

**City Council**

- Mayor  
Brian Dalton
- Council President  
LaVonne Wilson
- Councilor  
Jim Brown
- Councilor  
Jim Fairchild
- Councilor  
Kelly Gablilks
- Councilor  
Beth Jones
- Councilor  
Jackie Lawson
- Councilor  
Kevin Marshall
- Councilor  
Murray Stewart
- Councilor  
Ken Woods, Jr.

**City Staff**

- City Manager  
Ron Foggin
- City Attorney  
Lane Shetterly
- Community Development/  
Operations Director  
Jason Locke
- Finance Director  
Cecilia Ward
- Fire Chief  
Fred Hertel
- Police Chief  
Tom Simpson
- Engineering Director  
Fred Braun
- City Recorder  
Emily Gagner
- Recording Secretary  
Jeremy Teal

**Dallas City Council Agenda**

Mayor Brian Dalton, Presiding

Monday, June 2, 2014

7:00 pm

Dallas City Hall

187 SE Court St.

Dallas, OR 97338

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please sign in on the provided card.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. IF I WERE MAYOR AWARD PRESENTATION	
4. COMMENTS FROM AUDIENCE This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings. The Mayor may place time restrictions on comments. Please supply 14 copies of the material brought to the meeting for distribution.	
5. PUBLIC HEARINGS Public comment will be allowed on items appearing on this portion of the agenda following a brief staff report presenting the item and action requested. The Mayor may limit testimony.	
a. Public hearing on the 2014-2015 City of Dallas Budget and use of state revenue sharing funds.	PG . 3
b. Dallas Retirement Village Comprehensive Plan Amendment and Zone Change public hearing.	PG . 4
6. CONSENT AGENDA 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.	
a. Approve minutes of May 19, 2014 City Council meeting	PG . 55
b. Adopt election forms for the November general election	PG . 59
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
a. General Comments from the Councilors and Mayor	
b. Report of the May 27, 2014 Administration Committee Meeting (Councilor Brown)	PG . 64
c. Report of the May 27, 2014 Building & Grounds Committee Meeting (Councilor Lawson)	PG . 81



**Our Vision**

Our vision is to foster an environment in which Dallas residents can take advantage of a vital, growing, and diversified community that provides a high quality of life.

**Our Mission**

The mission of the City of Dallas is to maintain a safe, livable environment by providing open government with effective, efficient, and accountable service delivery.

**Our Motto**

Commitment to the Community.  
 People Serving People.

**City Hall**

Dallas City Hall is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to the City Manager's Office, 503-831-3502 or TDD 503-623-7355.

**9. REPORTS FROM CITY MANAGER AND STAFF**

- a. Adopt City Manager evaluation procedure and forms
- b. Freedomfest Beer Garden
- c. Other

Motion  
 PG. 83  
 Motion

**10. RESOLUTIONS**

- a. Resolution No. 3298 – A resolution of the City of Dallas declaring its intention to reimburse expenditures on water system improvements from proceeds of tax-exempt obligations.
- b. Resolution No. 3299 – A resolution of the City of Dallas declaring its intention to reimburse expenditures on wastewater system improvements from proceeds of tax-exempt obligations.
- c. Resolution No. 3300 – A Resolution repealing certain parking limitations on Main Street, SE Clay Street and NE 8<sup>th</sup> Street; and repealing prior conflicting resolutions.

Roll Call Vote  
 PG. 98

Roll Call Vote  
 PG. 101

Roll Call Vote  
 PG. 104

**11. FIRST READING OF ORDINANCE**

**12. SECOND READING OF ORDINANCE**

- a. Ordinance No. 1765 – An Ordinance amending provisions of the Dallas City Code Chapter 8, and adding new provisions relating to property maintenance regulations; and amending Dallas City Code section 5.590, relating to Chronic Nuisance Properties.

Roll Call Vote  
 PG. 106

**13. OTHER BUSINESS**

**14. ADJOURNMENT**

Following the Council meeting, we will have a meeting of the Urban Renewal Agency Board of Directors

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 5a</b>	<b>Topic:</b> 2014-2015 Budget Hearing
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 2, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

The purpose of this Public Hearing is to allow the public a chance to provide input on the 2014-2015 Budget and the use of State Revenue Sharing funds. The amount of State Revenue Sharing funds included in this year's budget is \$130,000.

A motion should be made to approve the 2014-2015 City of Dallas Budget and the use of State Revenue Sharing funds as approved by the Budget Committee and direct staff to prepare the resolutions to adopt the budget and to authorize use of state revenue sharing funds for the June 16, 2014, Council meeting.

BACKGROUND:

The property tax rate to be imposed is the permanent rate of \$4.1954 per \$1,000 of assessed value. The levy to be imposed for debt service on General Obligation bonds is \$686,644.

FISCAL IMPACT:

Adoption of the budget allows for expenditures in the 2014-2015 fiscal year.

ATTACHMENTS:

None

# DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

City of Dallas	Agenda Item No. 5b	Topic: Public Hearing on ZC/CPA14-01
Prepared By: Jason Locke, Community Development Director	Meeting Date: June 2, 2014	Attachments: Yes <input checked="" type="checkbox"/> No
Approved By: Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Approve (ZC/CPA14-01), the proposed Comprehensive Plan Map amendment from Commercial to Residential and zone change from General Commercial to Residential Medium density (RM) and from RL to RM on taxlot 701 and direct staff to prepare the required Ordinances for approval at the June 16 meeting. *Staff is also recommending, given the fact that there have been 2 public hearings on this matter with no opposition, the Council allow 1<sup>st</sup> and 2<sup>nd</sup> reading of the ordinances on June 16, and declare an emergency, therefore allowing the Zone Change and Comp Plan amendments to become effective immediately.*

**BACKGROUND:** See Staff Report

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

- 1) Staff report
- 2) Application

**STAFF REPORT**  
**DATE: MAY 23, 2014**

<b>FILE NO.</b>	<b>ZC/CPA14-01</b>
<b>HEARING DATE</b>	<b>JUNE 2, 2014 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338</b>
<b>OWNER(S)</b>	<b>DALLAS MENNONITE RETIREMENT COMMUNITY, INC. AND JASPER CROSSING, LLC</b>
<b>APPLICANTS AGENT</b>	<b>ANGELO PLANNING GROUP</b>
<b>REQUEST</b>	<b>ZONE CHANGE FROM GENERAL COMMERCIAL TO RESIDENTIAL MEDIUM DENSITY AND COMPREHENSIVE PLAN MAP AMENDMENT FROM COMMERCIAL TO RESIDENTIAL FOR 3.92 ACRES</b>
<b>LOCATION</b>	<b>WEST OF NW JASPER STREET AND NORTH OF WELLEDALE AVENUE SOUTH OF DALLAS RETIREMENT VILLAGE</b>
<b>RECOMMENDATION</b>	<b>APPROVAL</b>

**CITY OF DALLAS  
PLANNING COMMISSION  
COMMUNITY DEVELOPMENT  
DEPARTMENT STAFF REPORT**



**BACKGROUND INFORMATION:** The subject property is located on the south side of Dallas Retirement Village (DRV) on the west side of NW Jasper Street. The subject area is 3.92 acres and is comprised of 2 ownerships, Dallas Mennonite Retirement Community (DRV) owns the northern lot, and Jasper Crossing LLC owns the southerly portion. The subject area is currently designated Commercial (C) on the Comprehensive Plan Map and zoned General Commercial (CG). (Note, there is one parcel of .26 acres, Taxlot 701, that is currently designated as Residential by the Comprehensive Plan, and is proposed to be rezoned from Residential Low Density (RL) to Residential Medium Density (RM)).

The subject area was originally planned for commercial development as part of the Jasper Crossing development. However, that development has not happened as planned and the northern portion of the lot was sold to DRV a few years ago. The access to the subject property occurs via NW Jasper Street, which is a fully improved City street (minor collector). The subject area is and can be fully serviced with City utilities. The property to the east is vacant, the property to the north is developed with DRV duplex units, the property to the west is zoned RM and contains DRV duplexes and single family dwellings. The property to the south is zoned CG and is a combination of vacant land and developed commercial buildings.

On April 8, 2014, the Planning Commission held a public hearing on this matter, and has recommended approval of the application.

**PROPOSAL:** The applicant is proposing to change the Comprehensive Plan Map designation from Commercial to Residential, and change the zoning from General Commercial to Residential Medium Density (RM) in order to accommodate an expansion of DRV living units.

The applicant states these are the 2 main reasons:

1. The minimum residential density requirements of the CG zone are higher than what is feasible and appropriate for DRV. Under the Dallas Development Code, new residential uses in the CG zone must be a minimum of 24 dwelling units per acre. This standard would require a minimum of 94 dwelling units on the site – much higher than what is needed. The scale and character of DRV, and the market demand for senior living, are much more aligned with medium density zoning. The specific program and plan will be further defined as part of a future Design Review application.

2. Under the CG zoning, DRV would need to apply for a Conditional Use Permit adding cost and land use processing for the applicant, City and community. There is no additional benefit to adding a conditional use, or multiple conditional use reviews over time, for expansion of the village. The City's Design Review process works well, and will provide appropriate review of both the design and compatibility with surrounding properties.

### **APPROVAL CRITERIA:**

#### Type IV Legislative Criteria (4.1.040)

- G. **Decision-Making Criteria.** The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

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

*Applicable Statewide Planning Goals:*

*Goal 9: Economic Development*

*Findings:* The applicant addresses the requirements of Goal 9 based on the most recent Comprehensive Plan information. The key findings related to Goal 9 are that the city has used its commercial land efficiently, with a significant amount of redevelopment occurring, and that if the proposal is approved, there will be 19.5 acres of vacant land and 18.6 acres of redevelopable commercial land in the CG and CBD zones, for a total of 38.1 acres of land in these two zoning designations. This does not include the approximately 40 acres of commercial land designated in the LaCreole, Barberry, and Wyatt mixed use nodes. Furthermore, the applicant provides additional reasons as to why this proposal will not negatively impact the economic development potential, including the sites' relatively low visibility, a significant amount of adjacent vacant commercial land, a positive impact on other commercial properties, and the potential provision of additional employment that will be created if the proposal is approved and the property subsequently developed.

*Goal 10: Housing*

*Goal 10 states that:* Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

*Findings:* The applicant states that the proposal will enhance the provision of a unique and needed housing type in the City of Dallas at a reasonable density as part of the DRV concept.

**Conclusion:** It can be found, based on the findings above and the information and analysis contained in the application, that the proposal is consistent with the Statewide Planning Goals.

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

*Findings:* The Dallas Comprehensive Plan designation for the subject property is Industrial. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation.

**CHAPTER 2: A SUSTAINABLE DALLAS ECONOMY**

**2.2 Manpower Development Policies**

3. Encourage the creation of job opportunities for residents in the Dallas area within new and present businesses and industries.

*Finding:* DRV is a major employer in Dallas, with approximately 280 employees today. The proposed amendments will enable expansion that will support creating jobs in short term construction, facilities operations, and for support businesses.

**2.4 Commercial Land Use**

2. Recognize and promote the Central Business District (CBD) as the principal commercial and cultural center of the community.

*Finding:* The reduction of CG land will reduce competition for the CBD and support its role as the principal commercial center in Dallas.

**2.5 Other Commercial Zones**

3. Discourage "strip" commercial development along arterial streets, by concentrating commercial uses in the CBD and in defined neighborhood commercial "nodes."

*Finding:* The proposed amendment will reduce commercial development along the north side of W. Ellendale Avenue, and shift commercial demand to properties in the CBD and nodes.

**CHAPTER 3: LIVABLE RESIDENTIAL NEIGHBORHOODS**

**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 planned general or neighborhood commercial development.
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.

3. *Each residential neighborhood shall provide its fair share of multi-family housing, consistent with Residential Policy 3.2.*
4. *Land planned 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.*
5. *Pedestrian and bicycle access shall be provided between commercial, open space and residential uses in all new development.*
6. *Public or private park land shall be provided in proportion to residential development and in accordance with Chapter 4.5 (Level-of-Service).*

*Finding:* The proposed RM designation is a transitional zone between CG in the Ellendale Avenue corridor and RL areas to the north and west. It is consistent with Policy 3.1's neighborhood design requirements because it is: close to existing and planned commercial development; provides street connectivity for the neighborhood; provides senior multi-family housing; provides housing adjacent to a collector street (NW Jasper Street); provides direct, convenient and pleasant routes for walking and biking; and, provides common open spaces as part of the campus design.

### ***3.4 Innovative Techniques***

*To ensure that affordable, higher density housing is provided consistent with the conservation of existing neighborhoods and identified natural resources, the following policies shall be implemented through the provisions of the Dallas Development Code:*

*1. Minimum as well as maximum residential densities shall be required in all residential zones to ensure that buildable residential land within the Dallas UGB is used efficiently and the public costs of providing urban services are minimized. The following minimum densities shall apply to each net buildable acre (i.e., 43,560 square feet of buildable area, exclusive of streets, recreational areas, designated open space and public utilities):*

- a) RL 04-09 dwelling units per net buildable acre*
- b) RM 06-16 dwelling units per net buildable acre*
- c) RH 10-40 dwelling units per net buildable acre*

*Finding:* The expanded facilities at DRV will readily meet the minimum density requirements of the RM zone. The RM zone allows 6-12 units per acre, and up to 16 units per acre with low-impact development practices.

## **CHAPTER 4: PARKS & OPEN SPACE**

### ***Parks and Open Space Goal***

*To conserve and protect the community's natural and scenic resources and to ensure that new development helps to provide for the outdoor recreational needs of its residents.*

*Finding:* DRV has a campus setting, with ample landscaping, public spaces, and outdoor areas for passive recreation suitable to the resident senior community. The expansion of DRV will continue this concept of providing for the outdoor needs of the DRV residents.

## **CHAPTER 6: URBAN GROWTH MANAGEMENT**

### ***Urban Growth Management Goal***

*To ensure that urban development does not occur in the absence of the full range of urban services, and that "rural" development outside the City Limits does not interfere with the efficient urban development in the future.*

*6.2.1-4. Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.*

*Response:* The subject property has the full range of urban facilities, as demonstrated by the public facilities review by Westech Engineering in Exhibit B of the applicants submittal.

### **3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.**

*Findings:* To address this criterion, the applicant engaged Kittelson and Associates to prepare a transportation review and Westech Engineering to prepare a public facilities review. The transportation review is addressed in Section 3 of this application and included in Exhibit B. The public facilities review is stated in the following findings and included in Exhibit C of the applicants submittal.

There is an existing 8 inch sanitary sewer line in NW Lange Street to serve the western part of the project and an existing private 6 inch sanitary sewer line on the SE corner of the property that abuts NW Jasper Street and can serve the eastern undeveloped portion of the project. The private sanitary sewer line drains into an existing 8 inch public sanitary sewer line that is located in the Jasper Crossing subdivision. Private sanitary sewer line extensions from the existing public and private sanitary sewer lines will be required to serve the proposed project and can be provided concurrently with the development of the property.

The existing DRV is fully served with several storm drain laterals that drain west to a 24 inch storm drain line that flows south in NW Tilgner Dr to W Ellendale Avenue. The undeveloped expansion area west of NW Jasper Street and south and east of the existing

DRV is also served by an 18 inch public storm drain line in Jasper Street NW and a 12 inch service stubbed onsite. Upon development, the project will need to provide stormwater detention per City Standards to meet the Development Code. Therefore, there are adequate existing public stormwater facilities to serve the proposed development. Additional private stormwater infrastructure will be required to serve the site and will be constructed concurrently with the development of the property.

There is a 10 inch public water line in NW Lange Street that runs north on the DRV property and turns east along the existing parcel (TL 1212 & 509, map 7.5.29DD) north property line in a 20 ft public water line easement. The public water line continues east under NW Jasper Street and along the neighboring property. This water line has capacity to provide both domestic water use and fire flow demand. Additional private or public facilities such as water meters, water mains, and fire hydrants may be required to meet all City and fire code requirements. As such, these facilities are provided for in adopted City plans and required water line extensions or taps can be constructed concurrently with the development of the property.

The existing DRV facilities take access off of the SE corner of the intersection of NW Brentwood Ave and NW Tilgner Lane on the west, one access from W Ellendale Avenue and NW Lange Street to the south and two access point off of NW Jasper Street to the east. Circulation throughout the DRV from the public streets is provided by private streets and walking paths.

**Conclusion: The property and affected area is presently provided with adequate public facilities and services, including transportation, stormwater, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.**

#### **Land Use Map and Text amendments 4.7.030(B)**

- 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;  
*Finding: See above (1)*
  2. Approval of the request is consistent with the Comprehensive Plan;  
*Finding: See above (2)*

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

*Finding: See above(3)*

1. 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  
*Findings: The subject property is zoned primarily CG, and is located adjacent to the existing DRV facility. The applicant states, and staff concurs, that the proposal to remove the subject property from a commercial to a residential medium density designation will allow the continuation and expansion of an existing use that is an integral part of the neighborhood, provides economic development opportunities, employment, and needed housing.*

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

#### **4.7.060 TRANSPORTATION PLANNING RULE COMPLIANCE**

A. **Review of Applications for Effect on Transportation Facilities.** 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  
*Finding: The subject property is served by an existing minor collector, NW Jasper Street. There is no proposal or need to change the functional classification of NW Jasper Street. The nearest arterial is W Ellendale Avenue, which operates at acceptable performance levels.*
2. Change the standards implementing a functional classification system; or  
*Finding: There is no change to the standards implementing the functional classification system.*
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

*Finding: The proposal, as measured at the end of the planning period identified in the Dallas Transportation Plan, will not result in levels of travel or access that are inconsistent with the functional classification of the existing transportation facility.*

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

*Finding: The proposal, with the RM designation at full buildout, would generate approximately 1474 fewer vehicle trips per day than the site at full commercial buildout. Therefore, the proposal would not cause an existing or planned facility to fall below the minimum acceptable standard.*

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.

