



City Council

Mayor
Brian Dalton

Council President
Jim Fairchild

Councilor
Kelly Gabilks

Councilor
Micky Garus

Councilor
Bill Hahn

Councilor
Jackie Lawson

Councilor
Kevin Marshall

Councilor
Murray Stewart

Councilor
LaVonne Wilson

Councilor
Ken Woods, Jr.

City Staff

City Manager
Ron Foggin

City Attorney
Lane Shetterly

Community
Development/
Operations Director
Jason Locke

Finance Director
Cecilia Ward

Fire Chief
Fred Hertel

Police Chief
Tom Simpson

Director of Engineering
& Environmental
Services
Fred Braun

City Recorder
Emily Gagner

Recording Secretary
Jeremy Teal

Dallas City Council Agenda

Mayor Brian Dalton, Presiding

Monday, January 4, 2016

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. CITIZEN ACADEMY GRADUATION	
4. EMPLOYEE RECOGNITION/INTRODUCTION	
5. 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>	
6. 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>	
7. 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 December 7, 2015 City Council meeting	PG. 3
8. ITEMS REMOVED FROM CONSENT AGENDA	
9. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
a. General Comments from the Councilors and Mayor	
10. REPORTS FROM CITY MANAGER AND STAFF	
a. Council goal update	Information
b. Other	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.

11. FIRST READING OF ORDINANCE

a. Ordinance No. 1794: An Ordinance amending provisions of the Dallas Development Code; and repealing conflicting provisions. PG. 7

First Reading

b. Ordinance No. 1795: An Ordinance amending provisions of the Dallas City Code Section 5.386, relating to wild animals. PG. 26

First Reading

12. SECOND READING OF ORDINANCE

13. RESOLUTIONS

14. EXECUTIVE SESSION as authorized under ORS 192.660(2)(f), to consider information or records that are exempt by law from public inspection.

15. OTHER BUSINESS

16. ADJOURNMENT

These minutes are supplemented by electronic recordings of the meeting, which may be reviewed upon request to the City Recorder. Audio files from City Council meetings from November 16, 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, December 7, 2015
<p>The Dallas City Council met in regular session on Monday, December 7, 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, Fire Chief Fred Hertel, 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, and Recording Secretary Jeremy Teal.</p>	
<p>Pledge of Allegiance:</p> <p>Mayor Dalton led the Pledge of Allegiance.</p>	

AGENDA	ACTION
1:01 EMPLOYEE RECOGNITION	<p>Chief Hertel recognized Community Services Officer April Welsh for going above and beyond in recruiting volunteers for the Fire & EMS Department.</p>
4:05 COMMENTS FROM THE AUDIENCE	<p>Chelsea Metcalfe, Executive of the Dallas Area Visitors Center, 168 SW Court St, reported that Winterfest was a great success.</p> <p>Mike Barker, Wilshire Capital Ford Sales Manager, 201 NE Polk Station Rd, stated the new owners were told to take all their new signs down as they were in violation of the Dallas City Sign Code. He indicated the Code was too intrusive, too hard on businesses, and was poorly written and needed to be changed.</p> <p>Bob Brannigan, President of the Dallas Area Chamber of Commerce, 168 SW Court St, noted he supported Capital Ford, adding the Code was written for one size fits all, and that just wasn't possible.</p> <p>Jim Williams, Barberry Ave, requested the Sign Code be remanded back to the Planning Commission to reword and report back to the Council what was and wasn't working with the Code.</p> <p>Lynnette Henshaw, 2424 SW Oakwood Dr, stated the Planning Commission worked hard on the Sign Code and now are back where they started.</p> <p>Gene Henshaw, 2424 SW Oakwood Dr, stated Capital Ford was an excellent entrepreneur and the Council should step</p>

