



City Council

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Dallas City Council Agenda

Mayor Brian Dalton, Presiding

Monday, November 16, 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>	
a. Public hearing regarding proposed Dallas Development Code Amendments (LA 15-01). 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>	
a. Approve minutes of November 2, 2015 City Council meeting PG. 27	
7. ITEMS REMOVED FROM CONSENT AGENDA	
8. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
a. General Comments from the Councilors and Mayor	
9. REPORTS FROM CITY MANAGER AND STAFF	
a. October financials PG. 30	Information
b. Arboretum Trust	Information
c. Council goal update	Information



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.

d. Other

Information

10. FIRST READING OF ORDINANCE

11. SECOND READING OF ORDINANCE

a. Ordinance No. 1792 – An Ordinance amending Dallas City Code Section 5.276, relating to camping on public property. PG. 57

Roll Call Vote

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. PG. 60

Roll Call Vote

12. RESOLUTIONS

13. OTHER BUSINESS

14. ADJOURNMENT

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 5a	Topic: LA 15-01 Public Hearing
Prepared By: Jason Locke, Community Development/ Operations Director	Meeting Date: November 16, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION: Hold the Public Hearing, take testimony, and at the conclusion of the hearing direct staff to prepare an Ordinance adopting the proposed amendments to the Dallas Development Code with any changes or corrections.

BACKGROUND: See attached Staff Report.

FISCAL IMPACT: None.

ATTACHMENTS:

Staff Report



Community Development Department

Memo

To: Mayor and City Council
From: Suzanne Dufner, Planner
Date: November 16, 2015
Re: Development Code Update Public Hearing

On November 2, 2015, the City Council held a work session to review a series of amendments to the Dallas Development Code recommended for adoption by the Planning Commission (see attached). The proposed amendments address both substantive and housekeeping corrections such as, conflicting code sections and outdated code references. The substantive issues addressed in the proposed amendments include standards for: modular homes, vacation rentals, residential driveway approaches, signs in the CBD/CN zone, phased development approvals, flag lots, and accessory structures.

Proposed language to add to the Development Code is shown in **bold underline**. Text shown in ~~strike-out~~ is proposed for deletion.

A summary of the proposed changes and why they are being proposed is provided as follows:

1. **Modular Homes** – It was brought to the City’s attention through a developer’s interest in placing a modular “tiny home” on a lot that the current Development Code does not specify whether modular homes are permitted uses in Residential Districts. The proposed Code amendments would define modular homes and add them to the list of special uses allowed in Residential Districts, subject to meeting certain standards.

At the November 2, 2015 Council work session, the Council discussed amending the special use standards for modular homes and manufactured homes (DDC 2.2.120.F.3) to delete standards regarding the color of residential building materials.

2. **Vacation Rental Standards** – Recent tourism development efforts through the Polk County Rural Tourism Studio, reveal a lack in the quantity and variety of overnight accommodations for visitors to the area. Vacation rentals are becoming a popular alternative for visitors seeking overnight accommodations. Currently the Dallas Development Code includes standards for vacation rentals; however, it does not permit short term vacation rentals in any Residential (R) District. The proposed amendments would allow vacation rentals in R Districts upon receiving conditional use permit approval and meeting certain standards that are intended to minimize any impacts to the surrounding neighborhood.
3. **Residential Driveway Approaches**- The City has received multiple requests from home builders and home owners to allow wider driveways that would better accommodate off-street parking and maneuvering. The proposed code amendment increases the allowable driveway width by two (2) to four (4) feet based on the width of the lot.
4. **Central Business District (CBD)/Commercial Neighborhood (CN) Signs** – Currently the Development Code is silent on what the allowable height is for freestanding (pole) signs in the CBG and CN Districts. The proposed amendments include a maximum sign height of 24 feet that is consistent with most existing signs in the CBD.
5. **Phased Approvals** – The City has received several requests to allow longer approval periods for phased developments. Currently the Development Code requires all phases to be completed in two (2) years. If the development has not been completed in two (2) years the approval will lapse and the Developer must reapply. Given the complexity of larger projects, the proposed amendments would extend the approval period for phased projects from two (2) to five (5) years.
6. **Residential Accessory Structure Height and Setbacks** – Currently there is a discrepancy between the maximum height allowed for an accessory structure. Table 2.2.020 states the maximum height is 14 feet, while Table 2.2.030 states the maximum height is 15 feet. The proposed amendments would resolve this discrepancy by changing Table 2.2.020 to match the maximum height of 15 feet found in Table 2.2.030.

In addition, the City has received several requests to place accessory structures within the side yard area on corner lots. Currently the Development Code requires accessory structures to be setback behind the side of the building. The proposed amendments would allow accessory structures to be placed five (5) feet from a street side property line provided they are screened with a six (6) foot tall sight obscuring fence, wall or hedge.

7. **Residential Building/Structure Height - Section 2.2.030** – The proposed change corrects a mislabeled Section reference.
8. **Residential Building Design Standards/Façade Variation – Section 2.2.100.C.2** – The proposed change corrects a mislabeled Section reference.
9. **Barberry Node Development Standards – Section 2.6.040** – The proposed change corrects a mislabeled street name reference.
10. **Fences and Walls – Section 3.2.050** – The proposed change references the new fence height that requires a building permit per the current Building Code (7 feet).
11. **Public Facilities – Section 3.4.010** – The proposed change references the current name of the Uniform Fire Code (Oregon Fire Code).
12. **Review Procedures – Table 4.1.010** - The proposed change corrects a conflict with Section 2.2.120.K.1.g, which refers to temporary medical hardship dwellings as a Type I land use review.
13. **Type II Procedure – Section 4.1.030** – The proposed change eliminates the need for a pre-application conference for a Type II (staff level) land use review.
14. **Type IV Procedure – Section 4.1.050** – The proposed change updates the notice period to the State Department of Land Conservation and Development to the current minimum requirement of 35 days.
15. **Site Design Review – Section 4.2.060** – The proposed change corrects an incorrect Chapter reference.
16. **Flag Lots – Section 4.3.040.C, E** – The proposed change requires all flag lot accessways to meet Oregon Fire Code requirements, and authorizes the Fire Official to require a wider access easement to meet Fire Code or other utility and maintenance purposes.
17. **Property Line – Section 4.3.140** – The proposed change eliminates a discrepancy in the length of time allowed to record a property line adjustment.

Subsection 4.3.140.B.2 currently references a period of one (1) year to record a property line adjustment, while Subsection 4.3.140.D.1 references a period of 60 days. The proposed change would allow the applicant six (6) months to record the property line adjustment with an additional six (6) month extension if they are unable to record the property line adjustment during the initial six (6) month approval period.

18. **Master Plan Development Review Process – Section 4.5.030** – The proposed change corrects a code discrepancy with Section 4.5.080 that requires a detailed development plan to be reviewed using the Type III land use review procedure.
19. **Definitions – Section 6.1.030** – The property line adjustment definition has been updated to match the definition given in Oregon Revised Statutes (ORS) Chapter 92.

The attached packet contains the final draft code amendments as recommended by the Planning Commission (first item) upon holding a public hearing on the proposed amendments on October 13, 2015. The additional information includes minutes from the October 13th Planning Commission meeting, the public hearing notices, and a public comment letter.

2015 Dallas Development Code Update

DRAFT Code Amendments

October 6, 2015

Proposed language to add to the Development Code is shown in **bold underline**. Text shown in ~~strike-out~~ is proposed for deletion.

1. Modular Home Definition (Chapter 6.1)

Modular Home. A dwelling unit constructed in accordance with the standards set forth in the International Residential Code (IRC) and local codes applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

2. Modular Home Allowed Zones (Chapter 2.2, Table 2.2.020)

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
	RL	RM	RH	
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>				
Residential Categories				
<i>Household Living</i>				
Single Family-not attached	P	P	P	
Accessory Dwelling	S	S	S	Section 2.2.120A
Duplex (2 dwellings sharing a common wall on one lot) - One duplex on a corner lot - One duplex on an interior lot	S S N	S S S	S S S	Section 2.2.120B
Single Family Attached (2 or more common-wall single family dwellings), each on its own lot	N	S	S	Section 2.2.120B

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
	RL	RM	RH	
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>				
Cottage Cluster (2-4 single family dwellings on one lot, oriented to an alley or common green, and each containing less than 1,200 square feet of floor area)	S	S	S	Section 2.2.120H
Manufactured Home on a Lot	S	S	N	Section 2.2.120F
Manufactured Dwelling Park - Equal to or less than 3 acres - Greater than 3 acres	N N	S N	S S	Chapter 2.9
<u>Modular Home on a Lot</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Section 2.2.120M</u>
Multifamily (3 or more dwellings on lot); includes Senior Housing, some types of Assisted Living and Single Room Occupancy Uses, but not Group Living)	N	S	S	Section 2.2.120H
Zero Lot Line Courtyard Housing (not common wall)	N	S	S	Section 2.2.120J

3. Modular Home Special Use Standards (2.2.120M)

M. Modular Homes on Individual Lots. **Modular homes are permitted on individual lots, subject to all of the following design standards. Exceptions: 1) The standards below do not apply to units that lawfully existed within the City prior to [effective date of code]; except that when a unit is removed and/or relocated to another lot or parcel, then its replacement shall conform to the standards listed below.**

1. Floor and Lot Area. **The modular home shall have an enclosed floor area of not less than the following:**

- a. Lot area 4,000 square feet or less in size – 600 square feet,**
- b. Lot area 4,001 – 5,000 square feet in size – 800 square feet,**
- c. Lot area 5,001 square feet or larger – 1,000 square feet.**

2. Residential Building Materials. **The modular home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the**

exterior siding and roof material used on nearby residences. For purposes of this subsection, horizontal wood, vinyl, or similar wood-appearance siding is considered “superior” to metal siding and roofing;

3. Garages and Carports. If the majority of single family dwellings within 200 feet of the proposed modular home and abutting the same street as the proposed modular home have a garage or carport, the modular home shall have a garage or carport. Modular home garages and carports shall be constructed of materials like those used on the proposed dwelling.

4. Vacation Rentals Allowed Zones (Chapter 2.2, Table 2.2.020)

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	RL	RM	RH	
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM’s, similar uses/facilities)	N	N	CU+S	Section 2.3.100
Bed and Breakfast Inn	CU+S	CU+S	CU+S	Section 2.2.120C
Educational Services, Commercial (e.g., tutoring or similar services); not a home occupation	N	CU+S	CU+S	Limited to 1,200 square feet of floor area
Entertainment, Major Event	N	N	N	
Home Occupation	S	S	S	Per standards of Section 2.2.120E and procedures in Chapter 4.9.

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts

<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
	RL	RM	RH	
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>				
Office, not a home occupation; fully enclosed in primary and/or accessory building	N	CU+S	CU+S	Limited to 1,200 square feet of floor area
Outdoor Recreation, Commercial	N	N	N	
Quick Vehicle Servicing or Vehicle Repair	N	N	N	
Recreational Vehicle Park	N	N	N	
Retail Sales and Service, excluding Eating and Drinking Establishments as primary use	N	N	N	
Self-Service Storage, when not accessory to a permitted use	N	N	CU	
Short-Term Vacation Rental, primary dwelling or accessory dwelling; not a recreational vehicle or mobile home	<u>CU+S</u>	<u>CU+S</u>	<u>CU+S</u>	Section 2.2.120I

5. Vacation Rental Standards (2.2.120.I)

I. **Short-Term Vacation Rentals.** Where short-term vacation rentals are allowed, they shall conform to all of the following criteria:

1. Vacation rentals allowed under this subsection are those with twenty eight (28) or fewer days continuous occupancy by the same tenant.
2. A Conditional Use Permit is required;
 - a. The vacation rental unit shall provide two (2) off-street parking spaces (not in addition to those otherwise required for a single family dwelling;
 - b. All required parking shall be provided on the same lot as the vacation home rental unit;
 - c. All vacation home rentals shall have a maximum occupancy of one person per 200 square feet or not more than 16 people, whichever is more restrictive; and

~~d. Signage shall be limited to four (4) square feet per sign face, not to exceed a total of eight (8) square feet of sign area.~~

- d. All other requirements of the code as applicable to single family dwellings shall apply.
- e. The property owner must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental dwelling.
- f. All vacation home rentals are subject to the Transient Lodging Tax (Dallas City Code Chapter 7).
- g. The property owner shall designate a local representative who permanently resides within the Dallas Urban Growth Boundary or a licensed property management company with a physically staffed office within ten (10) vehicular miles of the Dallas Urban Growth Boundary. The owner may be the designated representative where the owner resides in the Dallas Urban Growth Boundary. The local representative must be authorized by the owner of the dwelling to respond to the tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for vacation rental purposes. The local representative must respond to complaints in a timely manner to ensure the dwelling complies with the standards for vacation rental dwellings and other city ordinances pertaining to noise, disturbances, nuisances, as well as state laws pertaining to the consumption of alcohol, or the use of illegal drugs.

