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& Environmental  
Services  
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**Dallas City Council Agenda**

Mayor Brian Dalton, Presiding

Monday, October 5, 2015

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. EMPLOYEE RECOGNITION/INTRODUCTION	
4. COMMENTS FROM AUDIENCE <i>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.</i>	
5. PUBLIC HEARINGS <i>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.</i>  <i>a. ZC 15-02 – Rezone a 4.5 acre property from Industrial to Residential Low Density located south of SW Oakdale and west of Ash Creek. Applicant: Oakdale Heights Phase I, LLC.</i>	PG. 3
6. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i>  <i>a. Approve minutes of September 21, 2015 City Council meeting</i>	PG. 37
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS  <i>a. General Comments from the Councilors and Mayor</i>  <i>b. Report of the September 28, 2015, Administrative Committee Meeting (Councilor Gabliks)</i>  <i>c. Report of the September 28, 2015, Building &amp; Grounds Committee Meeting (Councilor Marshall)</i>	PG. 40  PG. 50



**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.

DALLAS CITY HALL

**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.

<p><b>9. REPORTS FROM CITY MANAGER AND STAFF</b></p> <ul style="list-style-type: none"> <li>a. Republic Services annual report</li> <li>b. Council goal update</li> <li>c. Other</li> </ul>	<p>Information Information Information</p>
<p><b>10. FIRST READING OF ORDINANCE</b></p> <ul style="list-style-type: none"> <li>a. Ordinance No. 1789 – An Ordinance amending provisions of the Dallas City Code Section 7.850, 7.851, and 7.856 relating to itinerant merchants operating food carts <span style="float: right;">PG. 56</span></li> <li>b. Ordinance No. 1790 - An Ordinance amending Dallas City Code Section 5.210, relating to smoking regulations. <span style="float: right;">PG. 62</span></li> </ul>	<p>First Reading</p>
<p><b>11. SECOND READING OF ORDINANCE</b> <span style="float: right;">PG. 67</span></p> <ul style="list-style-type: none"> <li>a. <u>Ordinance No. 1788</u>: An Ordinance amending Dallas City Code Section 6.325, relating to private marking on curbs; and declaring an emergency.</li> </ul>	<p>Roll Call Vote</p>
<p><b>12. RESOLUTIONS</b></p> <ul style="list-style-type: none"> <li>a. <u>Resolution No. 3332</u>: A Resolution authorizing the transfer of budgetary funds. <span style="float: right;">PG. 70</span></li> <li>b. <u>Resolution No. 3333</u>: A Resolution authorizing an interfund loan. <span style="float: right;">PG. 74</span></li> <li>a. <u>Resolution No. 3334</u>: A Resolution establishing a fee for an application to paint a property address on the face of a curb authorized under Dallas City Code Section 6.100(2). <span style="float: right;">PG. 76</span></li> </ul>	<p>Roll Call Vote Roll Call Vote Roll Call Vote</p>
<p><b>13. OTHER BUSINESS</b></p>	
<p><b>14. ADJOURNMENT</b></p>	

# 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> Public Hearing on ZC15-02
<b>Prepared By:</b> Suzanne Dufner, Planner	<b>Meeting Date:</b> October 5, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Motion to approve ZC15-02, the proposed Zoning Map amendment from Industrial (I) to Residential Low Density (RL) and direct staff to prepare the required Ordinance for approval at the next meeting.

**BACKGROUND:** See Staff Report

**FISCAL IMPACT:** None.

**ATTACHMENTS:**

- 1) Staff report
- 2) Application

**CITY OF DALLAS  
CITY COUNCIL**

**APPLICATION COMPLETE:  
JUNE 15, 2015**

**STAFF REPORT  
DATE: SEPTEMBER 28, 2015**

<b>FILE NO.</b>	<b>ZC 15-02</b>
<b>HEARING DATE</b>	<b>OCTOBER 5, 2015 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338</b>
<b>OWNER(S)</b>	<b>OAKDALE HEIGHTS PHASE I, LLC</b>
<b>APPLICANTS AGENT</b>	<b>TRAHAN CONSULTING</b>
<b>REQUEST</b>	<b>A ZONE CHANGE FROM INDUSTRIAL (I) TO RESIDENTIAL LOW DENSITY (RL) FOR 4.5 ACRES OF LAND.</b>
<b>LOCATION</b>	<b>SOUTHWEST DALLAS, WEST OF ASH CREEK, AT THE TERMINUS OF SW HAYTER STREET.</b>
<b>PLANNING COMMISSION RECOMMENDATION</b>	<b>APPROVAL</b>

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



**HEARING DATE:** OCTOBER 5, 2015  
**APPLICATION TYPE:** ZONE CHANGE  
**OWNER:** OAKDALE HEIGHTS PHASE I, LLC  
**APPLICANT:** PAUL K. TRAHAN, CONSULTANT  
**APPLICATION:** REZONE 4.05+/-ACRES  
**LOCATION:** 8.5.5AA TAXLOT 803

**BACKGROUND INFORMATION:** On May 12, 2015, the Applicant submitted an application for a zone change and annexation of 14.04 +/- acres in the southwest quadrant of the City. The Planning Commission conducted a public hearing on the proposed annexation with a concurrent zone change request and recommended approval of the proposed change.

Subsequent to the Planning Commission public hearing, the Applicant decided to put the annexation portion of the application request on hold for six (6) months until further engineering analysis of the infrastructure requirements become available.

The proposed area to be rezoned is approximately 4.05 acres in size. The request is to change the zoning from Industrial (I) to Residential Low Density (RL) in order to bring the zoning of the property into conformance with the Comprehensive Plan Map designation.

The subject property is currently vacant. Property to the north and west is zoned and used for residential purposes. Property to the east of Ash Creek is zoned Industrial, and property to the south is outside of the city limits and zoned AR-5. Portions of the property near Ash Creek are located within a special flood hazard area as indicated on the FEMA Flood Insurance Rate Maps. The Applicant is seeking zone change approval in order to accommodate future residential development of the property.

**APPROVAL CRITERIA:**

THE APPLICABLE CRITERIA ARE CONTAINED IN DDC SECTION 4.7 –LAND USE DISTRICT MAP AMENDMENTS; SECTION 4.7.030.B – CRITERIA FOR QUASI-JUDICIAL AMENDMENTS

- B. 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;**

*Applicable Statewide Planning Goals:*

***Goal 5: Natural Resources, Scenic and Historic Areas and Open Space***

*The purpose of Goal 5 is to protect natural resources and conserve scenic and historic areas and open spaces:*

***Finding:*** The Applicant's statement indicates Ash Creek is located along the eastern boundary of the subject property and that the development of the subject property will comply with all of the local, state and federal regulations regarding natural resources, historic areas and open spaces. The appropriate open space requirements will be determined and preserved as outlined in the land division section. The Applicant believes this goal can be satisfied with further environmental assessments.

City staff concurs with the Applicant's statement. A wetland delineation and potential impacts to natural resources will be evaluated at the time of subdivision application, prior to development.

***Goal 7: Areas Subject to Natural Hazards***

*The purpose of Goal 7 is to protect people and property from natural hazards.*

***Finding:*** The subject property contains lands within a special flood hazard area as determined by the FEMA Flood Insurance Rate Maps, in addition to flooding and storm drainage concerns identified in the City's Stormwater Master Plan. These issues will need to be further addressed and evaluated as part of the subdivision development review process.

***Goal 8: Recreation***

*The purpose of Goal 8 is to satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

***Finding:*** The Applicant states Statewide Planning Goal 8, does not specifically apply to the proposed application, however the proposal does not conflict with the state goal.

The City's Parks Master Plan identifies the need for neighborhood and pocket parkland in the vicinity of the subject property in order to serve future residents in this area. Currently the closest parkland to the subject property is Birch Park, a 0.4 acre pocket park located approximately one-half mile north of the site. Further review and evaluation of parkland needed to serve the subject property will be reviewed during the subdivision application process.

**Goal 9: Economic Development**

*The purpose of Goal 9 is to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Finding:** The proposed zone change includes rezoning approximately 4.05 acres of Industrial (I) land to Residential Low Density (RL) in order to bring the property's zoning into conformance with the Residential Comprehensive Plan designation for the property. The Applicant's statement indicates the subject property as currently zoned does not provide adequate opportunities for economic development. Industrial development within a residential subdivision does not make for good planning practices. By changing the zoning from Industrial to Residential, the allowed uses of the property will be compatible with the adjacent residential zoned properties to the north, west and south. Ash Creek, which is located along the east side of the property, will provide a natural boundary between the residential uses and industrial uses to the east associated with the Old Mill site.

The Department of Land Conservation and Development (DLCD) provided comments on the application regarding concerns about rezoning industrial land to residential. DLCD staff's recommendation was to include Goal 9 findings in the application that the rezone will not change the Residential Comprehensive Plan designation, the requested change appears to be the result of a zone mapping error, and the subject property is not part of the City's inventory of buildable employment land. The Applicant responded to DLCD's concerns in a memorandum dated July 13, 2015 confirming these findings as part of the application. City staff concurs with the supplemental Goal 9 findings provided by the Applicant.

**Goal 10: Housing**

*The purpose of Goal 10 is to provide for the housing needs of citizens of the state. 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.*

**Finding:** As noted in the Applicant's statement, the proposed zone change allows additional lands to be used for residential development and housing within the City, consistent with the purpose of Goal 10. The requested zone change will provide an opportunity to provide a housing product and supply safe, sanitary, energy efficient housing at price levels appropriate to the varied financial capabilities of current and future residents looking to live in Dallas. The proposed zone change would protect the character of existing neighborhoods and provide for needed housing while protecting environmentally sensitive areas and utilizing land and public facilities as efficiently as possible.

**Goal 11: Public Facilities and Services**

*The purpose of Goal 11 is to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Finding:** The Applicant's narrative states the request if approved, encourages land use patterns and development plans to continue adjacent to existing facilities. Adequate space exists on site to accommodate on-site storm drainage facilities. With subsequent land use applications the Applicant will provide a drainage report prepared by a civil engineer addressing the issues identified in the City's Drainage Plan. All surface runoff created from impervious surfaces will be managed.

Regarding water service, future water service will be provided by the extension of the water line in SW Hayter Street and a looped system as required.

The proposed residential use will be served by the public sanitary sewer system through the extension of the existing line located in SW Hayter Street in a gravity flow system, consistent with City Public Works design and construction standards.

All public utilities will be installed underground and provided by the Developer as the subdivision develops.

**Goal 12: Transportation**

*The purpose of Goal 12 is to provide and encourage a safe, convenient and economic transportation system.*

**Finding:** The proposed zone change is consistent with the Comprehensive Plan designation for the property as acknowledged in the City's Transportation System Plan (TSP). The City's TSP identifies a proposed minor arterial through the site that will serve the southwest area of the City. Future streets and bicycle and pedestrian facilities that serve the site will need to be constructed in accordance with the City's transportation standards identified in the TSP and Development Code.

The City has also adopted specific conditions under which a Traffic Impact Analysis (TIA) is required under Dallas Development Code (DDC) Section 4.1.090 to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule (TPR). The TPR requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The Applicant will be required to provide a TIA in accordance with DDC Section 4.1.090 at the time of subdivision application. Traffic impacts within the development and surrounding transportation system will be assessed at that time and conditions of approval will be placed upon the development to mitigate traffic impacts associated with the proposed development.

**Goal 14: Urbanization**

*The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Finding:** The proposed zone change would facilitate the orderly expansion of residential uses and extension of public utilities in the southwest portion of the City. The City has adopted minimum and maximum density standards in its Development Code to ensure the efficient use of land, in addition to development standards (e.g. open space requirements, building design standards) to provide for livable communities, consistent with the purpose of Goal 14.

**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;**

*Finding: The Dallas Comprehensive Plan designation for the subject property is Residential. The proposed zone change to RL is consistent with the Residential Comprehensive Plan map designation for the subject properties. Comprehensive Plan policies applicable to the proposed change include the following:*

**CHAPTER 2: A SUSTAINABLE DALLAS ECONOMY**

***B. Encourage new industrial development that serves the needs of the Dallas community and is designed to minimize impacts on Dallas residential neighborhoods, consistent with the policies of the Dallas Comprehensive Plan.***

**Finding:** The proposed zone change includes changing the zoning for approximately four (4) acres from Industrial to RL in order to bring the zoning of the property into conformance with the Comprehensive Plan designation for the property. This change will also ensure a land use pattern that minimizes impacts on the adjacent residential neighborhoods to the north, west and south by using the creek as a natural buffer and division between residential and industrial uses.