*Finding: NW Jasper Street and W Ellendale Avenue do not currently, nor are they projected to perform below minimum acceptable standards as a result of the proposal.*

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).

*Finding: Not applicable.*

*OVERALL TPR FINDING: Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility.*

**CONCLUSION: Based on the applicants' findings, and the findings and conclusions above, and the Planning Commission recommendation, it can be found that this proposal meets all the applicable criteria.**

**RECOMMENDATION:**

**Approve (ZC/CPA14-01), the proposed Comprehensive Plan Map amendment from Commercial to Residential and zone change from General Commercial to Residential Medium density (RM) and from RL to RM on taxlot 701 and direct staff to prepare the required Ordinances for approval at the June 16 meeting. Staff is also recommending, given the fact that there have been 2 public hearings on this matter with no opposition, the Council allow 1<sup>st</sup> and 2<sup>nd</sup> reading of the ordinances on June 16, and declare an emergency, therefore allowing the Zone Change and Comp Plan amendments to become effective immediately.**

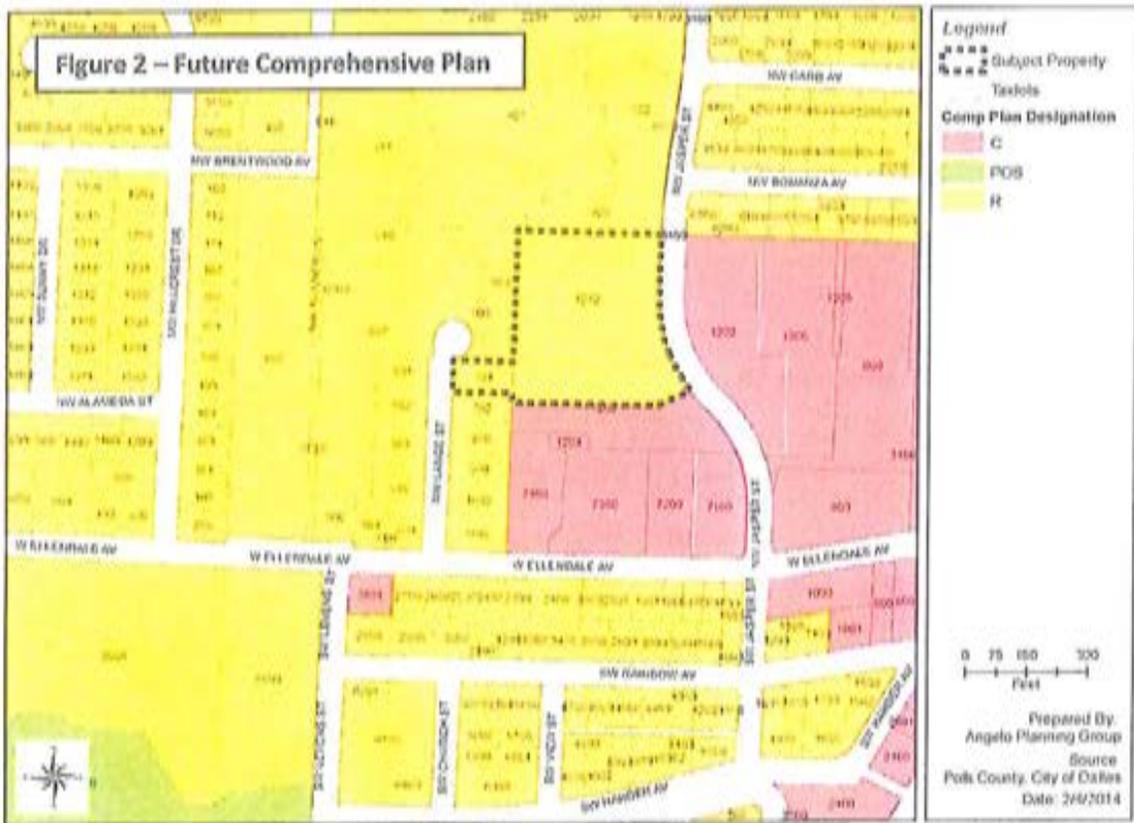
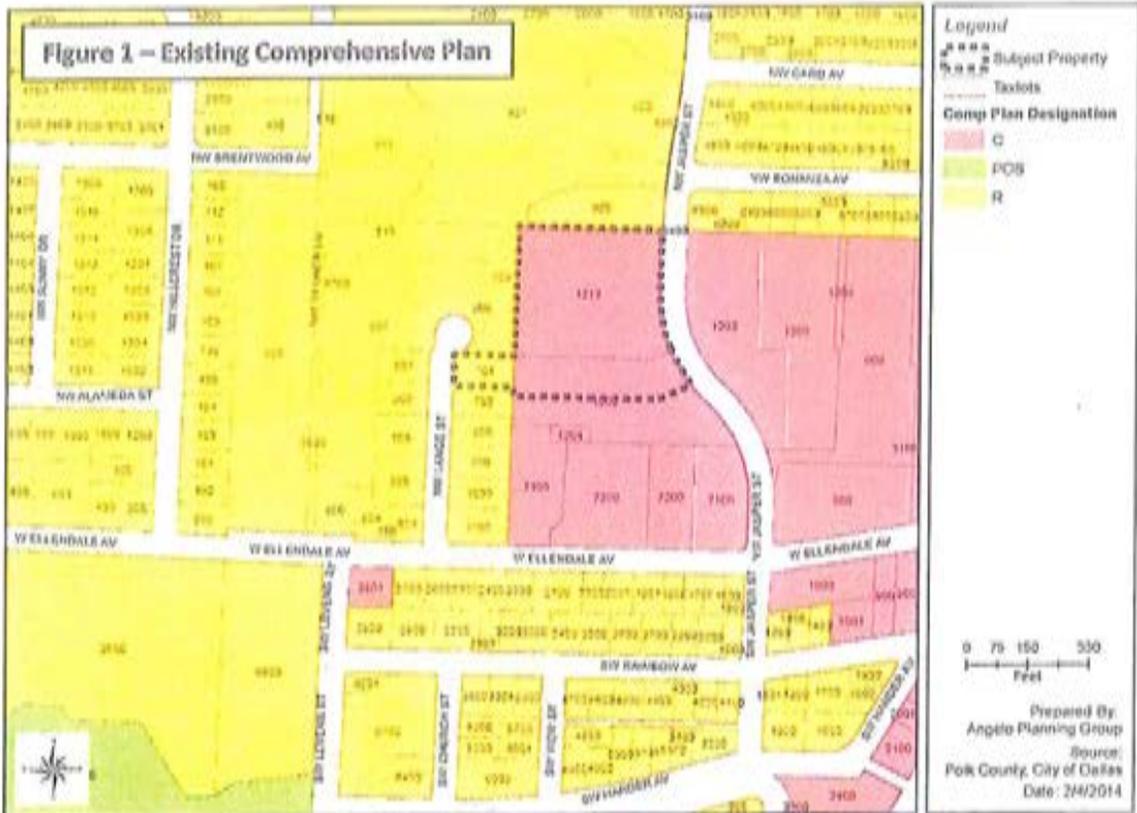


SUBJECT  
PROPERTY

Legend

- Applicant Lots
- Buffer to Applicant Lot

N  
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**City of Dallas  
Planning Commission  
Council Chambers - City Hall  
April 8, 2014 - 7:00 p.m.**

## MINUTES

### 1 **CALL TO ORDER**

2 President Chuck Lerwick called the meeting to order at 7:00 p.m.

### 3 **ROLL CALL**

4 Commissioners Present: Chuck Lerwick, Chris Castelli, Carol Kowash, Les Oehler, David Shein,  
5 Denise Jones, and Robert Wilson.

6 Staff present: City Attorney Lane Shetterly, Community Development Director Jason  
7 Locke, and Recording Secretary Patti Senger.

### 8 **APPROVAL OF MINUTES**

9 President Chuck Lerwick presented the minutes of the regular meeting of March 11, 2014.

10 Commissioner David Shein made a motion to approve the minutes as presented and Commissioner Bob  
11 Wilson seconded the motion. The motion passed unanimously.

### 12 **PUBLIC COMMENT**

13 President Chuck Lerwick explained the rules for making public comment.

14 There were no public comments.

### 15 **PUBLIC HEARING**

16 **ZC/CPA 14-01: Zone Change and Comprehensive Plan Amendment/Dallas Retirement Village and**  
17 **Jasper Crossing, LLC**

18 Chuck Lerwick opened the Public Hearing for the ZC/CPA 14-01 Zone Change and Comprehensive Plan  
19 Amendment for Dallas Retirement Village and Jasper Crossing, LLC at 7:01 p.m. He reviewed the  
20 procedures for the hearing and stated that at the conclusion of the hearing the Planning Commission  
21 would make a recommendation to City Council. Commissioner Wilson declared his wife was on the  
22 Board of Directors for the Dallas Retirement Village (DRV) and City Attorney Lane Shetterly  
23 acknowledged he was the attorney for DRV and had not advised the City or DRV on this application.

24 STAFF REPORT:

25 Mr. Locke presented the staff report. He stated the subject property was an application for a  
26 Comprehensive Plan map amendment on 3.92 acres of property west of NW Jasper Street and south of  
27 DRV. He stated the subject area comprised of two owners, Dallas Mennonite Retirement Community,  
28 Inc. and Jasper Crossing, LLC. One parcel was .26-acres and designated as Residential Low Density (RL)  
29 and the application was to change it to Residential Medium Density (RM). The northerly portion was  
30 initially planned for Commercial General (CG) and development had not occurred; that portion of the  
31 property was sold to DRV. He stated the access to DRV would be via NW Jasper Street, which was a fully  
32 improved City street and serviced with City utilities. He pointed out the property on the map and  
33 showed photos of the vacant property. He explained for the Comprehensive Plan amendment only the  
34 CG portion needed to be rezoned to residential and if it were left CG it would require 24 units per acre  
35 minimum. This zone change would allow DRV to expand at a density level suitable for their purposes.

36 Mr. Locke indicated the application addressed the availability of other commercial properties and  
37 explained how this fit into the Comprehensive Plan by steering commercial development into the  
38 downtown area.

39 Mr. Locke discussed the Transportation Planning Rule (TPR) analysis and explained that with full build-  
40 out comparisons between the application and commercial development, there was a net reduction of  
41 1,470 vehicle trips per day.

42 Mr. Locke summarized that staff concurred with the applicant's submittal; it satisfied statewide planning  
43 goals and the Dallas Comprehensive Plan, with no significant effect on the TPR. The recommendation  
44 was for the Planning Commission to approve the zone change and Comprehensive Plan amendment to  
45 change the subject property from CG to RM and the .26-acre portion from RL to RM.

46 APPLICANT PRESENTATION

47 Dave Parrett, Executive Director of DRV, 377 NW Jasper Street, Dallas, Oregon stated he worked on  
48 retirement community development for residents in Dallas. They currently had 350 residents on campus  
49 with townhomes, apartments, assisted living, memory care, and a variety of other services. He explained  
50 they wanted to add additional independent living apartments and a community space for residents. He  
51 noted they currently had 500-800 square foot apartments and 1,200-1,600 square foot townhomes; the  
52 new apartments would be mid-sized at 800-1,500 square feet.

53 Catherine Corliss, Angelo Planning Group, 921 SW Washington Street, Suite 468, Portland, Oregon,  
54 stated she was in agreement with the staff report. She highlighted the practical reasons for the zone  
55 change and stated that minimum density in CG was higher than was feasible and would generate  
56 considerably more traffic with other impacts. This zoning change allowed development in line with the  
57 vision of DRV, providing more independent living opportunities. She mentioned the .26-acre piece did  
58 not require a Comprehensive Plan amendment but wanted to tie it in to the overall development and  
59 including it made sense.

60 Dr. Christopher Edwardson, 369 SE Walnut Court, Dallas, Oregon, stated he represented Jasper Crossing,  
61 LLC and had been working with DRV for several years. He noted he tried to sell for the higher  
62 commercial value but the property stayed empty. He pointed out the rezoning did not create an  
63 awkward piece of commercial land, it eliminated a loop road, and kept the single access. Dr. Edwardson  
64 explained this was the least valuable portion of the commercial property, was least likely to be used as  
65 retail, and made the most sense.

66 PERSONS SPEAKING FOR OR AGAINST

67 Lynn Hurt, 181 NW Elderberry Lane, Dallas, Oregon 97338, stated this was a win-win situation and he  
68 supported it. He provided the Planning Commission with letter in support of the application, a copy of  
69 which is in the record. He stated he would like to see the Planning Commission recommend to City  
70 Council to approve the application.

71 REBUTTAL

72 There was none.

73 COMMISSIONER QUESTIONS

74 Commissioner David Shein asked how the access would change for the rezoned property. Mr. Locke  
75 explained there was potential access via NW Jasper Street and it would come back to the Planning  
76 Commission when development took place.

77 Commissioner Carol Kowash asked how density was decided for independent units and how that  
78 correlated to the need DRV had for that product. Mr. Parrott explained based on a market study, they  
79 needed 40-60 apartments sized in between what they currently had. He further explained many  
80 retirement centers have a ratio of four independent units to one health care unit and DRV had a one to  
81 one ratio; this addition would improve that.

82 There were no more questions and President Lerwick closed the Public Hearing at 7:32 p.m.

83 DISCUSSION BY COMMISSION

84 David Shein made a motion to recommend to City Council to approve application ZC/CPA 14-01  
85 submitted by Dallas Retirement Village and Jasper Crossing, LLC for a zone change and Comprehensive  
86 Plan amendment for the subject property from CG to RM and the .26-acre portion from RL to RM.  
87 Commissioner Oehler seconded the motion and it passed unanimously by the Planning Commission.

88 SIGN CODE DELIBERATION

89 Commissioner Shein asked about the definition of "Open" signs inside business windows and said that  
90 because they were not defined as a sign, listing them in item 3.6.040 (Z) would be superfluous. Mr.  
91 Locke explained that it had become an issue because of flashing signs, and wanted to clarify the  
92 exemption based on flashing.

# Planning commission Public Hearing

ZC/CPA 14-01

April 8, 2014, Sign In Record

NAME	MAILING ADDRESS	
David Parrett	377 NW Jasper St. Dallas TX	972338
Cristy Gules	925 W Washington St. Love Park, OK	97205
CHRIS EDWARDS	365 SE WHEAT CT DALLAS TX	972338
Lynn WERT	181 N W BROADWAY LN DALLAS TX	972338

MR. LYNN A. HURT  
181 NW ELDERBERRY LN.  
DALLAS, OR 97338

City of Dallas Planning Commissioners:

April 8, 2014

I am writing to you in support of Dallas Retirement Village's request for a zoning change from commercial to residential for the property they acquired on NW Jasper St. so that they may expand their facilities to continue to provide for the supported living needs of our senior and elderly citizens.

It is my understanding that the original purpose of the property prior to their purchase was for commercial development. When land from the original Jasper Crossing development was purchased and the sale agreed to by both parties, the vision was for the possible expansion of the DRV facilities.

I have been associated with and a part of the Dallas Community since 1986. I presently live approximately three blocks from the proposed development and expansion. I have no qualms whatsoever in lending my support to this zoning change and the subsequent DRV plans. They have proven to be a good neighbor and a valued part of the community for many years.

I would urge the commission to give their support to this zoning change request as in the best interests of the community and consistent with long range planning and needs for our city and its citizens.

Sincerely,



Mr. Lynn A. Hurt

rcd  
4/8/14

City of Dallas  
187 SE Court St.  
Dallas OR 97338

Ph: 503 831-3571  
Fax: 503 623-2339



File No: 20/C7712-01  
Date Received: 2/13/14  
Fee \$: 5000.00  
Received By: JA  
Complete App. Date: March 6, 2014  
Hearing Date: April 8, 2014 - PC

## COMPREHENSIVE PLAN MAP/TEXT AMENDMENT APPLICATION

NOTE: A Pre-application conference is required before application is submitted

### OWNER(S)

Name(s): David Parrett, Dallas Mennonite Retirement Community, Inc. (Owner/Applicant)

Mailing Address: 377 NW Jasper St, Dallas OR 97338

Owner Phone: Home 503-623-5581 Mobile 503-269-5702

E-Mail dparrett@drvhome.com

### APPLICANT(S): (If not owner)

Name(s): Chris Edwardson, Jasper Crossing, LLC (Owner/Applicant)

Mailing Address: 369 SE Walnut Court, Dallas OR 97338

Owner Phone: Home 503-623-2345 Mobile 503-510-3134

E-Mail Jasparcrossing@gmail.com (Preferred form of contact)

Description of Request: Comp. Plan and Zone Map amendments to designate the 3.92-acre property Residential on the Comprehensive Plan and Residential-Medium on the Zoning Map.

