

# DALLAS CITY COUNCIL

## AGENDA

Mayor Jim Fairchild Presiding

Monday, August 18, 2008, 7:30 PM

Dallas City Hall\*  
187 SE Court Street  
Dallas, OR 97338

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. Public participation is encouraged. If you desire to speak on any agenda item, please raise your hand to be recognized after the Mayor calls the item, or sign in on the provided card. If you wish to address the Council on any item not on the agenda, you may respond as the Mayor calls for questions and/or comments from the audience.

### 1. ROLL CALL

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### 2. APPROVAL OF MINUTES

- 2.1. Approval of minutes of the August 4, 2008, Council meeting [page 3](#)
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### 3. PUBLIC HEARINGS

- 3.1 Appeal of Conditional Use Permit for duplex in the 100 block of NW Robert St (File # CU/2-08) [page 6](#)
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### 4. REPORTS OR COMMENTS FROM COUNCIL MEMBERS

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### 5. QUESTIONS AND/OR COMMENTS FROM THE AUDIENCE

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### 6. REPORTS OF SPECIAL COMMITTEES AND CITY OFFICERS

- 6.1. City Manager's Reports
- a. Urban Renewal District Activities Update [page 42](#)
  - b. Park & Recreation Board Update [page 47](#)
  - c. On-street parking review, 700 Block SW Church Street [page 52](#)
  - d. Oregon Economic & Community Development Senior Center Project Intake Form [page 55](#)
  - e. Designate authorized signers for Washington Federal Savings accounts [page 57](#)
  - f. Award of Cherry Street Contract [page 58](#)
  - g. Transient Lodging Tax Update [page 59](#)
  - h. Planning Commission Work Program Update [page 60](#)
  - i. Report on the August 12, 2008, Planning Commission meeting [page 61](#)
  - j. Other
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## **7. COMMUNICATIONS AND PETITIONS**

- 7.1. Note from Dallas Arts Association [page 62](#)
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## **8. RESOLUTIONS**

- 8.1. Resolution No. 3165: A Resolution designating the National Incident Management System (NIMS) as the basis for all incident management in the City of Dallas. [page 63](#)
- 8.2. Resolution No. 3166: A Resolution establishing areas on SW Bridlewood Drive where the parking of motor vehicles is prohibited. [page 65](#)
- 8.3. Resolution No. 3167: A Resolution establishing a fee in lieu of construction of street improvements in connection with development for which adequate public facilities are required by the Dallas Development Code or Comprehensive Plan. [page 66](#)
- 8.4. Resolution No. 3168: A Resolution establishing a fee for licensing impounded unlicensed dogs. [page 67](#)
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## **9. FIRST READING OF ORDINANCE**

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## **10. SECOND READING OF ORDINANCE**

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## **11. OTHER BUSINESS**

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## **12. ADJOURNMENT**

\*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.

**DALLAS CITY COUNCIL**  
**Monday, August 4, 2008**  
**Council Chambers**

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The Dallas City Council met in regular session on Monday, August 4, 2008, at 7:30 p.m. in the Council Chambers of City Hall with Mayor Fairchild presiding.

**ROLL CALL**

Council members present were: Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, and Councilor Dave Voves. Members excused: Councilor Warren Lamb and Councilor LaVonne Wilson.

Also present were: City Manager Jerry Wyatt, City Attorney Lane Shetterly, Assistant City Manager Kim Marr, Police Chief Jim Harper, Community Development Director Jason Locke, Public Works Director Fred Braun, Finance Director Marcia Baragary, and Recording Secretary Emily Gagner.

**APPROVAL OF MINUTES**

Mayor Fairchild declared the minutes of the July 21, 2008, Council meeting approved as presented, with a correction from Rich Sliker to Jim Sliker on page 1, line 35.

**REPORTS OR COMMENTS FROM COUNCIL MEMBERS**

There were no questions about the Mayor's July report. There were no questions about the Council President's July report.

Mayor Fairchild stated he attended the Oregon State Mayor's conference in Pendleton and got a lot of good information. He will have a report to hand out to the Councilors at the next Council meeting.

Mayor Fairchild reported that Congressman Blumenauer and Congresswoman Hooley would hold a conference in Salem on Tuesday, and he plans to attend.

Mayor Fairchild stated the LOC had each legislative committee develop several major items that may be priorities. They are now sending these lists to the cities to give them an opportunity to identify their top four priorities, which will identify where they will make their major push in the next legislative session. Mayor Fairchild would like the City to submit one ballot, and asked the Councilors to identify what they feel is a priority by the workshop on August 13 and a final review will be on the August 18 Council agenda.

**COMMITTEE REPORTS OF JULY 28, 2008**

**Administrative Committee Meeting – Councilor Kevin Marshall, Chair**

Councilor Marshall reported on the topics presented to the Administrative Committee as included in the agenda packet.

Councilor Marshall explained the Street in Lieu fee. Councilor Marshall moved to direct the City Attorney to draft a Resolution for the establishment of a Street In Lieu fee for half-street improvements. Councilor Voves stated it is customary to tie the fee to the inflationary rate in the resolution, or review it every so often. Mr. Wyatt stated we would put in the Resolution that it would be brought back to Council for a review every-other year. The motion was duly seconded and CARRIED UNANIMOUSLY with Council President Ken Woods, Jr., Councilor Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin, Councilor David Shein, and Councilor Dave Voves voting YES.

**Public Safety Committee – Councilor David Shein, Chair**

Councilor Shein reviewed the topics presented to the Public Safety Committee meeting as presented in the agenda packet. He briefly discussed the four action items, stating these action items had all been moved to the City Manager's Reports further on in the agenda. Councilor Shein reviewed the information presented at the Committee meeting regarding the dog licensing.

1 **QUESTIONS OR COMMENTS FROM THE AUDIENCE**

2 Madison Rothchild stated she has lived in Dallas for 30 years, and met with City Manager Wyatt  
3 last week about her concerns for her neighborhood. She explained that there are apartments next  
4 to her home, and the noise in the neighborhood from the apartments is terrible. She reported that  
5 when tenants start drumming, it is like standing next to a 747 even in her living room with the  
6 doors and windows closed. She would very much like a quiet neighborhood.

7 Mr. Wyatt stated staff would be visiting with the apartment superintendents, as well as the  
8 principal of the high school, which is also next to Ms Rothchild's home, to try to get help with  
9 the noise.

10 **REPORTS OF SPECIAL COMMITTEES AND CITY OFFICER**

11 **REMINDER ABOUT AUGUST 13 TSP WORKSHOP**

12 Mr. Wyatt reminded the Council the Transportation System Plan (TSP) workshop would be held  
13 on August 13 from noon to 1:00. He pointed out that Community Development Director Jason  
14 Locke had given everyone a copy of the TSP for review.

15 **NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) REVIEW**

16 Mr. Wyatt reviewed that when Homeland Security was created, they pushed to have all  
17 jurisdictions of emergency response speaking the same language, and in response developed  
18 NIMS, the National Incident Management System. Mr. Wyatt explained that City staff has been  
19 through the training process, which is quite extensive, but the City still needs to have a resolution  
20 stating we use NIMS.

21 Council President Woods moved to direct the City Attorney to draft a Resolution designating the  
22 National Incident Management System (NIMS) as the basis for all incident management in the  
23 City of Dallas. The motion was duly seconded and CARRIED UNANIMOUSLY with Council  
24 President Ken Woods, Jr., Councilor Brian Dalton, Councilor Jackie Lawson, Councilor Kevin  
25 Marshall, Councilor Wes Scroggin, Councilor David Shein, and Councilor Dave Voves voting  
26 YES.

27 **REQUEST FOR NO PARKING ON BRIDLEWOOD DRIVE**

28 Mr. Wyatt reviewed the request received from the Bridlewood Homeowners' Association. Staff  
29 has reviewed the request and recommends the no parking zone. He noted the recommendation is  
30 to paint the curbs instead of placing signage. Mr. Wyatt indicated he has contacted the property  
31 owner to the north, and had made several attempts to contact the property owner to the south,  
32 including a letter and two site visits, but has not been able to make contact. He noted the  
33 property owner to the north is very supportive of the no parking zone.