**CHAPTER 3: LIVABLE RESIDENTIAL NEIGHBORHOODS**

***A. To maintain and enhance the quality of existing residential neighborhoods and, through master planning, to ensure that new development is integrated into the community and results in new, high quality residential neighborhoods.***

**Finding:** The proposed zone change will make additional land available for residential development that may be used to develop additional housing that compliments existing residential neighborhoods and results in high quality neighborhoods. Currently the subject property is not located in a designated mixed use master plan district. The

City recently submitted a grant application to develop a mixed use master plan for the southwest part of the City that would include this property.

***B. To encourage the development of a variety of housing types and densities to meet the needs and desires of the community, and assure that existing and future residents of the community have the opportunity to acquire safe and sanitary housing at reasonable cost.***

***Finding:*** The proposed change will allow urbanizable lands within the City UGB to convert to residential use, consistent with their current Comprehensive Plan map designation. The City has adopted Housing Variety Standards in the Development Code in order to require new neighborhoods and large subdivisions to contain a variety of housing types that support housing at price ranges and rent levels that are commensurate to a variety of income levels.

### ***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).*

***Findings:*** The subject property is located within one half mile of Commercial Neighborhood services located on SW Fairview Avenue and one mile of the Central Business District. The proposed street and lot layout for the future development will be reviewed at the time of subdivision application, and will be required to provide a well-connected transportation system consistent with the City's Transportation and Access standards found in the Dallas Development Code. The subject property is not located in a mixed use master plan district at this time and the Applicant is not proposing a zone change to allow multi-family use with this application.

Pedestrian access to serve future development of the property will be provided through the extension of the City sidewalk system. Bike lanes are required on collector and arterial streets within the development. A multi-use trail is also anticipated along Ash Creek to provide further pedestrian and bicycle access to the site. Park land needs will also be reviewed at the time of subdivision to ensure the future development is served by adequate park land.

### **3.3 Phasing & Adequate Public Facilities**

*Residential development shall be phased and provided with adequate sanitary sewer, water, storm drainage, transportation and park and recreational facilities, as prescribed in Chapter 7, Public Facilities Plan. In addition:*

- 1. Except in areas identified for more intensive development, existing high-quality residential areas and housing stock within the community shall be maintained and conserved.*
- 2. The development of close-in vacant land, readily serviceable by a full range of urban services shall have a higher priority than development of peripheral land that cannot be provided, efficiently, with a full range of urban services.*
- 3. Vacant land within the current City limits shall have a higher priority than unincorporated areas.*
- 4. Except in documented health hazard situations, annexation shall occur in areas where services can be most easily extended, as prescribed in Chapter 7, the Public Facilities Plan.*

**Findings:** Adequate public utilities and services can be provided to the site as a condition of development approval. Future development of the site for RL use is consistent with the existing RL lands that surround the property to the north. The subject property in combination with additional RL zoned lands under the same ownership will result in the orderly extension of public facilities to the site, without having to skip over vacant underutilized lands.

**Conclusion: The proposed zone change is consistent with the Residential Comprehensive Plan designation for the property and the applicable Comprehensive Plan goals and policies.**

**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:** The property is not presently served by adequate public facilities and services, but such facilities and services can be provided concurrently with the development of the property at the time of subdivision approval, consistent with adopted City utility master plans.

Staff finds this criterion can be met.

- 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**

***Finding:*** The request will correct an inconsistency between the zoning map and Comprehensive Plan map for approximately 4 acres of the subject property. The remaining land will be assigned a City residential zone designation of RL consistent with the Comprehensive Plan map designation for the property and the abutting properties to the north. The change supports the public interest and City Comprehensive Plan goals and policies to provide housing opportunities for a variety of income levels.

City staff finds this criterion can be met.

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

**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:
  - a. 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
  - b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or
  - c. 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.

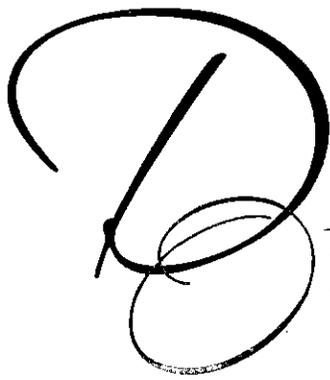
***Findings:*** The City's most recent Transportation System Plan (TSP) was adopted in November 2007. The TSP outlines the transportation improvements needed to serve urbanizable properties inside the Dallas UGB. The proposed zone change would not alter the Residential land use designation and intended use of the property as residential as was projected in the TSP. The TSP does not identify any existing or future traffic operations and safety deficiencies within the immediate vicinity of the subject property. Planned transportation improvements identified in the TSP in the vicinity of the subject property

include adding a new connector arterial street from SW Fairview Avenue east to SW Hayter Street.

City staff finds the proposed zone change will not result in traffic impacts that are unusual or not customary to Residential development as was originally anticipated in the City's TSP. Specific transportation impacts will be analyzed and addressed during the subdivision application process to ensure future development of the property does not significantly impact a transportation facility or cause the City's transportation system to fall below acceptable service levels.

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

**RECOMMENDATION:**  
That the City Council approve the proposed zone change from Industrial (I) to Residential Low Density (RL).



THE CITY OF  
**DALLAS**  
OREGON



**Community Development Department**

June 15, 2015

Paul Trahan  
Trahan Consulting  
P.O. Box 441  
Dallas, OR 97338  
*Sent by email: [pault.trahanconsulting@gmail.com](mailto:pault.trahanconsulting@gmail.com)*

RE: Annexation/Zone Change Application (ANX 15-01/ZC 15-02) – Tax Lot Numbers:  
8.5.5A/100, 300; and 8.5.5.AA/800, 803

Dear Paul,

The City of Dallas has completed a review of the Annexation/Zone Map Amendment application you submitted for property referenced above. The City has deemed the application complete as of this day, June 15, 2015.

The application will be placed on the August 11th Planning Commission agenda for a public hearing. Once the Planning Commission issues a recommendation on the application, the request will be forwarded to the City Council for a public hearing and final decision. You will be notified of the City Council public hearing date in the future. A complete staff report will be forwarded to you at least seven (7) days prior to the meeting.

You or your representative should plan to attend the meeting to present your application and respond to any questions or concerns. If not in attendance, the item may be postponed until the next meeting.

Sincerely,

Suzanne Dufner  
Planner

cc: Jason Locke, Community Development Director (by email)  
Oakdale Heights Phase 1, LLC (397 NW Douglas St, Dallas, OR 97338)  
File

**CITY OF DALLAS**  
**NOTICE OF PUBLIC HEARING**  
**Application: ZC 15-02**

The Dallas City Council will hold a public hearing on Monday, October 5, 2015, at 7:00 p.m., in the Council Chambers at City Hall, 187 SE Court Street, Dallas, Oregon, on the application of Trahan Consulting, applicant, and Oakdale Heights Phase 1, LLC, owners, to consider a Zone Change for property located west of Ash Creek and south of the terminus of SW Hayter Street in Dallas, Oregon. The application includes a request to change the zoning from Acreage Residential (AR-5) and Industrial (I) to Residential Low Density (RL).

The Planning Commission will consider testimony which addresses the applicable criteria listed below. Testimony may be submitted in writing to the Dallas Community Development Department, City Hall, Dallas, Oregon 97338, or in writing or orally at the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties. All persons wishing to testify must be recognized by the Chair and will be given an opportunity to be heard.

Written comments submitted to the Community Development Department by September 25, 2015, will be included with the staff report. Written comments submitted after that date will be forwarded to the City Council at the public hearing. The staff report will be available for inspection at the Community Development Department at least seven days prior to the hearing. Copies of the staff report, the application, and all documents and evidence submitted by or on behalf of the applicant, and copies of the applicable criteria are available for inspection at the Community Development Department at no cost and copies will be provided at a reasonable cost. If any party provides additional documents or evidence, the City Council may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond.

Dallas City Hall is handicapped-accessible. Any requests for accommodation should be made at least 48 hours before the meeting to the Community Development Department, 503-831-3565 or TDD 503-623-7355.

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

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**PROPERTY LOCATION:** Southwest Dallas, west of Ash Creek, at the terminus of SW Hayter Street

**NATURE OF REQUEST:** Zone Change to Residential Low Density (RL)

**APPLICABLE CRITERIA:** DDC Chapter 4.7.030

**STAFF CONTACT FOR ADDITIONAL INFORMATION:** Suzanne Dufner, (503) 831-3572 or [suzanne.dufner@dallasor.gov](mailto:suzanne.dufner@dallasor.gov).

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

Dated: September 17, 2015  
Posted: September 17, 2015  
Published: September 30, 2015

Jason Locke, Community Development Director  
City of Dallas, Oregon





SUZANNE DUFNER &lt;suzanne.dufner@dallasor.gov&gt;

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**Dallas DLCD File No 002-15. and Local File No. ANX 15-01/ZC 15-02**

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Lazarean, Angela &lt;angela.lazarean@state.or.us&gt;

Tue, Jul 7, 2015 at 4:08 PM

To: "SUZANNE DUFNER (suzanne.dufner@dallasor.gov)" &lt;suzanne.dufner@dallasor.gov&gt;

Good afternoon Suzanne,

Per our phone conversation, here are the comments on the above referenced plan amendment that was submitted to DLCD on June 15, 2015.

The concern we had was on the rezone of 4.5 acres of industrial land within the city to residential. After my conversation with you, I understood that there are two things going on in this application; 1) there are 14 acres being annexed into the city with their corresponding plan designation of low density residential 2) there are 4.5 acres that are already in the city with the plan designation of low density residential, which will stay the same, but the zoning will be changed to Industrial. The city thinks this is a 'Scribner's' error because this property is not part of the City's BLI of employment lands, it is also in the floodway and floodplain.

My recommendation to the applicant would be to include Goal 9 findings in their application, that is "the rezone does not change the plan designation and will remain low density residential, this change is due to a map error and finally these 4.5 acres are not part of the city's BLI of employment lands". This way Goal 9 requirements are covered when we're reviewing the findings. I would also suggest that the statements be entered in your adopted findings.

Please let me know if you have any further questions.

Best,

Angela

**Angela Lazarean** | Mid-Willamette Valley Regional Representative  
Community Services Division  
Oregon Dept. of Land Conservation and Development  
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540  
Direct Line: (503) 934-0056 | Cell: (971) 239-9448 | Fax: (503) 378-5518  
angela.lazarean@state.or.us | www.oregon.gov/LCD

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**MEMO TO FILE**

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**PROJECT:** OAKDALE ESTATES  
**FROM:** PAUL TRAHAN  
**SUBJECT:** ANX 15-01/ZC 15-02  
**DATE:** JULY 13, 2015  
**CC:**

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The rezone request does not change the plan designation and will remain low density residential. This change is due to a map error and the 4.5 acres are not part of the city's Buildable Land Inventory (BLI) on employment lands.