6. Residential Driveway Approaches (2.2.100.C.1.e)

- e. Driveway Approaches. Driveways shall not exceed the following widths (not including wings):

<i>Lot frontage</i>	<i>Driveway width</i>
<55'	20 22'
56'-70'	24 26'
>70'	28 32'

Driveways may *expand* to a width greater than the maximum width where they are located behind the property line ~~more than ten (10) feet from a sidewalk (or street right-of-way if no sidewalk is present).~~

7. **Central Business District (CBD) and Commercial Neighborhood (CN) Signs (3.6.070.B)**

B. Central Business District (CBD) and Neighborhood Commercial (CN) Zones. Signs in the CBD and CN zones may be directly or indirectly lit. Each building or multi-tenant complex may have any combination of wall sign, monument sign, canopy sign, hanging sign, projecting sign, or freestanding sign not to exceed, in total, two (2) square feet for each foot of lot frontage on a street. In the case of two frontages, the larger frontage will be used to compute total sign size. **Each site or multi-tenant complex is allowed one (1) permanent pylon sign not to exceed 75 square feet in area for a single-faced sign, 150 square feet in area for a double-faced sign, and twenty-four (24) feet in height.** Window signs are permitted, provided they shall not exceed 50 percent of the total window area per window and shall not be counted toward the allowable total sign area.

8. **Phased Approvals (4.2.080.D.2)**

D. **Phased Development.** Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.
2. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 5 2 years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
 - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.3.110. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;
 - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and

- d. A request to phase a project may be approved after Site Design Review approval as a modification to the approved plan, pursuant Chapter 4.6.

9. Residential Accessory Structure Height and Setbacks on Corner Lots (2.2.020 and 2.2.030)

<i>Land Uses and Building Types</i> (Uses & building types in Chapter 1.3; definitions in Chapter 6.1)	<i>Land Use Districts</i>		
	RL	RM	RH
Accessory Structures, total of all accessory structures on site	P	P	P
-Not taller than 14 15 ft. and not longer than 50% of length of primary building footprint.			
-Taller than 14 15 ft. or longer than 50% of length of primary of building footprint.	CU	CU	CU

<i>Standard</i> General Development Standards may be adjusted through Chapter 4.5 Master Planned Development.	<i>Land Use Districts</i>		
	RL	RM	RH
Front/Street Side Yard, Accessory Structures			Where an accessory structure is visible from a street, it shall be setback behind the front/side building elevation adjacent to the subject street. <u>The street side yard setback for an accessory structure may be reduced to 5 ft, if the structure is screened with a 6 ft high sight-obscuring fence, wall or hedge.</u>

10. Miscellaneous Code Revisions

A. Residential Districts, Section 2.2.030 – Development Standards, Building/Structure Height

Except Fences, Garden Walls and Other Building Structures are subject to Section ~~3.2.060~~ **3.2.050**, Fences and Walls.

B. Residential Districts, Section 2.2.100.C.2 – Building Design Standards, Front/Street Façade Variation

- b. *Standards.* No two directly adjacent or opposite dwelling units may possess the same front or street-facing elevation. This standard is met when front or street-

facing elevations differ from one another by at least 5 of the 8 following elements:

- 1) Mix of Materials – Different mix of materials in compliance with subsection ~~3~~ 2e below.
- 2) Articulation – Different offsets or articulation of front building elevation in compliance with subsection ~~4~~ 3 below.

**C. Mixed Use Master Plan Districts, Section 2.6.040 – Development Standards –
Barberry Mixed Use Node**

- F. **Phasing.** Development within the Barberry Mixed Use Node shall occur from the southeast (the west end of SE Barberry Avenue) towards the north and west, in phases. Commercial development in the north-central area depends upon connecting SE Barberry Avenue through to E Ellendale Avenue, and extending ~~SE Riekreal Drive~~ SE Academy Street through to SE Fir Villa Road. Sites must be identified for parks, consistent with the Comprehensive Plan, before this area is rezoned.

D. Landscaping, Street Trees, Fences and Walls, Section 3.2.050

- A. **General Requirements.** All fences and walls shall comply with the height limitations of the respective land use district (Article 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. When required through one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls require Land Use Review (Type I) approval; if greater than ~~six (6) feet~~ seven (7) feet in height, a building permit is also required. (See also, Section 3.2.030 for screening requirements.)

E. Public Facilities, Section 3.4.010 – Transportation Standards

- D. **Creation of Access Easements.** The City may approve an access easement connecting to a public street only when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1, Access and Circulation. Access easements shall be created and maintained in accordance with the ~~Uniform~~ Oregon Fire Code Section 10.207.
- I. **Extension of Streets, Sidewalks, and Bikeways.**
- 2.c. Temporary street ends shall provide turnarounds constructed to ~~Uniform~~ Oregon Fire Code standards for streets over 150 feet in length. See also, Section 3.1.020.

N. Cul-de-sacs.

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

F. Summary of Approvals by Type of Review Procedures, Table 4.1.010

Approvals	Review Procedures	Applicable Regulations
Temporary Use Permit (includes Temporary Medical Hardship Dwelling)	Type <u>I</u> /II/III	Chapter 4.9, Chapter 2.2

G. Type II Procedure (Administrative) – Section 4.1.030

~~A. **Pre-application Conference.** A pre-application conference is required for Type II reviews. Pre-application conference requirements and procedures are in Section 4.1.060.~~

H. Type IV Procedure (Legislative) – Section 4.1.050

D. Notice of Hearing.

- 2. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official in the following manner:
 - d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least ~~thirty-five (35)~~ **forty-five (45)** days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.

I. Site Design Review Approval Criteria; Adjustments – Section 4.2.060

A. Approval Criteria. An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The City decision making body may, in approving the application may impose reasonable conditions of approval, consistent with the applicable criteria:

- 4. The proposal complies with all of the Design Standards in Article 3:

e. Chapter ~~3.6~~ ~~3-5~~ - Signs;

~~f. Chapter 3.6 - Other Standards.~~

J. Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes – Section 4.3.040

- C. **Flag lots.** Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) may serve no more than **four (4)** ~~two (2)~~ dwelling units, including accessory dwellings and dwellings on individual lots, ~~unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be four (4).~~
- D. **Driveway and lane width.** The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is twenty (20) feet, except as required by the **Oregon** ~~Uniform~~-Fire Code.
- E. **Easement and improvement of drive lane.** The property owner shall record a **minimum** 20-foot easement benefitting all properties that are to receive vehicle access. **A wider access easement may be required in accordance with the Oregon Fire Code or for utility and maintenance purposes.** The drive lane shall be improved with an all weather surface approved by the City. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.
- F. **Maximum drive lane length.** The maximum drive lane length is subject to requirements of the **Oregon** ~~Uniform~~-Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.

K. Approval Criteria: Preliminary Plat – Section 4.3.070

- C. **Layout and Design of Streets, Blocks and Lots.** All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:
5. In conformance with the **Oregon** ~~Uniform~~-Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 3.1- Access and Circulation.

L. Property Line Adjustments – Section 4.3.140

B. Approval Process.

2. Time limit on approval. The property line adjustment approval shall be effective for a period of six (6) months ~~one (1) year~~ from the date of approval, during which time it must be recorded.

D. Recording Property Line Adjustments

1. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Polk County within six (6) months ~~60 days~~ of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.

- E. **Extension.** The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed six (6) months ~~one year~~ provided that:

M. Master Planned Development – Review and Approval Process – Section 4.5.030

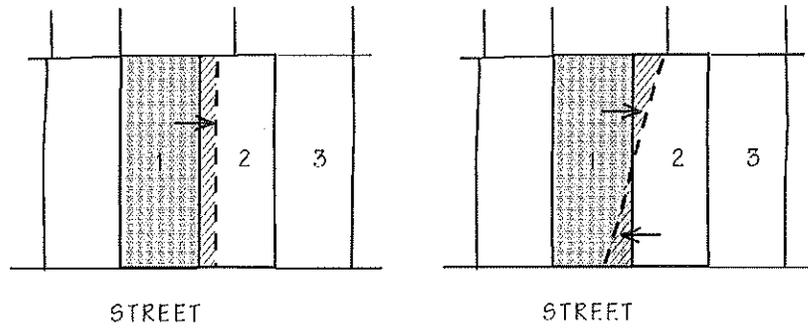
B. Approval Process.

2. The detailed development plan shall be reviewed using the Type III ~~Type I~~ procedure in Section 4.1.040, to ensure substantial compliance with the approved concept plan.
3. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type I procedure, as governed by Section 4.1.020 ~~4.2.040~~.

N. Definitions – Section 6.1.030

Property Line Adjustment. The relocation or elimination of ~~a single common~~ all or a portion of the common property line between ~~two~~ abutting properties that does not create an additional lot or parcel ~~not resulting in an increase in the number of lots~~, pursuant to Chapter 4.3. See Figure.

Property Line Adjustment



Exchange Parcel

Lot 1 may assume a portion of Lot 2 through a Property Line Adjustment Review.

Lot 1 may assume a portion of Lot 2 and Lot 2 may assume a portion of Lot 1 through one Property Line Adjustment Review.

To: Honorable Planning Commission Members
From: Scott D. Lepman, Property Owner
Via: Jason Locke, Community Development Director
Subject: Support of Ia-15-01 Changing the Time Period for Master Plan Approval
Date: October 13, 2015

I recently received Planning Commission approval for the first two phases of a self-storage facility located at 902 Uglow Street in Dallas that has been Master Planned for four phases. Phase I of the project will consist of the construction of a 2,994 square foot, 2-story Office/Manager's Quarters, a 16,875 square foot one and two-story self-storage building, and 5 additional one-story self-storage buildings containing a total of 32,745 square feet which are located outside of the floodplain.

The first Phase has currently been permitted for excavation and grading and the installation of the underground utilities. The Office/Manager's Quarters is currently under review for Building Permits. The building plans for the storage buildings should be submitted for review within the next two months.

Subsequent development in Phase II will provide for the removal of 4 existing buildings that are currently outside of the floodplain containing approximately 8,320 square feet and replacing them with 6 one-story storage buildings containing a total of approximately 25,680 square feet which will also be located outside of the floodplain.

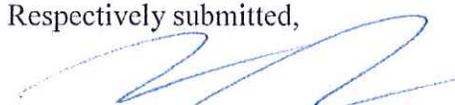
In Phase III, the remaining 9,260 square feet of storage buildings located within the floodplain would be removed, the site graded so the area would be outside of the floodplain and the buildings replaced by 5 one-story buildings containing a total of approximately 46,346 square feet.

In Phase IV, a total of approximately 9,169 square feet will be added in 2 one-story buildings which would be located outside of the floodplain. In either Phase III or IV a graveled open recreational vehicle/boat storage area may be added to the east of the buildings described in Phases III and IV.

All development beyond Phases I and II currently requires a new Site Review application because the current zoning regulations limit the time period of approval for a Master Plan to two years. As the construction of the storage units is dependent upon market demand, we could only seek approval for the first two phases of the development while Master Planning the entire facility for future expansion.

I ask that the Planning Commission correct this situation by changing the time period for approval of a Master Plan from two years to five years so that property owners who are making a substantial investment in their properties by preparing it for future urban development in compliance with the City's development standards may be assured that the project can go forward without change for a five year period.

Respectively submitted,



Scott D. Lepman
100 Ferry Street NW
Albany, OR 97321

CITY OF DALLAS
NOTICE OF PUBLIC HEARING

The Dallas City Council will hold a public hearing on Monday, November 16, 2015, at 7:00 p.m., in the Council Chambers at City Hall, 187 SE Court Street, Dallas, Oregon, on a Legislative Amendment to the Dallas Development Code, Application # LA15-01.

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 sign in and be recognized by the Chair.

Written comments submitted to the Community Development Department by November 9, 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.

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.

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.

NATURE OF REQUEST: Amend the Dallas Development Code to address modular homes, vacation rentals, residential driveway approaches, signs, accessory structures, land use procedures, and outdated code references and inconsistencies.

APPLICABLE CRITERIA: Dallas Development Code Section 4.1.050

STAFF CONTACT FOR ADDITIONAL INFORMATION: Suzanne Dufner, Planner, 503.831.3572 or TDD phone 503.623.7355.