34 Councilor Lawson moved to direct the City Attorney to draft a Resolution prohibiting parking on  
35 Bridlewood drive within 100 feet of Kings Valley Highway by painting the curb. The motion  
36 was duly seconded and CARRIED UNANIMOUSLY with Council President Ken Woods, Jr.,  
37 Councilor Brian Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes  
38 Scroggin, Councilor David Shein, and Councilor Dave Voves voting YES.

39 **STREET IN LIEU FEE PROPOSAL**

40 This item was covered by Councilor Marshall under the Administrative Committee report.

41 **ON-STREET PARKING REVIEW, 700 BLOCK SW CHURCH ST**

42 Mr. Wyatt explained this report is in response to a conflict between DHS business parking and  
43 Post Office parking. He stated he hasn't had a chance to contact DHS and would like to talk to  
44 them before moving forward.

45 Mayor Fairchild confirmed that this agenda item would be postponed until the next Council  
46 meeting so Mr. Wyatt has a chance to contact both affected businesses.

47 **STOP SIGN REQUEST ON REED LANE**

48 Mr. Wyatt explained Mr. Hood's request for a stop sign from the July 21 Council meeting. Mr.  
49 Wyatt explained the traffic control and street construction features that can slow traffic. Staff  
50 recommends not putting in a stop sign at that intersection. The Council was in agreement that a

1 stop sign should not be put in. Mayor Fairchild requested that staff contact Mr. Hood to inform  
2 him of the decision.

3 **DISCUSSION CONCERNING ANNUAL COUNCIL DINNER**

4 Mr. Wyatt stated the annual Council dinner is typically the Sunday after the LOC conference,  
5 which is October 12. He commented that more information will be coming out closer to that  
6 date, and the dinner will begin around 6:00 p.m.

7 **DEPARTMENT REPORTS FOR JUNE**

8 Mr. Wyatt pointed out that on page 49, there was 0 single family permits issued in June, noting  
9 he can't remember that ever happening. He also pointed out that the Dallas Aquatic Center  
10 numbers are more than double what they were a couple years ago.

11 **OTHER**

12 Mr. Wyatt reported that at the Oregon Mayor's Association Conference last week, Mayor  
13 Fairchild was awarded the Mayor's Leadership Award for large cities. Mayor Fairchild stated  
14 any time you get an award as a Mayor, it is due to the Council and support of the City.

15 Mr. Wyatt indicated that CGI Communications, the company that is going to shoot videos of  
16 Dallas for us will be coming to town August 12 and 13, so the Councilors will probably see them  
17 around town. These videos will advertise Dallas for free. He encouraged the Councilors to  
18 check out the CGI website to see what they do.

19 Mr. Wyatt stated the LOC conference is coming up and asked anyone who was going to the  
20 conference to stay after the meeting to review the details needed for registration.

21 **COMMUNICATIONS AND PETITIONS**

22 **LETTER FROM PACIFIC POWER REGARDING POWER INTERRUPTIONS**

23 Mr. Wyatt explained that the City has been working closely with Pacific Power and have noted  
24 that we have had frequent power supply interruptions. After many phone calls, they sent us this  
25 letter stating they are aware of the problem. They will help us monitor the situation, especially at  
26 the Aquatic Center, where an abrupt shut down is very hard on the system.

27 **PUBLIC HEARINGS**

28 **RESOLUTIONS**

29 **FIRST READING OF ORDINANCE**

30 **SECOND READING OF ORDINANCE**

31 Ordinance No. 1690: An Ordinance amending Chapter 7 of the Dallas City Code relating to  
32 transient lodging tax; and repealing conflicting provisions.

33 Mayor Fairchild declared Ordinance 1690 to have passed its second reading. A Roll Call  
34 vote was taken and Mayor Fairchild declared Ordinance No. 1690 to have PASSED BY  
35 A UNANIMOUS VOTE with voting Council President Ken Woods, Jr., Councilor Brian  
36 Dalton, Councilor Jackie Lawson, Councilor Kevin Marshall, Councilor Wes Scroggin,  
37 Councilor David Shein, and Councilor Dave Voves YES.

38 **OTHER BUSINESS**

39 There being no further business, the meeting adjourned at 8:28 p.m.

40 Read and approved this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

41  
42  
43 \_\_\_\_\_  
44 Mayor

44 ATTEST:  
45 \_\_\_\_\_  
46 City Manager

**CITY OF DALLAS  
CITY COUNCIL**

**APPLICATION COMPLETE:  
MAY 20, 2008**

**STAFF REPORT  
Date: AUGUST 8, 2008**

<b>FILE NO.</b>	<b>CU/2 - 08</b>
<b>HEARING DATE</b> <b>AUGUST 18, 2008</b>	<b>7:30 P.M. CITY HALL 187 SE COURT STREET DALLAS, OREGON 97338</b>
<b>APPELLANT</b>	<b>CHARLES DE KRUYF</b>
<b>OWNER/APPLICANT</b>	<b>DOTY ENTERPRISES INC./SONYA McCOIN 1515 LIBERTY ST. SE SALEM, OR 97302</b>
<b>REQUEST</b>	<b>APPEAL OF A CONDITIONAL USE PERMIT APPROVAL FOR A DUPLEX IN A "RS" SINGLE FAMILY ZONING DISTRICT</b>
<b>LOCATION</b>	<b>100 BLOCK NW ROBERT ST.</b>
<b>RECOMMENDATION</b>	<b>AFFIRM THE PLANNING COMMISSION DECISION (APPROVAL WITH CONDITIONS)</b>

**AMENDMENT TO THE STAFF REPORT**  
**August 12, 2008**

<b>FILE NO.</b>	<b>CU/2 - 08</b>
<b>HEARING DATE</b>  <b>AUGUST 18, 2008</b>	<b>7:30 P.M. CITY HALL</b> <b>187 SE COURT STREET</b> <b>DALLAS, OREGON 97338</b>
<b>APPELLANT</b>	<b>CHARLES DE KRUYF</b>
<b>OWNER/APPLICANT</b>	<b>DOTY ENTERPRISES INC./SONYA</b> <b>MCCOIN</b> <b>1515 LIBERTY ST. SE</b> <b>SALEM, OR 97302</b>

This amendment is being made to the original staff report. The purpose is to correct an error in the section of the staff report dated August 8, 2008, (page3) that describes the ownership of the property.

Doty Enterprises, Inc, is shown by a Memorandum of Real Estate Contract recorded December 27, 2007, as Document No. 2007-019262 in the office of the Polk County Clerk, as the purchaser of the property under a contract with Doty and Son Properties, LLC, as seller. Therefore, as of the date the application was filed, Doty Enterprises, Inc, was – and is – the “owner” of the property within the meaning of the code.

This amendment does not change the staff analysis or recommendation in the report dated August 8, 2008.

## STAFF REPORT TO THE DALLAS CITY COUNCIL

**HEARING DATE:** AUGUST 18, 2008  
**APPLICATION TYPE:** Appeal of a CUP approval for a duplex  
**OWNERS:** Doty Enterprises, Inc.  
**APPLICANT:** Sonja McCoin  
**LOCATION:** 100 Block NW Robert Street

### BACKGROUND INFORMATION

Applicant:	Sonja McCoin
Owner:	Doty Enterprises, Inc.
Location:	100 Block NW Robert Street
Zoning:	RS – Residential Single Family
Comprehensive Plan Map No. 1 Land Use Designation:	Single Family
Floodplain:	No
Lot Size:	8,260 Sq. Ft.
Adjacent Land Uses:	Residential

**BACKGROUND:** THIS IS A PUBLIC HEARING UPON AN APPEAL OF A PLANNING COMMISSION APPROVAL OF A CONDITIONAL USE PERMIT TO CONSTRUCT A DUPLEX IN THE RS ZONE. THE PLANNING COMMISSION APPROVED THE APPLICATION WITH CONDITIONS AFTER HOLDING A PROPERLY NOTICED PUBLIC HEARING ON JUNE 10, 2008. THE FINAL ORDER AND NOTICE OF DECISION ON THE MATTER WAS ISSUED ON JUNE 13, 2008. ON JUNE 20, 2008, THE APPELLANT, CHARLES DE KRUYF, FILED AN APPEAL THROUGH HIS ATTORNEY, WALLACE LIEN. THE APPEAL MEETS THE REQUIREMENTS SET OUT IN DALLAS DEVELOPMENT CODE SECTION 1.3.140(2) AND WAS TIMELY FILED. APPEALS TO THE CITY COUNCIL ARE HELD DE NOVO.