City of Dallas  
187 SE Court St.  
Dallas OR 97338

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



File No: ANX15-01/ZC15-02  
Date Received: 5/12/15  
Fee \$ \$2,500.00  
Received By: Stufner  
Complete App. Date: 6/15/15  
Hearing Date: 8/11/15

## ZONE CHANGE / ZONE TEXT AMENDMENT

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

### OWNER(S)

Name(s): Oakdale Heights Phase 1, LLC

Mailing Address: 397 NW Douglas ST, Dallas, OR 97338

Owner Phone: Home \_\_\_\_\_ Mobile \_\_\_\_\_

E-Mail \_\_\_\_\_

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

Name(s): Paul K. Trahan - Consultant

Mailing Address: PO Box 44, Dallas, OR 97338

Owner Phone: Home \_\_\_\_\_ Mobile (503) 383-5043

E-Mail pault.trahanconsulting@gmail.com

Project Description: Zone Change from L industrial to RL Residential which will bring the  
into compliance with the Comprehensive Plan

Site Address: \_\_\_\_\_ Total Land Area: 6.59 acres

Assessors Map/Taxlot #: Map 8.5.5.AA TL 803 Zoning: I

Present Use of Property: Vacant Land

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

Signatures (Required):

Owner(s)	Date	Applicant(s)	Date
<u>Josh Wood</u>	_____	<u>[Signature]</u>	5/7/2015
_____	_____	_____	_____

**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.

**4.10.020 Application**

Except for annexations initiated by the council pursuant to section 4.10.025, application for annexation shall include the following information:

- A. Consent to annexation which is non-revocable for a period of one year from its date.
- B. Agreement to deposit an amount sufficient to retire any outstanding indebtedness of special districts defined in ORS 222.510.
- C. Boundary description and map prepared by a registered land surveyor that conforms to ORS 308.225. Such description and map shall be prepared. The boundaries shall be surveyed and monumented as required by statute subsequent to Council approval of the proposed annexation.
- D. Written findings addressing the criteria in 4.10.030.
- E. Application by the property owner for a zone change and Comprehensive Plan amendment, if required.

**4.10.050 Statutory Procedure**

The applicant for the annexation shall also declare which procedure, under ORS Chapter 222, the applicant proposes that the City Council use, and supply evidence that the approval through this procedure is likely.

# **OAKDALE HEIGHTS PHASE 1, LLC**

**APPLICATION: ZONE CHANGE – MAP 8.5.5AA TAX LOT 803**

**APPLICATION: ANNEXATION – MAP 8.5.5A TAX LOT 100; MAP 8.5.5AA TAX  
LOT 800; MAP 8.5.5A TAX LOT 300**

**Applicant's Proposal:** Zone Change in Compliance with Comp Plan Designation.

Currently, the City's Zoning Map conflicts with the Comprehensive Plan pertaining to the subject property; therefore, the applicant proposes to rezone property from I Industrial to RS Residential Single Family to bring the zoning map in compliance with the City's Comprehensive Plan designation. The subject property is currently vacant. The property is located within the City limits and within the Urban Growth Boundary. Adjacent properties have urban facilities such as adequate roadways, water, sanitary sewer, storm sewers and pedestrian connections. The property is adjacent to SW Hayter St. SW Hayter street right-of-way extends into the subject property. Development could improve the level of services occurring in this area and connection of infrastructure within the city boundaries.

**Applicant:** Howard Harlan

**Applicant's Representative:** Paul Trahan, Consultant

**Address:** PO Box 441, Dallas, Oregon 97338

**Site Location:** Map 8.5.5.AA TL 803

**Parcel Size:** Map 8.5.5.AA TL 803 (6.59 ac)

**Existing Development and Site Characteristics:** Vacant property

**Zoning Classification:** Northern property portion is zoned RL – Residential Single Family. The southern property portion is zoned I – Industrial.

**Comprehensive Plan Designation:** Residential

**Adjacent Zoning and Land Use:**

Northwest: Residential

Northeast: CN – Commercial Neighborhood

East: Industrial

West – Residential

South - Industrial

**Floodplain / Floodway:** The property is adjacent to Ash Creek. The property has a 100 year floodplain designated on the eastern portion of the property and portions of the property are located within the Ash Creek floodway.

**Review Criteria:**

**4.7.030 Quasi-Judicial Amendments**

A. **Applicability of Quasi-Judicial Amendments.** *Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial district map amendments and application of master planned development overlay zones to individual properties shall follow the Type III procedure, as governed by Section 4.1.040, using standards of approval in Section 4.7.030.B. The approval authority shall be as follows:*

1. *The Planning Commission shall review and recommend land use district map changes that do not involve comprehensive plan map amendments.*
2. *The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and 4.7 – Land Use District Map and Text Amendments*
3. *The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.*

**Applicants Response:** This application is not requesting a change to the City's Comprehensive Plan but is requesting that the City's Zoning Map be corrected to comply with the Comprehensive Plan

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*

**Applicants Response:**

*B-1 Approval of the request is consistent with the Statewide Planning Goals*

**Goal 1: Citizen Involvement**

*Purpose - Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.*

*Component 1 – To provide for widespread citizen involvement citizen involvement. The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning process. The committee for citizen involvement [CCI] shall be responsible for assisting the governing body with development of a program that promotes and enhances citizen involvement in land-use planning, assisting in the implementation of the citizen involvement program and evaluating the process being used for citizen involvement.*

**Applicant's response:** The City of Dallas has a Planning Commission, which consists of a cross-section of citizens. From time to time, the city will seek citizen involvement committees to assist the governing body with a particular land use action or modification(s) to the city's Development Code. Staff takes notes of recommendations from the CCI and presents the comments in the form of a draft to the Planning Commission. Additionally, the City of Dallas has a process by which citizens are notified of particular land use action and then afforded the opportunity to submit either written or verbal comments pertaining to that land use action. This process ensures that citizens have the opportunity to be involved in the land use process. Component 1 of the Statewide Planning Goal 1 has been met or exceeded.

*Component 2 – To assure effective two-way communication with citizens. Mechanisms shall be established which provide for effective communication between citizens and elected and appointed officials.*

**Applicant's response:** Throughout the land use process, citizens are encouraged to participate in the land use process. After receiving notice of a land use that may have an impact upon citizens or by merely reading the agenda posted on line; citizens have the ability to comment either verbally at a scheduled hearing or to supply written comment to the recorded. Both of these methods are made part of the record and reviewed by staff and made available to Planning and City Commissioners. Component 1 of the Statewide Planning Goal 2 has been met or exceeded.

*Component 3 – To provide the opportunity for citizens to be involved in all phases of the planning process. Citizens shall have the opportunity to be involved in the phases of the planning process as set forth and defined in the goals and guidelines for Land Use Planning, including Preparation of Plans and Implementation Measures. Plan Content, Plan Adoption, Minor Changes and Major Revisions in the Plan, and Implementation Measures.*

**Applicant's response:** Throughout the planning process, the city holds workshops wherein the citizens of Dallas are invited to attend and comment. On some occasions, Citizen groups are formed and their comments are submitted to staff to formulate a draft plan for review and approval by the Planning Commission and City Council. Component 3 of the Statewide Planning Goal 1 has been met or exceeded.

*Component 4 – Technical Information – To assure that technical information is available in an understandable form. Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance*

shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

**Applicant's response:** Files containing the entire record are available to the public at City Hall. Staff is also available to assist citizens with questions and understanding the particular land use action affecting them. Component 4 of the Statewide Planning Goal 1 has been met or exceeded.

*Component 5 – Feedback Mechanisms – To assure that citizens will receive a response from policy-makers. Recommendations resulting from the citizen involvement program shall be retained and made available for public assessment. Citizens who have participated in this program shall receive a response from policy-makers. The rationale used to reach land-use policy decisions shall be available in the form of written record.*

**Applicant's response:** The City of Dallas keeps minutes of every meeting including workshops. Any citizen rather a participant or not, has access to the record by contacting staff or looking on the City's web site. Citizens may go to city hall and review the file; however should the citizen wish a copy of the file, there is a small fee charged. Component 5 of the Statewide Planning Goal 1 has been met or exceeded.

*Component 6 – To insure funding for the citizen involvement program. Adequate human, financial, and informational resources shall be allocated for the citizen involvement program. These allocations shall be an integral component of the planning budget. The governing body shall be responsible for obtaining and providing these resources.*

**Applicant's response:** The city maintains sufficient human, financial, and informational resources to ensure that the citizen involvement program will remain a part of the overall land use process. Component 6 of the Statewide Planning Goal 1 has been met or exceeded.

## **Goal 2: Land Use Planning.**

*Purpose - Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a Comprehensive Plan, and that suitable implementation ordinances to put the Plan's policies into effect must be adopted. It requires that plans be based on factual information; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to Statewide Planning Goals and Guidelines. An exception may be taken when a Statewide Planning Goal cannot or should not be applied to a particular area or situation.*

**Applicants Response:** If approved, the requested zoning map amendment from I (Industrial) to RL (Residential Low Density) will bring the subject property in compliance with the Comprehensive Plan designation of Residential. The requested amendment, as demonstrated is in compliance with local, regional and state requirements. The property can be serviced with a full range of public facilities and services. The property will be developed through the city land division application process. The zone change amendment and future land use applications conform to the approved neighborhood and street plan. Future infill development of this property completes the neighborhood and public improvements on SW Hayter Street and SW Ellis Street. The zone change and future develop of the property will recognize public facility extensions, open space, and environmental elements. There are no apparent negative

impacts associated with this Zoning Map Amendment on the subject property or the neighboring properties.

### **Goal 3: Agricultural Lands.**

*Purpose – To preserve and maintain agricultural lands*

**Applicants Response:** Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through exclusive farm use (EFU) zoning (per Oregon Revised Statutes Chapter 215).

This Statewide Planning Goal does not specifically apply because Goal 3 specifically excludes land within "acknowledged urban growth boundaries" as being Agricultural Land as defined. Therefore the Applicant submits that this criterion does not apply.

### **Goal 4: Forest Lands.**

*Purpose - To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.*

Goal 4 defines "forest lands" and requires local governments to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses." Comprehensive plans and zoning provide certainty to assure that forest land are protected

**Applicants Response:** The requested amendment does not affect the inventory of forest lands. Thus, this goal is not applicable to this application.

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

*Purpose - To protect natural resources and conserve scenic and historic areas and open spaces.*

Goal 5 defines "Natural Resources" and requires Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability. Goal 5 provides guidelines for planning and implementation for identifying and inventorying natural resources.

**Applicants Response:** The requested amendment does not affect the any natural resources. Ash creek is located along the east boundary of the subject property. The property has a 100 year floodplain designation and floodway designation. Storm water management will be engineered and approved by the city prior to and with any development of the property. The development of the subject property will comply with all of the local, state and federal regulations regarding natural resources, historic areas and open spaces. The subject property does not contain any scenic or historic areas. The appropriate open spaces requirement will be

determined and preserved as outlined in the land division section. The applicant believes this goal can be satisfied with further environmental assessments.

**Goal 6: Air, Water and Land Resources Quality.**

*Purpose - To maintain and improve the quality of the air, water and land resources of the state.*

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable air sheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

**Waste and Process Discharges** -- refers to solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom. Included here also are indirect sources of air pollution which result in emissions of air contaminants for which the state has established standards.

**Applicant's Response:** The requested amendment does not impact air, water or land resources quality. Thus, this goal is not applicable to this application.

**Goal 7: Areas Subject to Natural Hazards.**

*Purpose - To protect people and property from natural hazards.*

**A. NATURAL HAZARD PLANNING**

1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires.

Local governments may identify and plan for other natural hazards.

**Applicant's Response:** The requested amendment would not place people or property in increase risk from natural hazards.

**Goal 8 Recreational Needs.**

*Purpose - To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts*

**RECREATION PLANNING**

The requirements for meeting such needs, now and in the future, shall be planned for by governmental agencies having responsibility for recreation areas, facilities and opportunities: (1) in coordination with private enterprise; (2) in appropriate proportions; and (3) in such quantity, quality and locations as is consistent with the availability of the resources to meet such requirements. State and federal agency recreation plans shall be coordinated with local and regional recreational needs and plans.

#### **DESTINATION RESORT SITING**

Comprehensive plans may provide for the siting of destination resorts on rural lands subject to the provisions of state law, including ORS 197.435 to 197.467, this and other Statewide Planning Goals, and without an exception to Goals 3, 4, 11, or 14.

**Applicants Response:** Statewide Planning Goal 8, does not specifically apply to the proposed application, however the proposal does not conflict with the state goal.