With Zone Change:  N Zone Change from CG, RL to RM

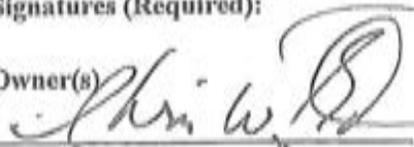
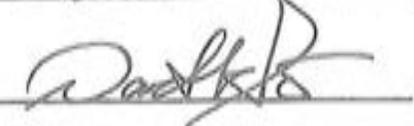
Site Address: See attached map for location. Total Land Area: 3.92 Acres

Assessors Map/Taxlot #: Map 7.5.29DD TL 1212, 1202 (part), 701 Current Zoning: CG, RL

Present Use of Property: Land currently vacant, except single family home on Tax Lot 701.

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

Signatures (Required):

Owner(s)  Date 2/18/14 Applicant(s)  Date 2/18/14  
 2-18-14 \_\_\_\_\_

**APPLICATION CHECKLIST:**

All items must be submitted unless waived by the Planning Official. When an application is submitted, the City will notify you in writing within 30 days as to whether the application is complete or what information is required to make the application complete.

- 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. If Text Amendment, attach existing and proposed text.**
  
- Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained below.

**Address the following Criteria in Narrative:**

- 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;
  2. Approval of the request is consistent with the 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
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
5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

#### **4.7.060 Transportation Planning Rule Compliance**

- A. Review of Applications for Effect on Transportation Facilities.** 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
  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).

**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.



***Application For  
Comprehensive Plan Map and  
Zoning Map Amendment***

**DALLAS RETIREMENT**



**VILLAGE**



Prepared by Angelo Planning Group  
Submitted to City of Dallas Community Development Department

**February 18, 2014**

**Dallas Retirement Village  
Comprehensive Plan and Zoning Map Amendment Application Team**

**Applicant:** David Parrett, Executive Director  
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\*preferred method of contact

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## Application Summary Information for Dallas Retirement Village

<b>Subject Property:</b>	Map 7.5.29DD TL 1212 Map 7.5.29DD TL 1202 (part) Map 7.5.29DD TL 701
<b>Site Size:</b>	3.92 acres
<b>Current Comprehensive Plan Designation:</b>	Commercial (TL 1212, 1202 part) Residential (TL 701)
<b>Current Zoning:</b>	Commercial General (TL 1212, 1202 part) Residential Low (TL 701)
<b>Requested Comprehensive Plan Designation:</b>	Residential
<b>Requested Zoning:</b>	Residential Medium
<b>Application Submitted for:</b>	Comprehensive Plan and Zoning Map Amendment

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#### List of Exhibits

- Exhibit A: Census Data
- Exhibit B: Transportation Review
- Exhibit C: Public Facilities Review
- Exhibit D: Survey and Title Report Information

## Section 1: Project Description & Background

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### Dallas Retirement Village – Overview

Established in 1947, Dallas Retirement Village (DRV) is a faith-based non-profit community that has been serving seniors in the Dallas area for over six decades. It is managed by Life Care Services, a national leader in the creation and management of senior living communities.<sup>1</sup> The village is located on 30 landscaped acres north of W Ellendale Avenue and northwest of NW Jasper Street in Dallas. DRV provides multiple levels of care on one campus, including independent living apartments and townhomes, assisted living, memory care, rehabilitation services and skilled nursing care. Residents choose which care level best fits their needs while still surrounded by the comfort of family and friends in a warm, supportive and familiar environment. DRV is currently home to over 350 residents, and employs approximately 280 staff. Dallas Retirement Village has a long history of meeting the needs of the citizens of Dallas and is known for providing excellent care and service to the residents of the village.

### Comprehensive Plan and Zone Map Amendment Request

Dallas Retirement Village (the applicant) is requesting Comprehensive Plan and Zone Map amendments to designate the 3.92-acre property Residential on the Comprehensive Plan and Residential-Medium on the Zoning Map. The existing designations are Commercial/Commercial General and Residential/Residential Low, as listed below and shown on Figures 1 and 2. The land is currently vacant, except for Tax Lot 701 which has a single family home on it. Existing conditions are shown on Figure 5.

**Table 1. Current and Requested Plan/Zone Designations by Tax Lot**

Tax Lot	Acreage	Current Plan/Zone Designation	Requested Plan/Zone Designation
TL 1212	2.66 ac.	Commercial/ Commercial General	Residential/ Residential Medium
TL 1202 (part)	1.0 ac.	Commercial/ Commercial General	Residential/ Residential Medium
TL 701	0.26 ac.	Residential/ Residential Low	Residential/ Residential Medium

As a growing community, DRV conducts on-going planning to improve its facilities and services. The requested map amendments will facilitate growth of the village by 3.92 acres, enabling additional retirement homes, open space, landscape, circulation and parking. If the change to Residential Medium is approved, the next step is to prepare a project design and apply for Design Review approval.

### Need for the Change in Zoning

To set the stage for growth of Dallas Retirement Village (DRV) on the site, there are two practical reasons for changing the existing zoning to Residential Medium:

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<sup>1</sup> For more information on Life Care Services, please see <http://www.lcsnet.com/>

1. The minimum residential density requirements of the Commercial General zone are higher than what is feasible and appropriate for DRV. Under the Dallas Development Code, new residential uses in the Commercial General zone must be a minimum of 24 dwelling units per acre.<sup>2</sup> This standard would require a minimum of 94 dwelling units on the site – much higher than what is needed. The scale and character of DRV, and the market demand for senior living, are much more aligned with medium density zoning. The specific program and plan will be further defined as part of a future Design Review application.
2. Under the Commercial General zoning, DRV would need to apply for a conditional use permit<sup>3</sup> – adding cost and land use processing for the applicant, City and community. There is no additional benefit to adding a conditional use, or multiple conditional use reviews over time, for expansion of the village. The City's Design Review process works well, and will provide appropriate review of both the design and compatibility with surrounding properties.

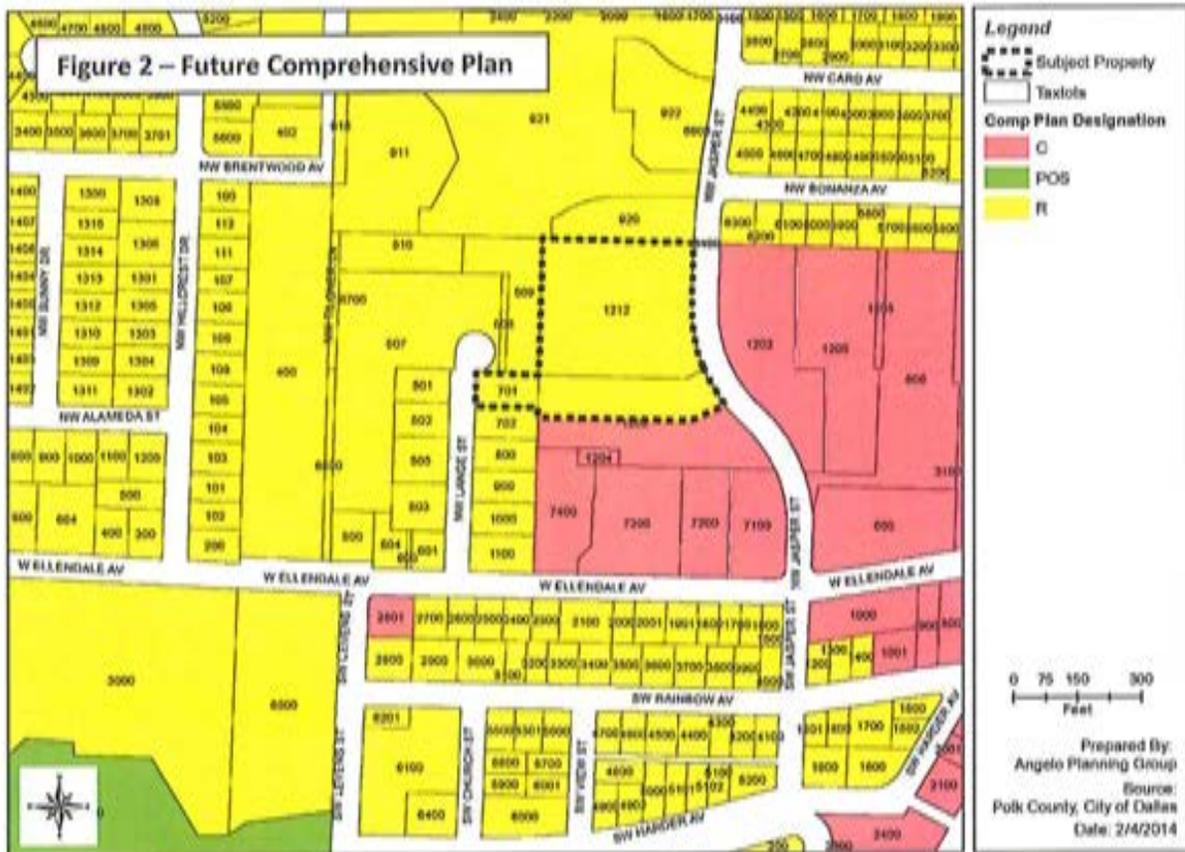
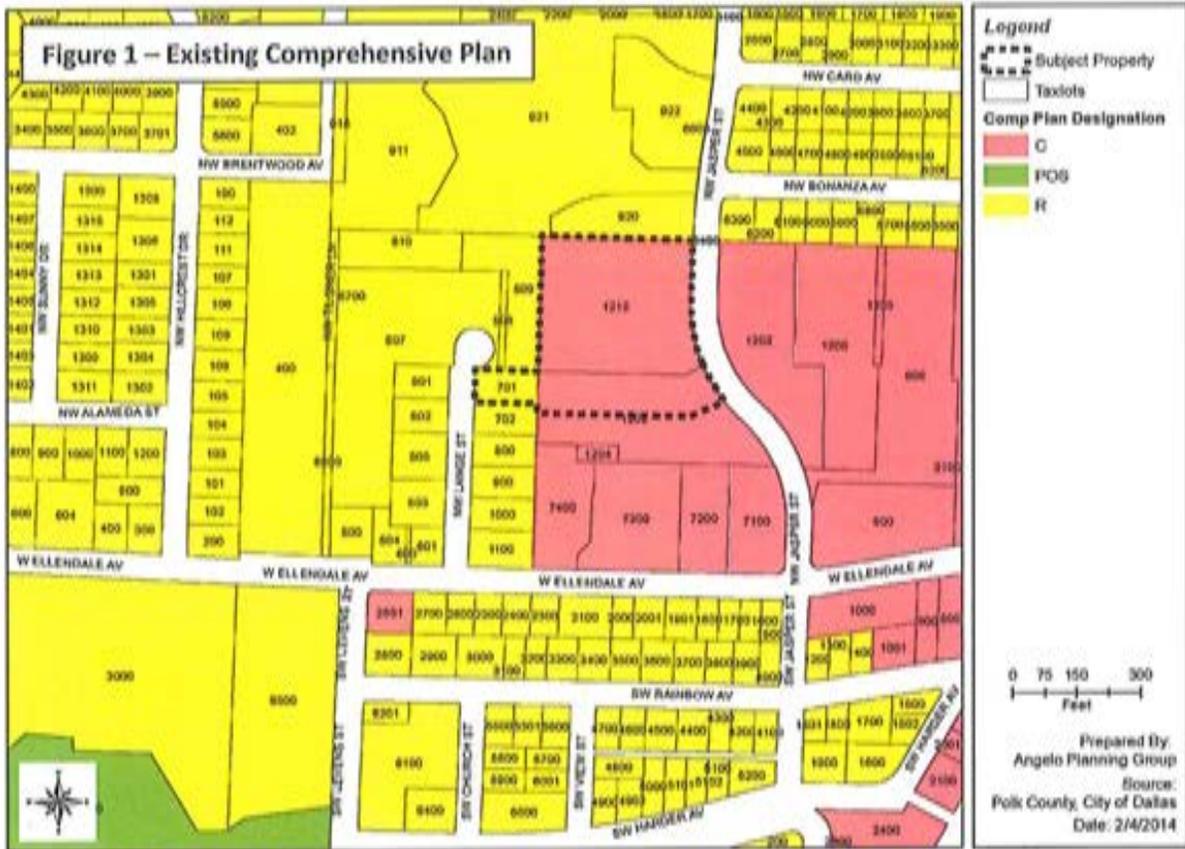
The applicant could pursue the project under a conditional use within the existing CG zoning - but that approach would increase density, which is incompatible with the scale and needs of DRV. The proposed Residential Medium will provide consistent zoning across the DRV site that is much more appropriate to the continued expansion of the village.

Dallas Retirement Village respectfully requests approval of the proposed comprehensive plan map and zoning map amendments.

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<sup>2</sup> DCC Table 2.3.020B. The applicable residential use category is "New dwelling on the ground floor or not in conjunction with a permitted commercial use: *24 or more units/acre*" (emphasis added).

<sup>3</sup> DCC Table 2.3.020B.





**Figure 5 – Existing Conditions**



## **Section 2: Comprehensive Plan and Zoning Map Amendment Decision Criteria**

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This section provides findings to demonstrate compliance with the decision criteria for a legislative comprehensive plan and zoning map amendment per Sections 4.1.050(G) of the Dallas Development Code. The criteria are:

### *4.1.050(G) Type IV Decision Making Criteria*

*The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:*

- 1. Approval of the request is consistent with the Statewide Planning Goals;*
- 2. Approval of the request is consistent with the Comprehensive Plan; and*
- 3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.*

Each of the above-cited criteria are addressed below. Citations from the Comprehensive Plan, Code and Oregon Administrative Rules are noted in italics and followed by a response section that details how the requested amendments are consistent with applicable provisions.

### **Consistency with Statewide Planning Goals**

The following goals are applicable to this request:

- Goal 1 – Citizen Involvement
- Goal 2 – Land Use Planning
- Goal 9 – Economic Development
- Goal 10 – Housing
- Goal 11 – Public Facilities and Services
- Goal 12 - Transportation

The following goals do not apply for the reasons noted below:

- Goal 3 - Agriculture and Goal 5 – Forestry. There are no agriculture or forest lands on the subject property.
- Goal 5 - Natural Resources. There are no wetlands, steep slopes, historic site or other designated Goal 5 resources on the site.
- Goal 6 - Air, Water, Land Resources, and Goal 7 - Natural Hazards and Goal 8 -Recreational Needs. These goals are addressed in the Comprehensive Plan on a city-wide scale. There are no on-site issues related to these goals.
- Goal 13 – Energy Resources. There are no energy resources on the city. Issues such as solar access will be addresses during Design Review.
- Goal 14 – Urbanization. No changes to the urban growth boundary are proposed.
- Goals 15 – Willamette Greenway through the Coastal Goals. Not applicable.

**Response – Goals 1 and 2:** Statewide Planning Goal 1 addresses citizen participation in the land use process, and Goal 2 addresses the process for land use planning, requiring coordination between cities and other governments and government agencies. The proposed amendments are being reviewed through the State’s post acknowledgement plan amendment process and the City of Dallas hearings process. These processes provide: notice to the Oregon Department of Land Conservation and Development, with opportunity to comment; notice to adjacent property owners; and, opportunity for public testimony and involvement in the public hearings process. The amendments are consistent with Statewide Planning Goals 1 and 2.

**Response – Goal 9:** Statewide Planning Goal 9 relates to economic development, and requires communities to provide an adequate supply of land suitable for commercial uses. Goal 9 is also implemented through Oregon Administrative Rule 660-009-0010, the Economic Development Rule:

*(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.*

The findings below are applicable to Goal 9 and the above-cited rule.

Commercial growth trends and land inventory – The City’s Goal 9 background and Goal 9 analysis are in Chapter 2, Sustainable Economic Growth, of the Comprehensive Plan. The employment projections and land needs were last updated in 1998.<sup>4</sup> To address the requirements of the OAR cited above, the 1998 information was reviewed and compared to current census data and current GIS information relevant to land supply in Dallas. The findings of this comparison are summarized below for commercial employment growth as a whole, and the current land supply for vacant and re-developable parcels in the Commercial General (CG) and Central Business District (CBD).<sup>5</sup> As a backdrop to these findings, it is noted that the site could develop for senior housing in the existing CG zone, although with minimum densities that are out of scale for DRV.

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<sup>4</sup> See Dallas Comprehensive Plan, Volume 2, Chapter 2.

<sup>5</sup> Commercial Neighborhood lands provide additional commercial needs in Dallas. Those sites serve primarily neighborhood needs, so they are considered separately.

In the 1998 Comprehensive Plan, the 1995 to 2020 commercial job growth was projected at 1747 new jobs, equivalent to growth of about 70 commercial jobs per year. Using current census data, the actual commercial job growth between 1995 and 2011 was 1460 jobs<sup>6</sup>, or about 90 jobs per year. The commercial job density inventoried in the Comprehensive Plan was about 20 jobs/acre, projected to increase to about 30 jobs/acre.<sup>7</sup> Based on the 2011 census data and the GIS analysis, actual job density in Dallas is about 29 jobs per acre, very close to what was projected.<sup>8</sup> According to Dallas planning staff, very few new commercial buildings have built in the last 15 years, so most of the above-cited growth occurred through redevelopment, expansions and more efficient use (more jobs per acre) on existing commercial sites. Overall, these data and trends indicate that Dallas is using its commercial land supply very efficiently.