ON JULY 25, 2008, THE APPLICANT/OWNER SUBMITTED A REVISED SITE PLAN AND ELEVATIONS THAT DEPICT 2 PORCHES THAT ARE OVER THE FRONT ENTRANCES OF EACH SIDE OF THE DUPLEX. EACH COVERED PORCH EXCEEDS 60 SQ.FT. (THE APPELLANT AND HIS ATTORNEY WERE PROVIDED WITH THIS INFORMATION ON AUGUST 8, 2008)

## **ISSUES RAISED IN APPEAL:**

**1. Ownership.** The appellant asserts that Doty and Son Properties, LLC is the owner of the property, not Doty Enterprises, Inc., and that, therefore, the application was not properly filed because the ownership was incorrect.

**Response:** Dallas Development Code Section 3.4.30(1) provides:

“A request for a Conditional Use...may be initiated by a property owner or an authorized agent by filing an application...[.]”

“Owner” is defined in Section 1.2 as the “owner of record...or a person who is purchasing the property under a contract.”

Doty and Son Properties, LLC is shown by a Memorandum of Real Estate Contract recorded December 27, 2007, as Document No. 2007-019262 in the office of the Polk County Clerk, as the purchaser of the property under a contract with Doty Enterprises, Inc., as seller. Therefore, as of the date the application was filed, Doty and Son Enterprises, LLC was – and is – the “owner” of the property within the meaning of the code.

**2. Front porch and Garage.** The proposal does not comply with 2.2.50 (7), specifically that the proposed duplex does not contain front porches, that the garages are not located at least four feet behind the front porch, and that the design is out of character with the area.

(7) Duplexes may be permitted through a Type III conditional use process on any other lot that meets the dimensional standards of the underlying zoning district. Duplexes may be permitted through a Type III conditional use process on any other lot that meets the dimensional standards of the underlying zoning district with duplexes located on no more than 10% of the lots in a platted subdivision. ***Duplexes in all zones shall meet the front porch and garage setback standards applicable to Row Houses (5) standards:***

(c) A front porch of at least 60 square feet;

(d) A garage located at least four feet behind the front porch – if frontage road access is provided

**Response:** The applicant submitted redesigned plans which include porches at the front entrances of the duplex (the front entrances are on the side of the building). “Front porch” is not defined in the Development Code. In this case, staff has determined that a porch at the main, or “front” door of each the proposed duplex units is a “front porch,” within the plain and ordinary meaning of the term, such that the front porch criteria has been satisfied by the redesigned plans.

As to the garage standard, the subject property is not accessed via a frontage road, but is accessed directly from a public street, NW Roberts. (“Frontage road” is not in the Development Code. Nevertheless, the plain and ordinary meaning of “frontage road” is a

non-limited access road running parallel to a higher-speed, often limited-access, road. By this plain and ordinary definition, NW Roberts is not a “frontage road” within the meaning of Section 2.2.50(7)) Therefore, this standard is not applicable.

As to the design of the duplex being out of character with the area, there are photos attached to the end of this report which show that there are structures of a very similar nature, including two duplexes located on NW Roberts (see Criteria 2 below).

**APPROVAL CRITERIA:** THE APPLICABLE CRITERIA ARE CONTAINED IN DDC SECTION 3.4.40, REVIEW CRITERIA.

- (1) The proposed use meets the dimensional standards of the underlying zoning district and conforms to the Development Review standards of this Code.

**FINDING:** The subject property is 8,260 sq.ft, and is located in the RS zone. The RS zone requires a minimum of 8,000 sq ft to construct a duplex on a lot in the RS zone. The required setbacks for a duplex are 20 ft in the front, 5 ft. on the side, and 25 ft. in the rear. The applicant’s proposed setbacks are in compliance with minimum standards.

The applicant states and staff concurs that the subject property meets the minimum standards for the underlying zoning district and that all public services, including transportation, water, sewer, and storm drainage, are available at the property.

**CONCLUSION:** It may be found that the applicant has met the required dimensional standards and conforms to the applicable Development Review standards.

- (2) The location, size, design, and operating characteristics of the proposed use will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole.

**FINDING:** The subject property is a vacant lot in a residential neighborhood. The applicant intends to construct a duplex in conformance with all development standards applicable in the RS – Residential Single Family zoning district. The applicant states and staff concurs that the proposed use will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole. In terms of livability, the proposed use is residential, similar to the immediate surrounding uses, which include both single family residences and duplexes. No extraordinary noise, odor, traffic or other hazardous impacts are expected to be generated from the duplex based on existing uses already present in the neighborhood. These uses include two existing duplexes directly across the street from the subject property. The appellant asserts that there will be reduction in value of surrounding properties based on what a realtor has “advised”, but there is no evidence supporting this assertion.

**CONCLUSION:** It may be found that the applicant has proposed a use that will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole.

- (3) Adverse impacts identified through the application and public hearing process can be mitigated.

**FINDING:** The proposed use is residential in nature, located in a residential zoning district, and meets the required dimensional standards. The appellant has attempted to identify adverse impacts of the proposal, including reduction in property values and poor maintenance. The impacts are similar to the impact from a single-family residence.

**CONCLUSION:** It may be found that there have been no adverse impacts identified through the public hearing process and, therefore, no mitigation is necessary.

**OVERALL CONCLUSIONS:** Staff has concluded the following regarding this Conditional Use request:

- 1) A proper application has been made and hearing notice given.
- 2) The proposed use is eligible for conditional use permit in the underlying zoning district.
- 3) The proposed duplex is not located on a “frontage road”, and is therefore not required to have garages located four feet behind the front porch of the building.
- 4) The proposed duplex contains 60 sq.ft. covered porches over the front entrances.
- 5) The proposed duplex is compatible with the character of the neighborhood.
- 6) The application meets the dimensional standards for a Duplex in a Single Family Residential zoning district.

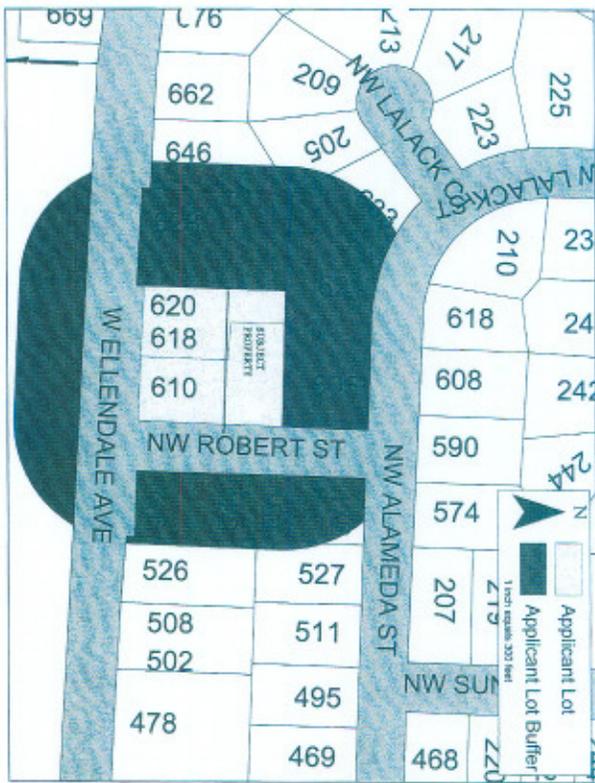
**RECOMMENDATION:**

Based on the record in this matter, staff recommends that the City Council affirm the Planning Commission decision with the following conditions:

- 1) The project shall be completed in accordance with the plans and specifications, documents, and all other information presented to/or modified by the City Council prior to a Certificate of Occupancy being granted.
- 2) The approval shall be void after one year of the date of final decision if no substantial construction has taken place.

