

City Council

Mayor
Brian Dalton

Council President
Jim Fairchild

Councilor
Kelly Gabliks

Councilor
Micky Garus

Councilor
Bill Hahn

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Murray Stewart

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

City Staff

City Manager
Ron Foggin

City Attorney
Lane Shetterly

Community
Development/
Operations Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Fred Hertel

Police Chief
Tom Simpson

Director of Engineering
& Environmental
Services
Fred Braun

City Recorder
Emily Gagner

Recording Secretary
Jeremy Teal

Dallas City Council Agenda

Mayor Brian Dalton, Presiding

Monday, November 2, 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>	
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>	
a. Approve minutes of October 19, 2015 City Council meeting	PG. 3
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
a. General Comments from the Councilors and Mayor	
b. Report of the October 26, 2015, Public Safety Committee Meeting (Councilor Woods)	PG. 6
c. Report of the October 26, 2015, Public Works Committee Meeting (Councilor Stewart)	PG. 10
9. REPORTS FROM CITY MANAGER AND STAFF	
a. Parks Advisory Board update	



Our Vision

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

Our Mission

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

Our Motto

Commitment to the Community.
 People Serving People.

City Hall

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

b. Council goal update

Information

c. Other

Information

10. FIRST READING OF ORDINANCE

PG. 12

a. Ordinance No. 1792 – An Ordinance amending Dallas City Code Section 5.276, relating to camping on public property.

First Reading

PG. 15

b. Ordinance No. 1793 – An Ordinance granting an non-exclusive gas utility franchise to Northwest Natural Gas Company, fixing terms, conditions, and compensation of such franchise, repealing Ordinance No. 1508; and declaring an emergency.

First Reading

11. SECOND READING OF ORDINANCE

PG. 24

a. Ordinance No. 1791 – An Ordinance changing the zoning designation for certain real property owned by Oakdale Heights Phase I, LLC from Industrial to Residential Low Density; and declaring an emergency.

Roll Call Vote

12. RESOLUTIONS

13. EXECUTIVE SESSION as authorized under ORS 192.660 (2)(h) to consult with legal counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

14. OTHER BUSINESS

15. ADJOURNMENT

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 October 19, 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. There were technical difficulties with this recording and it begins at the Employee Introduction/Recognition.

DALLAS CITY COUNCIL	Monday, October 19, 2015
The Dallas City Council met in regular session on Monday, October 19, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.	
Council: Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Bill Hahn, Councilor Micky Garus, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Ken Woods, Jr.	
Staff: City Manager Ron Foggin, City Attorney Lane Shetterly, Police Chief Tom Simpson, Fire Chief Fred Hertel, Engineering and Environmental Services Director Fred Braun, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, HR Manager Emily Gagner, and Recording Secretary Jeremy Teal.	
Pledge of Allegiance: Mayor Dalton led the Pledge of Allegiance.	

AGENDA	ACTION
:05 EMPLOYEE RECOGNITION	Chief Simpson introduced Jay Fox as the new Code Services Specialist. Mr. Locke recognized Kent McKnight for his excellence in customer service, acknowledging a letter from DPSST commending his assistance.
COMMENTS FROM THE AUDIENCE	There were none.
4:56 PUBLIC HEARINGS PROPOSED SUPPLEMENTAL BUDGET FOR FY 2015-2016	Mayor Dalton opened the public hearing at 7:07 p.m. Ms. Ward explained this proposed would allow a budget transfer for the purchase of a new ambulance. Mayor Dalton asked for comments from the public. There were none. Mayor Dalton closed the public hearing at 7:08 p.m.
6:26 CONSENT AGENDA Item approved by the Consent Agenda: a) minutes of October 5, 2015 City Council meeting; b) OLCC Application for Center Market #2.	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 9-0.

<p>ITEMS REMOVED FROM CONSENT AGENDA</p>	<p>There were none.</p>
<p>REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</p>	<p>There were none.</p>
<p>8:07 REPORTS FROM CITY MANAGER AND STAFF</p>	
<p>ECONOMIC DEVELOPMENT STRATEGY</p>	<p>Mr. Locke explained the strategy would be a partnership with the Chamber of Commerce and the Visitors Center to implement the new branding and marketing materials and to saturate the surrounding areas with those materials to encourage economic development in Dallas.</p> <p>Councilor Garus voiced his concern with the lack of tangible information for the strategy.</p> <p>It was moved by Councilor Lawson to approve the Economic Development Strategy. The motion was duly seconded and carried with a vote of 8-1 with Councilor Garus voting NO.</p>
<p>SEPTEMBER FINANCIALS</p>	<p>Mr. Foggin noted there were no surprises.</p>
<p>COUNCIL GOAL UPDATE</p>	<p>Mr. Foggin stated the website created in 2008 would be going away and a fresh new website would be launched mid-November. He noted the 2030 vision had been adopted by other stakeholders in the community.</p>
<p>OTHER</p>	<p>Mr. Foggin reported the Tyco building sold to the American Gas and Technology Company, which specialized in liquid and compressed natural gas products.</p>
<p>31:47 FIRST READING OF ORDINANCE Ordinance No. 1791 – An Ordinance changing the zoning designation for certain real property owned by Oakdale Heights Phase I, LLC from Industrial to Residential Low Density; and declaring an emergency.</p>	<p>Mayor Dalton declared Ordinance No. 1791 to have passed its first reading.</p>
<p>32:12 SECOND READING OF ORDINANCE 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.</p> <p>Ordinance No 1790 – An Ordinance amending Dallas City Code Section 5.210, relating to</p>	<p>A roll call vote was taken and Mayor Dalton declared Ordinance No. 1789 to have PASSED BY A VOTE of 9-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p> <p>A roll call vote was taken and Mayor Dalton</p>