A GIS analysis was conducted to inventory the present supply of vacant and re-developable commercial land in the CBD and CG zones, using the same assumptions as are used in the Comprehensive Plan in 1998. Based on this analysis, it is estimated that there is currently 19.5 acres of vacant commercial land and 18.6 acres of re-developable commercial land in these zones, for a total of 38.1 acres. The proposed amendment would reduce the supply to 34.4 acres (-10%). If Dallas continues to grow at about 90 commercial jobs per year and 30 jobs/acre, this land supply represents about 11.5 years of commercial employment growth.

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<sup>6</sup> US Census Bureau, Center for Economic Studies, 2011, Work Area Profile Analysis, <http://onthemap.ces.census.gov>, compiled by Angelo Planning Group

<sup>7</sup> Dallas Comprehensive Plan, Volume 2, Table 2.6.

<sup>8</sup> Some of the overall density is likely attributable to jobs at DRV and in other non-commercial zones, indicating that the City's job density on commercial parcels is likely higher than 30 jobs/acre.



The above findings indicate that Dallas' commercial economy is growing, but not primarily through new or large projects on vacant sites. Instead, growth has occurred through a trend of re-development and efficient use of existing lands. These findings also indicate that even with the re-designation of 3.66 acres of commercial land there is about 11.5 years of commercial land supply in CG and CBD lands, and more if Neighborhood Commercial (NC lands are included and land efficiency measures were to increase. Overall, the remaining commercial land supply is adequate to accommodate the proposed amendment because the use of land and current inventory are being utilized "better" than what the Comprehensive Plan projected.

In addition to the land supply findings discussed above, the amendment is appropriate because of the following additional factors.

Low potential for successful retail: The subject property is located 400 feet north of W Ellendale Avenue, and has frontage along, and visibility from, NW Jasper Street. W Ellendale Avenue is an arterial street which is known for commercial activity. Jasper Street is a collector which serves as access to DRV and the neighborhoods to the north. These characteristics are not advantageous for commercial development at the subject property. The site is too far away and has insufficient visibility from W Ellendale Avenue for successful retail development. DRV has owned the commercially zoned portion of the subject property since 2008 and has had received no contacts or interest regarding commercial development of the parcel.

Adjacent commercial land: If the zone change is approved, 7.4 acres of vacant commercial land will remain on the adjacent parcels. This is an adequate supply of commercial land at this location, especially given the low absorption rate trends over the last 15 years. The proposed amendment would result in a vacant parcel north of the Jasper Crossing site that is approximately 100 feet wide and 400 feet deep. These dimensions are adequate for new buildings similar to those in Jasper Crossing, with ample room for circulation, landscaping, storm water detention, and circulation.

Positive impact on other commercial properties: The re-designation of 3.66 acres will mean that commercial growth will occur on other lands in the city: the remaining General Commercial lands; the Central Business District; and, the mixed use nodes. Focusing Dallas' commercial growth to these areas is consistent with City policy and a positive outcome for those property owners.

Jobs: DRV is a major employer in Dallas, with approximately 280 employees on-site. It also supports other jobs (medical, support services, suppliers) throughout the community. The proposed amendment will support additional near-term employment associated with DRV's construction and operations. From a job growth perspective, the proposed RM zone and DRV's expansion represents a better opportunity for job growth than the existing zoning and very low potential for job growth in the future under the existing zoning.

The proposed amendments are consistent with Statewide Planning Goal 9.

**Response – Goal 10:** Statewide Planning Goal 10 addresses the housing needs of the community. As a retirement village, DRV provides housing and on-site services needed for its residents. This fulfills a unique housing need for the area. The zone change and subsequent expansion of DRV will enable construction of additional housing, including independent living apartments. The City's ability to provide for all housing needs is enhanced by the proposed amendment.

The amendments are consistent with Statewide Planning Goal 10.

**Response – Goal 11:** Please see Section 2, Adequacy of Public Facilities. That section demonstrates that water, sanitary sewer, and storm water facilities are adequate to serve the proposed Residential Medium zoning. All other public facilities and services are also adequate.

The amendments are consistent with Statewide Planning Goal 11.

**Response – Goal 12:** Please see Section 3 of this application narrative. That section demonstrates the proposed amendments are consistent with Statewide Planning Goal 12.

The requirement for consistency with the Statewide Planning Goals is met by the proposed amendment.

## Consistency with Comprehensive Plan Policies

### Chapter 2: A Sustainable Dallas Economy

#### 2.2 Manpower Development Policies

3. Encourage the creation of job opportunities for residents in the Dallas area within new and present businesses and industries.

**Response:** DRV is a major employer in Dallas, with approximately 280 employees today. The proposed amendments will enable expansion that will support create jobs in short term construction, facilities operations, and for support businesses.

#### 2.4 Commercial Land Use

2. Recognize and promote the Central Business District (CBD) as the principal commercial and cultural center of the community.

**Response:** The reduction of Commercial General at the subject property will reduce competition for the CBD and support its role as the principal commercial center in Dallas.

#### 2.5 Other Commercial Zones

3. Discourage "strip" commercial development along arterial streets, by concentrating commercial uses in the CBD and in defined neighborhood commercial "nodes."

**Response:** The proposed amendment will reduce commercial development along the north side of Ellendale Avenue, and shift commercial demand to properties in the CBD and nodes.

### Chapter 3: Livable Residential Neighborhoods

#### 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 planned general or neighborhood commercial development.
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.
3. Each residential neighborhood shall provide its fair share of multi-family housing, consistent with Residential Policy 3.2.
4. Land planned 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.
5. Pedestrian and bicycle access shall be provided between commercial, open space and residential uses in all new development.
6. Public or private park land shall be provided in proportion to residential development and in accordance with Chapter 4.5 (Level-of-Service).

**Response:** The proposed Residential Medium designation is a transitional zone between Commercial General in the Ellendale Avenue corridor and Residential Low areas to the north and west. It is consistent with Policy 3.1's neighborhood design requirements because it is: close to existing and planned commercial development; provides street connectivity for the neighborhood; provides senior multi-family housing; provides housing

adjacent to a collector street (Jaspar Street); provides direct, convenient and pleasant routes for walking and biking; and, provides common open spaces as part of the campus design.

### **3.4 Innovative Techniques**

*To ensure that affordable, higher density housing is provided consistent with the conservation of existing neighborhoods and identified natural resources, the following policies shall be implemented through the provisions of the Dallas Development Code:*

*1. Minimum as well as maximum residential densities shall be required in all residential zones to ensure that buildable residential land within the Dallas UGB is used efficiently and the public costs of providing urban services are minimized. The following minimum densities shall apply to each net buildable acre (i.e., 43,560 square feet of buildable area, exclusive of streets, recreational areas, designated open space and public utilities):*

*a) RL 04-09 dwelling units per net buildable acre*

*b) RM 06-16 dwelling units per net buildable acre*

*c) RH 10-40 dwelling units per net buildable acre*

**Response:** The expanded facilities at DRV will readily meet the minimum density requirements of the RM Zone. The RM zone allows 6-12 units per acre, and up to 16 units per acre with low-impact development practices.

## **Chapter 4: Parks & Open Space**

### ***Parks and Open Space Goal***

*To conserve and protect the community's natural and scenic resources and to ensure that new development helps to provide for the outdoor recreational needs of its residents.*

**Response:** DRV has a campus setting, with ample landscaping, public spaces, and outdoor areas for passive recreation suitable to the resident senior community. The expansion of DRV will continue this concept of providing for the outdoor needs of the DRV residents.

## **Chapter 6: Urban Growth Management**

### ***Urban Growth Management Goal***

*To ensure that urban development does not occur in the absence of the full range of urban services, and that "rural" development outside the City Limits does not interfere with the efficient urban development in the future.*

*6.2.1-4. Only lands that can be provided with the full range of urban facilities will be considered for annexation or rezoning.*

**Response:** The subject property has the full range of urban facilities, as demonstrated by the public facilities review by Westech Engineering in Exhibit B.

## Adequacy of Public Facilities and Services

*3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.*

**Response:** To address this criterion, the applicant engaged Kittelson and Associates to prepare a transportation review and Westech Engineering to prepare a public facilities review. The transportation review is addressed in Section 3 of this application and included in Exhibit B. The public facilities review is stated in the following findings and included in Exhibit C.

There is an existing 8 inch sanitary sewer line in Lange Street NW to serve the western part of the project and an existing private 6 inch sanitary sewer line on the SE corner of the property that abuts Jasper Street NE and can serve the eastern undeveloped portion of the project. The private sanitary sewer line drains into an existing 8 inch public sanitary sewer line that is located in the Jasper Crossing subdivision. Private sanitary sewer line extensions from the existing public and private sanitary sewer lines will be required to serve the proposed project and can be provided concurrently with the development of the property.

The existing DRV is fully served with several storm drain laterals that drain west to a 24 inch storm drain line that flows south in Tilgner Dr NE to Ellendale Avenue. The undeveloped expansion area west of Jasper Street and south and east of the existing DRV is also served by an 18 inch public storm drain line in Jasper Street NW and a 12 inch service stubbed onsite. Upon development, the project will need to provide stormwater detention per City Standards to meet the development code. Therefore, there is adequate existing public stormwater facilities to serve the proposed development. Additional private stormwater infrastructure will be required to serve the site and will be constructed concurrently with the development of the property.

There is a 10 inch public water line in Lange Street NW that runs north on the DRV property and turns east along the existing parcel (TL 1212 & 509, map 7.5.29DD) north property line in a 20 ft public water line easement. The public water line continues east under Jasper Street NW and along the neighboring property. This water line has capacity to provide both domestic water use and fire flow demand. Additional private or public facilities such as water meters, water mains, and fire hydrants may be required to meet all City and fire code requirements. As such, these facilities are provided for in adopted City plans and required water line extensions or taps can be constructed concurrently with the development of the property.

The existing DRV facilities take access off of the SE corner of the intersection of Brentwood Ave NE and NW Tilgner Lane NW on the west, one access form Ellendale Ave W and Lange Street NW to the south and two access point off of Jasper Street NW to the east. Circulation throughout the DRV from the public streets is provided by private streets and walking paths.

Per the City of Dallas Transportation System Plan (TSP) Jasper Street NW is a Minor Collector, Ellendale Ave a Minor Arterial and Brentwood Ave NW and Tilgner Lane NW are classified as Local Streets. These public streets are also fully built out with pavement and sidewalks on both sides. The existing Jasper was recently constructed as required under a commercial subdivision approval for the property to the south and has 5 ft sidewalks on both sides of a 36 ft improvement width. Therefore this street meets the improvement width per the Minor Collector classification in the TSP and the proposed capacity per the commercial zoning. The memorandum from Kittelson & Associates dated January 28, 2014 demonstrates that the proposed zoning will reduce the number of

daily trips by 1,474 and total weekend peak hour trips by 125 as compared to the existing Commercial General zoning. Therefore, the proposed zone change reduces the trips planned for a more intense use and Jasper Street NW will be sufficient for the proposed Residential Medium zoning. The surrounding public streets will see a reduction in trips as compared to the building out of the existing commercial zone and provide adequate public transportation facilities that meet the current adopted City of Dallas TSP.

As demonstrated, there are adequate public facilities and services such as sewer, water, storm and transportation to support the proposed Residential Medium zoning. In addition there may be additional public or private serve extensions that may be required and can be constructed concurrently with the development of the property.

### Section 3: Compliance with Transportation Planning Rule

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Section 4.7.060 of the Code contains the following criteria related to the Transportation Planning Rule:

**Review of Applications for Effect on Transportation Facilities.** *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*
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).*

**Response:** A transportation review per the requirements of the Transportation Planning Rule was conducted by Kittelson and Associates and is included as Exhibit B. The key findings from this analysis are summarized below.

The TPR stipulates measures that a local government must undertake if a proposed zone change or plan amendment would significantly affect the transportation system. The manner by which a significant affect is determined is dependent on whether the proposed amendment increases the number of trips that could be generated by the subject property as a result of the modification. As shown below, in the case of the Dallas Retirement Village, the number of trips allowed by the proposed zoning decreases as a result of the modification and therefore there is no significant affect as defined by the TPR.

Today, 3.66 acres of the site is zoned CG whereas 0.26 acres are zoned RL. As part of the Dallas Retirement Village proposal, all of the site would be zoned RM. Per Article 2 of the Dallas Development Code, 2 homes could be permitted in the RL zone (assuming 4 – 7 units per acre) whereas up to 63 units could be permitted under RM. For CG, it is reasonable to assume a floor area ratio (FAR) for future building potential of 0.25. Using these assumptions, Table 1 presents a comparison of potential trip generation under the existing and proposed zoning.

**Table 2. Trip Generation Comparison**

	Acreage	Size	ITE Code	Daily Trips	Weekday PM Peak Hour		
					Total	In	Out
<i>Existing Zoning</i>							
Commercial General <i>Pass-by Trips (10%)*</i>	3.66 acres	39,855 sq. ft.	820	1,702 (170)	148 (14)	71 (7)	77 (7)
Residential Low	0.26 acres	2 homes	210	20	2	1	1
<b>Total Existing Zoning</b>	<b>3.92 acres</b>			<b>1,892</b>	<b>164</b>	<b>79</b>	<b>85</b>
<i>Proposed Zoning</i>							
Residential Medium	3.92 acres	63 units	220	418	39	25	14
<b>Difference (Proposed – Existing)</b>				<b>-1,474</b>	<b>-125</b>	<b>-54</b>	<b>-71</b>

\*Note due to low volume of adjacent streets, only a 10 percent pass-by is applied to the commercial trips.

As shown in Table 2, if the zoning of the property is changed to RM, the number of daily and weekday p.m. peak hour trips under a reasonable “worst case” development would decrease, thereby resulting in no significant affect as defined by the TPR.

## Section 4: Summary

The requested comprehensive plan and zone map amendments will enable Dallas Retirement Village to expand and continue its long tradition of meeting the needs of seniors in Dallas and providing excellent care and service to its residents. DRV is ideally located for the proposed Residential Medium designation. As this narrative demonstrates, the proposed amendments meet the applicable approval criteria and are consistent with applicable city policies. Approval of the request will be beneficial to both DRV and the Dallas Community.

## Exhibit A: Census Data

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City of Dallas, Oregon

<b>EMPLOYMENT SECTOR</b>	<b>NUMBER OF EMPLOYEES</b>
<b>Commercial Trade</b>	
Wholesale Trade	41
Retail Trade	543
<i>Subtotal</i>	<i>584</i>
<b>Services &amp; Finance/Insurance/Real Estate</b>	
Information	35
Finance and Insurance	67
Real Estate and Rental and Leasing	62
Professional, Scientific, and Technical Services	102
Management of Companies and Enterprises	7
Administration & Support, Waste Management and Remediation	52
Educational Services	398
Health Care and Social Assistance	939
Arts, Entertainment, and Recreation	34
Accommodation and Food Services	343
Other Services (excluding Public Administration)	163
<i>Subtotal</i>	<i>2,202</i>
<b>Other Sectors</b>	
Public Administration	537
<i>Subtotal</i>	<i>537</i>
<b>TOTAL</b>	<b>3,323</b>

US Census Bureau, Center for Economic Studies, 2011  
 Work Area Profile Analysis, <http://onthemap.ces.census.gov/>  
 Compiled by Angelo Planning Group, January, 2014

## Exhibit B: Trip Generation Memo

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## MEMORANDUM

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Date: January 28, 2014

Project #: 17430

To: Cynthia Schuster, LRS Architects  
Joe Dills, APG

From: Julia Kuhn, P.E. and Chris Brehmer, P.E.

Project: Dallas Retirement Village Rezone

Subject: Transportation Planning Rule Compliance

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To enable development of the Dallas Retirement Village, the subject site is proposed for rezoning from Commercial General (CG) and Residential Low (RL) to Residential Medium (RM). The 3.92-acre site is located northwest of the W Ellendale Avenue/NW Jasper Street intersection in Dallas, Oregon. This memorandum demonstrates that the proposed zone change complies with the Transportation Planning Rule (TPR, Oregon Administrative Rule 660-12-0060). Compliance with the TPR is required by state law. A TPR analysis is also the basis for determining that existing or planned transportation facilities serving the site and area are adequate to accommodate the proposed use, as required by the Dallas Development Code (DDC 4.1.050(G)).

The TPR stipulates measures that a local government must undertake if a proposed zone change or plan amendment would significantly affect the transportation system. The manner by which a significant affect is determined is dependent on whether the proposed amendment increases the number of trips that could be generated by the subject property as a result of the modification. As shown below, in the case of the Dallas Retirement Village, the number of trips allowed by the proposed zoning decreases as a result of the modification and therefore there is no significant affect as defined by the TPR.

Today, 3.66 acres of the site is zoned CG whereas 0.26 acres are zoned RL. As part of the Dallas Retirement Village proposal, all of the site would be zoned RM. Per Article 2 of the Dallas Development Code, 2 homes could be permitted in the RL zone (assuming 4 – 7 units per acre) whereas up to 63 units could be permitted under RM. For CG, it is reasonable to assume a floor area ratio (FAR) for future building potential of 0.25. Using these assumptions, Table 1 presents a comparison of potential trip generation under the existing and proposed zoning.

Table 1. Trip Generation Comparison

	Acreage	Size	ITF Code	Daily Trips	Weekday PM Peak Hour		
					Total	In	Out
<i>Existing Zoning</i>							
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<i>Proposed Zoning</i>							
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\*Note due to low volume of adjacent streets, only a 10 percent pass-by is applied to the commercial trips.