#### **Goal 9: Economic Development.**

*Purpose – To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

*The intent of the Land Conservation and Development Commission is to provide an adequate land supply for economic development and employment growth in Oregon. The intent of this division is to link planning for an adequate land supply to infrastructure planning, community involvement and coordination among local governments and the state. The purpose of this division is to implement Goal 9, Economy of the State (OAR 660-015-0000(9)), and ORS 197.712(2) (a) to (d). This division responds to legislative direction to assure that comprehensive plans and land use regulations are updated to provide adequate opportunities for a variety of economic activities throughout the state (ORS 197.712(1)) and to assure that comprehensive plans are based on information about state and national economic trends (ORS 197.717(2)).*

**Applicant’s response:** Every urban area evaluates its needs for land to serve commercial and industrial development. The community then must plan for enough land to meet those needs. As a result, every city in Oregon now has the supply of land it needs to sustain a healthy local economy. As such, the subject property as currently zoned does not provide adequate opportunities for economic development. Industrial development within a residential subdivision simply does not make for good planning practices. Conversely, by approving this application; construction of residential units will restore some of the jobs lost within our local economy. The proposal will change the zoning from I to RL for a portion of the property. The rest of the property is already zoned RL. The applicant intends to provide single family homes on the property. The development of this area will provide initial jobs and income during the development phases and then with occupation with families to support the commercial and local businesses as well as provide a local workforce. The development will provide a supportive environment for the development and expansion of desired businesses as well as support the retention and expansion of existing businesses and industries.

#### **Goal 10: Housing.**

*Purpose: To provide for the housing needs of citizens of the state. 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 level which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

**Applicant's response:** Oregon has done away with the practice of banning certain kinds of housing in a community. Cities must allow a variety of housing locations, types, and densities. Cities shall also continue to keep adequate supplies of lands available and suitable for residential uses. With the approval of this application, the applicant can provide a product that is unique in appearance and yet affordable for those affected by today's down turn in our economy.

The zone change allows for all of this property to be developed in accordance with the Comprehensive Plan designation. The requested Rezone will provide an opportunity for this property to provide a housing product and supply safe, sanitary, energy efficient housing at price levels appropriate to the varied financial capabilities of present and current and future city residents looking to live in Dallas. The requested RL zoning would protect the character of existing neighborhoods and provide for needed housing while protecting environmental sensitive areas, using land and public facilities as efficiently as possible.

#### **Goal 11: Public Facilities and Services.**

*Purpose: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development*

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons. To meet current and long-range needs, a provision for solid waste disposal sites, including sites for inert waste, shall be included in each plan.

The request if approved, encourages land use patterns and development plans to continue adjacent to existing facilities. Adequate space exists on site to accommodate on-site storm drainage facilities. With subsequent Land Use Applications the applicant will provide a drainage report prepared by a civil engineer addressing the issues identified in the City's Drainage Plan. All surface runoff created from impervious surfaces will be managed.

Future water service will be provided by the extension of the water line in SW Hayter Street and a looped system as required. The public sewer line will be extended from SW Hayter Street. With development all SDC Fees will be paid and there will be no septic service as required by the city. Electrical service, natural gas service, telephone, and cable television service are all available to serve the site. These services will be installed underground and provided as the project is developed. Therefore, all standard energy and communication service utilities are available, or can be provided to any future development of the site.

## **Goal 12: Transportation.**

*Purpose - To provide and encourage a safe, convenient and economic transportation system*

*A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans. Each plan shall include a provision for transportation as a key facility.*

**Applicants Response:** The proposed zone change request is in compliance with the TSP for the development of the property and the change from I to RL is in accordance to the Comp Plan designation. The street system as proposed would extend to the south and a continuation of the local street system. Additionally, the Applicant has met with Staff on several occasions to identify the specific location for a collector street, which is identified within the City's Transportation System Plan or TSP.

The purpose of the TRANSPORTATION PLANNING RULE (TPR) is to implement Statewide Planning Goal 12. It is also the purpose of the TPR to explain how local governments and state agencies responsible for transportation planning demonstrate compliance with other statewide planning goals and to identify how transportation facilities are provided on rural lands consistent with the goals. The division sets requirements for coordination among affected levels of government for preparation, adoption, refinement, implementation and amendment of transportation system plans. Transportation system plans adopted pursuant to this division fulfill the requirements for public facilities planning required under ORS 197.712.2e Goal 11 and OAR Chapter 660 Division 11 as they relate to transportation facilities. Through measures designed to reduce reliance on the automobile, the rule is also intended to assure that the planned transportation system supports a pattern of travel and land use in urban areas which will avoid the air pollution, traffic and livability problems faced by other areas of the country. The rules in the TPR are not intended to make local government determinations or land use decisions under ORS 197.015.10. The rules recognize however that under existing statutory and case law, many determinations relating to the adoption and implementation of transportation plans will be land use decisions.

Future development of this site will require an application submitted to the City for consideration. This application must also address the City's Transportation System Plan and will be judged on the criterion set forth in the City's Development Code.

## **Goal 13: Energy Conservation.**

*Purpose - To conserve energy*

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Priority consideration in land use planning should be given to methods of analysis and implementation measures that will assure achievement of maximum efficiency in energy utilization.

Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency:

- a. Lot size, dimension, and siting controls;
- b. Building height, bulk and surface area;
- c. Density of uses, particularly those which relate to housing densities;
- d. Availability of light, wind and air;
- e. Compatibility of and competition between competing land use activities; and
- f. Systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.

**Applicants Response:** If approved, the applicant intends to construct residential homes utilizing the current building code which, provides for energy conservation; therefore, this goal can be met.

#### **Goal 14: Urbanization.**

*Purpose - To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Applicants Response:** The City through its planning process is able to provide an orderly and efficient transition from rural to urban land use. This request is to amend the City's Zoning Map to be compliant with Comprehensive plan and change the zone from Industrial to Residential Low Density. The applicant believes that this goal is satisfied by the planning process.

The request promotes infill development and redevelopment of the proposed property. The zone change provides opportunities to develop the full range of residential development in compliance with the Comprehensive Plan designation. The proposed development provides an opportunity for the city to meet its housing targets which enables maintaining the urban growth boundary rather than expanding it. The Zone Map Amendment supports this policy by providing for additional dwellings inside the urban growth boundary. The planned infill project is an efficient sustainable use of existing infrastructure and public facilities.

#### **Goal 15: Willamette River Greenway.**

*Purpose - To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

( ; **Applicants Response:** The subject property is not located within the Willamette River Greenway.

### **Goal 16: Estuarine Resources.**

*Purpose - To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and*

*To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.*

**Applicants Response:** The subject property has not been identified as being an Estuarine Resource.

### **Goal 17: Coastal Shorelands.**

*Purpose - To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and*

( *To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands*

**Applicants Response:** The subject property is not located on the coast, therefore this Goal does not apply this application.

### **Goal 18: Beaches and Dunes.**

*Purpose - To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and*

*To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.*

**Applicants Response:** The subject property does not contain beaches and dunes, therefore this Goal does not apply to this application.

### **Goal 19: Ocean Resources.**

*Purpose - To conserve marine resources and ecological functions for the purpose of providing long-term ecological, economic, and social value and benefits to future generations.*

( **Applicants Response:** The subject property is not located on the coast, therefore this Goal does not apply to this application.

This Statewide Planning Goal does not specifically apply to the proposed application, however the proposal does not conflict with the state goal.

*4.7.030B (Continued)*

*B2 Approval of the request is consistent with the Comprehensive Plan*

**Applicants Response:** This application request a zone change to make the subject property in conformance with the City's Comprehensive Plan. This request if approved will satisfy this criterion.

*B3 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*

**Applicants Response:** The subject property when fully developed will have adequate public facilities, services and transportation networks to support the use. The applicant's representatives are working with staff to determine exactly what facilities are needed and the exact location of those facilities with future development.

*B4 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*

**Applicants Response:** As previously stated, this application is requesting a correction in the City's Zoning Map on the subject property from Industrial to Residential Low Density. If approved, will bring the zoning map in compliance with the City's Comprehensive Plan.

*B5 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).*

**B. Amendments That Affect Transportation Facilities.** *Except as provided in subsection C, amendments to the Comprehensive Plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:*

1. *Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or*
2. *Amending the Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or*
3. *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or*
4. *Amending the planned function, capacity or performance standards of the transportation facility; or 4.7 – Land Use District Map and Text Amendments.*

**Applicants Response:**

The purpose of the Transportation Planning Rule (TPR) is to guide jurisdictions in Oregon through meeting the broad objectives of Oregon's Statewide Planning Goal 12 "Transportation" which is to **"to provide a safe, convenient and economic transportation system"** while addressing the needs of the **"transportation disadvantaged."** The TPR has a specific objective that metropolitan areas reduce per capita vehicle miles traveled (VMT) by 10 percent over 20 years and by 20 percent over 30 years after a plan is adopted. It also requires 10 percent reduction in parking spaces over 30 years.

The primary mechanism through which the TPR strives to accomplish its mission is requirement that jurisdictions within a Metropolitan Planning Organization area adopt a Transportation System Plan (TSP) that contains specific elements, including a public transportation plan, a bicycle and pedestrian plan, a parking plan and a transportation financing program.

**Statewide Planning Goal 12** as mentioned above has as its purpose is "to provide and encourage a safe convenient and economic transportation system". A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans.

**The City of Dallas**, in association with the Oregon Department of Transportation (ODOT) has prepared a Transportation System Plan (TSP) that addresses the transportation issues and system needs within the City's Urban Growth Boundary (UGB) over a 20-year timeframe. The purpose of the TSP is to develop a plan that addresses the transportation issues and needs for all users of Dallas's transportation network over a 20-year planning horizon. The TSP provides for a safe, efficient, multi-model transportation network. It has been prepared to be compliant with requirements specified in the state Transportation Planning Rule (TPR) and to be consistent with state, regional, and local plans and policies, including the Oregon Highway Plan (OHP) and the City of Dallas Comprehensive Plan.

The Dallas TSP identifies a series of transportation facilities and services needed to support anticipated growth and development proposed in the Dallas Comprehensive Plan in a manner consistent with the TPR (Oregon Administrative Rule [OAR] 660-012) and the Oregon

Transportation Plan (OTP). Preparation and adoption of a TSP for the City provides the following benefits:

- Ensures adequate planned transportation facilities to support planned land uses for the next 20 years
- Provides certainty and predictability for the siting of new streets, roads, highway improvements, and other planned transportation improvements
- Provides predictability for land development
- Helps reduce the cost and maximize the efficiency of public spending on transportation facilities and services by coordinating land use and transportation decisions

This TSP will guide the management and development of appropriate transportation facilities in Dallas, incorporating the community's vision, while remaining consistent with state, regional, and local plans. This report provides the necessary elements to be adopted as the transportation element of the City's Comprehensive Plan.

A system of transportation facilities and services adequate to meet the City's transportation needs to the planning horizon year of 2020 is established in this TSP. The TSP includes plans for a transportation system that incorporates all modes of travel, including auto, bicycle, pedestrian, rail, marine, and public transportation, serves the urban area, and is coordinated with the state and county transportation network.

This application is requesting a zone change that if approved with bring the subject property into compliance with the City's Comprehensive Plan.

These 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 September 21, 2015, 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, September 21, 2015</b>
The Dallas City Council met in regular session on Monday, September 21, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.	
<b>Council:</b> Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Bill Hahn, Councilor Micky Garus, Councilor Kevin Marshall, Councilor Murray Stewart, and Ken Woods, Jr. Excused: Councilor Jackie Lawson and Councilor LaVonne Wilson.	
<b>Staff:</b> City Manager Ron Foggin, City Attorney Lane Shetterly, Police Chief Tom Simpson, Fire Chief Fred Hertel, Community Development/Operations Director Jason Locke, Engineering and Environmental Services Director Fred Braun, Finance Director Cecilia Ward, HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.	
<b>Pledge of Allegiance:</b> Mayor Dalton led the Pledge of Allegiance.	

AGENDA	ACTION
<b>1:00 EMPLOYEE RECOGNITION</b>	Mr. Locke introduced the new Facilities Maintenance Foreman Joshua Simonson and the new Head Lifeguard Gretchen Noll. Mr. Braun introduced the new City Engineer Tech II Sadi' Stouder. Chief Simpson recognized Senior Officer Colby Hamilton and Senior Officer Jim Rodriquez for their lifesaving efforts with Polk County Deputy Latty's accident on July 18. Chief Hertel demonstrated the new cardiac equipment acquired from a grant that was awarded to the Fire & EMS Department.
<b>COMMENTS FROM THE AUDIENCE</b>	There were none.
<b>PUBLIC HEARINGS</b>	There were none.
<b>18:29 CONSENT AGENDA</b> Item approved by the Consent Agenda: minutes of September 8, 2015 City Council meeting	It was moved by Councilor Gabliks <i>to approve the Consent Agenda as submitted</i> . The motion was duly seconded and carried with a vote of 7-0.
<b>ITEMS REMOVED FROM CONSENT AGENDA</b>	There were none.