<p>smoking regulations.</p>	<p>declared Ordinance No. 1790 to have PASSED BY A VOTE of 9-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>
<p>34:43 RESOLUTIONS Resolution No. 3335 – A Resolution adopting and appropriating a Supplemental Budget for Fiscal Year 2015-2016.</p>	<p>A roll call vote was taken and Mayor Dalton declared Resolution No. 3335 to have PASSED BY A VOTE of 9-0 with Council President Jim Fairchild, Councilor Kelly Gabliks, Councilor Micky Garus, Councilor Bill Hahn, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Murray Stewart, Councilor LaVonne Wilson, and Councilor Ken Woods, Jr. voting YES.</p>
<p>OTHER</p>	

<p>ADJOURNMENT</p>	<p>There being no further business, the meeting adjourned at 7:38 p.m.</p>
<p>Read and approved this _____ day of _____ 2015.</p> <p>ATTEST: _____ Mayor</p> <p>_____ City Manager</p>	

<p> </p>

Members Present: Chair Ken Woods, Jr., Micky Garus, LaVonne Wilson. Excused: Murray Stewart.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, Police Chief Tom Simpson, and Recording Secretary Jeremy Teal.

Chair Woods called the meeting to order at 4:10 p.m.

CAMPING ORDINANCE AMENDMENT

Chief Simpson reported the community was having an issue with people camping in their vehicle, i.e. car or truck, not an RV.

Mr. Shetterly noted the amended ordinance would expand the current camping ordinance to include motor vehicles.

It was moved by Councilor Wilson *to authorize the City Attorney to draft an Ordinance amending Dallas City Code 5.276, camping on public property, to add language which includes a reference to sleeping in motor vehicles.* The motion was duly seconded and carried with a vote of 3-0.

FIRE CHIEF'S REPORT

Mr. Foggin reported the Fire Department was picking up the new fire engine. He added they were in the process of remodeling the front of their building to add a proper entry way.

CHIEF OF POLICE'S REPORT

Chief Simpson reported code services was getting Keller's Nursery at the end of Hayter Street all cleaned up and Mike Sunday was training Jay Fox. He noted the owner of the house at Uglow and Ash that burned was in the process of securing a loan to demolish and rebuild the home. He mentioned there were a few residents in town that had hoarding issues and the Police were working with Polk County Mental Health to help alleviate the issue. He shared that Officer Flaming would start the Police Academy in two weeks with graduation in March, adding she would take Officer Huey's position when he retired at the end of November. He noted the department was building an eligibility list for any future or unanticipated positions to avoid a lengthy process. He advised the November 1 start date for POINT hinged on the Sheriff hiring new deputies and at this point, that date had moved to July 2016. He noted active shooter training would take place in near future for councilors and employees. He reported the patrol officers were busy and the crime rate was better. Chief Simpson added it was going well with Officer Shields working traffic.

OTHER

ADJOURNMENT

There was no other business and the meeting was adjourned at 4:38 p.m.



Public Safety Committee

AGENDA

October 26, 2015

4:00 PM

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

- COMMITTEE**
Chair Ken Woods, Jr.
Micky Garus
Murray Stewart
LaVonne Wilson

- A. Call to Order
- B. Camping Ordinance Amendment
- C. City Manager's Reports
 - Police report
 - Fire report
- D. Other
- E. Adjournment



Dallas Ambul



DALLAS CITY COUNCIL

PUBLIC SAFETY SUBCOMMITTEE REPORT

TO: COUNCIL PUBLIC SAFETY SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. B	Topic: Amendment to Camping Ord.
Prepared By: Tom Simpson, Chief of Police	Meeting Date: October 26, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED ACTION:

Authorize the City Attorney to draft an ordinance amending Dallas City Code §5.276, Camping on Public Property, to add language which includes a reference to sleeping in motor vehicles.

BACKGROUND:

Ordinance §5.276, Camping on Public Property currently provides language prohibiting camping on public property; however, there is not clear language which includes those who might sleep in their cars, rather than setting up an outdoor campsite. Other language in the city code adequately addresses those sleeping in recreational vehicles; however, there is no specific reference if one or more persons should choose to use a car or truck as a motel room.

FISCAL IMPACT:

Staff time only.

DALLAS 2030 VISION IMPACT:

Our Community & Identity: 1k - - neighborhoods are clean, safe, friendly and livable places.

ATTACHMENTS: Proposed language draft.