As shown in Table 1, if the zoning of the property is changed to RM, the number of daily and weekday p.m. peak hour trips under a reasonable "worst case" development would decrease, thereby resulting in no significant affect as defined by the TPR.

Please let us know if you have any questions regarding our analysis or need any additional transportation-related information as part of the zone change proposal.

# Exhibit C: Public Facilities Review

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February 5, 2014

Cynthia Shuster  
LRS Architects  
720 NW Davis Street Suite 300  
Portland, OR 97209

RE: Dallas Retirement Village - Zone Change  
JO. 2849.1000.0

To Whom it May Concern:

Below is the required zone change criteria number three and associated finding of fact.

**CRITERIA:**

3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.

**FINDING OF FACT:**

The subject property is bounded by Jasper Street NW to the east, Lange Street NW to the west, the existing Dallas Retirement Village (DRV) to the north and the property limits on the south. There is an existing 8 inch sanitary sewer line in Lange Street NW to serve the western part of the project and an existing private 6 inch sanitary sewer line on the SE corner of the property that abuts Jasper Street NE and can serve the eastern undeveloped portion of the project. The private sanitary sewer line drains into an existing 8 inch public sanitary sewer line that is located in the Jasper Crossing subdivision. Private sanitary sewer line extensions from the existing public and private sanitary sewer lines will be required to serve the proposed project and can be provided concurrently with the development of the property.

The existing DRV is fully served with several storm drain laterals that drain west to a 24 inch storm drain line that flows south in Tilgner Dr NE to Ellendale Avenue. The undeveloped expansion area west of Jasper Street and south and east of the existing DRV is also served by an 18 inch public storm drain line in Jasper Street NW and a 12 inch service stubbed onsite. Upon development, the project will need to provide stormwater detention per City Standards to meet the development code. Therefore, there is adequate existing public stormwater facilities to serve the proposed development. Additional private stormwater infrastructure will be required to serve the site and will be constructed concurrently with the development of the property.

There is a 10 inch public water line in Lange Street NW that runs north on the DRV property and turns east along the existing parcel (TL 1212 & 509, map 7.5.29DD) north property line in a 20 ft public water line easement. The public water line continues east under Jasper Street NW and

February 5, 2014

Page 2

along the neighboring property. This water line has capacity to provide both domestic water use and fire flow demand. Additional private or public facilities such as water meters, water mains, and fire hydrants may be required to meet all City and fire code requirements. As such, these facilities are provided for in adopted City plans and required water line extensions or taps can be constructed concurrently with the development of the property.

The existing DRV facilities take access off of the SE corner of the intersection of Brentwood Ave NE and NW Tilgner Lane NW on the west, one access form Ellendale Ave W and Lange Street NW to the south and two access point off of Jasper Street NW to the east. Circulation throughout the DRV from the public streets is provided by private streets and walking paths.

Per the City of Dallas Transportation System Plan (TSP) Jasper Street NW is a Minor Collector, Ellendale Ave a Minor Arterial and Brentwood Ave NW and Tilgner Lane NW are classified as Local Streets. These public streets are also fully built out with pavement and sidewalks on both sides. The existing Jasper was recently constructed as required under a commercial subdivision approval for the property to the south and has 5 ft sidewalks on both sides of a 36 ft improvement width. Therefore this street meets the improvement width per the Minor Collector classification in the TSP and the proposed capacity per the commercial zoning. The memorandum from Kittelson & Associates dated January 28, 2014 demonstrates that the proposed zoning will reduce the number of daily trips by 1,474 and total weekend peak hour trips by 125 as compared to the existing Commercial General zoning. Therefore, the proposed zone change reduces the trips planned for a more intense use and Jasper Street NW will be sufficient for the proposed Residential Medium zoning. The surrounding public streets will see a reduction in trips as compared to the building out of the existing commercial zone and provide adequate public transportation facilities that meet the current adopted City of Dallas TSP.

As demonstrated, there are adequate public facilities and services such as sewer, water, storm and transportation to support the proposed Residential Medium zoning. In addition there may be additional public or private serve extensions that may be required and can be constructed concurrently with the development of the property.

If you have any questions or need additional information regarding this matter, please contact us at (503) 585-2474.

Sincerely,

**WESTECH ENGINEERING, INC.**



W. Josh Wells, P.E.

wjw

## Exhibit D: Survey and Title Report Information

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These final minutes are supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. Audio files from City Council meetings from May 19, 2014, forward can be found online at <http://www.dallasor.gov/archive> under the corresponding agenda date. Staff reports, resolutions, ordinances, and other documents related to this meeting are also available at that site in the "Council Agendas" archive.

<b>DALLAS CITY COUNCIL</b>	<b>Monday, May 19, 2014</b>
<p>The Dallas City Council met in regular session on Monday, May 19, 2014, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.</p>	
<p><b>Council:</b></p> <p>Council President LaVonne Wilson, Councilor Jim Brown, Councilor Jim Fairchild, Councilor Kelly Gabliks, Councilor Beth Jones, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, and Councilor Ken Woods, Jr.</p>	
<p><b>Staff:</b></p> <p>City Manager Ron Foggin, City Attorney Lane Shetterly, Chief of Police Tom Simpson, Fire Chief Fred Hertel, Community Development/Operations Director Jason Locke, Engineering and Environmental Services Director Fred Braun, Finance Director Cecilia Ward, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.</p>	
<p><b>Pledge of Allegiance:</b></p> <p>Mayor Dalton led the Pledge of Allegiance.</p>	

<b>AGENDA</b>	<b>ACTION</b>
<p><b>1:08</b> COMMENTS FROM THE AUDIENCE</p>	<p>Steve Pickering from ROADS Ham Radio club asked the Council for use of the Dallas City Park for Field Day on June 28-29, 2014.</p> <p>It was moved by Councilor Stewart to allow ROADS Ham Radio Club the use Dallas City Park near the Brandvold entrance on June 28-29, 2014, subject to the insurance and restrictions placed by the City. The motion was duly seconded and carried with a vote of 9-0.</p>
<p><b>8:05</b> CONSENT AGENDA</p>	<p>Councilor Lawson asked to remove the OLCC application. Councilor Gabliks asked to remove the</p>



	<p>St. and a loading zone on SW 8th Street. He recommended removing the restricted parking areas because they were no longer needed.</p> <p>It was moved by Councilor Gabliks to remove the 15 minute parking spot on Main St. and the loading zones on SE Clay St., and SW 8th Street. The motion was duly seconded and carried with a vote of 9-0.</p>
<p><b>26:30</b> APRIL FINANCIAL REPORT</p>	<p>Mr. Foggin reported everything was tracking well and the departments were doing a good job of saving.</p>
<p><b>30:25</b> OTHER</p>	<p>Mr. Foggin reported the Department Expo was great and the employees did an awesome job. He noted there was a good turnout. He commented that Republic Services were there with the new truck, CERT was there with their trailer, and Claudia Chinook was there as well.</p> <p>He advised that the City was taking applications for a RARE student as an intern. He noted it would be an 11 month internship.</p>
<p><b>36:30 RESOLUTIONS</b></p>	
<p><b>Resolution No. 3295</b> – A Resolution authorizing the transfer of budgetary funds.</p>	<p>Mr. Foggin explained that a boiler went down at the Aquatic Center and the court would be purchasing a finger printing machine, requiring a budget transfer</p> <p>A roll call vote was taken and Mayor Dalton declared Resolution No. 3295 to have PASSED BY A VOTE of 9-0.</p>
<p><b>Resolution No. 3296</b> – A Resolution adopting a Section 3 Plan to comply with 24CFR, Part 135 of the US Department of Housing and Urban Development Section 3.</p>	<p>A roll call vote was taken and Mayor Dalton declared Resolution No. 3296 to have PASSED BY A VOTE of 9-0.</p>
<p><b>Resolution No. 3297</b> – A Resolution of the City of Dallas to adopt a Limited English Language Access Plan to comply with Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d, et seq and Executive Order 13166.</p>	<p>A roll call vote was taken and Mayor Dalton declared Resolution No. 3297 to have PASSED BY A VOTE of 9-0.</p>

<b>44:00 FIRST READING OF ORDINANCE</b>	
<b>Ordinance No. 1765</b> - An Ordinance amending provisions of the Dallas City Code Chapter 8, and adding new provisions relating to property maintenance regulations; and amending Dallas City Code section 5.590, relating to Chronic Nuisance Properties.	Mayor Dalton declared Ordinance No. 1765 to have passed its first reading.
<b>SECOND READING OF ORDINANCE</b>	There were none.
<b>OTHER BUSINESS</b>	There was none.

<b>ADJOURNMENT</b>	7:46 p.m.
Read and approved this _____ day of _____ 2014.	
ATTEST:	_____ Mayor
_____ City Manager	

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 6b</b>	<b>Topic:</b> Forms for 2014 City Council Election
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 2, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Approval of the consent agenda will approve forms SEL 101, SEL 121, and SEL 338 for use by candidates for the 2014 Mayor and City Council election.

BACKGROUND:

The City of Dallas Charter, in Section 31, Nominations, states: “Nominations shall be by petition specifying the position sought in a form prescribed by the Council.”

The State of Oregon has developed the following forms:

- SEL 101 – “Candidate Filing Form (Major Political Party or Nonpartisan)”
- SEL 121 – “Candidate Signature Sheet - Nonpartisan”
- SEL 338 – “Petition Submission (Candidate, Voter’s Pamphlet)”

Copies of these forms are attached to this memo. The State has revised the forms since the Council last approved using them. The State does allow cities to use their own forms as long as they meet certain criteria; however, staff recommends using the state forms.

FISCAL IMPACT:

NONE

ATTACHMENTS:

Forms SEL 101, SEL 121, and SEL 338

# Candidate Filing

Major Political Party or Nonpartisan

**SEL 101**

rev 01/14  
ORS 249.031

Filing Dates	Candidate Filing	State Voters' Pamphlet	Candidate Withdrawal
<b>Primary Election May 20, 2014</b>		<b>Filed electronically using ORESTAR</b>	
First Day to File	September 12, 2013	January 20, 2014	
Last Day to File	March 11, 2014	March 13, 2014	March 14, 2014
<b>General Election November 4, 2014</b>			
First Day to File	June 4, 2014	July 7, 2014	
Last Day to File	August 26, 2014	August 26, 2014	August 29, 2014

 All information must be completed or the form will be rejected.

This filing is an  Original  Amendment

## Filing Officer

Secretary of State  County Elections Official  City Recorder (Auditor)

## Candidate Information

Name of Candidate				
First	MI	Last	Suffix	Title

## How you would like your name to appear on the ballot

First	MI	Last	Suffix

## Candidate Residence/Route Address

Street Address	City	State	Zip	County

## Candidate Mailing Address

Street Address or PO Box	City	State	Zip

## Contact Information: Only one phone number is required.

Work Phone	Home Phone	Cell Phone	Fax

Email Address	Web Site, if applicable

## Paying by Declaration or Petition:

Declaration, with the required fee

Office	Filing Fee	Office	Filing Fee
United States President	n/a	District Attorney	\$50
United States Vice President	n/a	County Judge	\$50
United States Senator	\$150	MSD Executive Officer, MAD Director	\$100
United States Representative	\$100	MSD Councilor	\$25
Statewide Offices	\$100	County Office	\$50
State senator or Representative	\$25	City Office	Set by charter or ordinance
Circuit Court Judge	\$50	Justice of the Peace	n/a

Prospective Petition      Petition circulators will be paid  Yes  No

Office Information			
Filing for Office of:			
District, Position or County:			
Party Affiliation:	<input type="checkbox"/> Democratic Party	<input type="checkbox"/> Republican Party	<input type="checkbox"/> Nonpartisan
Incumbent Judge:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Nondisclosure on file

**Occupation (present employment)** If no relevant experience, None or NA must be entered.

--

**Occupational Background (previous employment)** If no relevant experience, None or NA must be entered.

--

**Educational Background (schools attended)** If no relevant experience, None or NA must be entered.

Complete name of School (no acronyms)	Last Grade completed	Diploma/Degree/Certificate	Course of Study

Educational Background (other) Attach a separate sheet if necessary.

--

**Prior Governmental Experience (elected or appointed)** If no relevant experience, None or NA must be entered.

--

**Campaign Finance Information (not applicable to candidates for federal office)**

**Candidate Committee**

Yes, I have a candidate committee.

No, I do not expect to spend more than \$750 or receive more than \$750 during each calendar year. I understand I must still keep records of all campaign transactions and if total contributions or total expenditures exceed \$750 during a calendar year, I must follow the requirements detailed in the Campaign Finance Manual.

No, but will be filing a Statement of Organization for Candidate Committee (SEL 220).

By signing this document, I hereby state that:

- I will accept the nomination for the office indicated above
- I will qualify for said office if elected
- all information provided by me on this form is true to the best of my knowledge **and**
- no circulators will be compensated based on the number of signatures obtained by the circulator on a prospective petition

**For Major Political Party Candidates**

- if not nominated, I will not accept the nomination or endorsement of any political party other than the one named
- I have been a member of said political party, subject to the exceptions stated in ORS 249.046, for at least 180 days before the deadline for filing a nominating petition or declaration of candidacy (ORS 249.031)



**Warning**  
 Supplying false information on this form may result in conviction of a felony with a fine of up to \$125,000 and/or prison for up to 5 years. (ORS 260.715). A person may only file for one lucrative office or not more than one precinct committee person at the same election. Unless the person has withdrawn from the first filing, **all** filings are invalid.(ORS 249.013 and ORS 249.170)

Candidate's Signature \_\_\_\_\_ Date Signed \_\_\_\_\_

# Candidate Signature Sheet | Nonpartisan

Petition ID \_\_\_\_\_

Signatures for this petition are being gathered by  PAID Circulators  VOLUNTEER Circulators

**This is a candidate nominating petition. Signers of this page must be active registered voters in the county listed.**

 Signatures must be verified by the appropriate county elections official before the petition can be filed with the filing officer. Candidates should allow ample time for the verification process to be completed before 5pm on the filing deadline day.

County \_\_\_\_\_

Candidate Information	
Name	Office
Election	District or Position Number

**To the Secretary of State of Oregon/County Elections Official/City Recorder,** We the undersigned voters, request the candidate's name be placed on the ballot at the election listed above for nomination to the office indicated.

 Signers must initial any changes the circulator makes to their printed name, residence address or date they signed the petition.

Signature	Date Signed mm/dd/yy	Print Name	Residence or Mailing Address street, city, zip code
1			
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**Circulator Certification** This certification **must** be completed by the circulator and additional signatures **should not** be collected on this sheet once the certification has been signed and dated!

I hereby certify that I witnessed the signing of the signature sheet by each individual whose signature appears on the signature sheet, and I believe each person is a voter qualified to sign the petition (ORS 249.061). I also hereby certify that compensation I received, if any, was not based on the number of signatures obtained for this petition.

Circulator Signature	Date Signed mm/dd/yy	Sheet Number
		Sheet will be numbered by group submitting the petition.

Printed Name of Circulator	Circulator's Address street, city, zip code
----------------------------	---

# Petition Submission

## Candidate, Voters' Pamphlet

**SEL 338**

rev 01/14  
OAR 165-010-0005, 165-014-0005

This form must be completed and filed with each submittal of signatures.

Filing Officer		
<input type="checkbox"/> State	<input type="checkbox"/> County for both county and district petitions	<input type="checkbox"/> City

Election Type		Year			
<input type="checkbox"/> Primary	<input type="checkbox"/> General	<input type="checkbox"/> Special Election	<input type="checkbox"/> 2014	<input type="checkbox"/> 2016	<input type="checkbox"/> 2018

Petition Information	
Candidate Name or Measure Number	

Type of Filing	Number of Signatures Submitted
<input type="checkbox"/> Candidate Nominating Petition	
<input type="checkbox"/> Voters' Pamphlet, Candidate	
<input type="checkbox"/> Voters' Pamphlet, Measure	

Candidate	
→ By signing this document, I hereby state that all information on the form is true and correct to the best of my knowledge.	

Name	Contact Phone	Email Address
Signature		Date Signed

Measure Argument Filer	
→ By signing this document, I hereby state that all information on the form is true and correct to the best of my knowledge.	

Name	Contact Phone	Email Address
Signature		Date Signed

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Members Present: Chair Jim Brown, Jackie Lawson, Kevin Marshall, Murray Stewart, and LaVonne Wilson.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Brown called the meeting to order at 5:05 p.m.

**CITY MANAGER’S EVALUATION PROCEDURE**

There was discussion concerning the point scale of the City Manager’s evaluation process.

It was moved by Councilor Lawson to remove the point scale and add mandatory comments to the City Manager’s evaluation process. The motion was seconded by Council President Wilson and carried with a vote of 4-1 with Councilor Stewart voting no.

Councilor Stewart explained he voted no because he wanted a scoring system and mandatory comments.

**FINANCE DIRECTOR’S REPORT**

Mr. Foggin reported the Finance Department had successfully found a senior accountant.

**HR MANAGER’S REPORT**

Ms. Gagner advised that a senior accountant had been hired and would start June 9, 2014, and the Training Officer position would be filled at the Fire Department.

**OTHER**

Mr. Foggin reported that the Republic Services was pushing to include leaf service for the community and weekly recycling pickup. He noted he was still waiting for the final numbers.

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 5:33 p.m.