Respectfully submitted,

Jason Locke, Community Development Director



Page 1 of 1



Page 1 of 1

621 NW Ellendale

<http://apps.co.polk.or.us/Webmap/Temp/3700.jpg>

8/5/2008



628 NW Alameda

<http://apps.co.polk.or.us/Webmap/Temp/3712.jpg>

8/5/2008



Page 1 of 1

172/184 NW Robert

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8/5/2008



620/118 N. ROBERT

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8/5/2008

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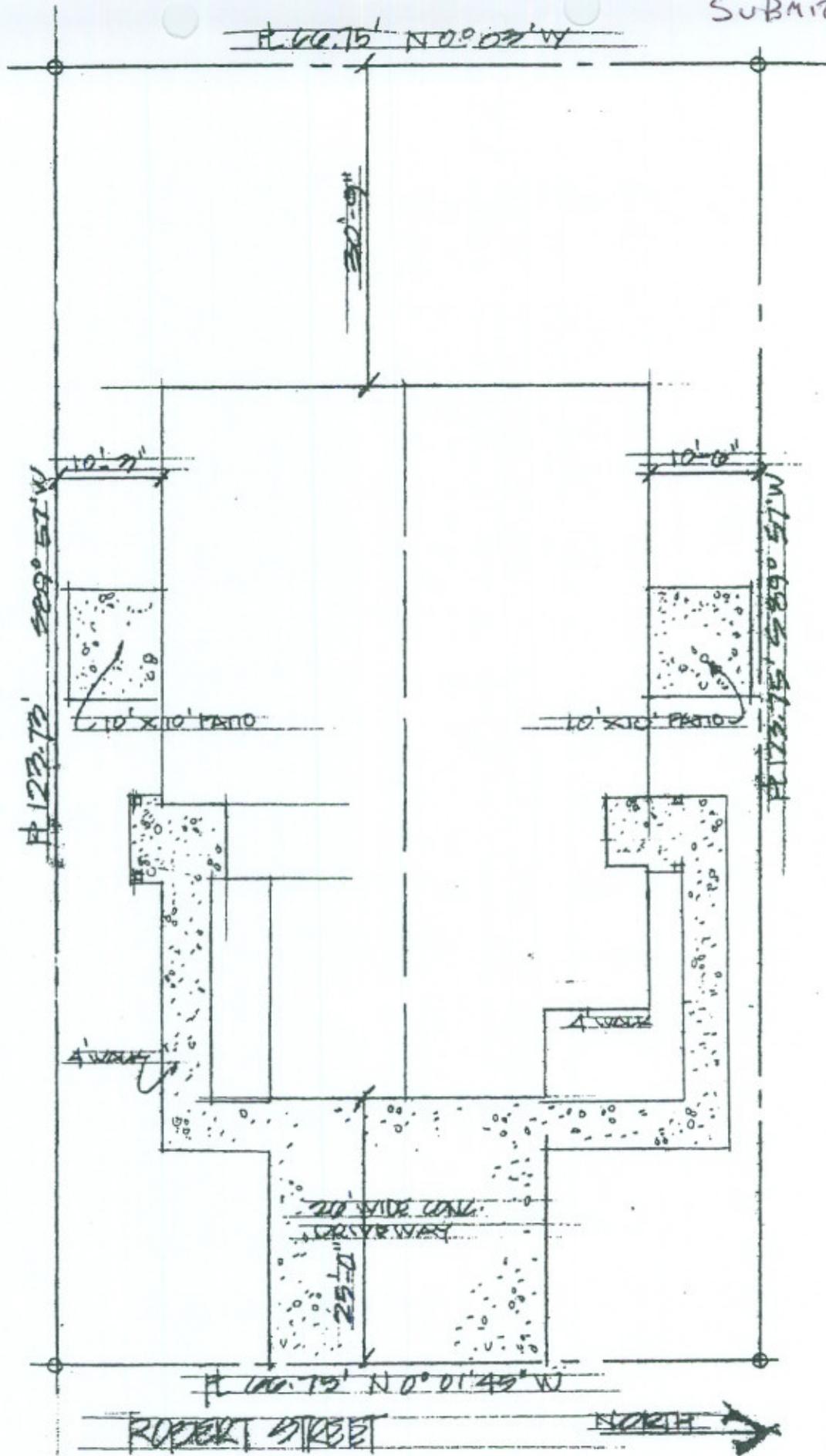


122/116 N. ROBERT

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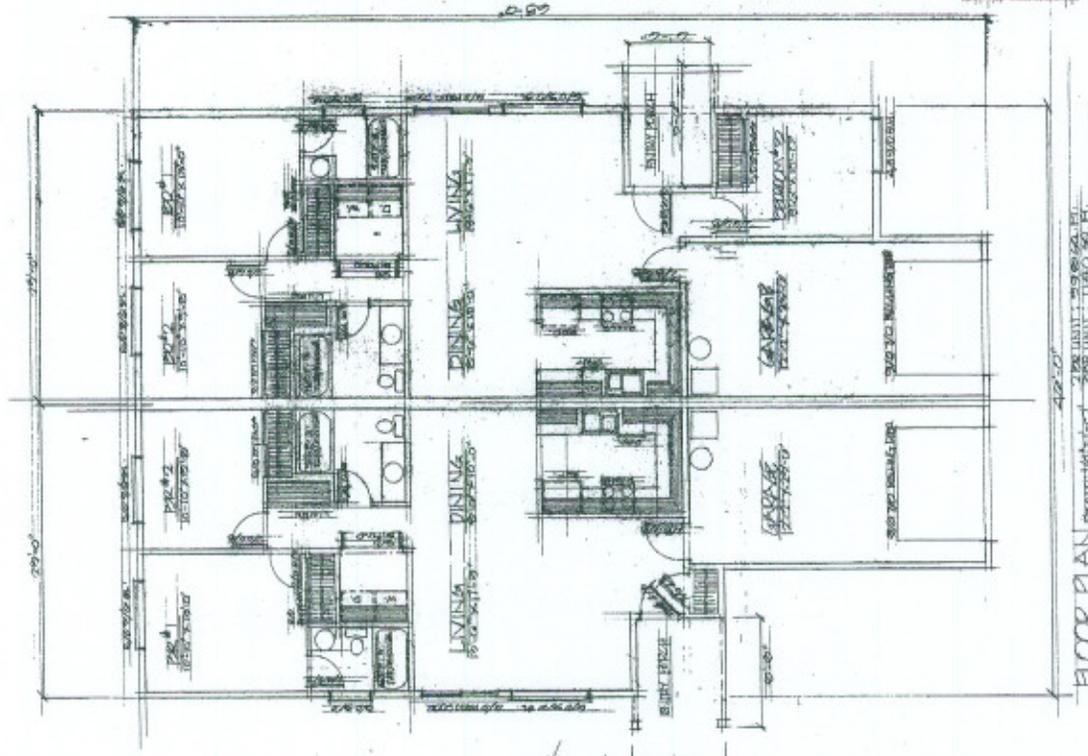
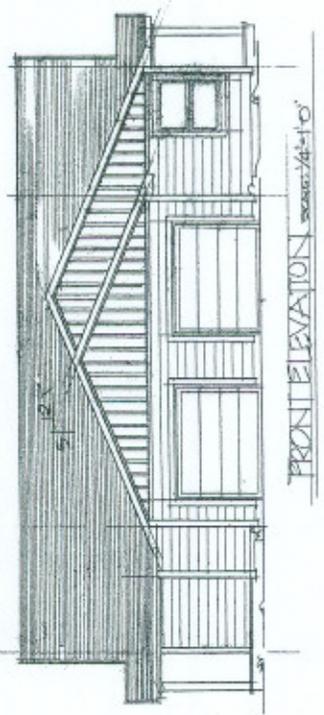
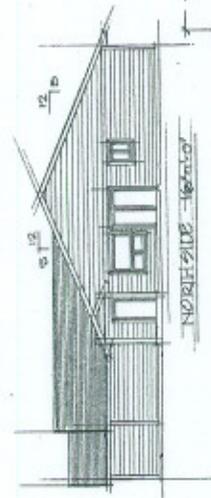
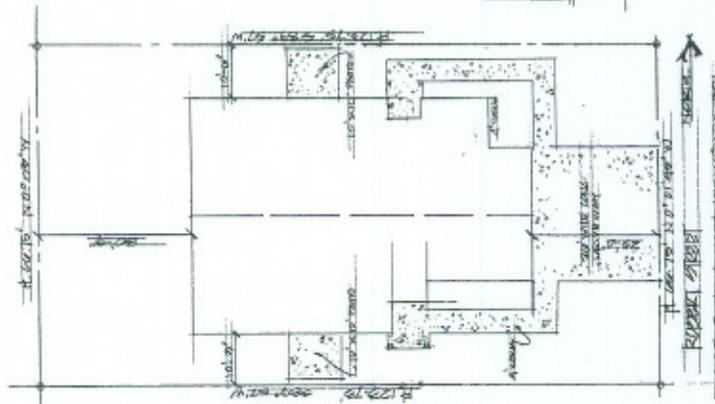
8/5/2008