5.276 Camping on Public Property.

(1) No person shall camp in or upon a sidewalk, street, alley, lane, public right-of-way or other public land or premises, or under a bridge or viaduct, unless otherwise authorized by this code, or by the council, or by declaration by the mayor in emergency circumstances.

(2) As used in this section the following mean:

(a) To camp. To set up or to remain in or at a campsite.

(b) Campsite. Any place where bedding, sleeping bag, or other sleeping matter, or a stove or fire is placed, established, or maintained, whether or not the place incorporates the use of a tent, lean-to, shack or other structure. Campsite includes a motor vehicle if the motor vehicle is used for sleeping and is not authorized to be occupied under sections 6.605 and 6.610.

(3) Violation of this section is a Class C misdemeanor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Members Present: Micky Garus, LaVonne Wilson, Ken Woods, Jr. Excused: Chair Murray Stewart.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, Police Chief Tom Simpson, Community Development/Operations Director Jason Locke, Engineering and Environmental Services Director Fred Braun, and Recording Secretary Jeremy Teal.

Acting Chair Woods called the meeting to order at 4:01 p.m.

Councilor Wilson arrived at 4:07 p.m.

ENGINEERING DIRECTOR'S REPORT

Mr. Braun reported the pump at the Aquifer Storage and Recovery (ASR) well failed in September and a contractor had been selected to do the repair work to be completed by December. He stated the second week of November, work would begin on the Clay Street Transmission line replacement. He noted the lead and copper testing results were returned and the City was in compliance. He mentioned the temporary pump station standards were working and a contractor on LaCreole was implementing them during their building process.

COM DEV/OPS DIRECTOR'S REPORT

Mr. Locke reported the crew was continuing work on catch basin cleaning and the new elevated walking path at Kingsborough Park. He noted the new crack and seal machine would be utilized over the next few weeks, as the weather was perfect for the work. He stated the crew recently attended training in Seaside that focused on training in traffic and roads. He announced that leaf pick up would be the second weekend in November and the third weekend in December, adding the information had been distributed in utility bills and on the website and Facebook.

OTHER

ADJOURNMENT

There was no other business and the meeting was adjourned at 4:10 p.m.



