use in District</b>			
<i>(Uses and building types in Chapter 1.3; definitions in Chapter 6.1)</i>	<b>C</b>	<b>C</b>	<b>C</b>	<b>Special Use Standards</b>
	<b>B</b>	<b>G</b>	<b>N</b>	
	<b>D</b>			
<b>Residential Categories</b>				
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	

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 +	
<b>Commercial Categories</b>				
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	

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	
<b>Industrial Categories</b>				
Industrial Service				Industrial uses, where allowed, are subject to Industrial Performance Standards in Chapter 2.4.
- Fully enclosed (e.g., similar to office)	S	S	C U + S	
- Not fully enclosed (e.g., with some outdoor storage or activity)	N	C U + S	N	
Manufacturing and Production				
- 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 + S	C U + S	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	
<b>Institutional Categories</b>				
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	

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>	<u>C U</u>	<u>C U</u>	<u>C U</u>	
<u>Incarceration Facilities</u>	<u>C U</u>	<u>C U</u>	<u>N</u>	
<u>Park and Ride</u>	<u>N</u>	<u>C U</u>	<u>C U</u>	
<b>Other Use Categories</b>				
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.
<b>Non-Conforming Uses.</b> 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.				
<b>Transportation Facilities</b> (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				

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.

<b>Table 2.4.020 – Land Uses Allowed in Industrial Districts</b>		
<i>Uses</i>	<i>Status of Use in District</i>	
<b>Use Categories</b> <i>(Examples of uses are in Chapter 1.3; definitions are in Chapter 6.1.)</i>	<b>I</b>	<b>Exceptions and Special Use Standards</b>
<b>Residential Categories</b>		
<b>Household Living</b>		
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	
<b>Commercial Categories</b>		
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	

Outdoor Recreation, Commercial	CU	Outdoor Recreation, Commercial may be permitted without CU with a Master Planned Development
<u>Commercial</u> Parking <del>Lot (when not an accessory use)</del>	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
<b>Industrial Categories</b>		
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	
<b>Institutional Categories</b>		
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>	



<b>Other Categories</b>		
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	
<del>Radio Frequency Transmission Wireless Communication</del> Facilities, Wind Turbines, and Similar Structures <del>– within height limit of district – exceeds height limit (free-standing or building-mounted facilities)</del>	<del>CU</del> <del>PC</del> <del>U</del>	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.
<b>Transportation Facilities</b> (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.		
<b>Non-Conforming Uses.</b> 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		

**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 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.

## 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.

RENUMBER

2.4.150 Industrial District - Building And Structure Height

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

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.

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 ~~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.

## 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:

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.

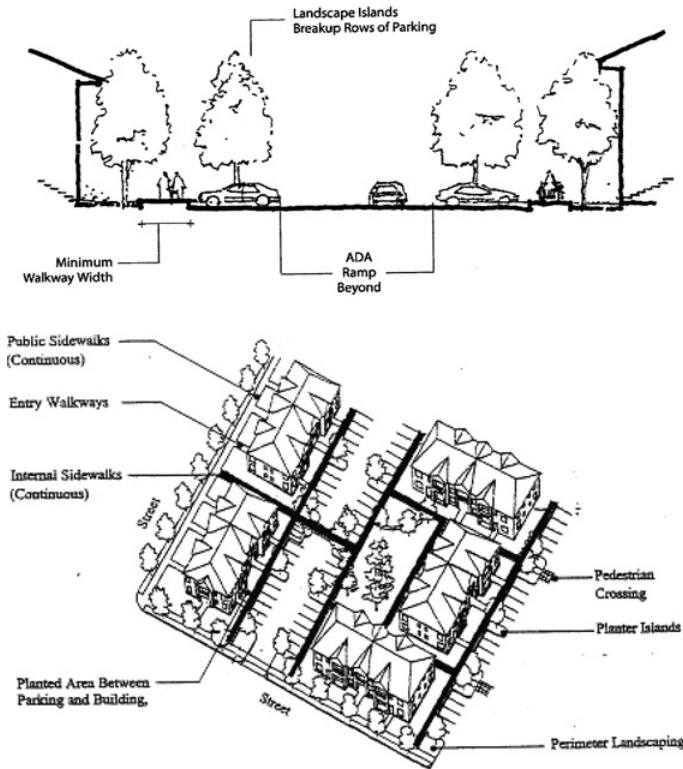
Staff Comment:  
Provides clearer and more objective standards

Staff Comment:  
Unifies inconsistent code standards

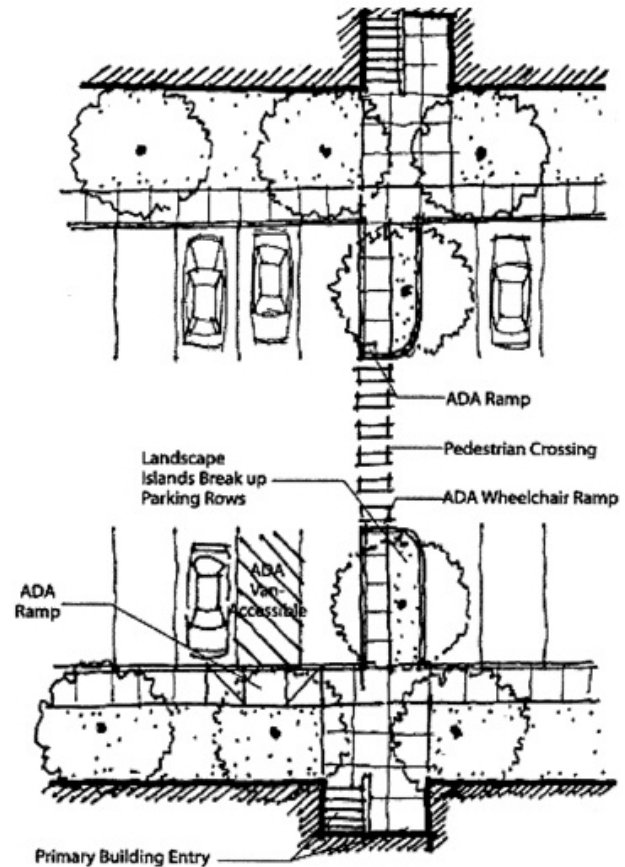
**B. Walkway Design and Construction.** Walkways, including those provided with access ways through a block, shall conform to all of the standards in subsections 1-4, below, as generally illustrated in Figure 3.1.030B:

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. **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 **ten (10) feet wide**, or as required by the roadway authority or park district, as applicable.
4. **Accessible routes.** Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

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



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





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.

- 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~~ ~~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**

**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
<b>Major Arterial</b>									
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
<b>Minor Arterial</b>									
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
<b>Major Collector</b>									
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
<b>Minor Collector</b>									
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
<b>Local</b>									
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
Optional (2)	60'	32'-36' travelway	None	None	5' both sides	Allowed	None	20-35 MPH	4'-7' both sides
<b>Cul-de-Sac</b>									
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
<b>Alley</b>									
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
<b>Ped/Bike Connections</b>									
<b>Creek Trails Ped/Bike Connection</b>	6' to <u>Minimum 10' wide</u> paved multi-use path with landscaping. Includes a <u>minimum of 20'</u> of ROW.								
<b>Mid-Block Accessway</b>	<u>Minimum 6' wide paved multi-use path with landscaping. Includes a minimum of 10' of ROW. (3)</u>								

- (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.

- 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.

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.

- 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~~.
- 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)



- 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.

## 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.

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.

## 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.

## 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.

**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.).

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**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.

## 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~~



~~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.

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.


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.

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 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.