SUBMITTED  
JULY 25  
2008  
[Signature]



**SITE PLAN** MAP# +75W29DC1501  
DALLAS, POLK CO., OREGON  
SCALE: 1" = 10'-0" (N.T.S.) &

07-25-08 P04:10 IN



FLOOR PLAN  
 SCALE: 1/4" = 1'-0"  
 SHEET NO. 140-30-11

**DOTY ENTERPRISES, INC.**

**1515 Liberty St. SE  
Salem, Oregon 97302**

08-07-08 P01:41 IN

August 7, 2008

**TO:** Dallas City Council

**RE:** Petition by Doty Enterprises, Inc. for a Conditional Use Permit for construction of a duplex

On or about May 21, 2008 we submitted an application for a Conditional Use Permit so that a duplex could be built on our lot located at 1506 NW Robert Street, Dallas, Oregon. We also filed our \$500.00 application fee. The Planning Commission met on June 12, 2008; and after hearing our case and after some discussion, the Commission approved our application.

I have reviewed the appeal to the City Council as filed by Mr. Charles DeKruyf. I wanted to speak to his objections one at a time.

First I would like to introduce ourselves and give you some background on our real estate investments. My wife Sharon, my daughter Teresa Cornwell, and I have purchased several rental properties, starting in May of 2004. We have several LLCs that hold various properties. Our philosophy has always been to keep our properties in good condition and to take good care of our renters. We are currently finding a high demand for our rental units in Dallas, Oregon; thus we desire to expand our holdings in Dallas.

**Item 1:** The property in question was purchased by Doty Enterprises, Inc. on December 27, 2007; therefore the premise pursuant to Page 1, paragraphs four and five, that the wrong entity applied, is incorrect.

**Item 2:** Page 2, paragraphs three and four refer to a "row houses" requirement for front porches and garage set backs. We understand that this applies to construction on "frontage roads" only, but in a spirit of cooperation we have redesigned the duplex floor plans to include 60 square foot covered porches.

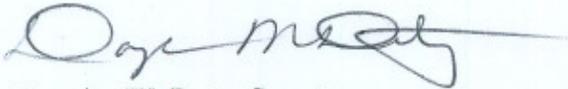
**Item 3:** Page 2, paragraphs four and five imply that a duplex is "out of character with the area." This statement is a blatant misstatement in that there are two existing duplexes directly across the street from our Robert Street lot. It is our opinion that a duplex is, in fact, very compatible with the neighborhood.

**Item 4:** Page 3, paragraph one states that the duplex design is "not being like a single family home, or near the design of any other of the homes in the area." I have seen several duplexes in the area that are similar in style to our proposed plan. In fact, I used an existing duplex on LaCreole Street as an inspiration for our floor plan. In addition, the idea that a duplex reduces property values is a subjective premise at best.

Dallas City Council  
August 7, 2008  
Page 2

**In conclusion,** we feel that we have complied with the "letter of the law" and that a duplex is an acceptable use of the existing zoning. We would appreciate a ratification by the Dallas City Council of the approval already made by the Dallas Planning Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas W. Doty", with a long horizontal flourish extending to the right.

Douglas W. Doty, Secretary  
Doty Enterprises, Inc.

DWD:mg

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2007-019262



\$36.00

12/27/2007 04:06:09 PM

REC-CON Cnt=1 Sin=1 D. LESLIE  
\$10.00 \$10.00 \$11.00 \$5.00

**MEMORANDUM OF REAL ESTATE SALES CONTRACT**

THIS MEMORANDUM, made effective this 27th day of December, 2007, by and between **Doty & Son Properties, LLC**, hereinafter called "Seller," and **Doty Enterprises, Inc.**, hereinafter called "Buyer," for recording purposes, acknowledge that a real estate sales contract, dated effective the 27th day of December, 2007, was entered into where the total consideration is the sum of \$85,000.00 which is the true and actual consideration payable in installments as therein stated. The interest conveyed to the Buyer is equitable title in the following described real property, to-wit:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 16, BLOCK 3, LALACK ADDITION TO DALLAS IN THE JOHN LYLE DLC NO. 68 IN TOWNSHIP 7 SOUTH, RANGE 5 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; AND RUNNING THENCE SOUTH 89°57' WEST 163.75 FEET TO AN IRON ROD; THENCE SOUTH 0°03' EAST 66.75 FEET TO AN IRON ROD; THENCE NORTH 89°57' EAST 163.73 FEET TO AN IRON ROD; THENCE NORTH 0°01'45" WEST 66.75 FEET TO THE PLACE OF BEGINNING.

And said contract is in full force and effect between Seller and Buyer.

Tax statements shall be sent to: Douglas W. Doty, 1515 Liberty Street S.E., Salem, Oregon 97302-4345.

After recording, return to: Douglas W. Doty, 1515 Liberty Street S.E., Salem, Oregon 97302-4345.

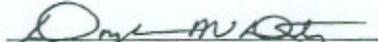
**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.**

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (Ballot Measure 37 (2004)).** This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses and, to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930 and **to inquire about the rights of neighboring property owners, if any, under Chapter 1, Oregon Laws 2005 (Ballot Measure 37 (2004)).**

IN WITNESS WHEREOF, said parties have hereunto set their hands and seals to be effective December 27, 2007.

**SELLER**  
Doty & Son Properties, LLC  
an Oregon limited liability company

**BUYER**  
Doty Enterprises, Inc.  
an Oregon corporation

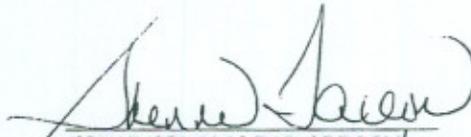
  
By: Douglas W. Doty, as managing principal

  
By: Douglas W. Doty, as Secretary

STATE OF OREGON, County of Polk ss.

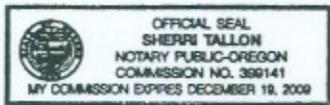
On this 27 day of Dec, 2007, personally appeared before me the above named Douglas W. Doty and acknowledged that he is the managing principal of Doty & Son Properties, LLC, that he is duly authorized and empowered to execute this document on behalf of Doty & Son Properties, LLC, and that the foregoing instrument is his and the aforesaid limited liability company's voluntary act and deed.

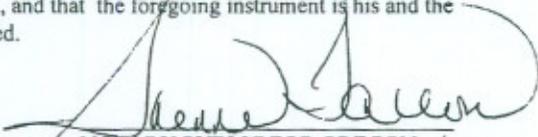


  
NOTARY PUBLIC FOR OREGON  
My Commission expires 12/19/09

STATE OF OREGON, County of Polk ss.

On this 27 day of Dec, 2007, personally appeared before me the above named Douglas W. Doty and acknowledged that he holds the corporate office of Secretary in Doty Enterprises, Inc., that he is duly authorized and empowered to execute this document on behalf of Doty Enterprises, Inc., and that the foregoing instrument is his and the aforesaid corporation's voluntary act and deed.



  
NOTARY PUBLIC FOR OREGON  
My Commission expires 12/19/09



06-20-08 P04:42 IN

Wallace W. Lien

Attorneys at Law

Contact by e-mail at  
wallace.lien@lienlaw.com

June 20, 2008

City of Dallas  
Community Development  
187 SE Court Street  
Dallas, OR 97338

*By Hand Delivery!*

Re: NOTICE OF APPEAL - CU/2-08

Dear Planning Staff:

Please be advised that I have been retained to represent Mr. Charles De Kruf in the above referenced matter. Please place my directory information in the official record of this case, and forward any future notices or hearing information to my attention.