Public Works Committee

AGENDA

October 26, 2015

4:00 PM

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

COMMITTEE

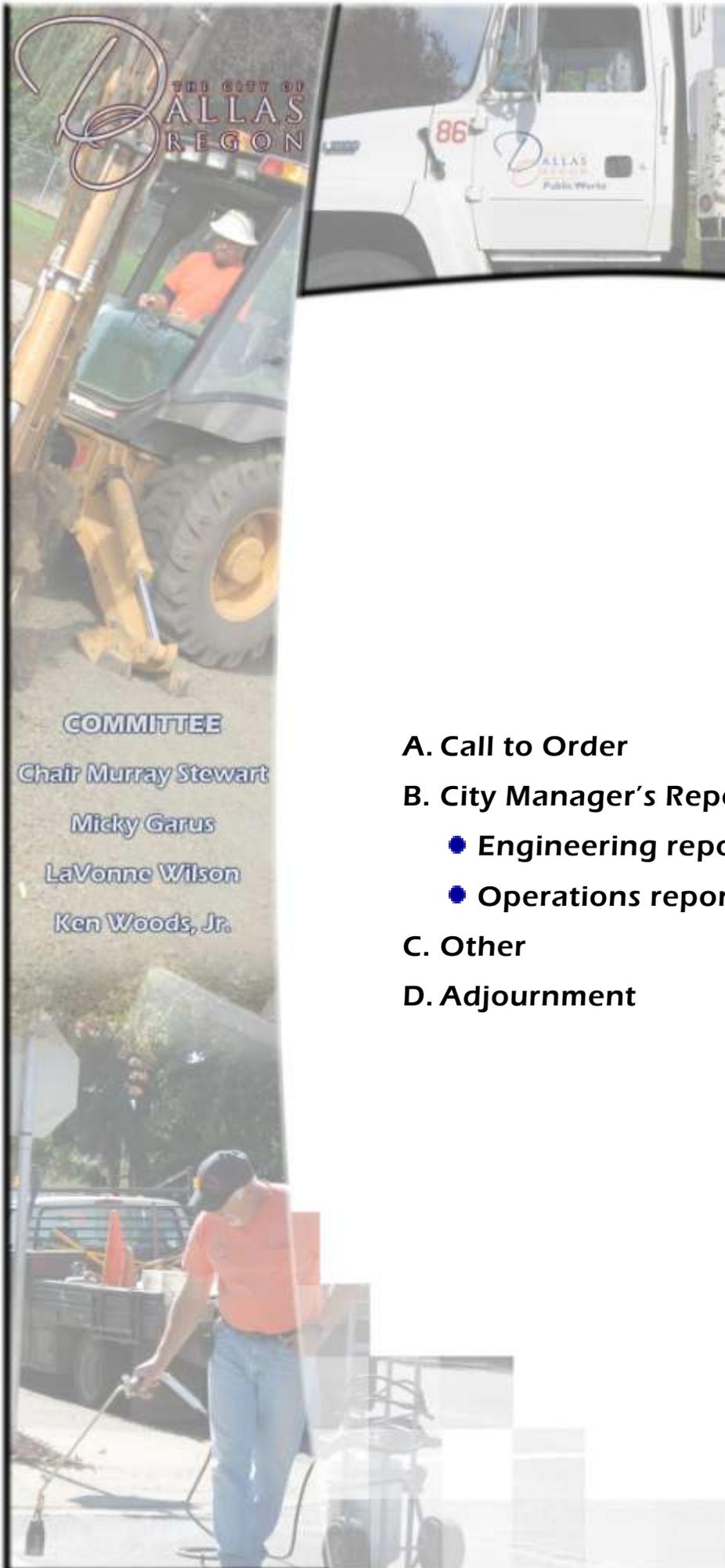
Chair Murray Stewart

Micky Garus

LaVonne Wilson

Ken Woods, Jr.

- A. Call to Order**
- B. City Manager's Reports**
 - **Engineering report**
 - **Operations report**
- C. Other**
- D. Adjournment**



DALLAS CITY COUNCIL

REPORT

TO: MAYOR DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 10a	Topic: Amendment to Camping Ord.
Prepared By: Tom Simpson, Chief of Police	Meeting Date: November 2, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED ACTION:

Allow Ordinance 1792 amending Dallas City Code §5.276, Camping on Public Property, to add language which includes a reference to sleeping in motor vehicles to pass its first reading.

BACKGROUND:

Ordinance §5.276, Camping on Public Property currently provides language prohibiting camping on public property; however, there is not clear language which includes those who might sleep in their cars, rather than setting up an outdoor campsite. Other language in the city code adequately addresses those sleeping in recreational vehicles; however, there is no specific reference if one or more persons should choose to use a car or truck as a motel room.

FISCAL IMPACT:

Staff time only.

DALLAS 2030 VISION IMPACT:

Our Community & Identity: 1k - - neighborhoods are clean, safe, friendly and livable places.

ATTACHMENTS: Proposed language draft.

5.276 Camping on Public Property.

(1) No person shall camp in or upon a sidewalk, street, alley, lane, public right-of-way or other public land or premises, or under a bridge or viaduct, unless otherwise authorized by this code, or by the council, or by declaration by the mayor in emergency circumstances.

(2) As used in this section the following mean:

(a) To camp. To set up or to remain in or at a campsite.

(b) Campsite. Any place where bedding, sleeping bag, or other sleeping matter, or a stove or fire is placed, established, or maintained, whether or not the place incorporates the use of a tent, lean-to, shack or other structure. Campsite includes a motor vehicle if the motor vehicle is used for sleeping and is not authorized to be occupied under sections 6.605 and 6.610.

(3) Violation of this section is a Class C misdemeanor.

ORDINANCE NO. 1792

An Ordinance amending Dallas City Code Section 5.276, relating to camping on public property.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.276 is hereby amended and restated in its entirety as follows:

5.276 Camping on Public Property.

(1) No person shall camp in or upon a sidewalk, street, alley, lane, public right-of-way or other public land or premises, or under a bridge or viaduct, unless otherwise authorized by this code, or by the council, or by declaration by the mayor in emergency circumstances.

(2) As used in this section the following mean:

(a) To camp. To set up or to remain in or at a campsite.

(b) Campsite. Any place where bedding, sleeping bag, or other sleeping matter, or a stove or fire is placed, established, or maintained, whether or not the place incorporates the use of a tent, lean-to, shack or other structure. Campsite includes a motor vehicle if the motor vehicle is used for sleeping and is not authorized to be occupied under sections 6.605 and 6.610.

(3) Violation of this section is a Class C misdemeanor.

Read for the first time: November 2, 2015
Read for the second time: November 16, 2015
Adopted by the City Council: November 16, 2015
Approved by the Mayor: November 16, 2015

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY, CITY
ATTORNEY

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 10 b	Topic: NW Natural Franchise Agreement
Prepared By: Emily Gagner	Meeting Date: November 2, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Allow the ordinance to pass its first reading

BACKGROUND:

Our existing 20-year franchise agreement with Northwest Natural expired in May. While we have been negotiating a new agreement with them, we've continued under the old agreement. The following ordinance is the result of those negotiations.

Very little has changed with the new agreement – in fact, the only material change is that the compensation is changing from 5% to 5.94%, with the amount of compensation subject to renegotiation at the end of each five-year period of the agreement (after 5 years, 10 years, etc.). The term of this new agreement is 20 years.

FISCAL IMPACT:

A slight increase in franchise fee revenue

DALLAS 2030 VISION IMPACT:

NA

ATTACHMENTS:

Ordinance No. 1793

ORDINANCE NO. 1793

AN ORDINANCE GRANTING A NON-EXCLUSIVE GAS UTILITY FRANCHISE TO NORTHWEST NATURAL GAS COMPANY, FIXING TERMS, CONDITIONS AND COMPENSATION OF SUCH FRANCHISE, REPEALING ORDINANCE NO. 1508; AND DECLARING AN EMERGENCY.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Definitions and Explanations.