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: October 21, 2015
Posted: October 21, 2015
Published: October 28, 2015

Jason Locke, Community Development Director
City of Dallas, Oregon

CITY OF DALLAS
NOTICE OF PUBLIC HEARING

The Dallas Planning Commission will hold a public hearing on Tuesday, October 13, 2015, at 7:00 p.m., in the Council Chambers at City Hall, 187 SE Court Street, Dallas, Oregon, on a Legislative Amendment to the Dallas Development Code, Application # LA15-01.

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 sign in and be recognized by the Chair. The Planning Commission will be making a recommendation to the City Council on this matter.

Written comments submitted to the Community Development Department by October 5, 2015, will be included with the staff report. Written comments submitted after that date will be forwarded to the Planning Commission 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.

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Dated: September 23, 2015
Posted: September 23, 2015
Published: September 30, 2015

Jason Locke, Community Development Director
City of Dallas, Oregon



**City of Dallas
Planning Commission
Council Chambers - City Hall
October 13, 2015 - 7:00 p.m.**

MINUTES

1 CALL TO ORDER

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

3 ROLL CALL

4 Commissioners Present: Chuck Lerwick, Chris Castelli, Carol Kowash, David Shein,
5 Marc Pazina, and Robert Wilson.

6 Absent: Les Oehler

7 Staff present: City Attorney Lane Shetterly, Community Development Director
8 Jason Locke, Planner Suzanne Dufner, and Recording Secretary
9 Margie Pearce.

10 APPROVAL OF MINUTES

11 President Chuck Lerwick presented the minutes of the regular meeting of September 9, 2015.
12 Commissioner Wilson made a motion to approve the minutes as presented and Commissioner
13 Shein seconded the motion. The motion passed unanimously.

14 PUBLIC COMMENT

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

16 There were no public comments.

17 PUBLIC HEARING: MP 15-01

18 Detailed Development Plan Review for Property in the Barberry Node
19 Applicant: Paul Trahan-Trahan Consulting

20

21 President Lerwick called the hearing to order at 7:03 pm and called for any ex-parte
22 communications.

23 Commissioner David Shein reported that he had exchanged emails from the applicant to clarify
24 2-3 of the conditions of approval recommended by staff and concerns regarding the conditions
25 that would be raised by the applicant during the hearing.

26 Mr. Lane Shetterly stated the communication did not exclude him from participating in the
27 hearing.

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STAFF REPORT:

Ms. Suzanne Dufner reviewed the staff report and recommended approval with seven (7) conditions. She introduced a letter from Sandra Harris and Robert Booth, received earlier this week, which opposed MP 15-01.

APPLICANT PRESENTATION:

Paul Trahan of Trahan Consulting stated his client had a concern with condition one (1) of the recommendation. He said that his client had not seen the Infrastructure Agreement referred to and knew that it would take longer than the 10 day appeal process to see it. He requested that his client be allowed to proceed with a preliminary subdivision plat and have the word preliminary be changed to final in the last line of condition one (1).

PERSONS SPEAKING FOR OR AGAINST:

There were none.

REBUTTAL:

There was none

COMMISSIONER QUESTIONS:

Commissioner Shein asked whether the applicant's concern had anything to do with Item six (6) on the agenda. Mr. Trahan replied it was somewhat.

President Lerwick closed Public Hearing MP 15-01 at 7:40pm

DISCUSSION BY COMMISSION:

There was a discussion regarding the impact of issues with the Barberry Node MP 14-01 on the future development of the Node and specifically MP 15-01. It was moved by Commissioner Shein to recommend approval of MP 15-01 with the amendment to condition one (1) changing the wording from preliminary subdivision approval to final subdivision plat approval. The motion was duly seconded by Commissioner Kowash and carried with a unanimous vote.

PUBLIC HEARING: SUB 15-05

38 Lot Residential Subdivision Preliminary Plat Approval

Applicant: David Kearns

President Lerwick called the hearing to order at 7:42 pm and called for any ex-parte communication. There were none.

STAFF REPORT:

Ms. Dufner reviewed the staff report and recommended approval with 20 conditions.

APPLICANT PRESENTATION:

Ms. Brandie Dalton representing the applicant stated that they were expecting the conditions and were in agreement with all 20 and did not anticipate any problems with the wetlands.

73 PERSONS SPEAKING FOR OR AGAINST:

74 Paul Villwock, 600 Perrydale Rd, Dallas, voiced his concern that the 10 foot walk way access to
75 the open space would not be large enough to allow maintenance vehicles into the property and
76 was there any reason why it could not be made into a park.

77

78 Mr. Jason Locke replied that the area was more of a natural area and once the homes were built,
79 the Home Owner's Association (HOA) would be in charge of up keep and other decisions.

80

81 Chuck Johnson, 790 Polk Station Rd, Dallas, stated he was the owner of the property north of the
82 proposed subdivision. He was concerned about how much fill would be pushed toward his land
83 and what would be done about the over grown fence line between the two properties.

84

85 REBUTTAL:

86 Mark Grenz, Multi Tech Engineer, answered the concern about the open space stating that they
87 were going to leave it as a natural area because of the wetlands and to help control the storm
88 water and rain retention. He said that there would be four (4) to six (6) feet of fill dirt at the build
89 site, tapering back to the fence line, which would be cleaned up and then maintained by the
90 HOA.

91

92 COMMISSIONER QUESTIONS:

93 There were none.

94

95 President Lerwick closed Public Hearing SUB 15-05 at 8:17 pm.

96

97 DISCUSSION BY COMMISSION:

98 It was moved by Commissioner Shein to recommend approval of SUB 15-05 with the 20
99 conditions. The motion was duly seconded by Commissioner Wilson and carried with a
100 unanimous vote.

101 PUBLIC HEARING: LA 15-01

102 Development Code Update

103 Applicant: City of Dallas

104

105 President Lerwick called the hearing to order at 8:19 pm and called for any ex-parte
106 communication. There were none.

107 STAFF REPORT:

108 Ms. Dufner gave the background on the work the Commission had been doing to update both
109 substantive and housekeeping items. She introduced a letter from Scott Lepman, received earlier
110 this week, supporting the changes in LA 15-01. The report recommended submitting the updates
111 to City Council for approval.

112

113 PERSONS SPEAKING FOR OR AGAINST:

114 Eli Boylan, 1554 Greening Dr, Dallas, asked what the new driveway width adjustments would
115 be. Ms. Dufner reviewed Item six (6) with him.

116

117 President Lerwick closed Public Hearing LA 15-01 at 8:34 pm.

118

119 DISCUSSION BY COMMISSION:

120 It was moved by Commissioner Wilson to recommend submission of LA 15-01 to the City
121 Council for approval. The motion was duly seconded by Commissioner Shein and carried with a
122 unanimous vote.

123

124 **OTHER BUSINESS**

125 MP 14-01: Detailed Development Plan Review-Extension Request

126 Applicant: Meadows Investment Corporation

127

128 Mr. Jason Locke introduce a letter received earlier this week, superseding the letter in the agenda
129 packet requesting a 1st Extension deadline from October 26, 2015 to April 26, 2016 and if for
130 any unforeseen circumstances with ODOT, a 2nd Extension deadline to October 26, 2016.

131 It was moved by Commissioner Wilson to approve the extension(s). The motion was duly
132 seconded by Commissioner Shein and carried with a unanimous vote.

133 Scott English asked about small homes in the City. Mr. Locke reviewed the history of small
134 homes and referred to Item three (3) in the LA 15-01 which addressed the new requirements for
135 small homes in the City.

136 **COMMISSIONER COMMENTS**

137 There were none.

138 **STAFF COMMENTS**

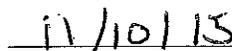
139 There were none.

140 **The meeting adjourned at 8:50 p.m.**

APPROVED:



President



Date

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 November 2, 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, November 2, 2015
<p>The Dallas City Council met in regular session on Monday, November 2, 2015, at 7:00 p.m. in the Council Chambers of City Hall with Mayor Brian Dalton presiding.</p>	
<p>Council:</p> <p>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.</p>	
<p>Staff:</p> <p>City Manager Ron Foggin, City Attorney Lane Shetterly, Police Chief Tom Simpson, Engineering and Environmental Services Director Fred Braun, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, HR Manager Emily Gagner, Park Supervisor Ron Lines, and Recording Secretary Jeremy Teal.</p>	
<p>Pledge of Allegiance:</p> <p>Mayor Dalton led the Pledge of Allegiance.</p>	

AGENDA	ACTION
EMPLOYEE RECOGNITION	There were none.
COMMENTS FROM THE AUDIENCE	There were none.
PUBLIC HEARINGS	There were none.
<p>1:31 CONSENT AGENDA</p> <p>Item approved by the Consent Agenda: minutes of October 19, 2015 City Council meeting</p>	<p>It was moved by Councilor Stewart <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	There were none.
<p>1:55 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</p> <p>REPORT OF THE OCTOBER 26, 2015 PUBLIC SAFETY COMMITTEE</p> <p>REPORT OF THE OCTOBER 26, 2015 PUBLIC</p>	<p>Councilor Woods reported the committee discussed public camping in motor vehicles, the Fire Department getting a new fire engine, and code services issues.</p> <p>Councilor Woods reported the committee discussed the ASR pump failure that would be repaired by</p>

WORKS COMMITTEE	December, the Clay Street Transmission line, and noted the first leaf pickup would be the second weekend in November.
7:38 REPORTS FROM CITY MANAGER AND STAFF	
PARKS ADVISORY BOARD UPDATE	Mr. Lines reported the Parks Advisory Board was working with the master plan and setting up open houses at a number of parks in the City to improve the amenities and get public feedback.
COUNCIL GOAL UPDATE	Mr. Foggin gave the council the third quarter strategies outlining what had been accomplished toward the Council goals so far this year.
<p>13:11 FIRST READING OF ORDINANCE Ordinance No. 1792 – An Ordinance amending Dallas City Code Section 5.276, relating to camping on public property.</p> <p>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.</p>	<p>Mayor Dalton declared Ordinance No. 1792 to have passed its first reading.</p> <p>Mayor Dalton declared Ordinance No. 1793 to have passed its first reading.</p>
<p>14:06 SECOND 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>	A roll call vote was taken and Mayor Dalton declared Ordinance No. 1791 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.
RESOLUTIONS	There were none.
OTHER	
15:05 EXECUTIVE SESSION	Mayor Dalton recessed the meeting at 7:17 p.m. to go into Executive Session as authorized under ORS 192.660 (2)(e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.
ADJOURNMENT	<p>The Council meeting was reconvened at 7:37 p.m.</p> <p>There being no further business, the meeting adjourned at 7:38 p.m.</p>

Read and approved this _____ day of _____ 2015.

ATTEST:

Mayor

City Manager

DRAFT

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 9a	Topic: 2015 October Financials
Prepared By: Austin Joyner	Meeting Date: November 16, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

Beginning with July 2015, financial reports will be provided through OPENGOV. This will be presented to City Council at the December 7, 2015, Council Workshop.

For October:

- Percent collected/spent should be at 33.33%. This can vary up or down depending on seasonal or one-time revenues and expenditures.