	<p>up and help this business be a bright star in the City.</p> <p>Jeff Davenport, owner of Wilshire Capital Ford, 201 NE Polk Station Rd, expressed gratitude to everyone that had helped with the business. He noted he wanted to improve tax revenue and spend as much money as he could to provide a first class dealership in Dallas.</p> <p>Deborah Kelly, 2790 Perrydale Rd, stated she would like to see the Council formulate and adopt an objective code of ethics for elected officials. She noted she was concerned about the view taken of our community and upset at the remarks Councilor Garus made toward Councilor Gabliks regarding not having children. She noted our elected officials needed to have ethical behavior toward the community and each other.</p> <p>Emily Plec, 166 SE Godsey Rd, stated she understood why foreign or different seemed frightening. She noted the religion of Islam was living peacefully not with violence. She stated that transgender identity and assignment didn't always match and can lead to violent attacks in bathrooms and locker rooms. She noted this country was founded on the belief in human dignity and equality in the eyes of God and the law.</p> <p>Windy Lane, 1391 Hayter St, stated this country was founded by some of the most brilliant minds in the history of the US, which allowed people to speak freely without having their head being chopped off. He noted that was a misconception about Muslims and that the Koran dictates your life as a Muslim. He stated that what Micky did and said was right.</p> <p>Joe Koubek, 565 Mifflin St, read a statement regarding Councilor Garus' statements, a copy of which is attached to these minutes and incorporated herein.</p> <p>Kiona Alvarez, she stated she only asked to be seen as a transgender. She noted she was a female outside and a male inside and discussed her attempted suicide. She shared that she forgave us all adding we were all human.</p> <p>Nathan Woods, 520 N Fir Villa Rd, stated he was happy with the City's work downtown and encouraged the Council to keep up the good work.</p>
<p>PUBLIC HEARINGS</p>	
<p>1:19:14 CONSENT AGENDA</p> <p>Item approved by the Consent Agenda: a) minutes of November 16, 2015 City Council meeting; b) canceling the December 21, 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>
<p>ITEMS REMOVED FROM CONSENT AGENDA</p>	<p>There were none.</p>
<p>43:41 REPORTS OR COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS</p>	<p>Councilor Garus suggested taking the advice about the sign code and send it back to the Planning Commission for review and to find a good fit for all businesses.</p> <p>There was discussion regarding the sign code definitions,</p>

	<p>variances, and grand openings.</p> <p>It was moved by Councilor Garus to remand the sign code back to the Planning Commission for review. The motion was duly seconded and carried with a 5 to 4 vote with Councilors Fairchild, Garus, Wilson, Lawson, and Marshall voting Yes and Councilors Gabliks, Hahn, Stewart, and Woods voting No.</p>
1:19:55 REPORTS FROM CITY MANAGER AND STAFF	
DEVELOPMENT CODE DISCUSSION	<p>Mr. Locke reviewed the proposed changes regarding the Development Code.</p> <p>It was moved by Councilor Gabliks to move the Development Code forward with the amendment to Section 1. The motion was duly seconded carried by a vote a 7-2 with Councilors Lawson and Garus voting NO.</p>
WILD ANIMAL ORDINANCE	<p>Mr. Foggin noted there were a number of deer in the community and were a nuisance to many citizens. He noted the City had no code that discouraged the feeding of the deer in the community.</p> <p>It was moved by Councilor Fairchild to add the language “deer” to the wild animal ordinances. The motion was duly seconded and carried with a vote of 7-2 with Councilors Lawson and Garus voting NO.</p>
COUNCIL GOAL UPDATE	<p>Mr. Foggin announced the City was awarded the GFOA Distinguished Budget Award for the 2015-2016 Budget Document.</p>
OTHER	<p>Mr. Foggin stated the City had some problem areas with high water in the recent storm, but crews were staying on top of things. He noted the Public Works/Public Safety committee meetings would be canceled as there were no agenda items. He stated there was one RFP turned in for the Carnegie building.</p>
FIRST READING OF ORDINANCE	<p>There were none.</p>
SECOND READING OF ORDINANCE	<p>There were none.</p>
RESOLUTIONS	<p>There were none.</p>
OTHER	<p>The Council meeting was recessed at 8:25 p.m.</p> <p>The Council meeting was reconvened at 8:35 p.m.</p>
EXECUTIVE SESSION	<p>Mayor Dalton recessed the Council meeting at 8:35 p.m. to go into Executive Session as authorized under 192.660(2)(i), to review and evaluate the employment-related performance of the chief executive officer.</p>