- (1) As used in this ordinance:
 - (a) “Bridge” includes a structure erected within the City to facilitate the crossing of a river, stream, ditch, ravine or other place, but does not include a culvert.
 - (b) “City” means the City of Dallas and the area within its boundaries, including its boundaries as extended in the future.
 - (c) “Council” means the legislative body of the City.
 - (d) “Gas Mains” includes all gas transmission and distribution facilities located on or under any Street, Bridge or Public Place within the City.
 - (e) “Grantee” means the corporation referred to in Section 2 of this ordinance.
 - (f) “Gas Utility System” includes all gas transmission and distribution facilities located with the City.
 - (g) “Gross Revenues” means revenues received from the use of the Gas Utility System within the City Limits less related net uncollectibles. Gross Revenues shall include revenues from the use, rental, or lease of the Gas Utility System, except when those revenues have been paid to Grantee by another franchisee of the City and the paid revenues are used in the calculation of the franchise fee for the operations of the other franchisee within the City Limits. Gross Revenues shall not include proceeds from the sale of bonds, mortgage, or other evidence of indebtedness, securities or stocks, or sales at wholesale by Grantee to any public utility or public agency when the public utility or public agency purchasing the gas is not the ultimate customer. Gross Revenues will also not included public purpose charges, provided that such charges or surcharges are required or authorized by federal or state statute, administrative rule, or by tariff approved by the OPUC and raise revenue used solely for a public purpose and not to compensate Grantee for the sale or use of natural gas or for the use, rental, or lease of Grantee’s Gas Utility Systems in the City. Public purpose activities include, but are not limited to, energy efficiency

programs, market transformation programs, low-income energy efficiency programs, and carbon offset programs designed to benefit residential and commercial customers within Grantee’s service territory in Oregon.

- (h) “Person” includes an individual, corporation, association, firm, partnership and joint stock company.
- (i) “Public Place” includes any City-owned park, place or grounds within the City that is open to the public but does not include a Street or Bridge.
- (j) “Street” includes a street, alley, avenue, road, boulevard, thoroughfare or public highway within the City, but does not include a Bridge.

(2) As used in this ordinance, the singular number may include the plural and the plural number may include the singular.

(3) Unless otherwise specified in this ordinance, any action authorized or required to be taken by the City may be taken by the Council or by an official or agent designated by the Council.

Section 2. Rights Granted. Subject to the conditions and reservations contained in this ordinance, the City hereby grants to NORTHWEST NATURAL GAS COMPANY, a corporation, the right, privilege and franchise to construct, maintain and operate a Gas Utility System (dba NW Natural) within the City, to install, maintain and operate on and under the Streets and Bridges and Public Places of the City, facilities for the transmission and distribution of gas to the City and its inhabitants and to other customers and territory beyond the limits of the City, and to transmit, distribute and sell gas; and, all other rights, privileges and franchises necessary or incident to the business of providing gas service.

Section 3. Use of Bridges and Public Places by Grantee.

- (1) Before the Grantee may use or occupy any Bridge or Public Place, the Grantee shall first obtain permission from the City to do so and shall comply with any special conditions the City desires to impose on such use or occupation at the time of installation.
- (2) The compensation paid by the Grantee for this franchise includes compensation for the use of Bridges and Public Places located within the City as authorized.

Section 4. Duration. Subject to the provisions of Section 12 herein, this franchise is granted for a period of twenty (20) years from and after the effective date of this ordinance.

Section 5. Franchise Not Exclusive. This franchise is not exclusive, and shall not be construed as a limitation on the City in:

- (1) Granting rights, privileges and authority to other persons similar to or different from those granted by this ordinance; and
- (2) Constructing, installing, maintaining or operating any city-owned public utility.

Section 6. Public Works and Improvements Not Affected by Franchise. The City reserves the right to:

- (1) Construct, install, maintain and operate any public improvement, work or facility;
- (2) Do any work that the City may find desirable on, over or under any Street, Bridge or Public Place; and
- (3) Vacate, alter or close any Street, Bridge or Public Place, provided that the City shall make available to Grantee with alternative right-of-way for the location of its facilities, and notify Grantee with alternate right-of-ways for alternate.
- (4) Whenever the City shall excavate or perform any work in any of the present and future Streets, alleys and Public Places of the City, or shall contract, or issue permits, for such excavation or work where such excavation or work may disturb Grantee's Gas Mains, pipes and appurtenances, the City shall, in writing, notify Grantee sufficiently in advance of such contemplated excavation or work to enable Grantee to take such measures as may be deemed necessary to protect such Gas Mains, pipes, and appurtenances from damage and possible inconvenience or injury to the public. In any such case, the Grantee, upon request, shall furnish maps or drawings to the City or contractor, as the case may be, showing the approximate location of all its structures in the area involved in such proposed excavation or other work.
- (5) Whenever the City shall vacate any Street or Public Place for the convenience or benefit of any person or governmental agency and instrumentality other than the City, Grantee's rights shall be preserved as to any of its facilities then existing in such Street or Public Place.