# AGENDA

May 27, 2014

5:00 PM

Council Chambers  
Dallas City Hall  
187 SE Court St  
Dallas, OR 97338

- A. Call to Order
- B. City Manager's evaluation procedure
- C. Finance Director's report
- D. Human Resources Manager's report
- E. Other
- F. Adjournment

## COMMITTEE

Chair Jim Brown

Jackie Lawson

Kevin Marshall

Murray Stewart

LaVonne Wilson



**DALLAS CITY COUNCIL**  
**ADMINISTRATIVE SUBCOMMITTEE REPORT**

**TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No. B</b>	<b>Topic:</b> City Manager's Evaluation Procedure
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> May 27, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggini		

RECOMMENDED MOTION:

Motion to recommend the Council adopt the proposed evaluation procedure for the City Manager's annual evaluation.

BACKGROUND:

At the request of Council President Wilson, I looked at other cities' procedures for evaluating the City Manager and combined some of those aspects with aspects of the City's general employee evaluation procedure.

My draft was reviewed by the Council President, last year's Administrative Committee Chair (Jim Fairchild) and this year's Administrative Committee Chair (Jim Brown) and the attached policy is our final draft. This incorporates a self-evaluation procedure for the City Manager to complete prior to the Council's evaluation and also addresses annual goals for the City Manager to work toward (in addition to the Council's overall City goals).

FISCAL IMPACT:

None.

ATTACHMENTS:

Proposed procedure, self-evaluation, and Council evaluation forms

# CITY OF DALLAS

## City Manager Performance Evaluation Procedure

### **Introduction**

The City Manager is a City employee. Under sections 10, 11, and 21 of the Dallas City Charter, the City Council is charged with the duty of selecting, hiring, and compensating the City Manager. The City Manager is thus the Council's employee, and his or her supervision is the Council's responsibility.

To be fair and effective, supervision must be based on performance benchmarks which are clearly defined and communicated so that performance can be evaluated objectively.

### **Purpose**

The purpose of the employee performance evaluation is to increase communication between the Council and City Manager concerning his/her performance in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives.

### **Procedure**

The Council shall conduct an annual review and evaluation of the City Manager's work performance. The results of such evaluation shall commend areas of good performance and point out areas for improvement.

1. Evaluation forms are distributed to all Councilors.
2. The City Manager prepares his/her self-evaluation form, a copy of which is distributed to each Councilor for use in completing the performance evaluation.
3. Each Councilor completes the evaluation form, signs and dates it, and returns it to the City Recorder/HR Manager.
4. The City Recorder will tabulate and summarize the results of the evaluation forms. The Council President and Administrative Committee Chair will review the results.
5. A composite evaluation form (including the City Manager's self-evaluation) is distributed to the Council prior to the executive session evaluation meeting.

6. The Council meets with the City Manager in executive session to review the evaluation, unless he/she requests an open hearing.

## **Instructions**

Review the City Manager's work performance for the entire period; try to refrain from basing judgment on recent events or isolated incidents only. Disregard your general impression of the City Manager and concentrate on one factor at a time.

Evaluate the City Manager on the basis of standards you expect to be met for the job to which assigned considering the length of time on the job. Check the box which most accurately reflects the level of performance for the factor appraised using the rating scale described below. If you did not have an opportunity to observe a factor during this evaluation period, please indicate so in the comments. Use the comment space below each category to give examples that support your rating of the individual performance indicators.

## **Rating Scale Definitions (1-3)**

- |                              |   |
|------------------------------|---|
| Does not meet standards (1): | The employee's work performance does not consistently meet the needed standards of the position. Serious effort is needed to improve the performance. |
| Meets standards (2):         | The employee's work performance consistently meets the standards of the position.   |
| Exceeds standards (3):       | The employee's work performance is consistently above the level required to meet the standards of the position.                                       |

## **Effective Date**

This policy will take effect on June 2, 2014, and will remain in effect until amended or rescinded by action of the City Council. If the criteria, standards, or policy directives governing the review should change, a public process shall be followed as outlined in ORS 192.610 to 192.690.

## City Manager Self-Evaluation

Instructions: City Manager should complete this form by \_\_\_\_\_  
(date) and return it to the City Recorder for dissemination to the Council. The Council will use this form when completing their evaluation form.

The goal of this form is to provide information which the employee and the Council, working together, can use to create goals and action plans for the continued benefit of the employee and the organization. If using additional pages to complete your answers, be sure to indicate which number you're answering.

### 1. Council Relationships

- Effectively implements policies and programs approved by the council.
- Reporting to the Council is timely, clear, concise, and thorough.
- Accepts direction/instructions in a positive manner.
- Keeps the Council informed of current plans and activities of administration and new developments in technology, legislation, governmental practices and regulations, etc.
- Carries out the directives of the Council as a whole rather than those of any one member.
- Assists the Council in establishing policy, while acknowledging the ultimate authority of the Council.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

## **2. Public Relations**

- Projects a positive public image.
- Is courteous to the public at all times.
- Maintains effective relations with media representatives.
- Responds in a timely manner to complaints from citizens.
- Displays dedication to the community and its citizens.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

## **3. Staffing and Supervision**

- Encourages department managers to make decisions within their own jurisdictions without the city manager's approval, yet maintains general control of operations.
- Instills confidence and initiative in subordinates.
- Encourages staff to work as a team and seek ways to be innovative and oriented toward effective problem solving.
- Promotes professional staff performance.
- Encourages staff to engage in learning and development opportunities.
- Recruits and retains competent personnel for staff positions.
- Recognizes weak or indifferent administrative personnel and works to improve their performance.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

#### **4. Fiscal Management**

- Prepares realistic annual budget in an intelligent and accessible format.
- Makes the best possible use of available funds, conscious of the need to operate efficiently and effectively.
- Controls expenditures in accordance with approved budget.
- Keeps Council informed about revenues and expenditures, actual and projected.
- Ensures the budget addresses the Council's goals and objectives.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

#### **5. Intergovernmental Affairs**

- Maintains effective communications with local, regional, state, and federal government agencies.
- Pursues financial resources (grants) from other agencies.
- Contributes to good government through regular participation in local, regional, and state committees and organizations.
- Lobbies effectively with county, legislators, and state agencies regarding City programs and projects.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

## 6. Council Goals

- Aids the Council in establishing long-range goals effectively.
- Manages, guides, directs, and oversees the implementation and execution of the goals set forth by the Council.
- Supports the actions of the Council after a decision has been reached.
- Understands the City's laws, policies, and ordinances.
- Reviews ordinances and polices periodically to improve their effectiveness.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

## 7. Personal/Professional Skills

- Exercises good judgment.
- Displays appropriate composure, appearance, and attitude for a person in this position.
- Separates personal feelings from the advancement of the City's interests.
- Demonstrates a capacity for innovation and creativity.
- Anticipates problems and develops effective approaches for solving them.
- Takes initiative and displays enthusiasm, cooperating, and adaptability.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

## 8. Manager Goals

- This category reviews the goals established in the previous year's evaluation process (attached).

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

**9. Accomplishments:** Describe your most significant accomplishments during this evaluation period.

**10. Improvements suggested:** Are there any areas in your current position you would like to improve in?

**11. Assistance:** How can the Council assist in your job success?

**12. Goals:** List at least three measurable professional and/or personal goals that will help you professionally and personally in your position with the City. These goals should be specific and measurable. Please list specific program actions that will be taken to help reach your goals.

City Manager's Signature: \_\_\_\_\_

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

# City Manager Performance Evaluation

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

## Rating Scale:

Does not meet standards (1): The employee's work performance does not consistently meet the needed standards of the position. Serious effort is needed to improve the performance.

Meets standards (2): The employee's work performance consistently meets the standards of the position.

Exceeds standards (3): The employee's work performance is consistently above the level required to meet the standards of the position.

## Performance Categories:

### **1. Council Relationships**

- Implements policies and programs approved by the Council effectively.
- Reports to the Council in a timely, clear, concise, and thorough manner.
- Accepts direction/instructions in a positive manner.
- Keeps the Council informed of current plans and activities of administration and new developments in technology, legislation, governmental practices and regulations, etc.
- Carries out the directives of the Council as a whole rather than those of any one member.
- Assists the Council in establishing policy, while acknowledging the ultimate authority of the Council.

Exceeds Stds (3)

Meets Stds (2)

Fails to Meet Stds (1)

Comments: \_\_\_\_\_

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**2. Public Relations**

- Projects a positive public image.
- Is courteous to the public at all times.
- Maintains effective relations with media representatives.
- Responds in a timely manner to complaints from citizens.
- Displays dedication to the community and its citizens.

Exceeds Std's (3)                       Meets Std's (2)                       Fails to Meet Std's (1)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Staffing and Supervision**

- Encourages department managers to make decisions within their own jurisdictions without the city manager's approval, yet maintains general control of operations.
- Instills confidence and initiative in subordinates.
- Encourages staff to work as a team and seek ways to be innovative and oriented toward effective problem solving.
- Promotes professional staff performance.
- Encourages staff to engage in learning and development opportunities.
- Recruits and retains competent personnel for staff positions.
- Recognizes weak or indifferent administrative personnel and works to improve their performance.

Exceeds Std's (3)                       Meets Std's (2)                       Fails to Meet Std's (1)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**4. Fiscal Management**

- \_ Prepares realistic annual budget in an intelligent and accessible format.
- \_ Makes the best possible use of available funds, conscious of the need to operate efficiently and effectively.
- \_ Controls expenditures in accordance with approved budget.
- \_ Keeps Council informed about revenues and expenditures, actual and projected.
- \_ Ensures the budget addresses the Council’s goals and objectives.

Exceeds Stds (3)                       Meets Stds (2)                       Fails to Meet Stds (1)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Intergovernmental Affairs**

- \_ Maintains effective communications with local, regional, state, and federal government agencies.
- \_ Pursues financial resources (grants) from other agencies.
- \_ Contributes to good government through regular participation in local, regional, and state committees and organizations.
- \_ Lobbies effectively with county, legislators, and state agencies regarding City programs and projects.

Exceeds Stds (3)                       Meets Stds (2)                       Fails to Meet Stds (1)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Council Goals**

- Aids the Council in establishing long-range goals effectively.
- Manages, guides, directs, and oversees the implementation and execution of the goals set forth by the Council.
- Supports the actions of the Council after a decision has been reached.
- Understands the City's laws, policies, and ordinances.
- Reviews ordinances and polices periodically to improve their effectiveness.

Exceeds Std's (3)                       Meets Std's (2)                       Fails to Meet Std's (1)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**7. Personal/Professional Skills**

- Exercises good judgment.
- Displays appropriate composure, appearance, and attitude for a person in this position.
- Separates personal feelings from the advancement of the City's interests.
- Demonstrates a capacity for innovation and creativity.
- Anticipates problems and develops effective approaches for solving them.
- Takes initiative and displays enthusiasm, cooperating, and adaptability.

Exceeds Std's (3)                       Meets Std's (2)                       Fails to Meet Std's (1)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8. Manager Goals**

This category reviews the goals established in the previous year's evaluation process.

- Exceeds Stds (3)                       Meets Stds (2)                       Fails to Meet Stds (1)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_

**9. Overall Performance Rating & Summary**

Considering all categories above, the following rating is provided:

- Exceeds Stds (3)                       Meets Stds (2)                       Fails to Meet Stds (1)

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**10. Accomplishments:** Has the City Manager accomplished or worked toward the goals established by the Council? Why or why not?

**11. Strengths:** Based upon your overall evaluation of the City Manager, what areas would you list as his strong points as a manager?

**12. Improvements suggested:** Based upon your overall evaluation, what areas would you suggest the City Manager work on to improve his skills and to be more effective in specific areas or situations?

**13. Goals for next year:** What are the major goals on which the City Manager should focus in the coming year?

Evaluator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Evaluator's Name (please print legibly): \_\_\_\_\_

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Members Present: Chair Jackie Lawson, Jim Brown, Kevin Marshall, Murray Stewart, and LaVonne Wilson.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Lawson called the meeting to order at 5:00 p.m.

Kevin Marshall arrived at 5:01 p.m.

**COMMUNITY DEVELOPMENT/OPERATIONS DIRECTOR’S REPORT**

Mr. Foggin reported the Aquatic Center would have its yearly maintenance June 16-20. He noted increased planning and building may be a factor in the increasing activity at TTM building and the mill site. He advised the Dallas Retirement Village project was moving forward and the Barberry node would go before the Planning Commission.

**OTHER**

Mr. Foggin commented that the seniors wanted to build a single level Senior Center and some had proposed buying the Carnegie building from the City to tear it down.

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 5:05 p.m.



THE CITY OF  
**DALLAS**  
OREGON

DALLAS  
CITY HALL



# Building & Grounds Committee

## **AGENDA**

May 27, 2014

5:00 PM

**Council Chambers  
Dallas City Hall  
187 SE Court St  
Dallas, OR 97338**

- A. Call to Order**
- B. Community Development/  
Operations Director's report**
- C. Other**
- D. Adjournment**

### **COMMITTEE**

Chair Jackie Lawson

Jim Brown

Kevin Marshall

Murray Stewart

LaVonne Wilson

WELCOME  
TO

DALLAS

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 9a</b>	<b>Topic:</b> City Manager's Evaluation Process
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> June 2, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

RECOMMENDED MOTION:

Motion to adopt the procedure and forms for the City Manager's annual evaluation as presented.

BACKGROUND:

At the request of Council President Wilson, I looked at other cities' procedures for evaluating the City Manager and combined some of those aspects with aspects of the City's general employee evaluation procedure to create a revised evaluation process for the City Manager.

The draft was reviewed by the Council President, last year's Administrative Committee Chair (Jim Fairchild) and this year's Administrative Committee Chair (Jim Brown) and brought to the Administrative Committee. This incorporates a self-evaluation procedure for the City Manager that will be completed prior to the Council's evaluation. It also addresses annual goals for the City Manager to work toward (in addition to work on the Council's overall City goals).

The Administrative Committee discussed this new procedure during the May 27 Committee meeting and moved to remove any numerical scoring from the evaluation, as well as a requirement for each Councilor to provide comments.

FISCAL IMPACT:

None

ATTACHMENTS:

- City Manager Evaluation Procedure
- City Manager Self Evaluation Form
- City Manager Performance Evaluation Form

**CITY OF DALLAS**  
**City Manager Performance Evaluation Procedure**

**Introduction**

The City Manager is a City employee. Under sections 10, 11, and 21 of the Dallas City Charter, the City Council is charged with the duty of selecting, hiring, and compensating the City Manager. The City Manager is thus the Council's employee, and his or her supervision is the Council's responsibility.

To be fair and effective, supervision must be based on performance benchmarks which are clearly defined and communicated so that performance can be evaluated objectively.

**Purpose**

The purpose of the employee performance evaluation is to increase communication between the Council and City Manager concerning his/her performance in the accomplishment of his/her assigned duties and responsibilities, and the establishment of specific work-related goals and objectives.

**Procedure**

The Council shall conduct an annual review and evaluation of the City Manager's work performance. The results of such evaluation shall commend areas of good performance and point out areas for improvement.

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5. A composite evaluation form (including the City Manager's self-evaluation) is distributed to the Council prior to the executive session evaluation meeting.
6. The Council meets with the City Manager in executive session to review the evaluation, unless he/she requests an open hearing.

## **Instructions**

Review the City Manager's work performance for the entire period; try to refrain from basing judgment on recent events or isolated incidents only. Disregard your general impression of the City Manager and concentrate on one factor at a time.

Evaluate the City Manager on the basis of standards you expect to be met for the job considering the length of time on the job. If you did not have an opportunity to observe a factor during this evaluation period, please indicate so in the comments. Councilors shall provide comments below each category. Use the comment space below each category to provide examples of positive performance as well as areas that need improvement.

## **Effective Date**

This policy will take effect on June 2, 2014, and will remain in effect until amended or rescinded by action of the City Council. If the criteria, standards, or policy directives governing the review should change, a public process shall be followed as outlined in ORS 192.610 to 192.690.

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Instructions: City Manager should complete this form by \_\_\_\_\_  
(date) and return it to the City Recorder for dissemination to the Council. The Council will use this form when completing their evaluation form.

The goal of this form is to provide information which the employee and the Council, working together, can use to create goals and action plans for the continued benefit of the employee and the organization. If using additional pages to complete your answers, be sure to indicate which number you're answering.

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- Effectively implements policies and programs approved by the council.
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- Carries out the directives of the Council as a whole rather than those of any one member.
- Assists the Council in establishing policy, while acknowledging the ultimate authority of the Council.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

## **2. Public Relations**

- Projects a positive public image.
- Is courteous to the public at all times.
- Maintains effective relations with media representatives.
- Responds in a timely manner to complaints from citizens.
- Displays dedication to the community and its citizens.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

## **3. Staffing and Supervision**

- Encourages department managers to make decisions within their own jurisdictions without the city manager's approval, yet maintains general control of operations.
- Instills confidence and initiative in subordinates.
- Encourages staff to work as a team and seek ways to be innovative and oriented toward effective problem solving.
- Promotes professional staff performance.
- Encourages staff to engage in learning and development opportunities.
- Recruits and retains competent personnel for staff positions.
- Recognizes weak or indifferent administrative personnel and works to improve their performance.
- Provides direction and effectively communicates priorities.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

#### **4. Fiscal Management**

- Prepares realistic annual budget in an intelligent and accessible format.
- Makes the best possible use of available funds, conscious of the need to operate efficiently and effectively.
- Controls expenditures in accordance with approved budget.
- Keeps Council informed about revenues and expenditures, actual and projected.
- Ensures the budget addresses the Council's goals and objectives.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

#### **5. Intergovernmental Affairs**

- Maintains effective communications with local, regional, state, and federal government agencies.
- Pursues financial resources (grants) from other agencies.
- Contributes to good government through regular participation in local, regional, and state committees and organizations.
- Lobbies effectively with county, legislators, and state agencies regarding City programs and projects.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

## 6. Council Goals

- Aids the Council in establishing long-range goals effectively.
- Manages, guides, directs, and oversees the implementation and execution of the goals set forth by the Council.
- Supports the actions of the Council after a decision has been reached.
- Understands the City's laws, policies, and ordinances.
- Reviews ordinances and polices periodically to improve their effectiveness.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

## 7. Personal/Professional Skills

- Exercises good judgment.
- Displays appropriate composure, appearance, and attitude for a person in this position.
- Separates personal feelings from the advancement of the City's interests.
- Demonstrates a capacity for innovation and creativity.
- Anticipates problems and develops effective approaches for solving them.
- Takes initiative and displays enthusiasm, cooperating, and adaptability.