<b>REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</b>	
<b>20:08 REPORTS FROM CITY MANAGER AND STAFF</b>	
<b>CLAY STREET TRANSMISSION LINE BID RESULTS</b>	<p>Mr. Braun stated that after a month long bid process, the Clay Street Transmission Line project was awarded to Tapini, Inc. from Battle Ground, Washington with a bid of \$897,999. This replaces the 16 inch transmission line with a 22 inch line.</p>
<b>COUNCIL GOAL UPDATE</b>	<p>Mr. Johnson stated one of the Council’s goals was to promote art and cultural events in the community. He noted the art wall in the library was scheduled out through June of 2016 and that the Oregon Poet Laureate would be performing on Friday at the library.</p> <p>Mr. Foggin mentioned the leadership training went very well and was focused on customer service and the core values.</p>
<b>OTHER</b>	
<b>28:08 FIRST READING OF ORDINANCE</b> <b>Ordinance No. 1788</b> – An Ordinance amending Dallas City Code Section 6.325, relating to private marking on curbs, and declaring an emergency.	<p>Mr. Shetterly noted the red lined version showed what was added to the Ordinance.</p> <p>Mr. Garus stated communities had been adding a blue stripe next to the addresses on the curbs to signify their support for law enforcement.</p> <p>Mr. Shetterly explained that wasn’t permitted in the code, but could be expanded to include the stripe.</p> <p>It was the consensus of the Council to move forward with this Ordinance as written and revisit the stripe at a future Public Works Committee meeting.</p>
<b>38:29 SECOND READING OF ORDINANCE</b> <b>Ordinance No. 1787</b> – An Ordinance amending Dallas City Code Section 7.540, relating to garage sales.	<p>A roll call vote was taken and Mayor Dalton declared Ordinance No. 1787 to have PASSED BY A VOTE of 7-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Kevin Marshall, Councilor Murray Stewart, and Councilor Ken Woods, Jr. voting YES.</p>
<b>39:16 RESOLUTIONS</b> <b>Resolution No. 3331</b> – A Resolution establishing the garage sale sign deposit by Dallas City Code Section 7.540.	<p>A roll call vote was taken and Mayor Dalton declared Resolution No. 3331 to have PASSED BY A VOTE of 7-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Kevin Marshall, Councilor Murray Stewart, and Councilor Ken Woods, Jr. voting YES.</p>
<b>40:06 OTHER</b>	<p>Council President Fairchild asked that vaping and business registration be topics in the Administration Committee.</p>

<b>ADJOURNMENT</b>	There being no further business, the meeting adjourned at 7:40 p.m.
Read and approved this _____ day of _____ 2015.  _____ ATTEST: Mayor  _____ City Manager	

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Members Present: Chair Kelly Gabliks, Jim Fairchild, Bill Hahn, Jackie Lawson, and Kevin Marshall.

Also Present: Mayor Brian Dalton, City Attorney Lane Shetterly, Finance Director Cecilia Ward, Community Development/Operations Director Jason Locke, Park Supervisor Ron Lines, HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Gabliks called the meeting to order at 4:04 p.m.

**FOOD TRUCK/ITINERANT MERCHANT LICENSE DISCUSSION**

Mr. Locke advised that he had met with food cart vendors and after those discussions, staff recommended a change to the itinerant merchant license process that would allow food carts to obtain itinerant merchant licenses for six months at the same location. He noted the recommended change would also allow for a renewal every six months at the same location. He added the proposal would keep the fee at \$100 for the six-month permit.

It was moved by Councilor Hahn to direct staff to revise the ordinance to include food carts for approval by the Council. The motion was duly seconded and carried with a vote of 5-0.

**BUSINESS REGISTRATION DISCUSSION**

Mr. Locke stated there was currently no business registration in place for the City of Dallas. He noted he would like feedback from the Committee if a registration system should be put in place.

There was discussion regarding mandatory or volunteer registration and if a fee would be involved in the process.

Mr. Locke noted that a preliminary draft of a policy could be done by the November Committee meeting with a workshop in December to discuss it with the full Council.

It was moved by Councilor Lawson to direct staff to draft a proposal for business registration. The motion was duly seconded and carried with a vote of 5-0.

**VAPING ISSUES**

**REGULATING E-CIGARETTES UNDER SMOKING ORDINANCE**

Mr. Shetterly stated the proposed revision to the code would include inhalant delivery systems (e-cigarettes) under the smoking regulations.

It was moved by Council President Fairchild to direct staff to draft an amendment to include inhalant delivery systems to the smoking ordinance. The motion was duly seconded and carried with a vote of 5-0.

**DISCUSSION ABOUT TAXING E-CIGARETTES**

Mr. Shetterly advised that a tax on vaping products would include e-cigarettes and the specific product sold for it as a sales tax very similar to the hotel/motel tax.

After discussion the Committee decided to table the issue until a later date.

**CITY MANAGER’S REPORTS**

**FINANCE**

Ms. Ward stated the auditors would be here the first week of November.

**HUMAN RESOURCES**

1 Ms. Gagner reported that since the last committee meeting, the City had lost six lifeguards and two part-  
2 time paramedics and hired 5 lifeguards, two part-time paramedics, two part time library pages, an engi-  
3 neering tech II, a facilities maintenance foreman, and two police officers, and moved a full time paramed-  
4 ic to the open shift lieutenant position and one part-time paramedic was moved to fill that full time posi-  
5 tion. She noted the City was in the progress of hiring a part time library aid and a part time park laborer,  
6 and the new code services specialist would start soon as his background was wrapping up.

7 **OTHER**

8 **ADJOURNMENT**

9 There was no other business and the meeting was adjourned at 5:03 p.m.



# AGENDA

September 28, 2015

4:00 PM

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

- A. Call to order
- B. Food Carts/Itinerant Merchant License
- C. Business Registration Discussion
- D. Vaping Issues
  - Regulating e-cigarettes under smoking ordinance
  - Discussion about taxing e-cigarettes
- E. City Manager's Report
  - Finance
  - Human Resources
- F. Other
- G. Adjournment



**Community Development/Operations Department**

## Memo

**To:** Admin Committee  
**From:** Jason Locke, Community Development/Operations Director  
**Date:** September 28, 2015  
**Re:** Food Cart revision to City Code

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City staff has been approached by a food cart vendor regarding the time limits that have been established for itinerant merchants in the City Code (one 3-month period at a given location in a calendar year). This has created a situation where they might have to move frequently if they want to do business. This is not an ideal business model. Many jurisdictions have recognized that food carts are a business that can create vibrancy in an area and can create activity in vacant or underutilized locations.

That being said, staff has drafted some amendments to the Itinerant Merchant section of the Code that would allow Food Carts to stay in a single location for 6 months, and can renew their license in successive 6-month periods if they desire. Food Carts would be defined as a type of Itinerant Merchant, still subject to all of the other requirements of the Code. In addition, they would need to present their Health Department permit as part of their application. No fee changes are being proposed, other than if a food cart wanted to renew after 6 months, they would pay the required fee of \$100.

**Recommendation: Direct staff to prepare an Ordinance amending the City Code as attached and forward the Ordinance to the City Council.**

## Itinerant Merchants

### 7.850 Definition.

For purposes of sections [7.850](#) to [7.860](#):

- (1) "Food cart" is a type of itinerant merchant business that is a mobile food service operation offering prepared food for sale to walk-up customers.
- (2) "Itinerant merchant" is a person who sells or offers for sale to the public at large, goods, wares, or merchandise, other than from door-to-door or from place-to-place, from a motor vehicle, trailer, cart, wagon, or stand, on a nonpermanent or noncontinuous basis.
- (3) "Master license" is a license issued to the organizer or sponsor of a coordinated event or activity, approved by the city council, involving more than one itinerant merchant (a) for a limited duration, not exceeding five consecutive days; or (b) on a scheduled recurring basis, not more frequently than twice each calendar week, for a period not to exceed six consecutive months. A master license shall be subject to all of the provisions of sections [7.000](#) to [7.075](#).  
[Section 7.850 amended by Ordinance No. 1725, passed June 21, 2010.]

### 7.851 Application and Fee.

- (1) Application for an itinerant merchant permit shall be made on a form prescribed by the city manager and be accompanied by the fee established by resolution of the city council.
- (2) An applicant for a permit to operate a food cart business shall submit proof of required Health Department permits with the application.  
[Section 7.851 added by Ordinance No. 1725, passed June 21, 2010.]

### 7.855 License Required; Exception.

- (1) Except as provided in section (2), no person shall engage in business as an itinerant merchant without first obtaining a permit from the city manager.
- (2) A person named under a master license issued under section [7.030](#) is not required to have a license under subsection (1) of this section during the activity or period covered by the master license, provided, that the person shall comply with all of the requirements of sections [7.857](#) and [7.858](#), and all other applicable laws, rules, regulations and ordinances.  
[Section 7.855 amended by Ordinance No. 1725, passed June 21, 2010.]

### 7.856 Time Limit and Location.

- (1) No itinerant merchant shall do business or leave any stand or structure associated with their business at the same location for more than 3 months in any calendar year, unless the itinerant merchant is named under a master license issued for a recurring activity or event, as authorized under section [7.850](#)(2), in which case the itinerant merchant may do business at the licensed location for the duration of the license period, provided, the merchant may not leave any stand or structure in place when not actively engaged in business.
- (2) If an itinerant merchant, other than a food cart merchant, ceases to operate a business for 14 consecutive days, the license for that itinerant merchant shall automatically terminate and all stands, signs, storage facilities and structures of any kind associated with the business shall be immediately removed.
- (3) If the licensee under a master license for a scheduled recurring event or activity fails to operate the event or activity on more than two consecutive scheduled occasions, the master license shall automatically terminate and all stands, signs, storage facilities and structures of any

kind associated with the activity or license shall be immediately removed. Upon termination of a master license, all persons named under the master license shall cease doing business under the license.

(4) Itinerant merchant activities shall only be allowed in a commercial zone with the written permission of the lot owner. Furthermore, the proposed location must have adequate off-street parking, circulation, and other improvements deemed necessary by the city manager.

(5) Notwithstanding subsections (1) through (4) above, food carts shall be permitted to remain in an approved location for a period of 6 months, and shall be permitted to renew a license to operate at the same location for successive 6 month periods upon submission of a new application and payment of the required fee for each six-month period.

[Section 7.856 added by Ordinance No. 1437, passed June 4, 1990; amended by Ordinance No. 1725, passed June 21, 2010.]

#### **7.857 Outside Storage Prohibited.**

No outside storage or display of supplies, equipment, stock, wares or other materials associated with the business shall occur except while the itinerant merchant is present and open for business.

[Section 7.857 added by Ordinance No. 1437, passed June 4, 1990; amended by Ordinance No. 1725, passed June 21, 2010.]

#### **7.858 Premises to be Maintained.**

The business premises and any adjacent areas used or under the control of the itinerant merchant shall at all times be kept neat, clean and free of debris. All stands, storage facilities or structures used shall be in good condition, be well maintained and be aesthetically appropriate to the surrounding area.

[Section 7.858 added by Ordinance No. 1437, passed June 4, 1990; amended by Ordinance No. 1725, passed June 21, 2010.]

#### **7.859 Insurance.**

The city manager may require the itinerant merchant to obtain and maintain a policy of liability insurance from an insurance company licensed to issue insurance in the State of Oregon, with limits in an amount the city manager reasonably deems appropriate, and with the city named as an additional insured thereunder, and to provide the city with a certificate of such insurance. Said insurance coverage, if required, shall be maintained for so long as the permit remains in effect. The insurance policy and certificate of insurance shall contain a provision that, for the period of time covered by the permit, it cannot lapse or be canceled or amended without at least ten days advance notice to the city.

[Section 7.859 added by Ordinance No. 1725, passed June 21, 2010.]

#### **7.860 Penalty.**

Violation of a provision of Sections [7.855](#), [7.856](#), [7.857](#), or [7.858](#) is a civil infraction.