Section 7. Continuous Service. The Grantee shall maintain and operate an adequate system for the distribution of gas in the City. The Grantee shall use due diligence to maintain continuous and uninterrupted 24-hour a day service which shall at all times conform at least to the standards common in the business and to the standards adopted by state authorities and to standards of the City which are not in conflict with those adopted by the state authorities. Under no circumstances shall the Grantee be liable for an interruption or failure of service caused by act of God, unavoidable accident, or other circumstances beyond the control of the Grantee through no fault of its own.

Section 8. Safety Standards and Work Specifications.

- (1) The facilities of the Grantee shall at all times be maintained in a safe, substantial and workmanlike manner.

(2) For the purpose of carrying out the provisions of this section, the City may provide such specifications relating thereto as may be necessary or convenient for public safety or the orderly development of the City. The City may amend and add to such specifications from time to time.

Section 9. Control of Construction. The Grantee shall file with the City maps showing the location of any construction, extension or relocation of its Gas Mains in the Streets of the City and shall obtain from the City approval of the location and plans prior to commencement of the work. The City may require the Grantee to obtain a permit before commencing the construction, extension or relocation of any of its Gas Mains.

Section 10. Street Excavations and Restorations.

(1) Subject to the provisions of this ordinance, the Grantee may make necessary excavations for the purpose of constructing, installing, maintaining and operating its facilities. Except in emergencies, prior to making an excavation in the traveled portion of any Street, Bridge or Public Place, and, when required by the City, in any untraveled portion of any Street, Bridge or any Public Place, the Grantee shall obtain from the City approval of the proposed excavation and of its location.

(2) Except as provided in subsection (3) of this section, when any excavation is made by the Grantee, the Grantee shall promptly restore the affected portion of the Street, Bridge, or Public Place to the same condition in which it was prior to the excavation. The restoration shall be in compliance with specifications, requirements and regulations of the City in effect at the time of such restoration. If the Grantee fails to restore promptly the affected portion of a Street, Bridge or Public Place to the same condition in which it was prior to the excavation, the City may make the restoration, and the cost thereof shall be paid by the Grantee.

(3) At its option, the City may restore or resurface the affected portion of any Street, Bridge or Public Place excavated by the Grantee, and the cost thereof shall be paid by the Grantee.

Section 11. Location and Relocation of Facilities.

(1) All facilities of the Grantee shall be placed so that they do not interfere unreasonably with the use by the City and the public of the Streets, Bridges and Public Places and in accordance with any specifications adopted by the City governing the location of facilities.

(2) The City may require, in the public interest, the removal or relocation of facilities maintained by the Grantee in the Streets of the City, and the Grantee shall remove and relocate such facilities within a reasonable time after receiving notice to do so from the City. The cost of such removal or relocation of its facilities shall be paid by the Grantee, but when such removal or relocation is required for the convenience or benefit of any person, governmental agency or instrumentality other than the City, Grantee shall be entitled to reimbursement for the reasonable cost thereof from such person, agency or instrumentality. The City shall cooperate with the Grantee in the matter of assigning or allocating the costs of removal or relocation.

Section 12. Compensation.

(1) As compensation for the franchise granted by this ordinance, the Grantee shall pay to the City an amount equal to 5.94% of the Gross Revenue collected by the Grantee from its customers for gas consumed within the City. Upon thirty (30) days prior written notice by the City to the Grantee, the amount of such annual compensation shall be subject to renegotiation and redetermination at or before the expiration of the first, second, and third successive five-year periods, respectively, of the term of the franchise hereby granted.

(2) The compensation required by this section shall be due for each calendar year, or fraction thereof, within sixty (60) days after the close of such calendar year or fraction thereof .

(3) The Grantee shall furnish to the City with each payment of compensation required by this section a written statement, showing the amount of Gross Revenue of the Grantee within the City for the period covered by the payment computed on the basis set out in subsection (1) of this section. The compensation for the period covered by the statement shall be computed on the basis of the Gross Revenue so reported. If the Grantee fails to pay the entire amount of compensation due the City through error or otherwise, the difference due the City shall be paid by the Grantee within thirty (30) days from discovery of the error or determination of the correct amount. Any overpayment to the City through error or otherwise shall be offset against the next payment due from the Grantee.

(4) Acceptance by the City of any payment due under this section shall not be deemed to be a waiver by the City of any breach of this franchise occurring prior thereto, nor shall the acceptance by the City of any such payments preclude the City from later establishing that a larger amount was actually due, or from collecting any balance due to the City.

Section 13. Books of Account and Reports. The Grantee shall keep accurate books of account at an office in Oregon for the purpose of determining the amounts due to the City under Section 12 of this ordinance. The City may inspect the books of account at any time during business hours and may audit the books from time to time, provided that only payments that occurred or should have occurred during a period of thirty-six (36) months prior to the date the City notifies the Grantee of its intent to perform an audit or financial review will be included. The Council may require periodic reports from the Grantee relating to its operations and Gross Revenues within the City. The Grantee will not provide the City with records containing customer information that identifies or can be attributed to a specific customer, without a written legal opinion by the City to the Grantee's reasonable satisfaction that such records will not be subject to public disclosure under state law, and that the City will inform NW Natural and oppose their disclosure should a public disclosure request be made.