FISCAL IMPACT:

None

ATTACHMENTS:

October Financial Report

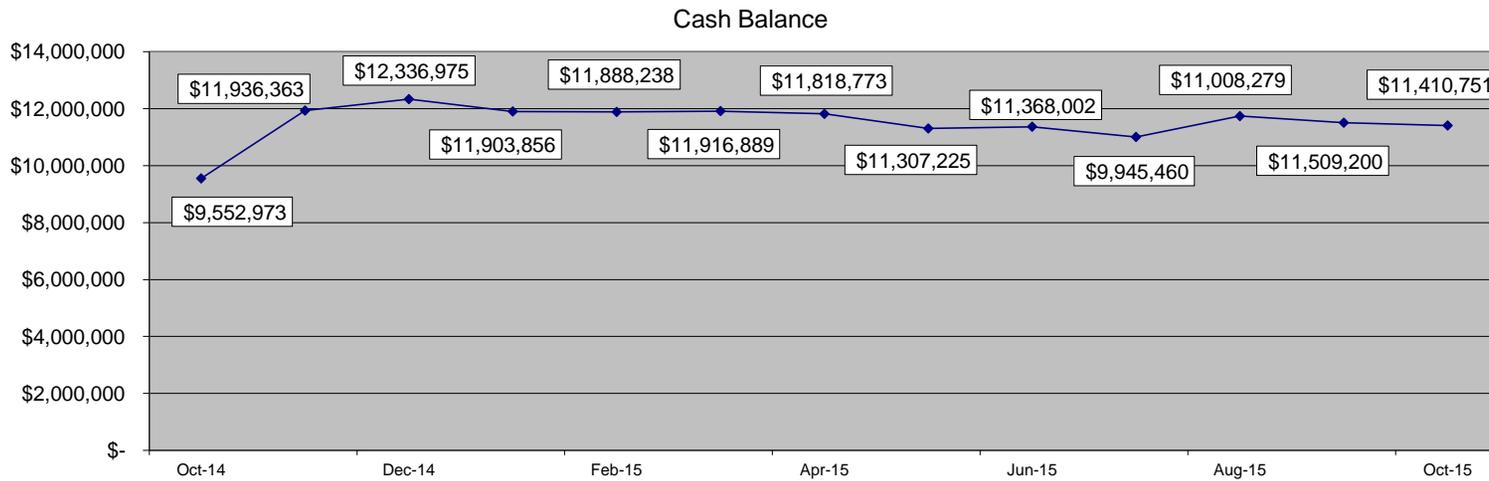


**Monthly Financials
for the Month of
October 2015**

CITY OF DALLAS
Cash Report
For the Period Ending October 31, 2015

Cash on hand	\$ 645
Cash in Investments	9,656,176
Cash in Bank	1,753,930
Total Cash Balance as of 10/31/2015	<u>\$ 11,410,751</u>

Restricted/Committed	\$ 7,690,656
Unrestricted	3,720,094
	<u>\$ 11,410,751</u>



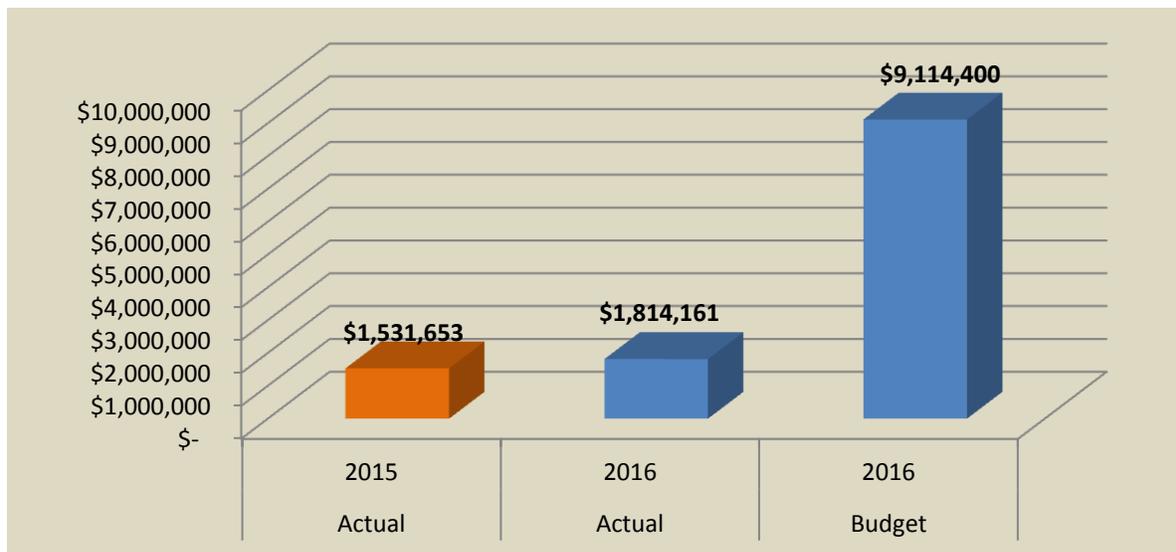
Investment Breakdown
 LGIP

	<u>Ending Bal</u>	<u>Interest YTD</u>
	\$ 9,656,176	\$ 17,383
	<u>\$ 9,656,176</u>	<u>\$ 17,383</u>

City of Dallas
Monthly Financials
October 2015

General Fund Revenue

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Collected
	Actual 2015	Actual 2016			
Licenses, Permits and Fees	\$ 507,052	\$ 763,088	\$ 1,504,000	\$ 740,912	50.7%
Fines and Forfeitures	64,430	46,578	280,000	233,422	16.6%
Recreation Fees	166,045	156,020	490,000	333,980	31.8%
Library Fees	21,577	23,873	85,000	61,127	28.1%
Property Taxes	106,250	94,625	3,620,000	3,525,375	2.6%
Miscellaneous Taxes	44,885	42,211	407,000	364,789	10.4%
Franchise Fees	205,585	211,774	1,155,000	943,226	18.3%
Inter-governmental	-	-	192,000	192,000	0.0%
Miscellaneous Revenue	27,819	77,075	125,000	47,925	61.7%
Interest Earnings	3,011	4,250	15,000	10,750	28.3%
Transfers	385,000	394,667	1,241,400	846,733	31.8%
	\$ 1,531,653	\$ 1,814,161	\$ 9,114,400	\$ 7,300,239	19.9%

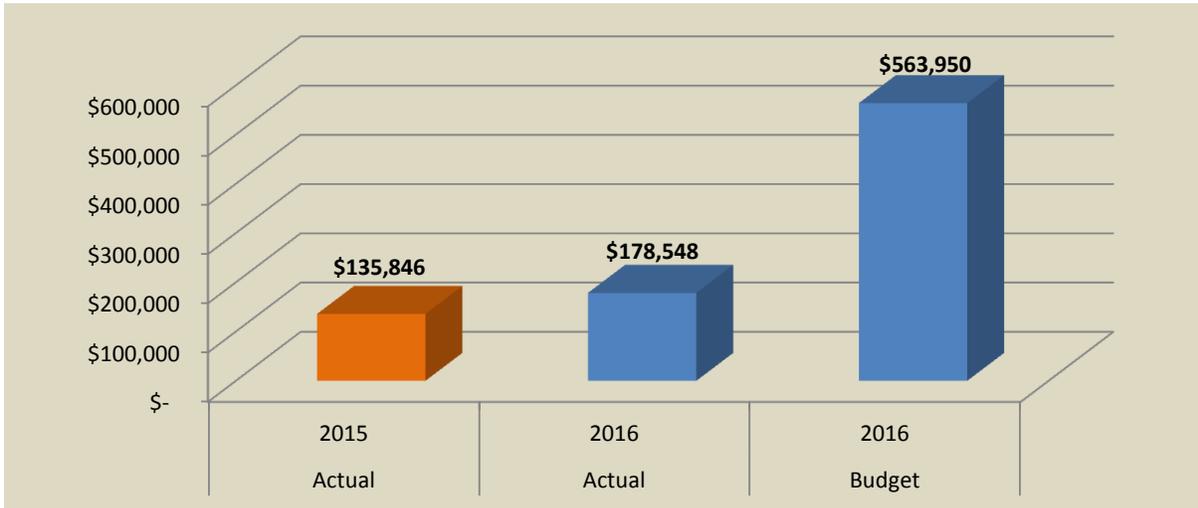


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Administration

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 100,671	\$ 131,195	\$ 407,000	\$ 275,805	32.2%
Materials and Supplies	35,175	47,353	156,950	109,597	30.2%
	\$ 135,846	\$ 178,548	\$ 563,950	\$ 385,402	31.7%

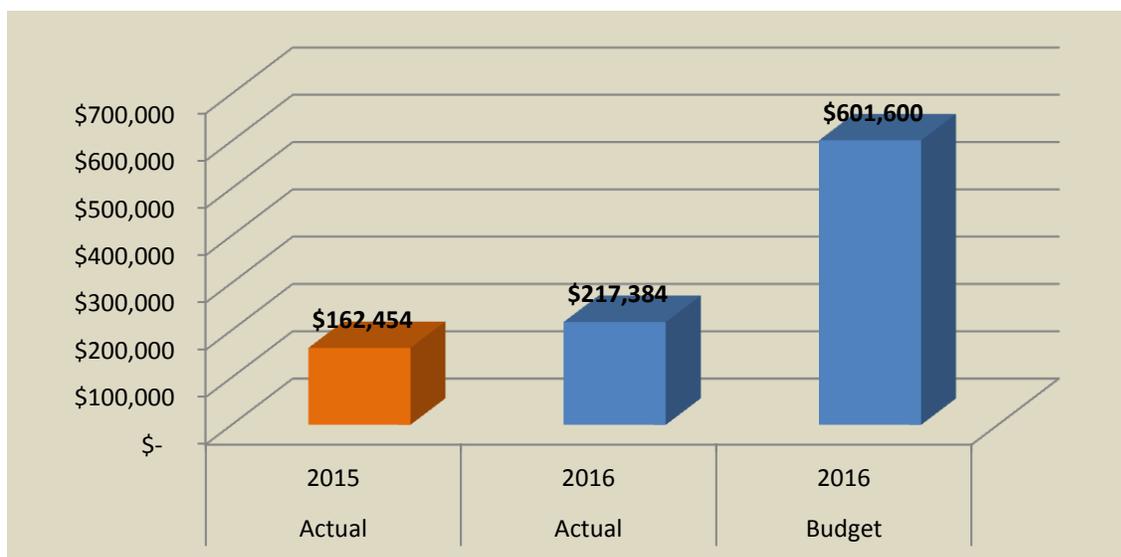


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Finance

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 82,347	\$ 115,899	\$ 373,000	\$ 257,101	31.1%
Materials and Supplies	80,107	101,485	228,600	127,115	44.4%
	\$ 162,454	\$ 217,384	\$ 601,600	\$ 384,216	36.1%

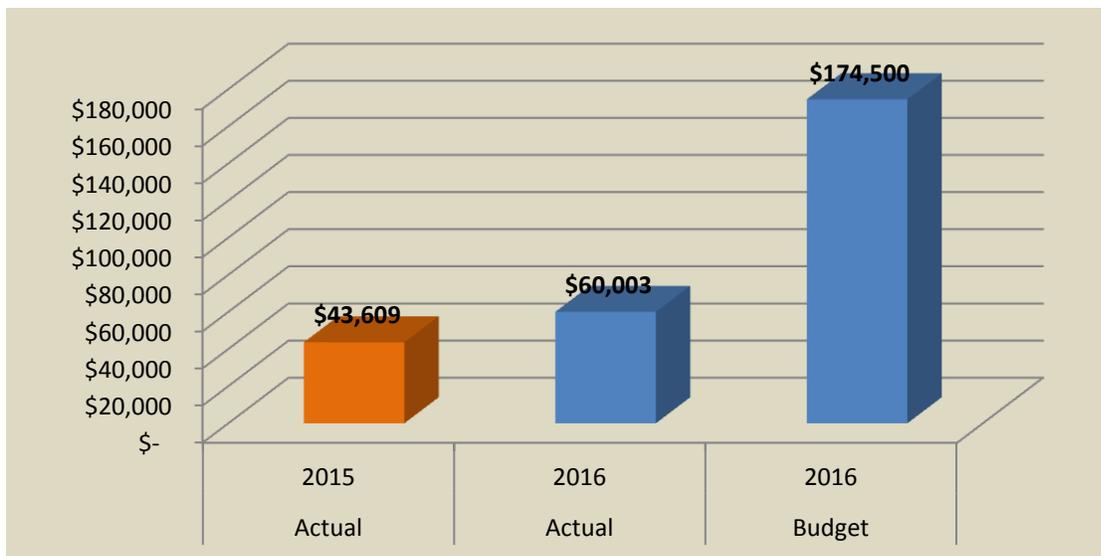


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Facilities

Description	Year-to-Date		Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016	Budget 2016	Budget Remaining			
Personnel Services	\$ 25,659	\$ 35,503	\$ 106,000	\$ 70,497		33.5%	
Materials and Supplies	17,950	24,500	68,500	44,000		35.8%	
	\$ 43,609	\$ 60,003	\$ 174,500	\$ 114,497		34.4%	