[Section 7.860 amended by Ordinance No. 1437, passed June 4, 1990; amended by Ordinance No. 1725, passed June 21, 2010.]



**Community Development/Operations Department**

## Memo

**To:** Admin Committee  
**From:** Jason Locke, Community Development/Operations Director *JL*  
**Date:** September 28, 2015  
**Re:** Business Registration Discussion

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The City currently requires licenses and/or registration in some form for various types of business activities, including: taxicabs, solicitors, tent and carnival shows, amusement games and places, itinerant merchants, hotels and motels, garage sales, and, through the Development Code, home occupations. The City does not currently have a license or registration requirement in place for other businesses.

It was brought up at the Council goal-setting session to explore the potential for a universal business registration. Before proceeding, it is extremely important for the Committee to discuss two fundamental questions:

- 1) **Why a business registration and/or license?** What do you want to regulate or achieve through a program? Is there an issue or issues that you feel necessitate a registration and/or license? Is there a clear benefit to the public, city, and businesses?
- 2) **What is the purpose?** Is it to raise revenue? Is it to regulate the conduct of business? Is it to ensure that businesses are complying with applicable city ordinances, state and federal laws? Is it to know who is doing business within the boundaries of the City? To obtain contact info? To gather and maintain economic data at the City level? Etc.....

In order to move forward, it is important that there are clear, unambiguous answers to questions. The "WHY" of it will play a big role in the ultimate decision to move forward.

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

**TO: COUNCIL ADMINISTRATIVE SUBCOMMITTEE**

<i>City of Dallas</i>	<b>Agenda Item No.</b> <b>D</b>	<b>Topic:</b> Regulating E-Cigarettes under Smoking Ordinance
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> September 28, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b>		

**RECOMMENDED MOTION:**

Recommend to the full Council to adopt an ordinance amending DCC 5.210 relating to smoking to include inhalant delivery systems.

**BACKGROUND:**

It has been noted that our current smoking ordinance does not reference vaping inhalant systems. Staff is proposing to amend our existing smoking ordinance by adding vaping, or inhalant systems as a form of smoking.

Monmouth adopted a similar ordinance recently – their ordinance is attached as a reference.

**FISCAL IMPACT:**

None

**ATTACHMENTS:**

Monmouth Ordinance

CITY OF MONMOUTH, COUNTY OF POLK

STATE OF OREGON

An Ordinance Amending Monmouth )  
City Code Section 8.05.030 Relating to )  
the Regulation of Smoking )

ORDINANCE NO. \_\_\_\_\_

THE CITY OF MONMOUTH DOES ORDAIN AS FOLLOWS:

Section 1. Monmouth City Code Section 44.215 is hereby amended to read as follows:

8.05.030 Smoking regulations.

(1) As used in this section and section 8.05.031:

(a) **“Inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device.**

(2) "Smoking" means and includes (i) the and inhaling, exhaling, burning, or carrying any lighted cigarette, cigar or tobacco in any form and (ii) **the use of an inhalant delivery system to inhale or exhale vapor or aerosol or tobacco.**

(3) Smoking is prohibited and no person shall smoke:

(a) In any City building, including public restrooms located on City property.

(b) On or within 10 feet of the external boundaries of the following outdoor areas:

(A) All City and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including, but not limited to, spectator areas and bleachers.

(B) Public tennis courts, public basketball courts, and the City skateboard park, including, but not limited to, spectator areas and bleachers.

(C) The entrance(s) to and exit(s) from all City buildings, and windows that open and ventilation intakes that serve an enclosed area with any City building.

(D) All playground equipment in any City park.

(E) All roofed enclosures in City parks, including, but not limited to, restrooms and covered picnic areas.

(F) Any stage, including a temporary stage and the seating area designated for an event on stage, in any City park, during and within one hour before and one-half hour after a concert or entertainment event.

(G) Any bus shelter structure.

(4) In addition to the prohibitions set forth in subsection (3) of this section, the City Council or City Manager may prohibit smoking in a City park, or impose conditions and limitations on smoking in a City park during public events sanctioned or sponsored by the City or its designee.

(5) The restrictions of this section shall not apply to persons traveling in a motor vehicle nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(6) “No smoking” signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all City buildings and City parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a “no smoking” sign shall not justify a violation of nor preclude enforcement of this section.

Read for the first time: August 4, 2015

Read for the second time: August 18, 2015

Adopted by the City Council: August 18, 2015

Approved by the Mayor: August 18, 2015

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JOHN E. D. OBERST, MAYOR

ATTEST:

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PHYLLIS BOLMAN  
CITY RECORDER

**Building and Grounds Committee**  
**Monday, September 28, 2015**

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Members Present: Chair Kevin Marshall, Jim Fairchild, Kelly Gabliks, Bill Hahn, and Jackie Lawson.

Also Present: Mayor Brian Dalton, City Attorney Lane Shetterly, Community Development/Operations Director Jason Locke, Park Supervisor Ron Lines, Finance Director Cecilia Ward, and Recording Secretary Jeremy Teal.

Chair Marshall called the meeting to order at 5:03 p.m.

Councilor Lawson left at 5:12 p.m.

**CARNEGIE BUILDING RFP**

Mr. Locke stated the Request for Proposal was for any interested parties for the potential use of the Carnegie building. He noted as discussed previously any person, business, group, or organization that would be interested in taking over the ownership of the Carnegie building could submit a proposal.

Councilor Gabliks noted this request would give the Council a good idea of the potential for the building and the interest for it.

Mayor Dalton suggested aggressively looking for grants to revitalize the building and keep it in the City's ownership.

It was moved by Councilor Gabliks to move the Carnegie Building Request For Proposal to the full Council. The motion was duly seconded and carried with a vote of 4-0.

**CITY MANAGER'S REPORT**

**COMMUNITY DEVELOPMENT**

Mr. Locke noted fall was coming and activity hadn't slowed down. He mentioned that construction of the Dallas Retirement Village and the State buildings on Jasper were underway and the sale of the TTM building was closing. He stated the meetings with Food Guys had gone very well and an overall strategy for the rail system may be an option. He announced that ActiveNet would be the new software at the Aquatic Center helping with membership and point of sale purchases.

**PARKS**

Mr. Lines stated that he was working with the Parks Advisory Board to have an open house at Gala Park to come up with ideas from the public for a park that served the neighborhood. He noted the playground equipment was fully functional at Roger Jordan Park.

**OTHER**

**ADJOURNMENT**

There was no other business and the meeting was adjourned at 5:23 p.m.



DALLAS  
CITY HALL



# Building & Grounds Committee

## AGENDA

September 28, 2015

4:00 PM

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

- A. Call to Order
- B. Carnegie building RFP
- C. City Manager's Report
  - Community Development
  - Parks
- D. Other
- E. Adjournment

**COMMITTEE**  
Chair Kevin Marshall  
Jim Fairchild  
Kelly Gabliks  
Bill Hahn  
Jackie Lawson



# City of Dallas Carnegie Building Purchase

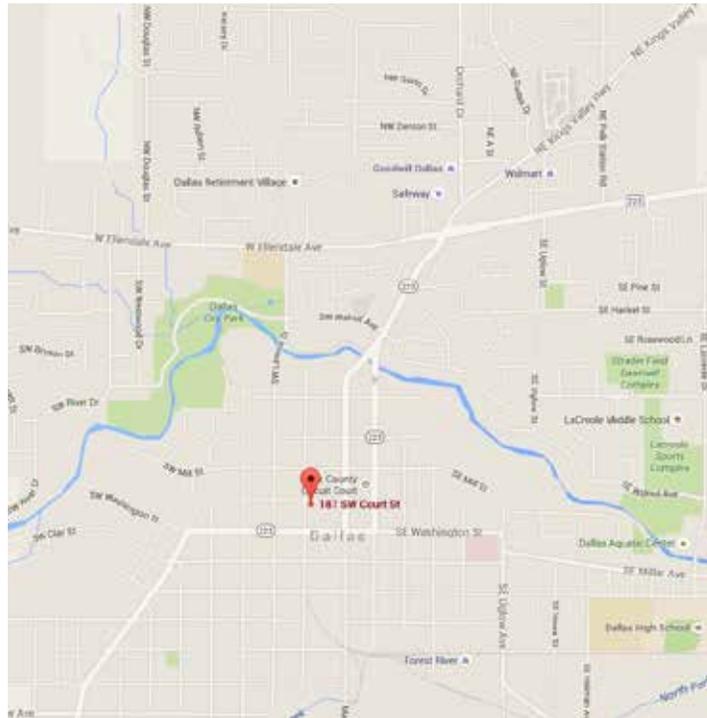
October 6, 2015

**Project:** The City of Dallas is seeking proposals for the acquisition and redevelopment of the Carnegie Building (the Property). The Property is owned by the City of Dallas, and is located at 187 SW Court Street in Dallas's historic downtown and urban renewal area.

Those interested in submitting a proposal should address the general requirements outlined in this proposal request. Responses are due no later than 5:00 p.m. December 3, 2015 and should be addressed to:

Ron Foggin  
City Manager  
187 SE Court St.  
Dallas, Oregon 97338  
Phone: 503-623-2338  
E-mail: [rwfoggin@dallasor.gov](mailto:rwfoggin@dallasor.gov)

The City of Dallas anticipates entering into agreements with the selected respondent, outlining in detail the terms and conditions for conveyance and redevelopment of the Property.



About the Property:

The Carnegie Building, built around 1911, is a multi-story structure approximately 4,838 square feet in size. Originally, the building was constructed as a public library based on a grant the City received from the Carnegie Foundation. The building is a standard brick poured concrete building built in the Neo-Classical style with some modifications to the exterior façade. While the building is historically



significant, it is not listed on any historic registry. A National Register nomination has been prepared for the building but was never submitted to the National Park Service.

The building served as the Dallas public library until 1990. Since that time, it has served as the Polk County Historical Museum and offices for local parks and recreation program services. The building is currently vacant.

In 2014, the City hired Youngman Locke Engineers to prepare a condition survey and seismic evaluation. A copy of the report is available upon request.

Outcome/Development Objectives: Sale of the building, for a reasonable price, that supports the goals of the Central Business District Zone and the Urban Renewal Area.

Pre-Submission Tour of the Building: Interested parties are invited to participate in a pre-submission tour of the Property conducted by the City. During the tour, participants will be provided the opportunity to walk through and inspect the condition of the building and ask questions. The pre-submission tour will take place at the following time and location:

Date: November 10, 2015  
Time: 3:00 p.m.  
Location: Carnegie Building  
187 SW Court Street  
Dallas, OR

Submission Requirements: The following information should be included in the proposal:

- o Proposed project:

- Proposed use(s) (e.g. type, units, size)
- Description of the project, including vision, goals, major design elements.
- Narrative describing how the proposed use(s) advance the objectives of the Downtown CBD and Urban Renewal District.
- Incentives that would be necessary to forward the proposal.
- Partnerships established to complete the proposal.
- Preliminary concept plan.
- Any identified constraints or challenges.
- Summary of the development team capability and financial capacity
- Preliminary project development budget, financial structure, and financial return pro forma, including project sources and uses, proposed terms for acquiring the Property, and projected value of completed project
- Identification of pre-development needs and costs, and an understanding of due diligence needs
- Preliminary project schedule and key milestones, including closing, commencement of construction, and project completion

Questions about any matter contained in this proposal request should be emailed no later than ten (10) business days prior to the deadline of this request. All material changes or clarification of any matter contained in this request will be sent directly to the pool of potential respondents who have registered to receive such updates.

Selection: All complete and responsive proposals will be evaluated by an evaluation committee. The evaluation will be based on the information submitted, as well as any related information that the City may need or request in analyzing or verifying information submitted in the proposal. The following Evaluation Criteria may be used to evaluate the proposals:

- Development Program and Design
  - Proposed development advances the City’s Urban Renewal and Central Business District objectives.
  - Proposed use enhances the downtown and community as a whole.
- Development Team Capability
  - Demonstrates successful experience on projects similar in scope and type to proposed project, including projects with public/private development relationship.
  - Completeness of concept plan, budget, and schedule demonstrates a high level of interest in the Property.
  - Establishes partnerships with other entities necessary to complete the project.
- Business Terms
  - Proposed project is financially feasible and minimizes the City’s financial assistance.