Section 14. Supplying Maps Upon Request. The Grantee shall maintain on file, at an office in Oregon, maps and operational data pertaining to its operations in the City. The City may inspect the maps and data at any time during business hours. Upon request of the City the Grantee shall furnish to the City, without charge and on a current basis, maps showing the location of the Gas Mains of the Grantee in the City.

Section 15. Indemnification. The Grantee shall indemnify and save harmless the City and its officers, agents and employees from any and all loss, cost and expense arising from damage to property and/or injury to or death of persons to the extent caused by any wrongful or negligent act or omission of the Grantee, its agents, or employees in exercising the rights, privileges, and franchise hereby granted.

Section 16. Assignment of Franchise. This franchise shall be binding upon, and inure to the benefit of, the successors, legal representatives and assigns of Grantee. This franchise shall not be sold, transferred, leased, sublet, or assigned except for security purposes, nor shall title thereto, either equitable or legal, or any right or interest therein, pass to or vest in any party, without prior written approval of the City. Any such sale, transfer, assignment, pledge, lease, or other encumbrance of whatever kind or nature made in violation of this section shall operate as an automatic termination of the franchise.

The City shall not unreasonably withhold its consent if Grantee can demonstrate to the satisfaction of the City that the successor, legal representative, or assignee possesses the character, financial capability, and operational expertise, including personnel experienced in natural gas utility systems of similar size and scope, to provide a level of service in the City equal to or better than the level provided by Grantee.

Section 17. Termination of Franchise for Cause. Upon the willful failure of the Grantee, after sixty (60) days' notice and demand in writing, to perform promptly and completely each and every material term, condition or obligation imposed upon it under or pursuant to this ordinance, the City may terminate this franchise, subject to Grantee's right to a court review of the reasonableness of such action. If the City and Grantee are unable to agree on the amount of any franchise increase, the City shall have the option of terminating this franchise after six (6) months' advance notice to Grantee.

Section 18. Remedies Not Exclusive; When Requirement Waived. All remedies and penalties under this ordinance, including termination of the franchise, are cumulative, and the recovery or enforcement of one is not a bar to the recover or enforcement of any other such remedy or penalty. The remedies and penalties contained in this ordinance, including termination of the franchise, are not exclusive, and the City reserves the right to enforce the penal provisions of any ordinance or resolution and to avail itself of any and all remedies available at law or in equity. Failure to enforce shall not be construed as a waiver of a breach of any term, condition or obligation imposed upon the Grantee by or pursuant to this ordinance. A specific waiver of any particular breach of any term, condition or obligation imposed upon the Grantee by or pursuant to this ordinance shall not be a waiver of any other or subsequent or future breach of the same or of any other term, condition or obligation, or a waiver of the term, condition or obligation itself.

Section 19. Acceptance. The Grantee shall, within thirty (30) days from the date this ordinance takes effect, file with the City its written unconditional acceptance of this franchise and if the Grantee fails to do so, this ordinance shall be void.

Section 20. Repeal of Ordinance 1508. Ordinance 1508, passed by the City Council and approved by the Mayor on May 1, 1995, is repealed.

Section 21. Effective Date. In as much as it is necessary for the peace, health and safety of the citizens of Dallas, an emergency is hereby declared and this ordinance is put in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Read for the first time: November 2, 2015
Read for the second time: November 16, 2015
Adopted by the City Council: November 16, 2015
Approved by the Mayor: November 16, 2015

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY

ACCEPTANCE

City of Dallas
City Manager
187 SE Court St.
Dallas, OR 97338

This is to advise the City of Dallas, Oregon (the "City") that Northwest Natural Gas Company (the "Grantee") hereby accepts the terms and provisions of Ordinance No. _____ passed by the Dallas City Council on _____, 2015 (the "Franchise") granting a Franchise for twenty (20) years to Grantee. The Grantee agrees to abide by each and every term of the Franchise, and shall become effective upon acceptance of said agreement by NW Natural Gas Company (the "Grantee").

(Name)
BY _____

Senior Vice President & General Counsel
TITLE _____ Legal, Risk & Compliance

DATE _____

This Acceptance was received by the City of Dallas on _____, 2015.

City Recorder

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11a	Topic: Ordinance 1791
Prepared By: Jason Locke, Community Development/ Operations Director	Meeting Date: November 2, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION: Adopt Ordinance 1791.

BACKGROUND: After a public hearing was held on this matter, the Council directed staff to prepare an Ordinance for the Zone Map Amendment. That Ordinance is attached.

FISCAL IMPACT: None

ATTACHMENTS:

Ordinance 1791

ORDINANCE NO. 1791

An Ordinance changing the zoning designation for certain real property owned by Oakdale Heights Phase I, LLC from Industrial to Residential Low Density; and declaring an emergency.