This letter should be considered my client's appeal of the Planning Commission approval of Case #CU/2-08, which granted a conditional use approval for a duplex on Tax Lot 1506. Attached is the appeal fee of \$250.00. Please enter this appeal in the record of this case and schedule a public hearing before the City Council on this matter in accordance with the Dallas Development Code (DDC).

Mr. Charles De Kruf owns the property and lives at 605 NW Alameda Street, Dallas, which site is immediately adjacent to the subject property. As such he is within the notification area and is aggrieved and adversely affected by this decision. Mr. De Kruf appeared in opposition to this application before the Planning Commission and was entitled to, and did receive a Notice of Decision. Mr. De Kruf has standing to bring this appeal.

This case has not been properly brought before the city in the first instance. DCC 3.4.3(1) requires matters of this sort to be brought by the property owner. It is elemental that the owner of property subject to a land use action has to be properly identified and must sign the land use application. DCC 1.3.40(1)(a). The application provided to me for review identifies the property owner as Doty Enterprises, Inc. However, the current owner as shown by the Polk County Assessor's office is Doty & Son Properties, LLC. A copy of the county print out is attached hereto showing the current ownership.

Doty & Son Properties, LLC is a separate and distinct legal entity from Doty Enterprises, Inc. under Oregon law. While there may be some commonality of ownership of the entities, that fact is not sufficient for purposes of legal ownership of property. In this case Doty Enterprises, Inc. is

erroneously listed as the legal owner of the property on the application. Ms. McCain is listed as the applicant, however she did not sign the application, and the owner block is signed by representatives of Doty Enterprises, Inc. No where on the application does it indicate that Doty Enterprises, Inc. is acting on behalf of, or as agent of Doty & Son Properties, LLC, and no one from that entity signed the application.

This application is invalid and must be dismissed as being prosecuted without being complete, and with the erroneous information as to the ownership of the property.

DDC 3.4.40(1) requires a duplex to meet all the dimensional standards required of a duplex in the RS zone. This application does not meet all such standards. DDC 2.2.50(7) provides additional dimensional standards for a duplex that were not addressed by the Planning Commission. DDC 2.2.50(7) requires that duplexes in the RS zone must meet the front porch and garage setback standards that are applicable to row houses. The row house dimensional standards are found at DDC 2.2.50(5)(c and d) and require that each duplex must provide for a 60 square foot front porch, and that a garage must be provided, and the garage must be setback at least 4 feet behind the front porch.

The site plan for the proposed duplex in this case does not comply with the row house dimensional standards. In fact, the house plan here is singularly opposite that which is required by the DDC. Here the garages protrude from the front of the house, with the front doors nestled in behind the garage. As far as can be ascertained from the site plan provided, there is no front porch planned at all. The proposed duplex does not meet the minimum dimensional standards for construction in the RS zone, and it should be denied.

In addition, this application does not comply with DDC 3.4.40(2). As noted above, the design of the proposed duplex does not comply with the developmental standards required of duplexes in the RS zone. Failure of the design to comply with the mandates of the code does adversely affect livability and value of the neighborhood. The requirements for a large porch and a garage setback from the front porch is intended to make the duplex look more like a single family residence, and therefore be more compatible and make it at least a marginal fit with single family houses in the neighborhood. The current design is out of character with the area. The proposed structure is not anything like a single family home. Attached hereto is an aerial photo from Google Earth showing the area and the predominance of single family dwellings.

The proposed structure is clearly a duplex, there is no question about it when looking at it. There is no attempt to blend it into the neighborhood, or to make it even similar to a single family house. Duplexes, by their nature are rental dwellings and not owner occupied. Realtors advise that rented dwellings typically are lesser maintained than owner occupied single family dwellings, and that factor together with the front protruding garage design in violation of the DDC, will lower the property values of all the homes in the area.

It should be noted that there is also an error in the final decision from the Planning Commission. That decision indicates the minimum square footage in the RS zone for a duplex is 6,000 square feet. However, Table 2.2.2 provides that a duplex lot in the RS zone, has an 8,000 square foot minimum lot size. In this case the lot exceeds the correct lot size, but this error may have contributed to an erroneous understanding the compliance criteria by the Planning Commission. In fact the lot size is just barely over the minimum lot size instead of over 2,000 square feet larger than the minimum lot size.



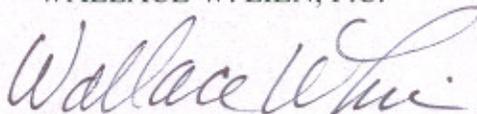
The location of the subject property in mid-block instead of on a corner lot, in the middle of a group of single family residences adversely affects the neighborhood. The design of the duplex in violation of the development standards of the DDC, and not being anything like a single family home, or near the design of any other of the homes in the area, also adversely affects the neighborhood. A duplex being a non-owner occupied structure, in the midst of owner occupied single family dwellings has a tendency to lower the property values in the area. All of these factors indicate that the second criteria for granting a conditional use duplex in an RS zone has not been met, and the application should be denied.

Based on these factors, my clients respectfully appeal the Planning Commission decision and ask the City Council to overturn this approval, and to either require the application to be re-filed with the appropriate ownership signatures on the application, and with a design that meets all the requirements of the DDC, or in the alternative to deny the application altogether.

I would ask that the city coordinate the scheduling of the public hearing with my office, so that I will be able to attend on behalf of my client. Thank you for your consideration of this appeal.

Yours truly,

WALLACE W. LIEN, P.C.



By: Wallace W. Lien

WWL:tlb

Enc: 1) Check in the amount of \$250  
2) Copy of Polk County Assessor Print Out  
3) Aerial Photo of the Neighborhood

cc: Charles De Kruyf (w/encs)



**POLK COUNTY WEBMAPS**  
**Real Property Map Summary for the**  
**Current Tax Year**

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**Account Info**

Map Taxlot:	<b>7529DC 1506</b>	Property Class:	<b>100</b>
Account Number:	<b>571827</b>	RMV Property Class:	<b>100</b>
Acres:	<b>0.25</b>	MA:	<b>03</b>
Sq Ft:	<b>10930</b>	SA:	<b>03</b>
Primary Situs:		NH:	<b>000</b>
		Value Unit:	<b>70029-1</b>

**Owner Info**

Owner: **DOTY & SON PROPERTIES LLC**  
 Agent: **DOTY ENTERPRISES INC, AGT**  
 In Care Of: **ATTN: DOUGLAS W DOTY**  
 Mailing Address: **1515 LIBERTY ST SE SALEM, OR 97302-4345**

**Value Summary Info** (*AV: Assessed Value, RMV: Real Market Value*)

Taxcode:	AV Land:	AV Impr.:	AV Total:	RMV Land:	RMV Impr.:	RMV Total:
<b>0201</b>	<b>73400</b>	<b>0</b>	<b>73400</b>	<b>73400</b>	<b>0</b>	<b>73400</b>
			=====			=====
Grand Total			<b>73400</b>			<b>73400</b>

**Property Info**

Number Houses: **0**      Number Buildings: **0**

**Sales Info**

Book/Year:	<b>2007</b>	Document Type:	<b>CONTRACT</b>
Page:	<b>19262</b>	Date:	<b>12/27/2007</b>
Source ID:		Price:	<b>\$85000</b>

Note: The above sales information may include additional tax lots.

**Legal Info**

Subdivision: Lot: Block: Metes & Bounds:

Yes

Note: For a complete legal description refer to documents of record.

**City, County, Fire, School  
Districts & Land Size Info**

Account Number:	Taxcode:	Acres:	District:
571827	0201	0.25	POLK COUNTY
571827	0201	0.25	DALLAS SD 2
571827	0201	0.25	DALLAS CITY

*Disclaimer: The information presented on this report was generated to support county business. The county makes every effort to keep this information current and accurate. However, the county is not responsible for errors, misuse, omissions, or misinterpretations. Please contact the Polk County Assessor's Office for clarification and explanations.*



Northwestlajak Court

Image State of Oregon  
© 2008 Tele Atlas

© 2008 Google™

Pointer 44°55'46.24" N 123°19'25.47" W elev 354 ft Streaming ||||| 100%

Eye alt 1140 ft

## NOTICE OF DECISION

On, June 13, 2008, the Final Order approving the Conditional Use for a Duplex for Sonja McCain, applicant and Doty Enterprises Inc., owner, located at 100 block of NW Robert Street, was signed. The application # is CU/2-08.