- Proposed purchase price and schedule for Property conveyance and project completion.
- Proposed terms maximize the long-term value and public benefits derived from redevelopment of the Property.

This request for proposals may lead to one of the following outcomes:

- Direct negotiations for the sale and redevelopment of the Property through a Memorandum of Understanding, Purchase and Sale Agreement, or Disposition and Development Agreement with a developer or partner selected as part of this proposal;
- A request for additional information from one or more respondents, including potential interviews;
- Cancellation of this proposal without the selection of a development team.

The City expects the evaluation of submittals will be completed by mid January 2016.

**Terms:** This request is not a request for competitive proposals and is not subject to the Oregon Public Contracting Code (ORS 279). This request in no way obligates the City of Dallas to enter into a relationship with any entity that responds to this proposal, or limits or restricts the City's right to enter into a relationship with any entity that does not respond to this proposal. In its sole discretion, the City may pursue discussions with one or more entities responding to this request or not at all. The City further reserves the right, in its sole discretion, to cancel this request at any time, and for any reason. To the extent that the City elects to enter into a relationship with an entity regarding a development proposal, such entity shall be required to comply with the City of Dallas policies in connection with any work undertaken on such proposal.

Information provided to the City of Dallas in response to this request will become the property of the City, and will be subject to public inspection in accordance with the Oregon Public Records Law, ORS 192.410, et seq. If an entity responding to this request believes that a specific portion of its response constitutes a "trade secret" under Oregon Public Records Law (ORS 192.501.2) and is, therefore, exempt from disclosure, the entity must clearly identify that specific information as a "trade secret." Identification of information as a "trade secret" does not necessarily mean that the information will be exempt from disclosure. The City will make that determination based on the nature of the information and the requirements of the Oregon Public Records Law.

The City of Dallas accepts no responsibility or obligation to pay any costs incurred by any potential or eventual proposer in the preparation or submission of a proposal, or in complying with any subsequent request by the City for information, or participation throughout the evaluation process.

# DALLAS CITY COUNCIL REPORT

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

<i>City of Dallas</i>	<b>Agenda Item No. 10a</b>	<b>Topic: Ordinance 1789</b>
<b>Prepared By:</b> Jason Locke, Community Development Operations Director <i>JA</i>	<b>Meeting Date:</b> October 5, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin, City Manager		

**RECOMMENDED ACTION:** Move Ordinance 1789 to a second reading.

**BACKGROUND:** The Admin Committee has recommended forwarding this proposed amendment to the Dallas City Code to the full Council. The proposed Amendments would define “food carts” as a type of itinerant merchant and allow for siting of food carts for 6-month periods at a suitable location, and also allow subsequent 6-month renewals at the same site. This currently is not allowed.

**FISCAL IMPACT:** None

**VISION 2030 IMPACT:**

*Element 1.d.:* Dallas maintains its small town culture & affordability while offering key amenities and attractions of a larger city, including a range of dining & shopping...

**ATTACHMENTS:**

- 1) Compared version of Itinerant Merchant regulations
- 2) Ordinance 1789

## Itinerant Merchants

### 7.850 Definition.

For purposes of sections [7.850](#) to [7.860](#):

- (1) "Food cart" is a type of itinerant merchant business that is a mobile food service operation offering prepared food for sale to walk-up customers.
- (2) "Itinerant merchant" is a person who sells or offers for sale to the public at large, goods, wares, or merchandise, other than from door-to-door or from place-to-place, from a motor vehicle, trailer, cart, wagon, or stand, on a nonpermanent or noncontinuous basis.
- (3) "Master license" is a license issued to the organizer or sponsor of a coordinated event or activity, approved by the city council, involving more than one itinerant merchant (a) for a limited duration, not exceeding five consecutive days; or (b) on a scheduled recurring basis, not more frequently than twice each calendar week, for a period not to exceed six consecutive months. A master license shall be subject to all of the provisions of sections [7.000](#) to [7.075](#).  
[Section 7.850 amended by Ordinance No. 1725, passed June 21, 2010.]

### 7.851 Application and Fee.

- (1) Application for an itinerant merchant permit shall be made on a form prescribed by the city manager and be accompanied by the fee established by resolution of the city council.
- (2) An applicant for a permit to operate a food cart business shall submit proof of required Health Department permits with the application.  
[Section 7.851 added by Ordinance No. 1725, passed June 21, 2010.]

### 7.856 Time Limit and Location.

- (1) Except as provided in subsection (4), no itinerant merchant shall do business or leave any stand or structure associated with their business at the same location for more than 3 months in any calendar year, unless the itinerant merchant is named under a master license issued for a recurring activity or event, as authorized under section [7.850\(2\)](#), in which case the itinerant merchant may do business at the licensed location for the duration of the license period, provided, the merchant may not leave any stand or structure in place when not actively engaged in business.
- (2) If an itinerant merchant, other than a food cart merchant, ceases to operate a business for 14 consecutive days, the license for that itinerant merchant shall automatically terminate and all stands, signs, storage facilities and structures of any kind associated with the business shall be immediately removed.
- (3) If the licensee under a master license for a scheduled recurring event or activity fails to operate the event or activity on more than two consecutive scheduled occasions, the master license shall automatically terminate and all stands, signs, storage facilities and structures of any kind associated with the activity or license shall be immediately removed. Upon termination of a master license, all persons named under the master license shall cease doing business under the license.
- (4) Itinerant merchant activities shall only be allowed in a commercial zone with the written permission of the lot owner. Furthermore, the proposed location must have adequate off-street parking, circulation, and other improvements deemed necessary by the city manager.

(5) Notwithstanding subsection (1) above, food carts shall be permitted to remain in an approved location for a period of 6 months, and shall be permitted to renew a license to operate at the same location for successive 6 month periods upon submission of a new application and payment of the required fee for each six-month period.

[Section 7.856 added by Ordinance No. 1437, passed June 4, 1990; amended by Ordinance No. 1725, passed June 21, 2010.]

ORDINANCE NO. 1789

An Ordinance amending provisions of the Dallas City Code Sections 7.850, 7.851, and 7.856 relating to itinerant merchants operating food carts.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 7.850 is amended and restated in its entirety as follows:

7.850 Definitions.

For purposes of sections 7.850 to 7.860:

- (1) "Food cart" is a type of itinerant merchant business that is a mobile food service operation offering prepared food for sale to walk-up customers.
- (2) "Itinerant merchant" is a person who sells or offers for sale to the public at large, goods, wares, or merchandise, other than from door- to-door or from place-to-place, from a motor vehicle, trailer, cart, wagon, or stand, on a nonpermanent or noncontinuous basis.
- (3) "Master license" is a license issued to the organizer or sponsor of a coordinated event or activity, approved by the city council, involving more than one itinerant merchant (a) for a limited duration, not exceeding five consecutive days; or (b) on a scheduled recurring basis, not more frequently than twice each calendar week, for a period not to exceed six consecutive months. A master license shall be subject to all of the provisions of sections 7.000 to 7.075.

Section 2. Dallas City Code Section 7.851 is amended and restated in its entirety as follows:

7.851 Application and Fee.

- (1) Application for an itinerant merchant permit shall be made on a form prescribed by the city manager and be accompanied by the fee established by resolution of the city council.
- (2) An applicant for a permit to operate a food cart business shall submit proof of required Health Department permits with the application.

Section 3. Dallas City Code Section 7.856 is amended and restated in its entirety as follows:

7.856 Time Limit and Location.

- (1) Except as provided in subsection (4), no itinerant merchant shall do business or leave any stand or structure associated with their business at the same location for more than 3 months in any calendar year, unless the itinerant merchant is named under a master license issued for a recurring activity or event, as authorized under section 7.850(2), in which case the itinerant merchant may do business at the licensed location for the duration of the license period, provided, the merchant may not leave any stand or structure in place when not actively engaged in business.
- (2) If an itinerant merchant, other than a food cart merchant, ceases to operate a business for 14 consecutive days, the license for that itinerant merchant shall automatically terminate and all stands, signs, storage facilities and structures of any kind associated with the business shall be immediately removed.
- (3) If the licensee under a master license for a scheduled recurring event or activity fails to operate the event or activity on more than two consecutive scheduled occasions, the master license shall automatically terminate and all stands, signs, storage facilities and structures of any kind associated with the activity or license shall be immediately removed. Upon termination of a master license, all persons named under the master license shall cease doing business under the license.
- (4) Itinerant merchant activities shall only be allowed in a commercial zone with the written permission of the lot owner. Furthermore, the proposed location must have adequate off-street parking, circulation, and other improvements deemed necessary by the city manager.
- (5) Notwithstanding subsections (1) through (4) above, food carts shall be permitted to remain in an approved location for a period of 6 months, and shall be permitted to renew a license to operate at the same location for successive 6 month periods upon submission of a new application and payment of the required fee for each six-month period.

Read for the first time: October 5, 2015

Read for the second time: October 19, 2015

Adopted by the City Council: October 19, 2015

Approved by the Mayor: October 19, 2015

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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**  
**STAFF REPORT**

**TO: DALLAS CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 10b</b>	<b>Topic:</b> Vaping on Public Property
<b>Prepared By:</b> Ron Foggin	<b>Meeting Date:</b> October 5, 2015	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED ACTION:**

I recommend the City Council approve the suggested change to the smoking ordinance to add vaping.

**BACKGROUND:**

Vaping which is a term used to describe the use of electronic cigarettes (E-cigarettes) is becoming more popular in our community. E-cigarettes are replacing traditional tobacco cigarettes. The E-cigarettes do not produce the burned tobacco smoke that traditional cigarettes do, but E-cigarettes still produce by products that affect the quality of the air. Because this is true, E-cigarettes should be treated the same as traditional cigarettes as far as use in public spaces.

**FISCAL IMPACT:**

There will be no fiscal impact.

**DALLAS 2030 VISION IMPACT:**

1.k. – Dallas neighborhoods are clean, safe, friendly and livable places.

**ATTACHMENTS:**

None

### 5.210 No Smoking.

Smoking is prohibited and no person shall smoke:

(1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.

(2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.

(3) On or within 25 feet of the external boundaries of the following:

(a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including, but not limited to, spectator areas and bleachers.

(b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.

(c) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.

(d) Any bus shelter structure.

(4) Within 25 feet of any public or private school bus stop while children are present at the bus stop.

(5) In all city parks, including the Rickreall Creek Trail, and all parking lots adjacent to such parks and trail, except that the City Manager shall designate one smoking area within the Dallas City Park where smoking will be permitted.

(6) The restrictions of subsections (1), (2), (3) and (4) of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(7) For the purpose of this section:

(a) "Smoking" shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe, ~~or other smoke equipment~~ used for tobacco or any other weed or plant ~~and the use of an inhalent delivery system to inhale or exhale vapor,~~ aerosol or tobacco.

(b) "Inhalent delivery system" means a device that can be used to deliver nicotine or cannabionoids in the form of vapor or aerosol to a person inhaling from the device.

(8) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section. The area designated for smoking within the Dallas City Park pursuant to subsection (5) shall be identified by signs and markings as a smoking area.

(9) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section [5.428](#).

ORDINANCE NO. 1790

An Ordinance amending Dallas City Code Section 5.210, relating to smoking regulations.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5,210 is hereby amended and restated in its entirety as follows:

5.210 No Smoking.

Smoking is prohibited and no person shall smoke:

(1) In any place of employment within the city, as defined in ORS 433.835(3), or any enclosed area open to the public.

(2) Within 10 feet of the external boundaries of the entrances(s) to and exit(s) from all places of employment, as defined in ORS 433.835(3), and all enclosed areas open to the public within the city, windows on such places that open, and ventilation intakes that serve an enclosed area within any place of employment.

(3) On or within 25 feet of the external boundaries of the following:

(a) All city and school district sport playing fields, including, but not limited to, baseball fields, soccer fields, and football fields, during a group activity, including, but not limited to, spectator areas and bleachers.

(b) Public tennis courts, public basketball courts, the city aquatic center, and the city skateboard park, including, but not limited to, spectator areas and bleachers.