WHEREAS, Paul K. Trahan, Consultant, submitted an application for a zone change for the real property which is described generally as 4.5 acres located in Southwest Dallas, West of Ash Creek at the terminus of SW Hayter Street, being a portion of tax lot 803 (Map 8.5.5AA TL 803), owned by Oakdale Heights Phase I, LLC, from Industrial to Residential Low Density; and

WHEREAS, after due notice, on August 11, 2015, the Dallas Planning Commission held a public hearing on the application and at the conclusion thereof recommended to the City Council that the application be granted; and

WHEREAS, after due notice, on October 5, 2015, the City Council held a public hearing on the application and at the conclusion thereof found that there was substantial evidence that the application met the requirements of the Dallas Development Code, and that the application should be granted; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. The zoning designation of the real property described as a portion of tax lot 803 (Map 8.5.5AA TL 803), as shown on the map attached hereto as Exhibit A, is hereby changed from Industrial to Residential Low Density.

Section 2. The Findings and Conclusions set forth in the staff report on this matter, submitted into the record herein on October 5, 2015, a copy of which is attached hereto as Exhibit B and by this reference incorporated herein, are hereby adopted and approved as the Findings and Conclusions in support of this zone change.

Section 3. 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: October 19, 2015
Read for the second time: November 2, 2015
Passed by the City Council: November 2, 2015

Approved by the Mayor: November 2, 2015

BRIAN W. DALTON, MAYOR

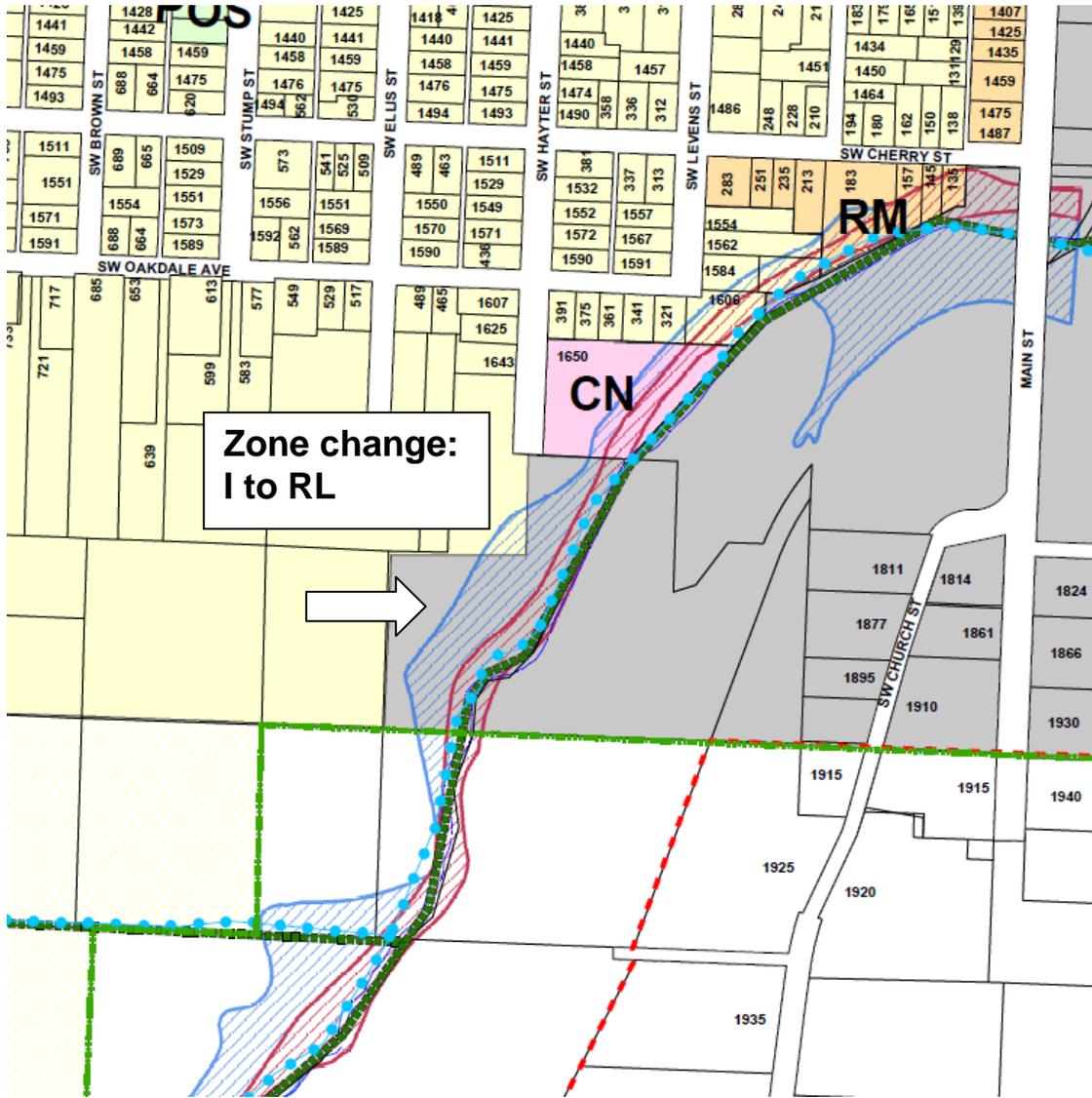
ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY
CITY ATTORNEY

EXHIBIT A



**CITY OF DALLAS
CITY COUNCIL**

EXHIBIT B

**APPLICATION COMPLETE:
JUNE 15, 2015**

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

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

**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).