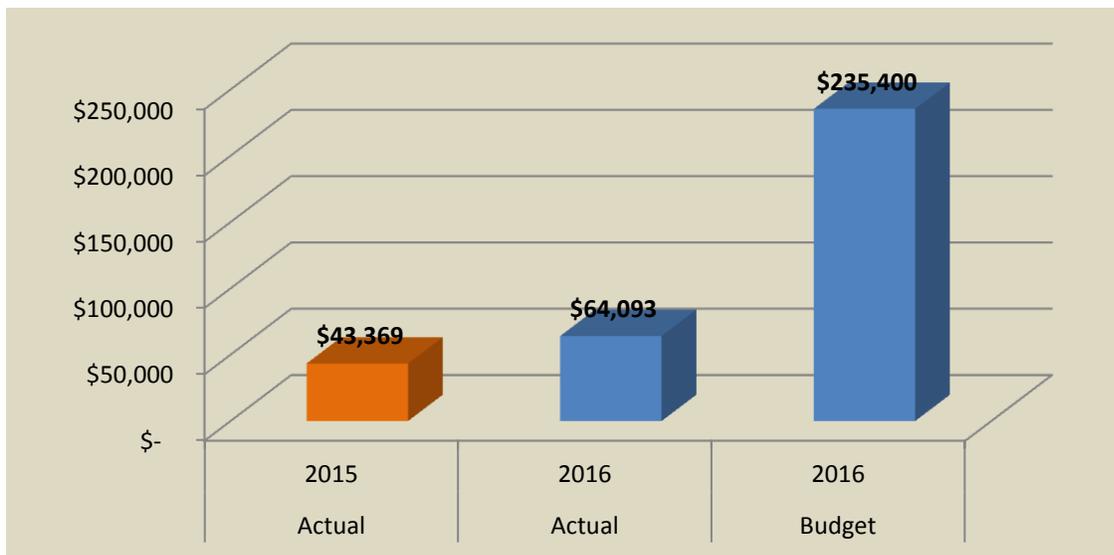


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Municipal Court

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 25,632	\$ 26,819	\$ 95,000	\$ 68,181	28.2%
Materials and Supplies	17,738	37,274	140,400	103,126	26.5%
	\$ 43,369	\$ 64,093	\$ 235,400	\$ 171,307	27.2%

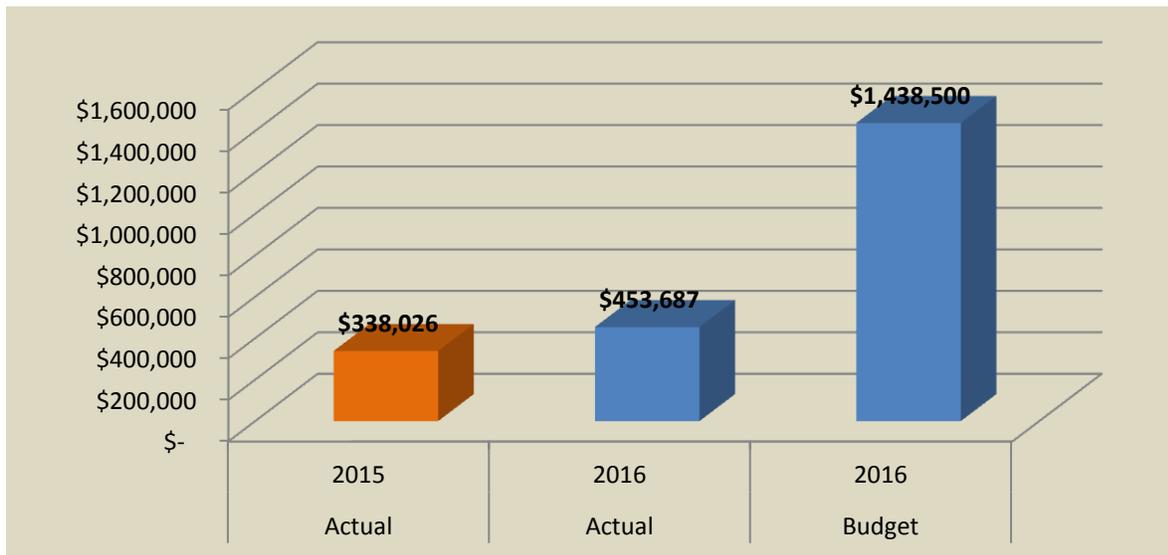


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Ambulance

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 239,486	\$ 343,546	\$ 1,035,000	\$ 691,454	33.2%
Materials and Supplies	91,040	100,141	340,000	239,859	29.5%
Debt Service	-	-	33,500	33,500	0.0%
Transfers	7,500	10,000	30,000	20,000	33.3%
	\$ 338,026	\$ 453,687	\$ 1,438,500	\$ 984,813	31.5%

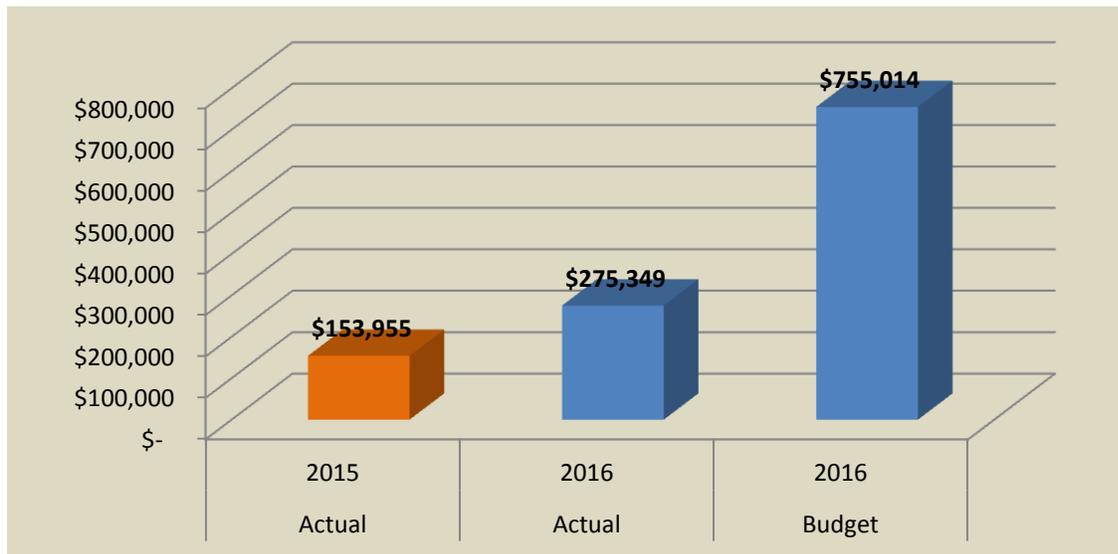


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Fire

Description	Year-to-Date	Year-to-Date	Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 60,676	\$ 100,287	\$ 278,000	\$ 177,713	36.1%
Materials and Supplies	85,929	96,782	331,800	235,018	29.2%
Debt Service	-	44,813	44,814	1	100.0%
Transfers	7,350	33,467	100,400	66,933	33.3%
	\$ 153,955	\$ 275,349	\$ 755,014	\$ 479,665	36.5%

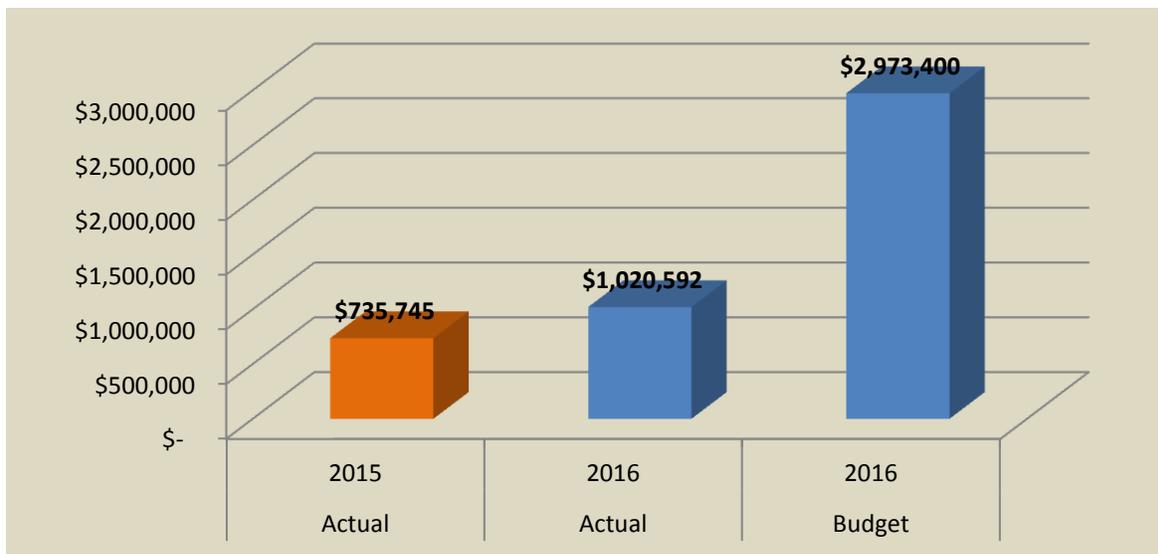


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Police

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 585,537	\$ 843,155	\$ 2,459,000	\$ 1,615,845	34.3%
Materials and Supplies	139,958	164,104	474,400	310,296	34.6%
Transfers	10,250	13,333	40,000	26,667	33.3%
	\$ 735,745	\$ 1,020,592	\$ 2,973,400	\$ 1,952,808	34.3%

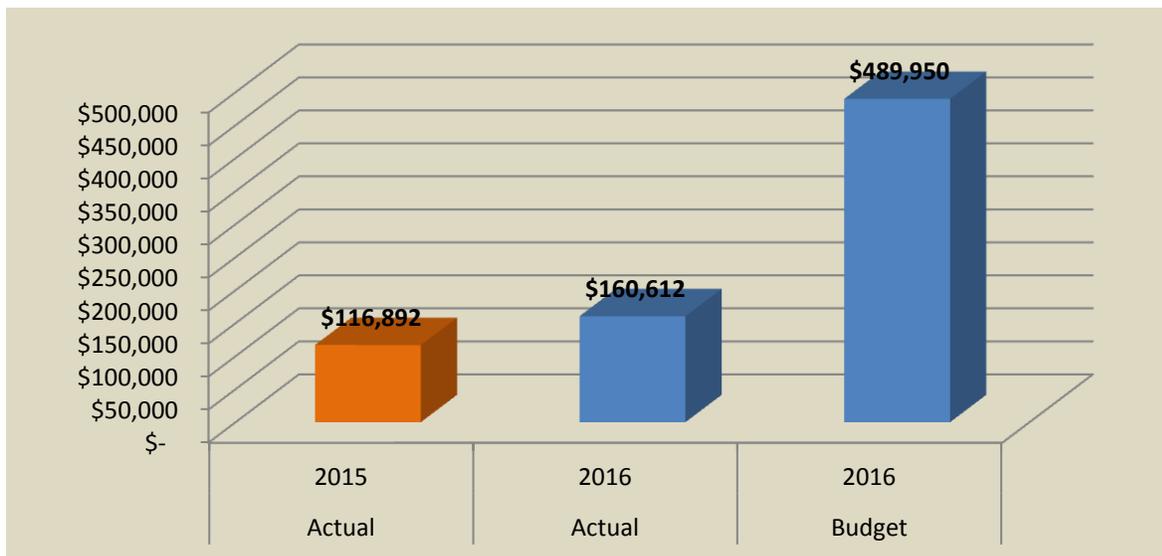


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Library

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 92,279	\$ 127,151	\$ 404,000	\$ 276,849	31.5%
Materials and Supplies	24,614	33,461	85,950	52,489	38.9%
	\$ 116,892	\$ 160,612	\$ 489,950	\$ 329,338	32.8%

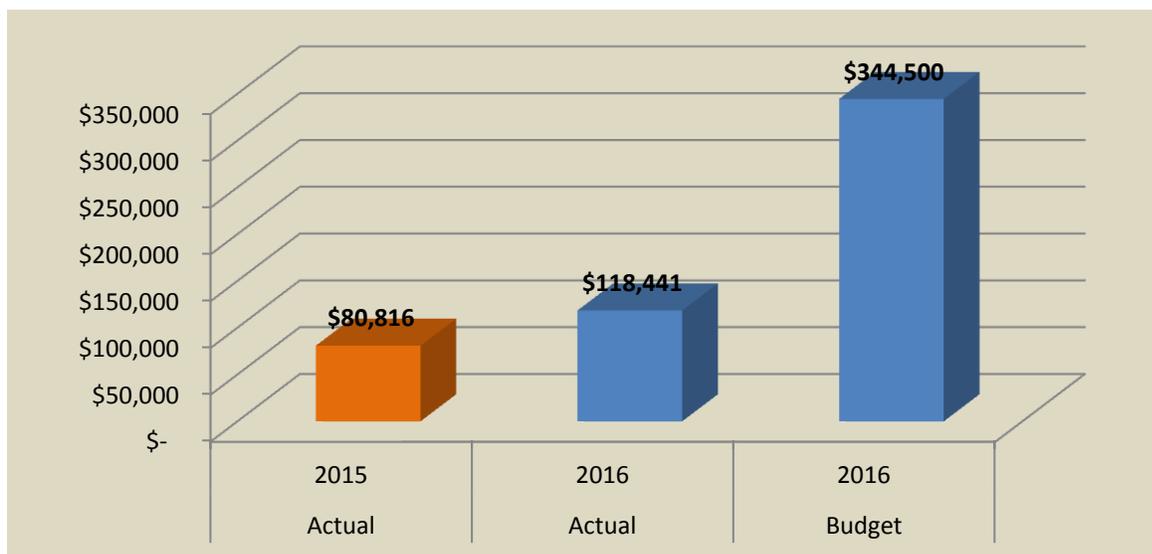


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Parks

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 56,518	\$ 79,364	\$ 233,000	\$ 153,636	34.1%
Materials and Supplies	22,223	36,310	103,200	66,890	35.2%
Transfers	2,075	2,767	8,300	5,533	33.3%
	\$ 80,816	\$ 118,441	\$ 344,500	\$ 226,059	34.4%