OTHER BUSINESS	<p>The Council meeting was reconvened at 9:57 p.m.</p> <p>Councilor Fairchild indicated the Council was pleased with Mr. Foggin’s performance and would like to reward that performance with a 2.5% merit increase, an increase to his car allowance by \$50 per month, and the minimum severance amount payable in the even the was dismissed without cause would be changed to nine months. Mr. Foggin thanked the Council for their support and stated he wanted to be in Dallas for a long time because this was his home.</p> <p>It was moved by Councilor Woods to amend the City Manager’s contract to provide a 2.5% increase to his salary, change his car allowance to \$6,600 per year, and amend the severance compensation clause to a minimum of 9 months of salary paid. The motion was duly seconded and carried by a majority vote with Councilor Micky Garus voting No.</p>
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ADJOURNMENT	There being no further business, the meeting adjourned at 10:02 p.m.
Read and approved this _____ day of _____ 2016.	
ATTEST:	_____
_____	Mayor
City Manager	

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DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11a	Topic: Ordinance 1794 Development Code Amendments
Prepared By: Jason Locke, Community Development/ Operations Director	Meeting Date: January 4, 2016	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION: Move Ordinance 1794 to a second reading.

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

FISCAL IMPACT: None

ATTACHMENTS:

Ordinance 1794

ORDINANCE NO. 1794

An Ordinance amending provisions of the Dallas Development Code; and repealing conflicting provisions.

WHEREAS, the Dallas City Council has determined that it is timely and appropriate to make certain technical and editorial amendments to the Dallas Development Code adopted by Ordinance No. 1710, on December 21, 2009, and effective January 20, 2010; and

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

WHEREAS, after required public involvement, notices and public hearings before the Dallas Planning Commission and Dallas City Council, the City Council, on December 7, 2015, preliminarily approved the proposed amendments to the Dallas Development Code; and

WHEREAS, the City Council found and hereby finds that the proposed Dallas Development Code amendments conform to the Dallas Comprehensive Plan, as amended, and applicable Statewide Planning Goals, and it is in the public interest to adopt them; NOW, THEREFORE,

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Those amendments to Sections 2.2.100.C.1.e, 2.2.100.C.2, 2.2.120, 2.6.040.F, 3.2.050.A, 3.4.010, 3.6.070.B, 4.1.050.D, 4.2.060, 4.2.080.D.2, 4.3.040, 4.3.070, 4.3.140, 4.5.030 and 6.1.030 and Tables 2.2.020, 2.2.030, and 4.1.010 of the Dallas Development Code, as set forth on Exhibit A, attached hereto and by reference incorporated herein, are hereby adopted and approved.

Section 2. The findings and conclusions of the staff report recommending the adoption of the foregoing amendments, attached hereto as Exhibit B, and by reference incorporated herein, are hereby adopted and approved as the findings and conclusions of the City Council.

Section 3. All conflicting provisions of Ordinance No. 1710, establishing and adopting the Dallas Development Code, are hereby repealed upon the effective date of this ordinance.

Read for the first time: January 4, 2016
Read for the second time: January 19, 2016
Passed by the City Council: January 19, 2016
Approved by the Mayor: January 19, 2016

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY

EXHIBIT A

2015 Dallas Development Code Update

Code Amendments

December 15, 2015

New language added to the Development Code is shown in **bold underline**. Text deleted is shown in ~~strike-out~~.