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

## 8. Manager Goals

- This category reviews the goals established in the previous year's evaluation process (attached).

*How do you exhibit positive performance in this area?*

*How can you improve in this area?*

*Training and development needed in this area:*

**9. Accomplishments:** Describe your most significant accomplishments during this evaluation period.

**10. Improvements suggested:** Are there any areas in your current position you would like to improve in?

**11. Assistance:** How can the Council assist in your job success?

**12. Goals:** List at least three measurable professional and/or personal goals that will help you professionally and personally in your position with the City. These goals should be specific and measurable. Please list specific program actions that will be taken to help reach your goals.

City Manager's Signature: \_\_\_\_\_

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

# City Manager Performance Evaluation

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

Please provide comments for each category. Give examples of good performance, and areas that could use improvement. If using additional pages to complete your answers, be sure to indicate which number you're answering.

## Performance Categories:

### **1. Council Relationships**

- \_ Implements policies and programs approved by the Council effectively.
- \_ Reports to the Council in a timely, clear, concise, and thorough manner.
- \_ Accepts direction/instructions in a positive manner.
- \_ Keeps the Council informed of current plans and activities of administration and new developments in technology, legislation, governmental practices and regulations, etc.
- \_ Carries out the directives of the Council as a whole rather than those of any one member.
- \_ Assists the Council in establishing policy, while acknowledging the ultimate authority of the Council.

Comments: \_\_\_\_\_

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**2. Public Relations**

- Projects a positive public image.
- Is courteous to the public at all times.
- Maintains effective relations with media representatives.
- Responds in a timely manner to complaints from citizens.
- Displays dedication to the community and its citizens.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**3. Staffing and Supervision**

- Encourages department managers to make decisions within their own jurisdictions without the city manager’s approval, yet maintains general control of operations.
- Instills confidence and initiative in subordinates.
- Encourages staff to work as a team and seek ways to be innovative and oriented toward effective problem solving.
- Promotes professional staff performance.
- Encourages staff to engage in learning and development opportunities.
- Recruits and retains competent personnel for staff positions.
- Recognizes weak or indifferent administrative personnel and works to improve their performance.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**4. Fiscal Management**

- Prepares realistic annual budget in an intelligent and accessible format.
- Makes the best possible use of available funds, conscious of the need to operate efficiently and effectively.
- Controls expenditures in accordance with approved budget.
- Keeps Council informed about revenues and expenditures, actual and projected.
- Ensures the budget addresses the Council’s goals and objectives.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. Intergovernmental Affairs**

- Maintains effective communications with local, regional, state, and federal government agencies.
- Pursues financial resources (grants) from other agencies.
- Contributes to good government through regular participation in local, regional, and state committees and organizations.
- Lobbies effectively with county, legislators, and state agencies regarding City programs and projects.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**6. Council Goals**

- Aids the Council in establishing long-range goals effectively.
- Manages, guides, directs, and oversees the implementation and execution of the goals set forth by the Council.
- Supports the actions of the Council after a decision has been reached.
- Understands the City's laws, policies, and ordinances.
- Reviews ordinances and polices periodically to improve their effectiveness.

Comments: \_\_\_\_\_

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**7. Personal/Professional Skills**

- Exercises good judgment.
- Displays appropriate composure, appearance, and attitude for a person in this position.
- Separates personal feelings from the advancement of the City's interests.
- Demonstrates a capacity for innovation and creativity.
- Anticipates problems and develops effective approaches for solving them.
- Takes initiative and displays enthusiasm, cooperating, and adaptability.

Comments: \_\_\_\_\_

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**8. Manager Goals**

This category reviews the goals established in the previous year's evaluation process.

Comments: \_\_\_\_\_

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**9. Overall Performance Summary**

Considering all categories above, provide your comments on the City Manager's overall performance:

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

**10. Accomplishments:** Has the City Manager accomplished or worked toward the goals established by the Council? Why or why not?

**11. Strengths:** Based upon your overall evaluation of the City Manager, what areas would you list as his strong points as a manager?

**12. Improvements suggested:** Based upon your overall evaluation, what areas would you suggest the City Manager work on to improve his skills and to be more effective in specific areas or situations?

**13. Goals for next year:** What are the major goals on which the City Manager should focus in the coming year?

Evaluator's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Evaluator's Name (please print legibly): \_\_\_\_\_

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 10a</b>	<b>Topic:</b> Resolution 3298
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> June 2, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED MOTION:**

Approval of Resolution 3298

**BACKGROUND:**

The FY 2014-2015 budget includes financing capital improvements to the water system. It is anticipated that certain expenditures will need to be reimbursed from the financing of the projects. Some expenditures are necessary before funding is available. This resolution allows the City to reimburse themselves for such expenditures.

**FISCAL IMPACT:**

NA

**ATTACHMENTS:**

Resolution 3298

RESOLUTION NO. 3298

A Resolution of the City of Dallas declaring its intention to reimburse expenditures on water system improvements from proceeds of tax-exempt obligations.

WHEREAS, the City Council of the City of Dallas (the "Issuer") desires to finance the costs of capital improvements to its water system (the "Project"); and

WHEREAS, the Issuer intends to finance costs of the Project or portions thereof with the proceeds of the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"); and

WHEREAS, prior to the issuance of the Obligations the Issuer desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Issuer; and

WHEREAS, the City Council of the Issuer has determined that those moneys advanced to pay the Expenditures prior to the issuance of the Obligations are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DALLAS DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The Issuer hereby states its intention and reasonably expects to reimburse Expenditures of the Project paid prior to the issuance of the Obligations with proceeds of the Obligations.

SECTION 2. The reasonably expected maximum principal amount of the Obligations is \$3,500,000.

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Issuer paid its first Expenditure on the Project to be reimbursed from proceeds of the Obligations (excluding certain preliminary expenditures which may have been paid before that date).

SECTION 4. The Issuer will make a reimbursement allocation, which is a written allocation that evidences the Issuer's use of proceeds of the Obligations to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

SECTION 5. This resolution is adopted as official action of the Issuer in order to comply with Treasury Regulation Section 1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Expenditures of the Issuer incurred prior to the date of issue of the Obligations.

Adopted: June 2, 2014  
Approved: June 2, 2014

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 10b</b>	<b>Topic:</b> Resolution 3299
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> June 2, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED MOTION:**

Approval of Resolution 3299

**BACKGROUND:**

The FY 2014-2015 budget includes financing capital improvements to the wastewater system. It is anticipated that certain expenditures will need to be reimbursed from the financing of the projects. Some expenditures are necessary before funding is available. This resolution allows the City to reimburse themselves for such expenditures.

**FISCAL IMPACT:**

NA

**ATTACHMENTS:**

Resolution 3299

RESOLUTION NO. 3299

A Resolution of the City of Dallas declaring its intention to reimburse expenditures on wastewater system improvements from proceeds of tax-exempt obligations.

WHEREAS, the City Council of the City of Dallas (the "Issuer") desires to finance the costs of capital improvements to its wastewater system (the "Project"); and

WHEREAS, the Issuer intends to finance costs of the Project or portions thereof with the proceeds of the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations"); and

WHEREAS, prior to the issuance of the Obligations the Issuer desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Issuer; and

WHEREAS, the City Council of the Issuer has determined that those moneys advanced to pay the Expenditures prior to the issuance of the Obligations are available only for a temporary period and it is necessary to reimburse the Issuer for the Expenditures from the proceeds of the Obligations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DALLAS DOES HEREBY RESOLVE, ORDER AND DETERMINE AS FOLLOWS:

SECTION 1. The Issuer hereby states its intention and reasonably expects to reimburse Expenditures of the Project paid prior to the issuance of the Obligations with proceeds of the Obligations.

SECTION 2. The reasonably expected maximum principal amount of the Obligations is \$2,000,000.

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Issuer paid its first Expenditure on the Project to be reimbursed from proceeds of the Obligations (excluding certain preliminary expenditures which may have been paid before that date).

SECTION 4. The Issuer will make a reimbursement allocation, which is a written allocation that evidences the Issuer's use of proceeds of the Obligations to reimburse an Expenditure, no later than 18 months after the later of the date on which the Expenditure is paid or the Project is placed in service or abandoned, but in no event more than three years after the date on which the Expenditure is paid.

SECTION 5. This resolution is adopted as official action of the Issuer in order to comply with Treasury Regulation Section 1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Expenditures of the Issuer incurred prior to the date of issue of the Obligations.

Adopted: June 2, 2014  
Approved: June 2, 2014

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 10c</b>	<b>Topic:</b> Resolution3300
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> June 2, 2014, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Adopt Resolution 3300

**BACKGROUND:** The 15-minute space on Main Street does not seem to serve a purpose, and there has been a request by the owners of Pressed to remove the restriction, which would allow for an additional 2-hour parking space.

The two loading zones proposed for removal were designated in 1991. Both zones appear to have been designated for the purpose of loading and unloading patients at medical facilities. However, neither location contains medical facilities and haven't for some time. In addition, it also appears that these zones are being largely ignored and are not being targeted for any parking enforcement action. Therefore, staff believes these spaces are no longer necessary or useful.

As directed by the Council, a Resolution is attached that would remove the parking restrictions discussed above.

**FISCAL IMPACT:** Removal of signs, minimal cost.

**ATTACHMENTS:**

Resolution 3300

RESOLUTION NO. 3300

A Resolution repealing certain parking limitations on Main Street, SE Clay Street and NE 8<sup>th</sup> Street; and repealing prior conflicting resolutions.

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

Section 1. That Section 4 of Resolution 2528, limiting parking to fifteen minutes on the East side of Main Street between a point 29 feet North of the intersection of the East curb line of Main Street and the North curb line of SE Mill Street and a point that is 20 feet North of the first point be, and it hereby is, repealed.

Section 2. That Resolution 2532, (a) prohibiting parking on the West side of SW 8<sup>th</sup> Street beginning at a point 131 feet North of the intersection of the North curb line of SW Birch Street and the West curb line of SW 8<sup>th</sup> Street, and thence North 20 feet, except for temporary parking for the purpose of loading or unloading of a vehicle; and (b) prohibiting parking on the South side of SE Clay Street beginning at a point 148 feet West of the intersection of the West curb line of SE Uglow Avenue and the South curb line of Southeast Clay Street and thence West 27 feet, except for temporary parking for the purpose of loading and unloading passengers, be and it hereby is repealed in its entirety.

Section 3. That the Director of Public Works is hereby directed to remove and signs and other markings at the above parking spaces according to the provisions of this resolution.

Adopted: June 2, 2014  
Approved: June 2, 2014

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR BRIAN DALTON AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>12a</b>	<b>Topic:</b> Proposed Property Maintenance Regulations
<b>Prepared By:</b> Jason Locke, Community Development/ Operations Director	<b>Meeting Date:</b> June 2, 2014	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Council approve the Property Maintenance Regulations.

**BACKGROUND:** The attached draft has been reviewed by the Admin Committee on 3 occasions, and is the culmination of that review process, which also included review by the Building Official and staff. The Property Maintenance Regulations as proposed contain basic maintenance items and fixes that would allow the city to address issues that we are not currently able to address except when a building or structure either gets to the point of being a dangerous building or becomes a significant nuisance. Once a building reaches that stage, there are far fewer options and a long and potentially costly process to abate the problem. The proposed regulations would apply to all structures and dwellings within the City.

As discussed at the Committee level, it would be the intent that the proposed regulations to be used in a pro-active yet judicious and common sense way as a tool to ensure public health and safety and avoid long-term problem structures.

**FISCAL IMPACT:** Some additional staff time, but not a significant resource drain.

**ATTACHMENTS:**

Proposed Property Maintenance Regulations

## ORDINANCE NO. 1765

An Ordinance amending provisions of the Dallas City Code Chapter 8, and adding new provisions relating to property maintenance regulations; and amending Dallas City Code section 5.590, relating to Chronic Nuisance Properties.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The following provisions are hereby added to and made a part of Dallas City Code Chapter 8:

### PROPERTY MAINTENANCE REGULATIONS

#### **8.800 Title.**

Sections 8.800 to 8.833 shall be known as the "property maintenance regulations." and is referred to herein as "this sub-chapter."

#### **8.801 Purpose.**

The purpose of this sub-chapter is to protect the health, safety and welfare of city citizens, to prevent deterioration of existing structures, and to contribute to vital neighborhoods by:

- (1) Regulating and abating dangerous and derelict buildings.
- (2) Establishing and enforcing minimum standards for buildings and other structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.

#### **8.802 Scope; conflict with state law.**

The provisions of this sub-chapter shall apply to all property in the city limits except as otherwise provided by law; however, the provisions of this sub-chapter do not apply to jails, institutions and similar occupancies as classified by the state-adopted structural specialty code. In the event that a provision of this sub-chapter conflicts with a licensing requirement of the state, the state licensing requirements shall be followed.

#### **8.803 Application.**

Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this sub-chapter shall be done in accordance with applicable building codes as adopted by the city.

#### **8.804 Inspections.**

The building official and his or her designee, or code enforcement officer, or both, are authorized to conduct inspections to enforce the provisions of this sub-chapter.

#### **8.806 Definitions.**

(1) For the purpose of this sub-chapter:

- (a) Certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this sub-chapter.
- (b) Words used in the singular include the plural and the plural the singular.
- (c) Words used in the masculine gender include the feminine and the feminine the masculine.
- (d) The term "and" indicates that all connected items or provisions apply.
- (e) The term "or" indicates that the connected items or provisions may apply singly or in combination.
- (f) Terms, words, phrases and their derivatives used, but not specifically defined, in this sub-chapter either shall have the meanings defined in other chapters of the Dallas City Code, as the context may indicate, or if not defined, shall have their commonly accepted meanings. If a conflict exists between a definition in other chapters and a definition in this section, the definitions in this section shall apply to actions taken pursuant to this sub-chapter.

(2) The following words, terms and phrases, when used in this sub-chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Apartment house.* See *Dwelling classifications.*

*Approved* means meets the standards set forth by applicable provisions of the Dallas City Code including any applicable regulations for electric, plumbing, building, mechanical or other sets of standards included by reference in this sub-chapter .

*Basement* means the usable portion of a building which is below the main entrance story and is partly or completely below grade.

*Building* means any structure used or intended to be used for supporting or sheltering any use or occupancy.

*Building, existing,* means a building constructed and legally occupied prior to the adoption of this sub-chapter , and one for which a building permit has been lawfully issued and has not been revoked or lapsed due to inactivity.

*Building Official* means the Building Official charged with the enforcement and administration of this sub-chapter .

*Carbon monoxide alarm* means a device that detects carbon monoxide; produces a distinctive audible alert when carbon monoxide is detected; is listed by Underwriters Laboratories as complying with ANSI/UL 2034 or ANSI/UL 2075 or any other nationally recognized testing laboratory or an equivalent organization; and operates as a distinct unit, as two or more single station units wired to operate in conjunction with each other, or as part of a system that includes carbon monoxide detectors.

*Carbon monoxide source* means a heater, fireplace, furnace, appliance, or cooking source that uses coal, wood, petroleum products, and other fuels that emit carbon monoxide as a by-product of combustion. Petroleum products include, but are not limited to, kerosene, natural gas, or propane.

*Court* means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

*Duplex.* See *Dwelling classifications, Two-family dwelling.*

*Dwelling* means any structure containing dwelling units, including all dwelling classifications covered by this sub-chapter.

*Dwelling classifications.* Types of dwellings covered by this sub-chapter include:

*Apartment house* means any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.

*Hotel* means any structure containing dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.

*Manufactured dwelling.* The term "manufactured dwelling" includes the following types of single-family dwellings:

*Manufactured dwelling* does not include any unit identified as a recreational vehicle by the manufacturer.

*Manufactured home* means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.

*Mobile home* means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and

June 15, 1976, and met the construction requirements of state mobile home law in effect at the time of construction.

*Residential trailer* means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

*Single-family dwelling* means a structure containing one dwelling unit, including adult foster care homes.

*Single-room occupancy housing unit* means a one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.

*Social care facilities* means any building or portion of a building which is designed, built, rented, leased, let, hired out or otherwise occupied for group residential living purposes, which is not an apartment house, single-family dwelling or two-family dwelling. Such facilities include, but are not limited to, retirement facilities, assisted living facilities, residential care facilities, halfway houses, youth shelters, homeless shelters and other group living residential facilities.