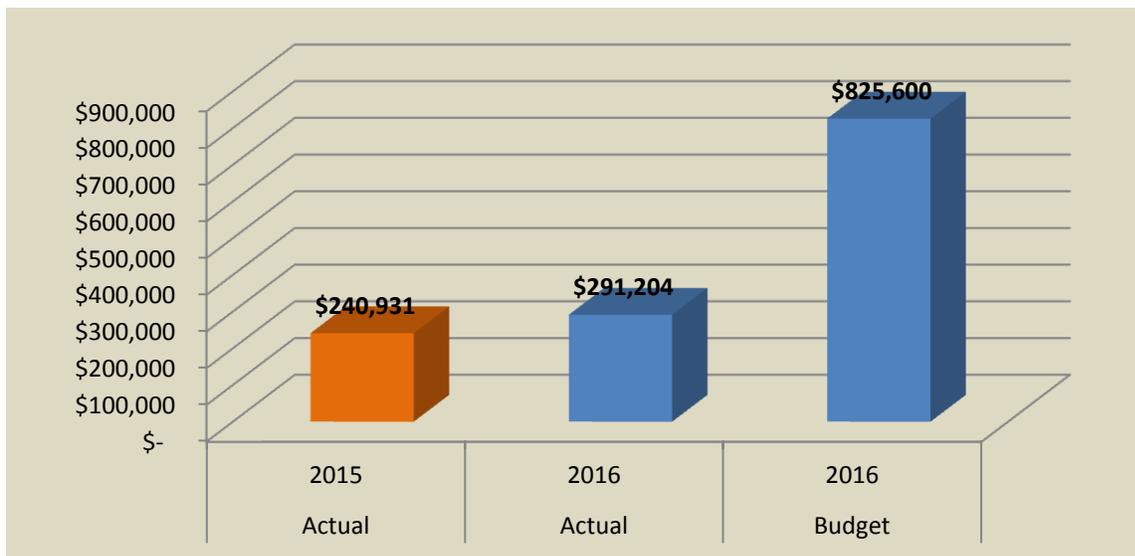


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Aquatic Center

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 125,977	\$ 171,137	\$ 475,000	\$ 303,863	36.0%
Materials and Supplies	106,621	103,401	300,600	197,199	34.4%
Transfers	8,333	16,667	50,000	33,333	33.3%
	\$ 240,931	\$ 291,204	\$ 825,600	\$ 534,396	35.3%

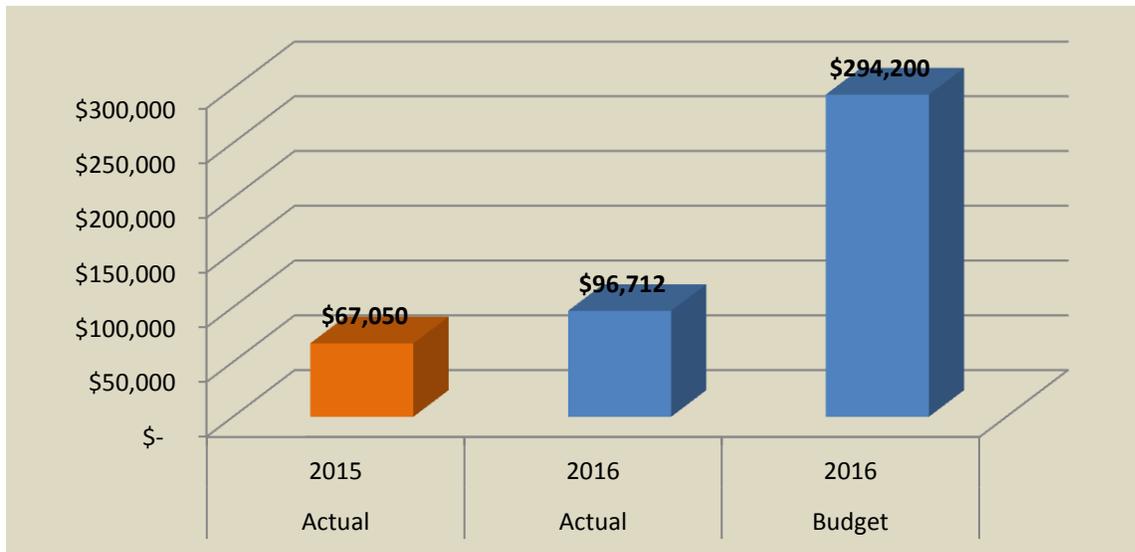


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Building Inspections

Description	Year-to-Date	Year-to-Date	Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 62,232	\$ 87,290	\$ 272,000	\$ 184,710	32.1%
Materials and Supplies	3,818	8,089	18,200	10,111	44.4%
Transfers	1,000	1,333	4,000	2,667	33.3%
	\$ 67,050	\$ 96,712	\$ 294,200	197,488	32.9%

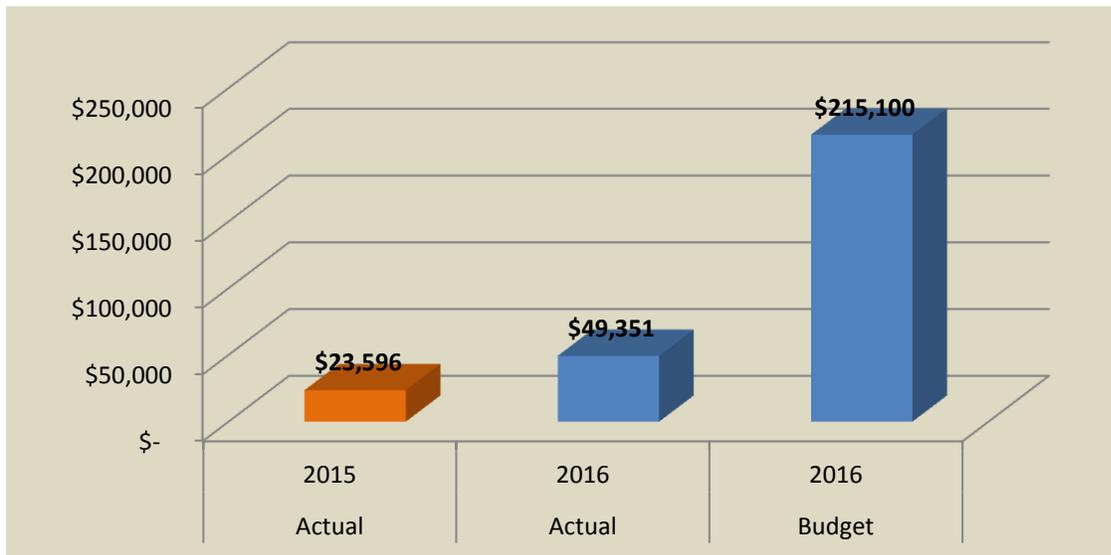


33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Planning

Description	Year-to-Date	Year-to-Date	Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Personnel Services	\$ 17,210	\$ 41,130	\$ 141,000	\$ 99,870	29.2%
Materials and Supplies	5,536	7,088	70,700	63,612	10.0%
Transfers	850	1,133	3,400	2,267	33.3%
	\$ 23,596	\$ 49,351	\$ 215,100	\$ 165,749	22.9%



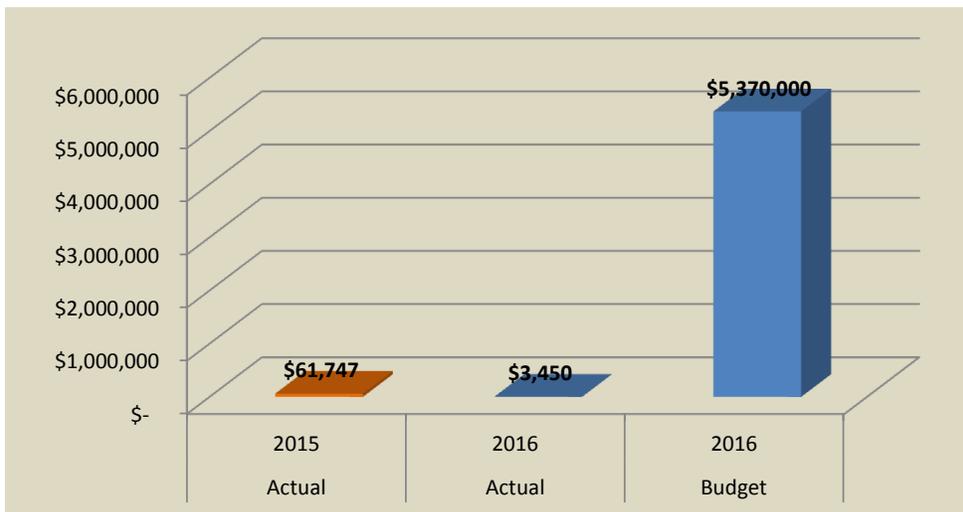
33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: System Development Fund

Description	Year-to-Date Actual 2015	Year-to-Date Actual 2016	Budget 2016	Budget Remaining	Percent Collected
Revenue					
Streets SDC	\$ 15,113	\$ 31,174	\$ 60,000	\$ 28,826	52.0%
Parks SDC	29,943	133,998	105,000	(28,998)	127.6%
Water SDC	49,644	159,191	185,000	25,809	86.0%
Sewer SDC	50,749	299,760	190,000	(109,760)	157.8%
Storm Water SDC	11,484	46,324	45,000	(1,324)	102.9%
Transfers	-	-	-	-	0.0%
	\$ 156,933	\$ 670,447	\$ 585,000	\$ (85,447)	114.6%

Description	Year-to-Date Actual 2015	Year-to-Date Actual 2016	Budget 2016	Budget Remaining	Percent Spent
Expenditures					
Street SDC Projects	\$ -	\$ -	\$ 180,000	\$ 180,000	0.0%
Park SDC Projects	8,750	3,450	305,000	301,550	1.1%
Water SDC Projects	-	-	610,000	610,000	0.0%
Sewer SDC Projects	4	-	4,210,000	4,210,000	0.0%
Storm Water SDC Projects	52,994	-	65,000	65,000	0.0%
	\$ 61,747	\$ 3,450	\$ 5,370,000	\$ 5,366,550	0.1%



33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

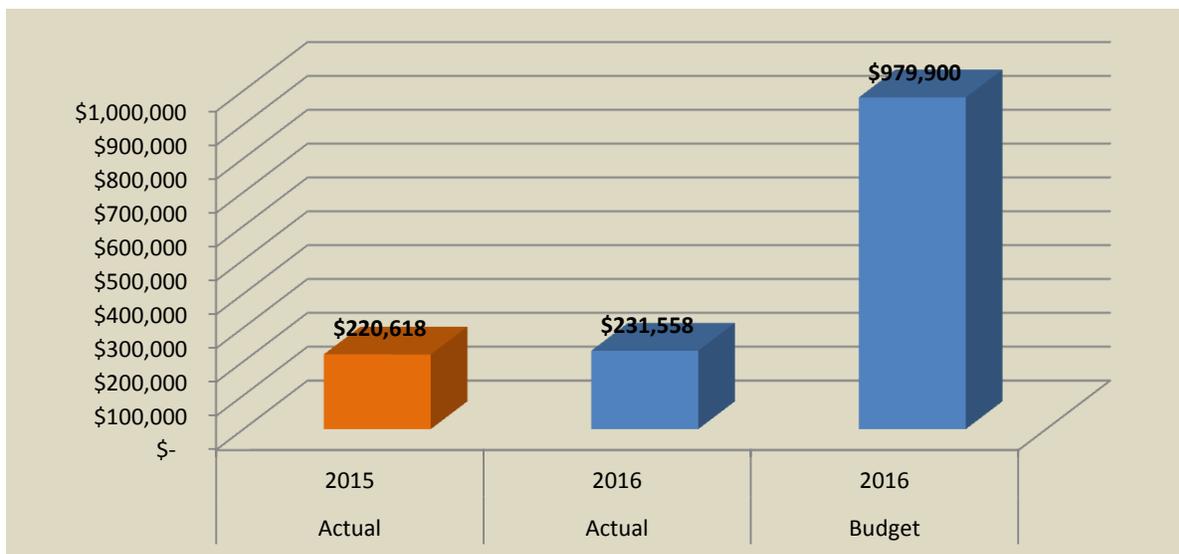
Department: Streets

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Collected
	Actual 2015	Actual 2016			
Revenue					
Highway Reimbursement & Appropriations	\$ 397,762	\$ 242,686	\$ 1,070,000	\$ 827,314	22.7%
Miscellaneous Revenue and Interest	2,230	3,295	7,000	3,705	47.1%
	\$ 399,992	\$ 245,981	\$ 1,077,000	\$ 831,019	22.8%