Any person who participated in the Planning Commission proceedings, either orally or in writing, may file an appeal of the decision to the City Council with the Community Development Department, located in City Hall at 187 SE Court Street in Dallas.

The appeal and fee must be received no later than 5:00 p.m. on June 23, 2008, 10 days from date of this notice June 13, 2008.

The appeal notice shall reference the decision being appealed, and why the Planning Commission's decision fails to comply with applicable review criteria.

In addition, an application for an appeal shall:

- (a) Identify the land use decision by name and number, including the date of decision;
- (b) Describe the appellants standing to appeal;
- (c) State the specific grounds relied upon for review (i.e., the review criteria that were not satisfied or inappropriately applied); and
- (d) Include required filing fees.

The cost for filing an appeal is \$250.00

Copies of the Final Order and all documents and evidence and copies of the applicable criteria are available for inspection at the Community Development Department at no cost and copies will be provided at a reasonable cost.

If you have any questions, please contact Jason Locke at 503.831.3565.

Date Sent: June 13, 2008  
Mailing List: Attached  
Staff: /lr 

CONDITIONAL  
USE – DUPLEX  
MCCOIN/DOTY  
TL 7.5.29DC  
1506

A public hearing on the application of Sonja McCoin, applicant, and Doty Enterprises Inc., owner consider a Conditional Use to allow a duplex for property located at Tax Lot 7.5.29DC 1506, NW Robert Street, in an RS, Residential Single Family, zone.

The staff report was presented by John Swanson.

President Lerwick called for the applicant's presentation.

Sonja McCoin, 618 W Ellendale, stated she is the applicant that's applying for Doty Enterprises. stated she agrees with the staff report, and they plan to do a good quality project that fits well into community.

President Lerwick called for speakers in favor of the request. There were none.

He called for speakers in opposition to the request.

Charles Dekruyf, 605 NW Alameda Street, advised that he owns the lot that backs up to the propo property. He stated he is opposed stating reasons related to crowding of his property, its in a singl family zone, and its a small lot. He stated it would crowd right up to the back of his property and neighbor's property next door.

Comments or questions were called for. There were none.

President Lerwick called for rebuttal testimony.

Doug Doty, Doty Enterprises Inc., 6885 Canyon Street SE, Salem, stated he is the owner, and own several rental properties in Dallas and takes good care of them. He advised that they planned a nic project and the plans were reviewed by the City, and it will be an attractive and compatible one-le property. He explained they own the contiguous properties at 618 and 620 W Ellendale Avenue. stated he appreciates and concurs with the staff report.

Questions by Commission members were called for.

In response to questions, Mr. Locke explained the standard residential RS zone in the city and the uses allowed as approved through the conditional use process. He reviewed the site plans showing that the minimum setbacks are being exceeded by 5 feet on sides and back, which would not be considered overbuilding on that lot. He noted that the name of the zone does not mean it's exclus: to single family residential homes.

The Public Hearing was closed for discussion by Commission Members.

Discussion was held about the Commission imposing conditions, such as for fencing. The plans w reviewed regarding setbacks and entrances.

Bob Wilson made a motion to approve the request as presented in the staff report with the two (2) listed conditions. The motion was seconded and carried unanimously.

The President announced the period to appeal the Commission's decision; 10 days following the d written notice of the decision is mailed to the participants.

CITY OF DALLAS, OREGON )  
 PLANNING COMMISSION )  
 FILE # CU/2-08 )  
 )  
 IN THE MATTER OF )  
 CONSIDERATION OF A )  
 CONDITIONAL USE PERMIT )  
 FOR A DUPLEX IN THE RS ZONE )  
 FOR PROPERTY KNOWN AS TAX LOT )  
 # 7.5.29DC 1506, NW ROBERT ST )  
 IN DALLAS, OREGON )

FINAL ORDER OF APPROVAL  
 WITH CONDITIONS

**Applicant:** Sonja McCoin  
**Owner:** Doty Enterprises, LLC  
**Assessors Property ID:** 7.5.29DC 1506

**RECITALS:**

- 1) The application was submitted to the City on April 11, 2008
- 2) The application was deemed complete on May 20, 2008.
- 3) Notice of public hearing was provided on May 21, 2008, in accordance with the Dallas Development Code.
- 4) A properly noticed public hearing was held on this matter on June 10, 2008, at which time the Commission took testimony from the applicant and other interested parties.

**FINDINGS OF FACT AND CONCLUSIONS:**

The Planning Commission finds and concludes as follows:

**APPROVAL CRITERIA:** THE APPLICABLE CRITERIA ARE CONTAINED IN DDC SECTION 3.4.40, **REVIEW CRITERIA.**

- (1) The proposed use meets the dimensional standards of the underlying zoning district and conforms to the Development Review standards of this Code.

***FINDING:*** The subject property is 8,260 sq. ft., and is located in the RS zone. The RS zone requires a minimum of 6,000 sq ft to construct a duplex on a lot in the RS zone. The required setbacks for a duplex are 20 ft in the front, 5 ft. on the side, and 25 ft. in the rear. The applicant’s proposed setbacks are in compliance with minimum standards.

**CONCLUSION:** It has been found that the applicant has met dimensional standards and conforms to the applicable Development Review standards.

- (2) The location, size, design, and operating characteristics of the proposed use will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole.

**FINDING:** : The subject property is 8,260 sq.ft, and is located in the RS zone. The RS zone requires a minimum of 6,000 sq ft to construct a duplex on a lot in the RS zone. The required setbacks for a duplex are 20 ft in the front, 5 ft. on the side, and 25 ft. in the rear. The applicant's proposed setbacks are in compliance with minimum standards. The Commission heard testimony from a neighboring property owner that the proposed duplex did not fit in the neighborhood, that the RS zone was for single-family dwellings only, and that it would crowd the lot and the neighborhood

**CONCLUSION:** The Commission found that the proposed duplex was within the dimensional standards, that duplexes were permitted conditionally in the RS zone. It has been found that the applicant has proposed a use that will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole.

- (3) Adverse impacts identified through the application and public hearing process can be mitigated.

**FINDING:** The proposed use is residential in nature, located in a residential neighborhood, and meets the required dimensional standards. Staff has not identified any adverse impacts.

**CONCLUSION:** It has been found that there will be no adverse impacts from the proposed use.

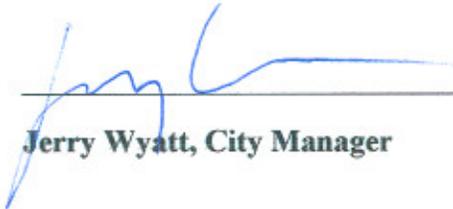
#### **DECISION:**

NOW, THEREFORE, based on the entire record in this matter, the Planning Commission hereby approves the Conditional Use Permit for a Duplex, located on Tax Lot # 7.5.29DC 1506, with the following conditions:

1. The project shall be completed in accordance with the plans and specifications, documents, and all other information presented to/or modified by the Planning Commission prior to a Certificate of Occupancy being granted.

2. The approval shall be void after one year of the date of final decision if no substantial construction has taken place.

Dated this 13th day of June, 2008.