*Two-family dwelling* means a structure containing two dwelling units, also known as a "duplex."

*Dwelling unit* means one or more habitable rooms that are occupied by, or in the case of an unoccupied structure or portion of a structure, are designed or intended to be occupied by, one person or by a family or group living together as a single housekeeping unit that includes facilities for living and sleeping and, unless exempted by this sub-chapter .

*Exit (means of egress)* means a continuous, unobstructed means of escape to a public way, as defined in the building code in effect in the city.

*Extermination* means the elimination of insects, rodents, vermin, vector or other pests at or about the affected building.

*Habitable room or space* means a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

*Hotel.* See *Dwelling classifications.*

*Infestation* means the presence within or around a structure of insects, rodents, vermin, vector or other pests to a degree that is harmful to the structure or its occupants.

*Inspection* means the examination of a property by a person authorized by law for the purpose of evaluating its condition as provided by this sub-chapter.

*Inspector* means an authorized representative of the Building Official or Code Enforcement Officer whose primary function is the inspection of properties and the enforcement of this sub-chapter .

*Kitchen* means a room used or designed to be used for the preparation of food.

*Lavatory* means a fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.

*Maintenance* means the work of keeping property in proper condition to perpetuate its use.

*Manufactured dwelling.* See *Dwelling classifications.*

*Occupancy* means the lawful purpose for which a building or part of a building is used or intended to be used.

*Occupant* means any person (including an owner, tenant or operator) using a building, or any part of a building, for its lawful, intended use.

*Occupied* means used for an occupancy.

*Operator* means any person who has charge, care or control of a building or part of a building.

*Owner* means the person whose name and address is listed as the owner of the property by the County Tax Assessor in the county assessment and taxation records.

*Permit* means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to an act, or failure to act.

*Plumbing or plumbing fixtures* means any water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, sewer, or vent lines.

*Property* means real property and all improvements or structures on real property, from property line to property line.

*Repair* means the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

*Resident* means any person (including owner, tenant or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.

*Residential property* means real property and all improvements or structures on real property used or, in the case of unoccupied property, intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this sub-chapter and any mixed-use structures which have one or more dwelling units.

Hotels that are used exclusively for transient occupancy, as defined in this section, are excluded from this definition of residential property.

*Residential structure* means any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. The term "residential structure" includes any dwelling as defined in this section.

*Responsible person* means an agent, occupant, lessee, tenant, contract purchaser, owner, or other person having possession or control of property or the supervision of any construction project.

*Shall*, as used in this sub-chapter, is mandatory.

*Single-family dwelling*. See *Dwelling classifications*.

*Single-room occupancy housing unit*. See *Dwelling classifications*.

*Sink* means a fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

*Sleeping room* means any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.

*Smoke alarm or detector* means an approved detection device for products of combustion other than heat that is either a single station device or intended for use in conjunction with a central control panel and which plainly identifies the testing agency that inspected or approved the device.

*Structure* means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner, including but not limited to buildings.

*Supplied* means installed, furnished or provided by the owner or operator.

*Swimming pool* means an artificial basin, chamber, or tank constructed of impervious material, having a depth of 24 inches or more, and used or intended to be used for swimming, diving, or recreational bathing.

*Toilet* means a flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

*Toilet compartment* means a room containing only a toilet or only a toilet and lavatory.

*Transient occupancy* means occupancy of a dwelling unit in a hotel where the following conditions are met:

- (a) Occupancy is charged on a daily basis and is not collected more than six days in advance;
- (b) The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy; and

(c) The period of occupancy does not exceed 30 days.

*Two-family dwelling.* See *Dwelling classifications.*

*Unoccupied* means not used for occupancy.

*Unsecured* means any structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

*Yard* means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated.

#### **8.807 Maintenance.**

No responsible person shall maintain or permit to be maintained any property which does not comply with the requirements of this sub-chapter. All properties shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair and shall meet the minimum requirements described in this sub-chapter.

#### **8.808 Accessory structures.**

All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. All accessory structures, including exterior steps and walkways, shall be maintained free of unsafe obstructions or hazardous conditions.

#### **8.809 Roofs.**

The roof of any structure shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater into approved receivers. Temporary use of tarps, sheet plastics and similar products shall be limited to a 30-day duration. Up to two, 60-day extensions may be granted upon request by the Building Official or his or her designee if needed because of inclement weather or other emergency conditions.

#### **8.810 Chimneys.**

Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

### **8.811 Foundations and structural members.**

Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. The supporting structural members in every structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

### **8.812 Exterior walls and exposed surfaces.**

- (1) Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
- (2) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to the earth shall be treated wood or wood having a natural resistance to decay.
- (3) Exterior metal surfaces shall be protected from rust and corrosion.
- (4) Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

### **8.813 Stairs and porches.**

Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

### **8.814 Handrails and guardrails.**

Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected. Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced in accordance with current building code requirements with a permit.

### **8.815 Windows.**

All windows shall be maintained in good condition and meet the following requirements or as required by building codes at the time of construction:

- (1) All windows within ten feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort. This same requirement shall apply to all openable windows that face other locations that are easily accessible from the outside, such as balconies or fire escapes, regardless of height from the exterior grade.
- (2) Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:
  - a. Every window sash shall be fully supplied with glass window panes without open cracks and holes.
  - b. Every window sash shall be in good condition and fit weathertight within its frames.
  - c. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling.

### **8.816 Doors.**

- (1) Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.
- (2) In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.
- (3) Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.
- (4) Every exterior door shall comply with the following:
  - (a) Every exterior door shall be able to be securely locked and every exterior door, door hinge, door lock, and strike plate shall be maintained in good condition.

- (b) Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.
  - (c) Every door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.
- (5) Every existing interior door and door frame shall be maintained in a sound condition for its intended purpose with the door fitting within the door frame.

**8.817 Interior walls, floors, and ceilings.**

- (1) Every interior wall, floor, ceiling, and cabinet shall be constructed and maintained in a safe and structurally sound condition, free of large holes and serious cracks, loose plaster or wallpaper, flaking or scaling paint, to permit the interior wall, floor, ceiling and cabinet to be kept in a clean and sanitary condition.
- (2) Every toilet compartment, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

**8.818 Interior dampness.**

Every structure, including basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

**8.819 Insect and rodent harborage.**

Every structure shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent re-infestation.

**8.820 Cleanliness and sanitation.**

The interior and exterior of every structure shall be constructed in a safe and structurally sound condition to permit the interior and exterior to be maintained in a clean and sanitary condition. The interior and exterior of every structure shall be free from accumulation of rubbish, unused appliances, discarded furniture or garbage which is affording a breeding ground for insects and rodents, producing dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or a fire hazard.

### **8.821 Bathroom facilities.**

- (1) Except as otherwise noted in this division, bathroom facilities shall be maintained in a safe and sanitary working condition.
  - (a) Every dwelling unit shall be provided with a toilet, lavatory, and a bathtub or shower.
  - (b) Every commercial building shall be provided with toilet and lavatory facilities. Exception: Toilet facilities may be located in an adjacent building on the same property for all commercial or industrial uses, except drinking and dining establishments.
- (2) In hotels, apartment houses and social care facilities where private toilets, lavatories, or baths are not provided, there shall be on each floor at least one toilet, one lavatory, and one bathtub or shower, each provided at the rate of one for every 12 residents. Required toilets, bathtubs, and showers shall be in a room, or rooms, that allow privacy.
- (3) When there are practical difficulties involved in carrying out the provisions of this section for hotels, apartment houses and social care facilities where private toilets, lavatories or baths are not provided, the Building Official may, upon application, grant modifications for individual cases. The Building Official shall first find that a special and individual reason makes the requirements of this section impractical and that the modification is in conformance with the intent of this section and that such modification does not result in the provision of inadequate bathroom facilities in the dwelling.

### **8.822 Kitchen facilities.**

- (1) Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required under section 8.821 and social care facilities complying with subsection (3) of this section.
- (2) Except as otherwise provided for in subsection (3) of this section, every dwelling unit shall have approved service connections for refrigeration and cooking appliances.
- (3) Social care facilities may be provided with a community kitchen with facilities for cooking, refrigeration, and washing utensils.

### **8.823 Plumbing facilities.**

- (1) Every plumbing fixture or device shall be properly connected to a public or approved private water system and to a public or an approved private sewer system.

- (2) Commercial structures shall be served with plumbing systems that comply with the Oregon Structural Specialty Code.
- (3) All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water. Every dwelling shall be supplied with water-heating facilities adequate for each dwelling unit which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all sinks, lavatory basins, bathtubs and showers. Dwelling water-heating facilities shall be capable of heating enough water to permit an adequate amount of water to be drawn at every facility. Water capable of being drawn from bathtubs and showers shall not exceed 120 degrees Fahrenheit.
- (4) In every structure, all required plumbing or plumbing fixtures shall be:
  - (a) Properly installed, connected, and maintained in good working order;
  - (b) Kept free from obstructions, leaks, and defects;
  - (c) Capable of performing the function for which they are designed; and
  - (d) Installed and maintained so as to prevent structural deterioration or health hazards.
- (5) All plumbing repairs and installations shall be made in accordance with the provisions of the plumbing code adopted by the city.

#### **8.824 Heating equipment and facilities.**

- (1) All heating equipment, including that used for cooking, water heating, heat, and clothes drying shall be:
  - (a) Properly installed, connected, and maintained in safe condition and good working order;
  - (b) Free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and
  - (c) Capable of performing the function for which they are designed.
- (2) Every dwelling unit shall have a heating facility capable of maintaining a room temperature of 68 degrees Fahrenheit at a point three feet from the floor in all habitable spaces.
  - (a) Portable heating devices may not be used to meet the dwelling heat requirements of this section.
  - (b) No inverted or open flame fuel burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

### **8.825 Electrical system, outlets, and lighting.**

- (1) Any structure using power must be connected to an approved source of electric power. Every electric outlet and fixture shall be maintained and safely connected to an approved electrical system. The electrical system shall not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, or similar reasons.
- (2) In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this section, the following outlets and lighting fixtures are required:
  - (a) Every habitable room shall contain at least two operable electric outlets or one outlet and one operable electric light fixture.
  - (b) Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar nonhabitable spaces shall have one supplied electric light fixture available at all times.
  - (c) Every public hallway, corridor, and stairway in apartment houses, hotels and social care facilities shall be adequately lighted at all times with an average intensity of illumination of at least one footcandle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least one-half footcandle at other points. Measurement of illumination shall be taken at points not more than four feet above the floor.

### **8.826 Sleeping room requirements.**

Every room used for sleeping purposes:

- (1) Shall be a habitable room as defined in this sub-chapter; and
- (2) Shall have natural or approved artificial light, ventilation, and windows or other means for escape purposes as required by this sub-chapter.

### **8.827 Overcrowding.**

No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more than two residents for each bedroom and living or sleeping room in the dwelling unit.

### **8.828 Emergency exits.**

- (1) Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full, clear opening without the use of special knowledge, effort, or separate tools.
- (2) Required exit doors and other exits shall be free of encumbrances or obstructions that block access to the exit.
- (3) All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.

### **8.829 Smoke alarms and carbon monoxide alarms.**

- (1) Smoke alarms or detectors shall be maintained in accordance with the requirements applicable at the time of construction of the dwelling. Notwithstanding the provisions of the requirement at the time of construction, a single station smoke alarm or detector shall be located in all buildings where a room or area therein is designated for sleeping purposes either as a primary use or use on a casual basis. A single station smoke alarm or detector shall be installed in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements, cellars and attics with habitable space. Required smoke alarms shall not be located within kitchens or garages, or in other spaces where temperatures can fall below 40 degrees Fahrenheit (38 degrees Celsius). All alarms and detectors shall be approved, shall comply with all applicable laws, shall be installed in accordance with the manufacturer's instructions and shall be operable.
- (2) A properly functioning carbon monoxide alarm shall be installed for all new dwelling construction and all dwelling units for sale, lease or rent. A carbon monoxide alarm shall be located:
  - (a) In each bedroom or within 15 feet outside of each bedroom door; and
  - (b) In any enclosed common area within the dwelling, if the common area is connected by door, ductwork or ventilation shaft to a carbon monoxide source located within or attached to the dwelling.
- (3) Allowable carbon monoxide alarm systems for the purposes of this section include:
  - (a) Single station alarms;
  - (b) Household carbon monoxide detection systems; or
  - (c) Combination smoke and carbon monoxide alarms.

### **8.830 Hazardous materials.**

- (1) When paint is applied to any surface of a structure, it shall be lead-free.

- (2) Property shall be free of dangerous levels of hazardous or explosive materials, contamination by toxic chemicals, or other circumstances that would render the property unsafe or be detrimental to life or health.

**8.831 Maintenance of facilities and equipment.**

In addition to other requirements for the maintenance of facilities, such as bathrooms, kitchens, etc., and equipment described in this sub-chapter:

- (1) All facilities in structures shall be constructed and maintained to properly and safely perform their intended function; and
- (2) All facilities or equipment present in a structure shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire.

**8.832 Swimming pools.**

A swimming pool may be located within a required rear yard or side yard provided that the pool meets the setback requirements for the zone in which the pool is located. Any pool installed shall be protected against accidental entry by meeting current building code barrier requirements.

**8.833 Penalties.**

- (1) A violation of any provision of sections 8.800 to 8.832 is a civil infraction.
- (2) Each day that a continuing violation of sections 8.800 to 8.832 exists shall be deemed a separate violation.

Section 2. Dallas City Code Section 5.590 is hereby amended as follows:

5.590. Definitions. In addition to those terms defined in section 5.500, for purposes of sections 5.590 through 5.597, the following definitions shall apply:

Chronic Nuisance Property. Property upon which three or more nuisance activities have occurred during any sixty (60) day period; or property upon which, or within 200 feet of which, any person associated with the property, including owners, tenants, occupants, guests, patrons, employees, or employers, has engaged in three or more nuisance activities during any sixty (60) day period.

Nuisance Activities. (1) Any commission, attempt to commit (as defined by ORS 161.405), or conspiracy to commit (as defined by ORS 161.455), the following activities, behaviors, or criminal conduct:

- (a) Alcoholic liquor violations as provided in ORS 471.105 through ORS 471.482;
- (b) Animal Abuse or Neglect as provided in ORS 167.315 through 167.330;
- (c) Animal or Dog Fighting as provided in ORS 167.355 or ORS 167.365;
- (d) Arson or related offences as provided in ORS 164.315 through 164.335;
- (e) Assault as provided in ORS 163.160 through ORS 163.185, or in section 5.010 of this code;
- (f) Criminal Mischief as provided in ORS 164.345 through 164.365, or in sections 5.120 and 5.122 of this code;
- (g) Criminal Trespass as provided in ORS 164.243 through 164.265 or or in sections 5.128 and 5.130 of this code;
- (h) Discharging a Weapon as provided in section 5.102 of this code;
- (i) Disorderly Conduct as provided in ORS 166.025 or in section 5.000 of this code;
- (j) Harassment as provided in ORS 166.065 or in section 5.006 of this code;
- (k) Illegal Gambling as provided in ORS 167.117, and ORS 167.122 through 167.127;
- (L) Intimidation as provided in ORS 166.155 through 166.165;
- (m) Menacing as provided in ORS 163.190 or in section 5.012 of this code;
- (n) Offensive Littering as provided in ORS 164.805;
- (o) Prohibited Exposure as provided in section 5.203 of this code;
- (p) Prostitution or related offenses as provided in ORS 167.007, ORS 167.012, and ORS 167.017;
- (q) Public Indecency as provided in ORS 163.465 or in section 5.202 of this code;
- (r) Rape as provided in ORS 163.375;
- (s) Sex Abuse, Contributing to the Delinquency of a Minor, or sexual misconduct as provided in ORS 163.415 through 163.445;

(t) Theft as provided in ORS 164.015 through 164.140 or in sections 5.132 through 5.136 of this code;

(u) Unlawful Entry into a Motor Vehicle as provided in ORS 164.272 or in section 5.142 of this code;

(v) Offenses involving firearms or destructive devices, including Unlawful Possession of a Firearm as provided in ORS 166.250 or in section 5.100 of this code, Possession of a Destructive Device as provided in ORS 166.382, Possession of a Hoax Destructive Device as provided in ORS 166.385, and Discharge of Weapons as provided in section 5.102 of this code;

(w) Unlawful Manufacture, Delivery, or Possession of a Controlled Substance or related offenses as provided in ORS 167.203, ORS 475.005 through 475.285, and ORS 475.940 through 475.995;

(x) Unnecessary Noise as provided in section 5.020 of this code.

(y) Maintenance of a Dangerous Building in violation of sections 8.400 through 8.455 of this code.

(z) A violation of the Property Maintenance Regulations in sections 8.800 through 8.833 of this code.

(aa) Any nuisance condition or activity in violation of sections 5.540, (Nuisances affecting public health), 5.550 (Creating a hazard), 5.552 (Attractive nuisance), 5.556 (Scattering rubbish), 5.562 (Surface waters, Drainage), 5.582 (Junk), 5.584 (Inoperable motor vehicles and recreational vehicles), 5.586 (Exterior lighting), 5.588 (Graffiti).

Read for the first time: May 19, 2014

Read for the second time: June 2, 2014

Adopted by the City Council: June 2, 2014

Approved by the Mayor: June 2, 2014

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RONALD W. FOGGIN,  
CITY MANAGER

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LANE P. SHETTERLY, CITY  
ATTORNEY