(c) The Dallas Rotary amphitheater stage, on the grass on the sides and/or in front of the stage, to and including the concrete bleachers adjacent thereto, during and within one hour before a concert or entertainment event.

(d) Any bus shelter structure.

(4) Within 25 feet of any public or private school bus stop while children are present at the bus stop.

(5) In all city parks, including the Rickreall Creek Trail, and all parking lots adjacent to such parks and trail, except that the City Manager shall designate one smoking area within the Dallas City Park where smoking will be permitted.

(6) The restrictions of subsections (1), (2), (3) and (4) of this section shall not apply to persons traveling in a motor vehicle that is not a place of employment under ORS 433.835, nor to persons walking on sidewalks, parking lots, or other pedestrian pathways so long as they continue to move.

(7) For the purpose of this section:

(a) "Smoking" shall mean and include inhaling, exhaling, burning, or carrying any lighted cigarette, cigar, pipe used for tobacco or any other weed or plant and the use of an inhalent delivery system to inhale or exhale vapor, aerosol or tobacco.

(b) "Inhalent delivery system" means a device that can be used to deliver nicotine or cannabionoids in the form of vapor or aerosol to a person inhaling from the device.

(8) "No Smoking" signs, which identify the area where smoking is prohibited, shall be posted at the entrance(s) to all city buildings and city parks, and at reasonable places and intervals at all other locations where smoking is prohibited; provided, however, that the absence of a "no smoking" sign shall not justify a violation of nor preclude enforcement of this section. The area designated for smoking within the Dallas City Park pursuant to subsection (5) shall be identified by signs and markings as a smoking area.

(9) Violation of this section is punishable by a fine not to exceed \$100. A person who violates this section while in a city park shall also be subject to exclusion from city parks pursuant to section 5.428 .

Read for the first time: October 5, 2015  
Read for the second time: October 19, 2015  
Adopted by the City Council: October 19, 2015  
Approved by the Mayor: October 19, 2015

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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

## STAFF REPORT

**TO: DALLAS CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 11a</b>	<b>Topic:</b> House Addresses on Curbs
<b>Prepared By:</b> Ron Foggin	<b>Meeting Date:</b> September 21, 2015	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED ACTION:**

Adopt Ordinance 1788 amending Dallas City Code Section 6.325, relating to private marking on curbs.

**BACKGROUND:**

Over the years, the City has been approached by service groups, fund raising groups and individuals looking to make money to paint house addresses on curbs. The Dallas City Code currently does not allow this. 6.100 of the City Code make private marking on curbs unlawful. In the past, several City Managers have allowed service groups and fund raising groups to paint house addresses on the curbs, but there is nothing in the current code that allows the City Manager to approve such activities.

**FISCAL IMPACT:**

There will be an application fee which will generate a small amount of revenue.

**DALLAS 2030 VISION IMPACT:**

1.k. – Dallas neighborhoods are clean, safe, friendly and livable places.

**ATTACHMENTS:**

None

ORDINANCE NO. 1788

An Ordinance amending Dallas City Code Section 6.325, relating to private marking on curbs; and declaring an emergency.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 6.325 is hereby amended and restated in its entirety as follows:

**6.100 Private Marking.**

(1) Except as provided in subsection (2), no person shall letter, mark, or paint any letters, marks, or signs on a sidewalk, curb, street, or alley, or post on a parking strip anything designed or intended to prohibit or restrict parking in front of a sidewalk, dwelling, business, or in an alley, except in compliance with the provisions of this chapter.

(2) Upon application to the City Manager, payment of a fee established by resolution of the city council, and approval by the City Manager, a person may paint the street address of the person's property on the face of the curb in front of the person's property. The City Manager is authorized to develop rules governing the painting of such numbers, which rules may address minimum curb size and condition, paint materials, size and color of the numbers and the location of the numbers on the curb. The property owner shall maintain the numbers in good condition and repair as long as they remain on the curb, and the city shall have no responsibility for such maintenance, repair or replacement, nor shall the city be liable to the property owner for any damage to the numbers caused by any street maintenance activity or leaf removal.

Section 2. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

Read for the first time: September 21, 2015  
Read for the second time: October 5, 2015  
Adopted by the City Council: October 5, 2015  
Approved by the Mayor: October 5, 2015

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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. 12a</b>	<b>Topic:</b> Resolution 3332
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> October 5, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED ACTION:**

Motion to Approve Budget Transfer Resolution 3332

**BACKGROUND:**

Oregon Budget Law allows for unanticipated changes to the budget throughout the fiscal year. ORS 294.463 allows for appropriation transfers which includes intra-and inter-fund transfers between appropriation categories and contingency transfers. Appropriation transfers require a budget resolution.

Following are the necessary transfers:

**General Fund:**

From:	To:	Purpose:	Amount:
Contingency	Community Development- Planning Department- Professional Services	Economic Development Consultant	\$ 20,000

**Street Fund:**

From:	To:	Purpose:	Amount:
Contingency	Capital Outlay-Equipment	Purchase of backhoe (1/3)	\$ 27,000

**Water Fund:**

From:	To:	Purpose:	Amount:
Contingency	Capital Outlay-Equipment	Purchase of backhoe (1/3)	\$ 27,000

**Sewer Fund:**

From:	To:	Purpose:	Amount:
Contingency	Capital Outlay-Equipment	Purchase of backhoe (1/3)	\$ 27,000
Contingency	Capital Outlay-Equipment	Purchase of farm loader	\$ 9,000

**FISCAL IMPACT:**

Appropriation impact:

**General Fund:**

Decrease Contingency from \$100,000 to \$80,000

Increase Planning-Professional Services from \$30,000 to \$50,000

**Street Fund:**

Decrease Contingency from \$709,100 to \$682,100

Increase Capital Outlay-Equipment \$0 to \$27,000

**Water Fund:**

Decrease Contingency from \$1,014,032 to \$987,032

Increase Capital Outlay-Equipment \$100,000 to \$127,000

**Sewer Fund:**

Decrease Contingency from \$744,950 to \$708,950

Increase Capital Outlay-Equipment \$0 to \$36,000

**DALLAS 2030 VISION IMPACT:**

**ATTACHMENTS:**

Budget Transfer Resolution 3332

RESOLUTION NO. 3332

A Resolution authorizing the transfer of budgetary funds.

WHEREAS, it is necessary to transfer the appropriation authority of \$20,000 from the General Fund, Operating Contingency, to the General Fund, Community Development-Planning Department, for unanticipated consultant costs; and

WHEREAS, it is necessary to transfer the appropriation authority of \$27,000 from the Street Fund, Operating Contingency, to the Street Fund, Capital Outlay, for unanticipated purchase of equipment; and

WHEREAS, it is necessary to transfer the appropriation authority of \$27,000 from the Water Fund, Operating Contingency, to the Water Fund, Capital Outlay, for unanticipated purchase of equipment; and

WHEREAS, it is necessary to transfer the appropriation authority of \$36,000 from the Sewer Fund, Operating Contingency, to the Sewer Fund, Capital Outlay, for unanticipated purchase of equipment;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$20,000 from the General Fund, Operating Contingency, to the General Fund, Community Development-Planning Department,

Section 2. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$27,000 from the Street Fund, Operating Contingency, to the Street Fund, Capital Outlay,

Section 3. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$27,000 from the Water Fund, Operating Contingency, to the Water Fund, Capital Outlay,

Section 4. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$36,000 from the Sewer Fund, Operating Contingency, to the Sewer Fund, Capital Outlay,

Section 5. This Resolution shall be effective upon its passage.

Adopted: October 5, 2015  
Approved: October 5, 2015

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BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

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RON 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. 12b</b>	<b>Topic:</b> Resolution 3333
<b>Prepared By:</b> Cecilia Ward	<b>Meeting Date:</b> October 5, 2015	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED ACTION:**

Motion to Approve Budget Transfer Resolution 3333

**BACKGROUND:**

Oregon budget law ORS 294.468 allows for loans from one fund to another. The term of such loan shall not exceed 10 years. The purchase of an ambulance was approved in the FY 2015-2016 budget. Financing was not determined at the time the budget was approved. Staff has determined an interfund loan would be the most beneficial. At this time, the city has three existing interfund loans:

<b>From:</b>	<b>To:</b>	<b>Purpose:</b>	<b>Original Loan:</b>	<b>Balance as of 6/30/2015:</b>	<b>Payoff date:</b>
Sewer SDC	Aquatic Center	Energy Upgrades	\$800,000	\$240,837	06/30/2018
Sewer SDC	Fire Department	Seismic Upgrades	\$ 75,000	\$ 30,000	06/30/2017
Sewer SDC	Fleet	Purchase of new ambulance	\$220,000	\$100,000	10/30/2018

Per Resolution 3333, the interest rate will be .54% which is the interest that the City is earning from the state's Local Government Investment Pool.

**FISCAL IMPACT:**

A supplemental budget and budget transfer resolution will be presented at the next meeting.

**DALLAS 2030 VISION IMPACT:**

**ATTACHMENTS:**

Interfund Loan Resolution 3333

RESOLUTION NO. 3333

A Resolution authorizing an interfund loan.

WHEREAS, it is necessary to establish and authorize an interfund loan from the Sewer System Development Fund to the General Fund-Ambulance Department for approved purchase of an ambulance; and

WHEREAS, the principal amount of the interfund loan is not to exceed \$200,000, with 0.54% interest; and

WHEREAS, payment of the loan shall be made as follows:

Period Due	Principal	Interest	Total Due	Balance
6/1/2016	\$14,036.41	\$524.22	\$14,560.63	\$185,963.59
6/1/2017	\$28,186.75	\$934.51	\$29,121.26	\$157,776.84
6/1/2018	\$28,339.33	\$781.92	\$29,121.26	\$129,437.51
6/1/2019	\$28,492.75	\$628.51	\$29,121.26	\$100,944.76
6/1/2020	\$28,646.99	\$474.27	\$29,121.26	\$72,297.77
6/1/2021	\$28,802.07	\$319.19	\$29,121.26	\$43,495.71
6/1/2022	\$28,957.98	\$163.28	\$29,121.26	\$14,537.72
6/1/2023	\$14,537.72	\$22.91	\$14,560.63	\$0.00
	\$200,000.00	\$3,848.80	\$203,848.80	

Annual payments from the General Fund-Ambulance Department budget to the Sewer System Development Fund shall be made in the amount approved by the city council. Full loan repayment is anticipated and shall occur in no more than 10 years as authorized by Oregon budget law ORS 294.468. NOW, THEREFORE;

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

Section 1. That the City Manager be, and he hereby is, authorized and directed to transfer the appropriation authority of \$200,000 from the Sewer System Development Fund to the Capital Projects Fund for purchase of an ambulance and establish an interfund loan on the terms and conditions set forth above.

Section 2. This resolution shall be effective upon its passage.

Adopted: October 5, 2015  
Approved: October 5, 2015

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BRIAN W. DALTON, MAYOR

APPROVED AS TO FORM:

ATTEST:

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RON FOGGIN, CITY MANAGER

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LANE P. SHETTERLY,  
CITY ATTORNEY

# DALLAS CITY COUNCIL

## STAFF REPORT

**TO: DALLAS CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No. 12c</b>	<b>Topic:</b> House Addresses on Curbs Application Process
<b>Prepared By:</b> Ron Foggin	<b>Meeting Date:</b> October 5, 2015	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Ron Foggin		

**RECOMMENDED ACTION:**

I recommend the City Council approve the resolution adopting a \$25 application fee for anyone wanting to paint house addresses on curbs.

**BACKGROUND:**

Administering this program will take some staff time. There will be staff time needed to process and review the application.

**FISCAL IMPACT:**

There will be a slight increase in General Fund Miscellaneous Revenue.

**DALLAS 2030 VISION IMPACT:**

1.k. – Dallas neighborhoods are clean, safe, friendly and livable places.

**ATTACHMENTS:**

None

RESOLUTION NO. 3334

A Resolution establishing a fee for an application to paint a property address on the face of a curb authorized under Dallas City Code Section 6.100(2).

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

Section 1. The fee for an application to paint a property address on the face of a curb, as authorized under Dallas City Code Section 6.100(2), shall be \$25.

Adopted: October 5, 2015  
Approved: October 5, 2015

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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