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Expenditures					
Personnel Services	\$ 97,739	\$ 102,545	\$ 317,000	\$ 214,455	32.3%
Materials and Supplies	83,466	96,684	282,400	185,716	34.2%
Capital Outlay	11,581	4,496	297,000	292,504	1.5%
Transfers	27,833	27,833	83,500	55,667	33.3%
	\$ 220,618	\$ 231,558	\$ 979,900	\$ 748,342	23.6%

Capital Expenditures:

Contractual Overlays - \$250,000
Sidewalks - \$20,000



33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

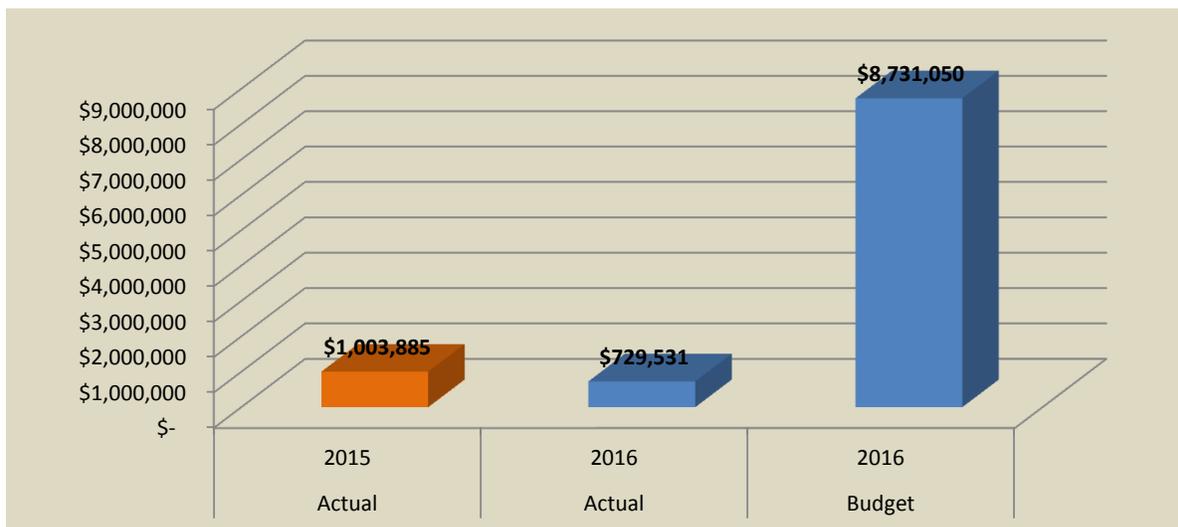
Department: Sewer

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Collected
	Actual 2015	Actual 2016			
Revenue					
Service Charges and Hook Up Fees	\$ 1,065,943	\$ 1,034,642	\$ 3,060,000	\$ 2,025,358	33.8%
Miscellaneous Revenue and Interest	90,726	21,506	5,180,000	\$ 5,158,494	0.4%
	\$ 1,156,669	\$ 1,056,149	\$ 8,240,000	\$ 7,183,851	12.8%

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Expenditures					
Personnel Services	\$ 195,579	\$ 169,250	\$ 550,000	\$ 380,750	30.8%
Materials and Supplies	391,855	331,743	1,068,500	736,757	31.0%
Capital Outlay	139,043	8,539	5,286,000	5,277,461	0.2%
Transfers	193,333	220,000	631,000	411,000	34.9%
Debt Service	84,075	-	1,195,550	1,195,550	0.0%
	\$ 1,003,885	\$ 729,531	\$ 8,731,050	\$ 8,001,519	8.4%

Capital Expenditures:

- Equipment - \$16,250
- Rickereall Crk Interceptor CIP - \$475,000
- Siphon Replacement - \$300,000
- I & I - \$725,000
- Reclaimed Water Project - \$3,600,000
- WWTF Equipment Replacement - \$100,000
- Sewer Replacement Projects - \$50,000



33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

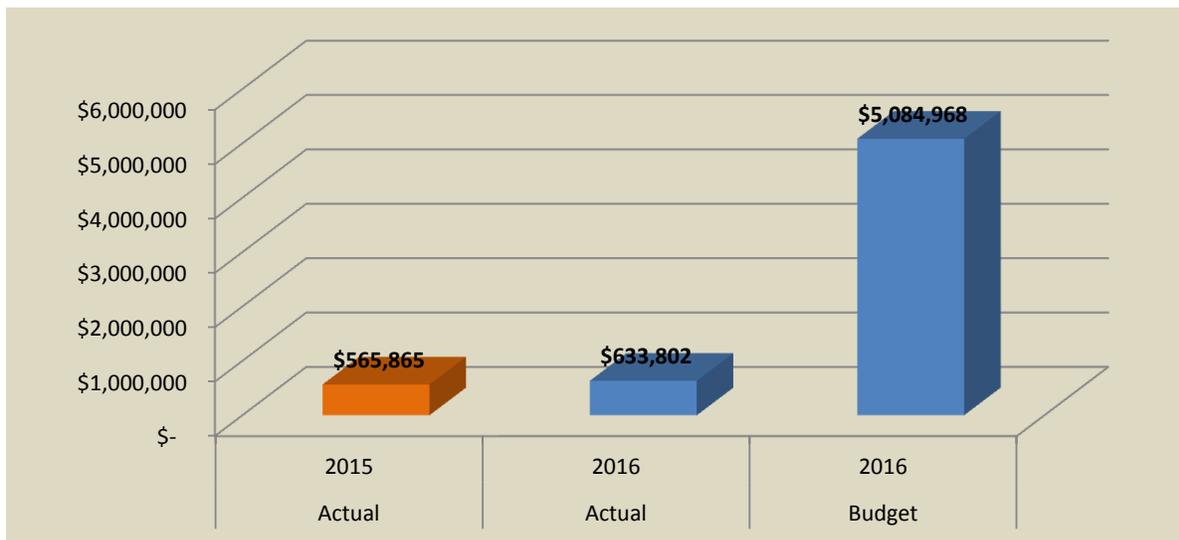
Department: Water

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Collected
	Actual 2015	Actual 2016			
Revenue					
Service Charges and Connection Fees	\$ 1,046,889	\$ 1,110,667	\$ 2,330,000	\$ 1,219,333	47.7%
Miscellaneous Revenue and Interest	41,814	113,488	2,697,000	2,583,512	4.2%
	\$ 1,088,703	\$ 1,224,155	\$ 5,027,000	\$ 3,802,845	24.4%

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Expenditures					
Personnel Services	\$ 130,807	\$ 138,998	\$ 444,000	\$ 305,002	31.3%
Materials and Supplies	247,925	256,738	787,000	530,262	32.6%
Capital Outlay	38,800	89,732	2,777,000	2,687,268	3.2%
Transfers	-	148,333	445,000	296,667	33.3%
Debt Service	148,333	-	631,968	631,968	0.0%
	\$ 565,865	\$ 633,802	\$ 5,084,968	\$ 4,451,166	12.5%

Capital Expenditures:

- Equipment - \$16,250
- Land Acquisition - \$1,200,000
- Transmission Water Line - \$1,400,000
- AMR Project- \$1,200,000
- Water Line Replacement Project - \$50,000



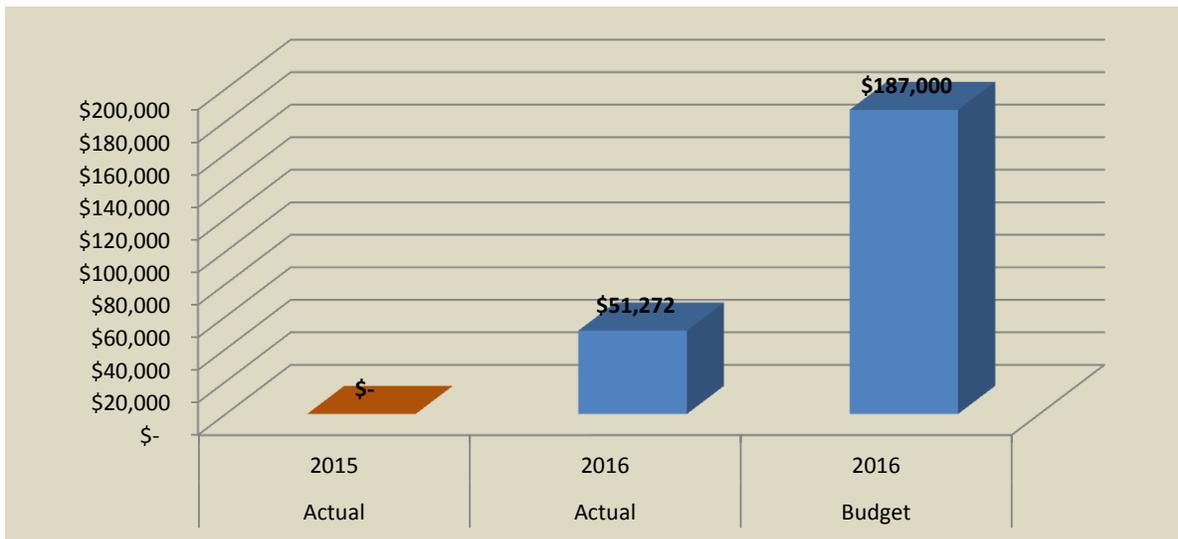
33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Stormwater

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Collected
	Actual 2015	Actual 2016			
Revenue					
Service Charges and Connection Fees	\$ -	\$ 52,079	\$ 190,000	\$ 137,921	27.4%
Miscellaneous Revenue and Interest	-	26,688	83,000	56,312	32.2%
	\$ -	\$ 78,767	\$ 273,000	\$ 194,233	28.9%

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Expenditures					
Personnel Services	\$ -	\$ 32,516	\$ 85,000	\$ 52,484	38.3%
Materials and Supplies	-	\$ 9,089	\$ 53,000	43,911	17.1%
Capital Outlay	-	\$ -	\$ 20,000	20,000	0.0%
Transfers	-	\$ 9,667	\$ 29,000	19,333	33.3%
	\$ -	\$ 51,272	\$ 187,000	\$ 135,728	27.4%



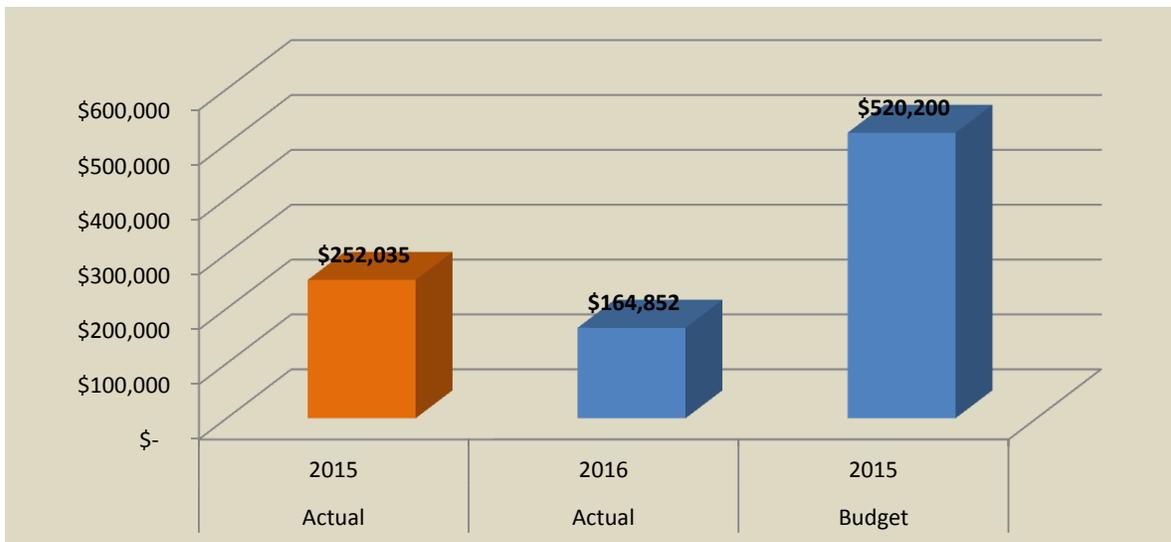
33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Fleet