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. The configuration of a modular home may consist of, but is not limited to, 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>
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	RL	RM	RH	
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

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>				
Single Family Attached (2 or more common-wall single family dwellings), each on its own lot	N	S	S	Section 2.2.120B
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				
Land Uses and Building Types	Land Use Districts			Special Use Provisions
	RL	RM	RH	
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>				
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>
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	RL	RM	RH	
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.** Subject to subsection (3), below, 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.e. All other requirements of the code as applicable to single family dwellings shall apply.

e.f. 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 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'	<u>22'</u>
56'-70'	<u>26'</u>
>70'	<u>32'</u>

Driveways may *expand* to a width greater than the maximum width where they are located **behind the property line.**

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 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 <u>15</u> ft. and not longer than 50% of length of primary building footprint.			
-Taller than <u>15</u> 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 **3.2.050**, 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 2e below.
- 2) Articulation – Different offsets or articulation of front building elevation in compliance with subsection 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 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 **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 Oregon Fire Code Section 10.207.

I. Extension of Streets, Sidewalks, and Bikeways.

- 2.c. Temporary street ends shall provide turnarounds constructed to **Oregon** Fire Code standards for streets over 150 feet in length. See also, Section 3.1.020.

N. Cul-de-sacs.

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

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) 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 - 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) dwelling units, including accessory dwellings and dwellings on individual lots, ~~unless Oregon Fire Code (OFC) standards are met for more units. When OFC 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 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 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

B. **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** 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** 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** 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 provided that:

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

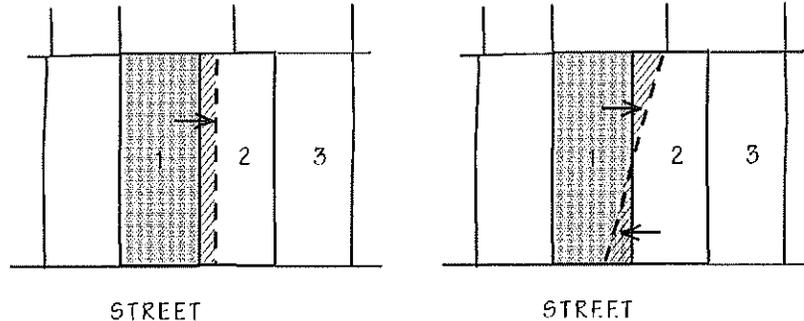
B. Approval Process.

2. The detailed development plan shall be reviewed using the **Type III** 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**.

N. Definitions – Section 6.1.030

Property Line Adjustment. The relocation or elimination of all or a portion of the common property line between abutting properties that does create an additional lot or parcel, 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.

EXHIBIT B



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.

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11 b	Topic: Ord 1795 – Wild Animals
Prepared By: Emily Gagner	Meeting Date: January 4, 2016	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED ACTION:

Allow Ordinance 1795 to pass its first reading

BACKGROUND:

Several years ago we had issues with aggressive turkeys, due in part to residents feeding the turkeys. The Council modified the wild animal code to prohibit feeding wild birds. Staff has now received several complaints from residents about aggressive deer, also assumed to be causing problems due to residents feeding them. The current wild animal code only prohibits feeding “carnivorous wild animals or wild birds.” At staff recommendation, the Council moved to place this ordinance on the agenda.

FISCAL IMPACT:

None

DALLAS 2030 VISION IMPACT:

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

ATTACHMENTS:

Ordinance 1795

5.386 Wild Animals.

(1) Except as provided in subsections (3) and (4), no person shall keep in captivity within the city a carnivorous wild animal, deer or wild bird.

(2) As used in this section:

(a) "Carnivorous wild animal" means an animal that is not by custom devoted to the service of mankind at the time and in the place in which it is kept. Carnivorous wild animals include, but are not limited to, wolves, coyotes, bobcats, bears, foxes, cougars, and any hybrid animal which has any degree of such wild carnivorous animals.

(b) "Wild bird" means duck, goose, merganser, coot, snipe, pheasant, partridge, grouse, peafowl or wild turkey.

(c) "Feed" means to place or allow to be placed, in any manner, food or other attractants with the intent of attracting or feeding carnivorous wild animals, deer or wild birds.