Description	Year-to-Date		Budget 2015	Budget Remaining	Percent Collected
	Actual 2015	Actual 2016			
Revenue					
Service Charges and Total Care	\$ 156,788	\$ 144,455	\$ 486,000	\$ 341,545	29.7%
Miscellaneous Revenue	34,867	34,533	103,600	69,067	33.3%
	\$ 191,655	\$ 178,988	\$ 589,600	\$ 410,612	30.4%

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Expenditures					
Personnel Services	\$ 64,734	\$ 64,939	\$ 214,000	\$ 149,061	30.3%
Materials and Supplies	73,622	73,246	226,200	152,954	32.4%
Capital Outlay	87,012	-	-	-	#DIV/0!
Transfers	26,667	26,667	80,000	53,333	33.3%
	\$ 252,035	\$ 164,852	\$ 520,200	\$ 355,348	31.7%



33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

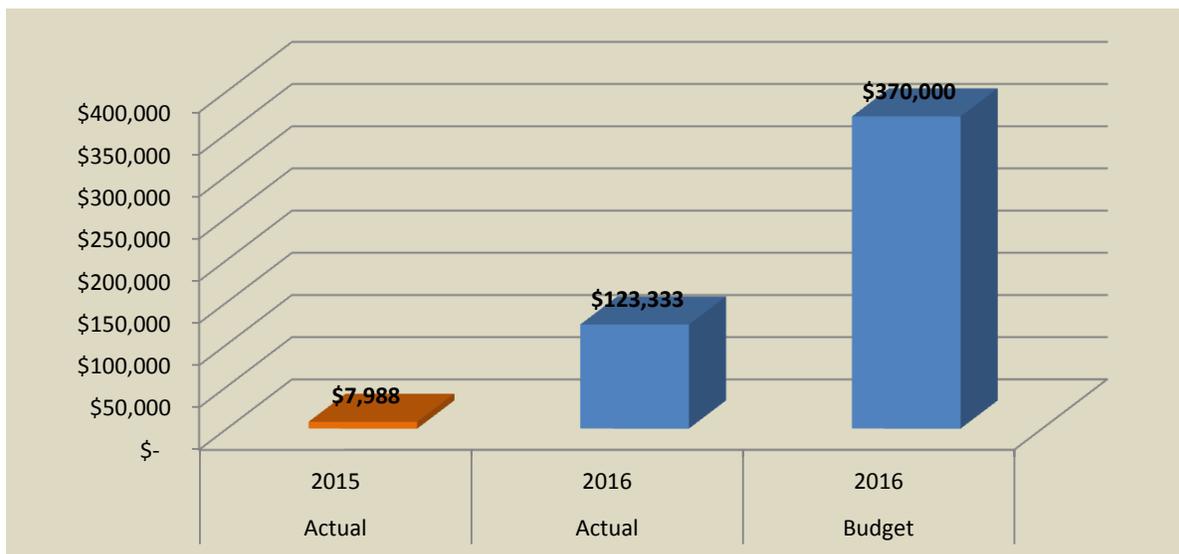
Department: Capital Projects

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Collected
	Actual 2015	Actual 2016			
Revenue					
Transfers	\$ 7,988	\$ 24,064	\$ 370,000	\$ 345,936	6.5%
	\$ 7,988	\$ 24,064	\$ 370,000	\$ 345,936	6.5%

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Expenditures					
Capital Outlay	7,988	123,333	370,000	246,667	33.3%
	\$ 7,988	\$ 123,333	\$ 370,000	\$ 246,667	33.3%

General Fund Capital Projects:

Library	\$6,000
Fire	\$118,800
Police	\$25,000
Aquatic	\$35,000
Facilities	\$30,000
EMS	\$35,200
Vehicles	\$120,000



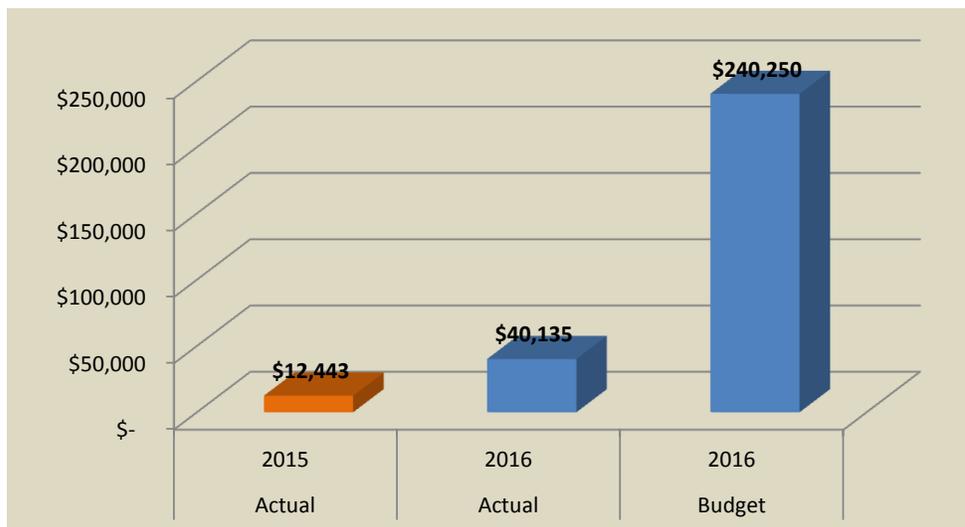
33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: Trust Fund

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Collected
	Actual 2015	Actual 2016			
Revenue					
Fire and Ambulance	\$ 2,110	\$ 27,573	\$ 169,500	\$ 141,927	16.3%
Miscellaneous	230	347	5,500	5,153	6.3%
Economic Development	-	-	17,000	17,000	0.0%
Park	60	8,375	7,000	(1,375)	119.6%
Library	3,194	12,934	20,000	7,066	64.7%
	\$ 5,594	\$ 49,229	\$ 219,000	\$ 169,771	22.5%

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Expenditures					
Fire and Ambulance	\$ 6,458	\$ 33,448	\$ 169,500	\$ 136,052	19.7%
Miscellaneous	35	40	21,750	21,710	0.2%
Economic Development	1,032	2,448	17,000	14,552	14.4%
Park	-	75	7,000	6,925	1.1%
Library	4,919	4,124	25,000	20,876	16.5%
	\$ 12,443	\$ 40,135	\$ 240,250	\$ 200,115	16.7%



33.33 % Through the Fiscal Year

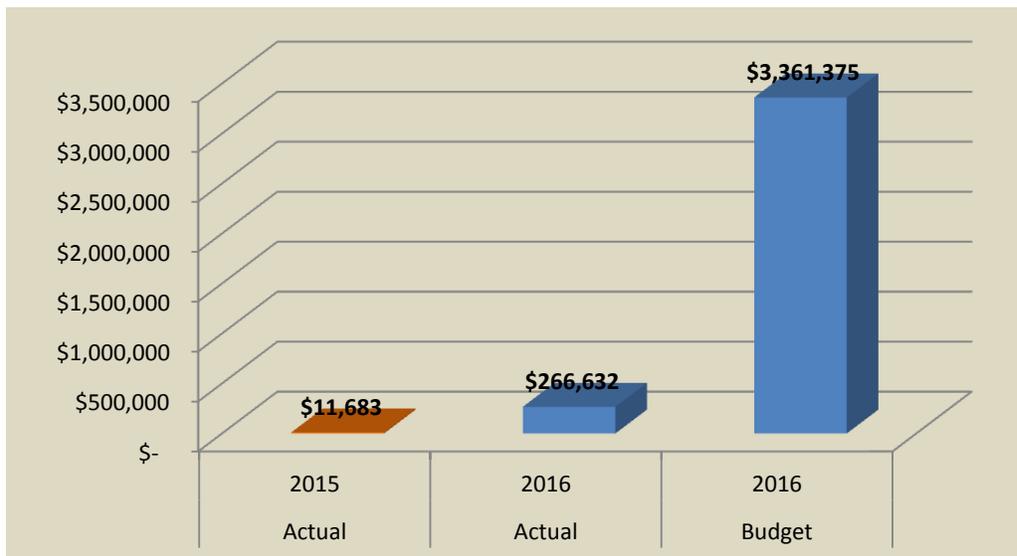
City of Dallas
Monthly Financials
October 2015

Department: Grant Fund

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Collected
	Actual 2015	Actual 2016			
Revenue					
Police	\$ 7,203	\$ 30,975	\$ 32,500	\$ 1,525	95.3%
Fire & EMS	-	-	1,015,875	1,015,875	0.0%
Parks and Trails	-	26,500	310,000	283,500	8.5%
Miscellaneous	5,000	89,097	2,003,000	1,913,903	4.4%
	\$ 12,203	\$ 146,572	\$ 3,361,375	\$ 3,214,803	4.4%

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Expenditures					
Police	\$ -	\$ 1,083	\$ 32,500	\$ 31,417	3.3%
Fire & EMS	5,430	171,402	1,015,875	844,473	16.9%
Parks and Trails	-	1,273	310,000	308,727	0.4%
Miscellaneous	6,253	92,874	2,003,000	2,803	4.6%
	\$ 11,683	\$ 266,632	\$ 3,361,375	\$ 1,187,420	7.9%

Grant Projects:



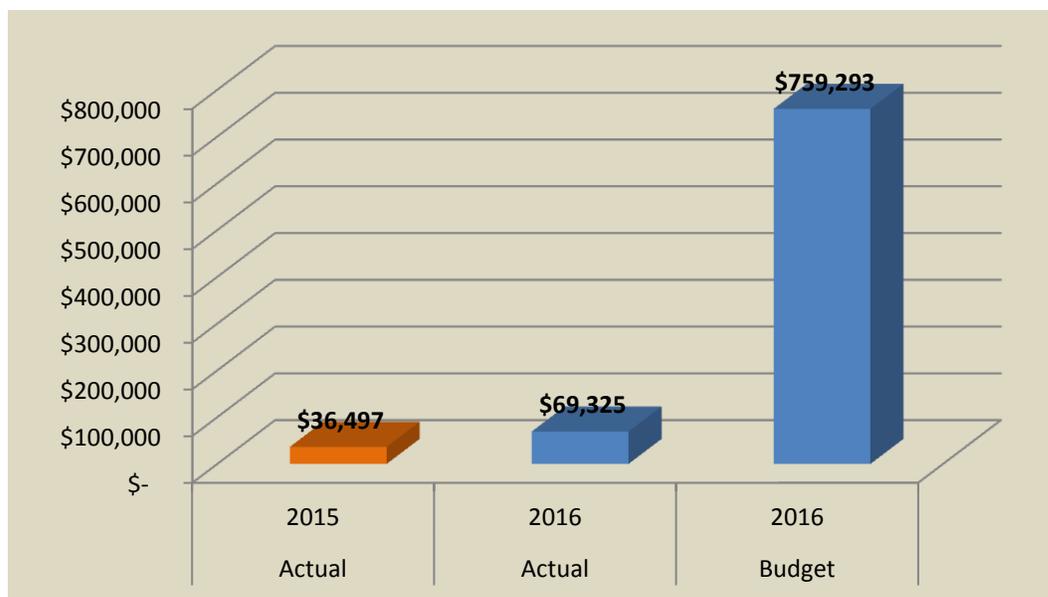
33.33 % Through the Fiscal Year

City of Dallas
Monthly Financials
October 2015

Department: General Obligation and Long Term Debt Funds

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Collected
	Actual 2015	Actual 2016			
Revenue					
Property Taxes	\$ 19,530	\$ 19,410	\$ 680,000	\$ 660,590	2.9%
Transfers	37,664	40,350	121,050	80,700	33.3%
	\$ 57,194	\$ 59,760	\$ 801,050	\$ 741,290	7.5%

Description	Year-to-Date		Budget 2016	Budget Remaining	Percent Spent
	Actual 2015	Actual 2016			
Expenditures					
Principal	\$ -	\$ -	\$ 610,000	\$ 610,000	0.0%
Interest	36,497	69,325	149,293	79,968	46.4%
	\$ 36,497	\$ 69,325	\$ 759,293	\$ 689,968	9.1%



33.33 % Through the Fiscal Year

DALLAS CITY COUNCIL

REPORT

TO: MAYOR DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11a	Topic: Amendment to Camping Ord.
Prepared By: Tom Simpson, Chief of Police	Meeting Date: November 16, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED ACTION:

Approve Ordinance 1792 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.

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. 11b	Topic: NW Natural Franchise Agreement
Prepared By: Emily Gagner	Meeting Date: November 16, 2015	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Approve Ordinance 1793.

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