(3) The provisions of this section do not apply to the owners of a circus, tent show, or carnival that is licensed by the city.

(4) The Council may grant an exemption to this section under the following procedures:

(a) An applicant shall file a request for an exemption which includes the following:

(i) Type of animal;

(ii) A recent photograph of the animal;

(iii) Where it will be located;

(iv) Whether its location in the city will be temporary or permanent;

(v) Whether it has bitten, attacked, or otherwise harmed any person;

(vi) What steps will be taken to insure the public safety;

(vii) Proof of adequate liability insurance if the animal harms a person or property;

(viii) A certification from a licensed veterinarian that the animal has received all necessary inoculations, including, but not limited to, rabies; and

(ix) A filing fee in an amount set by resolution of the Council.

(b) The Council shall thereafter hold a public hearing on the request for an exemption, after giving notice to the same property owners who would receive notice of a land use hearing relating to the premises where the animal would be located, not less than ten days in advance of the public hearing.

(c) At the conclusion of the public hearing, the Council shall grant the exemption, grant the exemption with conditions, or deny the exemption.

(d) A failure to continually abide by and maintain any conditions imposed by the Council is a violation of this section.

(5) Violation of this section, upon a first offense, shall constitute a civil infraction. Violation of this section upon the second and any subsequent offense shall constitute a Class C misdemeanor.

ORDINANCE NO. 1795

An Ordinance amending provisions of the Dallas City Code Section 5.386, relating to wild animals.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 5.386 is hereby amended to read as follows:

5.386 Wild Animals.

- (1) Except as provided in subsections (3) and (4), no person shall feed or keep in captivity within the city a carnivorous wild animal, deer, or wild bird.
- (2) As used in this section:
 - (a) “Carnivorous wild animal” means an animal that is not by custom devoted to the service of mankind at the time and in the place in which it is kept. Carnivorous wild animals include, but are not limited to, wolves, coyotes, bobcats, bears, foxes, cougars, and any hybrid animal which has any degree of such wild carnivorous animals.
 - (b) “Wild bird” means duck, goose, merganser, coot, snipe, band-tailed pigeon, dove, pheasant, quail, partridge, grouse or wild turkey.
 - (c) “Feed” means to place or allow to be placed, in any manner, food or other attractants with the intent of attracting or feeding carnivorous wild animals, deer or wild birds.
- (3) The provisions of this section do not apply to the owners of a circus, tent show, or carnival that is licensed by the city.
- (4) The Council may grant an exemption to this section under the following procedures:
 - (a) An applicant shall file a request for an exemption which includes the following:
 - (i) Type of animal;
 - (ii) A recent photograph of the animal;
 - (iii) Where it will be located;

- (iv) Whether it's location in the city will be temporary or permanent;
- (v) Whether it has bitten, attacked, or otherwise harmed any person;
- (vi) What steps will be taken to insure the public safety;
- (vii) Proof of adequate liability insurance if the animal harms a person or property; and
- (viii) A certification from a licensed veterinarian that the animal has received all necessary inoculations, including, but not limited to, rabies, a filing fee in an amount set by resolution of the Council.

(b) The Council shall thereafter hold a public hearing on the request for an exemption, after giving notice to the same property owners who would receive notice of a land use hearing relating to the premises where the animal would be located, not less than ten days in advance of the public hearing.

(c) At the conclusion of the public hearing, the Council shall grant the exemption, grant the exemption with conditions, or deny the exemption.

(d) A failure to continually abide by and maintain any conditions imposed by the Council is a violation of this section.

(5) Violation of this section, upon a first offense, shall constitute a civil infraction. Violation of this section upon the second and any subsequent offense shall constitute a Class C misdemeanor.

Read for the first time: January 4, 2016
Read for the second time: January 19, 2016
Passed by the City Council: January 19, 2016
Approved by the Mayor: January 19, 2016

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN,
CITY MANAGER

LANE P. SHETTERLY, CITY
ATTORNEY