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**Jerry Wyatt, City Manager**

**ATTEST:**



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**John Swanson, Planner**

**CITY OF DALLAS  
PLANNING COMMISSION**

**APPLICATION COMPLETE:  
MAY 20, 2008**

**STAFF REPORT  
Date: June 2, 2008**

<b>FILE NO.</b>	<b>CU/2 - 08</b>
<b>HEARING DATE</b> <b>JUNE 10, 2008</b>	<b>7:30 P.M. CITY HALL 187 SE COURT STREET DALLAS, OREGON 97338</b>
<b>APPLICANT</b>	<b>SONJA MCCOIN 618 W. ELLENDALE AVE. DALLAS, OR 97338</b>
<b>OWNER</b>	<b>DOTY ENTERPRISES INC. 1515 LIBERTY ST. SE SALEM, OR 97302</b>
<b>REQUEST</b>	<b>CONDITIONAL USE FOR A DUPLEX IN A "RS" SINGLE FAMILY ZONING DISTRICT</b>
<b>LOCATION</b>	<b>100 BLOCK NW ROBERT ST.</b>
<b>RECOMMENDATION</b>	<b>APPROVAL WITH CONDITIONS</b>

## STAFF REPORT TO THE DALLAS PLANNING COMMISSION

**HEARING DATE:** JUNE 10, 2008  
**APPLICATION TYPE:** Conditional Use Request  
**OWNERS:** Doty Enterprises, Inc.  
**APPLICANT:** Sonja McCoin  
**LOCATION:** 100 Block NW Robert Street

### BACKGROUND INFORMATION

Applicant:	Sonja McCoin
Owner:	Doty Enterprises, Inc.
Location:	100 Block NW Robert Street
Zoning:	RS – Residential Single Family
Comprehensive Plan Map No. 1 Land Use Designation:	Single Family
Floodplain:	Not located in floodplain
Lot Size:	8,260 Sq. Ft.
Adjacent Land Uses:	Single Family Residential

**APPROVAL CRITERIA:** THE APPLICABLE CRITERIA ARE CONTAINED IN DDC SECTION 3.4.40, REVIEW CRITERIA.

- (1) The proposed use meets the dimensional standards of the underlying zoning district and conforms to the Development Review standards of this Code.

***FINDING:*** The subject property is 8,260 sq.ft, and is located in the RS zone. The RS zone requires a minimum of 6,000 sq ft to construct a duplex on a lot in the RS zone. The required setbacks for a duplex are 20 ft in the front, 5 ft. on the side, and 25 ft. in the rear. The applicant’s proposed setbacks are in compliance with minimum standards.

### STANDARDS FOR REVIEW:

Standards:	Zoning-RS-Residential Single Family
Front Setback	20’
Rear Setback	25’
Side Setback	5’
Min. Lot Width	60’
Min. Lot Area	6,000 Sq. Ft.
Avg. Maximum Lot Size	10,000 Sq. Ft.

Max. Building Lot Coverage	35%
Max. Building Height	24'

The applicant states and staff concurs that the subject property meets the minimum standards for the underlying zoning district and that all public services, including transportation, water, sewer, and storm drainage, are available at the property.

**CONCLUSION:** It may be found that the applicant has met dimensional standards and conforms to the applicable Development Review standards.

- (2) The location, size, design, and operating characteristics of the proposed use will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole.

**FINDING:** The subject property is a vacant lot in a residential neighborhood. The applicant intends to construct a duplex in conformance with all development standards applicable in the RS – Residential Single Family zoning district. The applicant states and staff concurs that the proposed use will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole.

**CONCLUSION:** It may be found that the applicant has proposed a use that will have minimal adverse impact on the livability, value, and appropriate use – including the appropriate future development – of neighboring properties and the community as a whole.

- (3) Adverse impacts identified through the application and public hearing process can be mitigated.

**FINDING:** The proposed use is residential in nature, located in a residential zoning district, and meets the required dimensional standards.

**CONCLUSION:** It may be found that there will be no adverse impacts from the proposed use.

**OVERALL CONCLUSIONS:** Staff has concluded the following regarding this Conditional Use request:

- 1) A proper application has been made and hearing notice given.
- 2) The proposed use is eligible for conditional use consideration in the underlying zoning district.
- 3) The application meets the criteria for a Conditional Use Permit for a Duplex in a Single Family Residential zoning district.

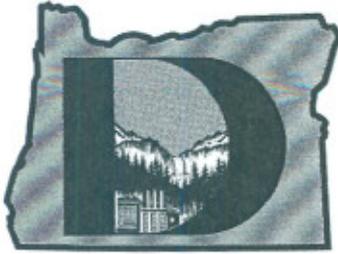
**RECOMMENDATION:**

Staff recommends approval of the Conditional Use Permit application with the following conditions:

- 1) The project shall be completed in accordance with the plans and specifications, documents, and all other information presented to/or modified by the Planning Commission prior to a Certificate of Occupancy being granted.
- 2) The approval shall be void after one year of the date of final decision if no substantial construction has taken place.

Respectfully submitted,

John Swanson  
Community Development Department



## City of Dallas

Community Development Department

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May 21, 2008

Sonja McCoin  
618 W. Ellendale Avenue  
Dallas, Oregon 97338

RE: Conditional Use for a Duplex – Tax Lot 7.5.29DC 1506, NW Robert Street

Dear Ms. McCoin:

The City of Dallas has received your application for a Conditional Use to allow a duplex at Tax Lot 7.5.29DC 1506, Dallas, Oregon, in an RS, Residential Single Family, zone. The City has deemed the application complete as of May 20, 2008.

The application will be placed on the Planning Commission agenda for the meeting on June 10, 2008. Notice is enclosed informing you of the location and time of the meeting. A complete staff report will be forwarded to you prior to the meeting.

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

If you have any questions, feel free to contact John Swanson or me at 503-831-3571.

Sincerely,

Jason Locke  
Community Development Director

JL/lr

Enc.

Cc : Doty Enterprises, Inc. 1515 Liberty Street SE, Salem, OR 97302



# LAND USE APPLICATION

## City of Dallas

187 SE Court Street

Dallas, OR 97338 • 503-831-3571

PLEASE TYPE OR PRINT IN INK ONLY

### FOR STAFF USE ONLY

- SITE PLAN REVIEW:
  - PARKING
  - SITE DEVELOPMENT
- LOT LINE ADJ (Type I)
- ADJUSTMENT (Type II)

- CONDITIONAL USE (Type III)**
- SUBDIVISION (Type III)
- PARTITION (Type III)
- VARIANCE (Type III)
- ANNEXATION (Type IV)
- COMP PLAN (Type IV)
- ZONE CHANGE (TYPE IV)
- UGB EXPANSION (TYPE IV)

File No: CU/2-08  
 Date Received: 4-11-08  
 Fee \$ 500.00  
 Hearing Date: 6-10-08  
 Staff Member: lea  
 Zone: RS  
 Comp. Plan: SINGLE FOM.

### APPLICANT INFORMATION

◆ Applicant-Please attach the following required information to this Land Use Application:

#### Initial

- \$100 Pre-application Conference Fee, only as applicable. (DDC 1.3.30)
- Completed Supplemental Application.
- Supplemental Land Use fee.
- Property deed with legal description. Land divisions also require a preliminary title search.
- Plot Plan drawn to scale and a copy of any related information and/or maps. (No larger than 11"x17".)

Project Description We would like a Conditional Use Permit to allow us to be able to build a duplex on our lot.

Site Address NW Robert NA Description Attached Total Land Area: 66.75' x 123.75' = 8,260.31 sq. ft.  
Tax Lot # ~~1503~~ 1506 / ~~as of~~ 5-15-08

Present Use of Property Bare Lot - Single Residential Zone

#### OWNER(S):

Name(s) Doty Enterprises, Inc.  
 Mailing Address 1515 Liberty St. SE City Salem ST Or. ZIP 97302  
 Applicant Phone: Work 503-362-9152 Mobile 503-362-9186 Fax 503-559-3784 Home 503-378-7270

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

Name(s) Sonja McCain  
 Mailing Address 618 W Ellendale City Dallas ST Or. ZIP 97338  
 Owner Phone: Work 503-881-5152 Mobile \_\_\_\_\_ Fax: \_\_\_\_\_ Home \_\_\_\_\_  
 Applicant is:  Legal Owner  Contract Buyer  Option Buyer  Agent

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

#### Signatures (Required):

Owner(s) Douglas McCoy Secy. Date 4-9-08 Applicant(s) Doty Enterprises Inc. Date 4-9-08  
by Doug McCoy



SUPPLEMENTAL APPLICATION  
CONDITIONAL USE  
(Type III Procedure)

APPLICANT INFORMATION

Fee: \$500.00

Name Doty Enterprises, Inc. Date 4-11-08

**CONDITIONAL USE PERMIT:**

The Dallas Development Code specifically identifies certain types of land uses that may be allowed in each zoning district. A Conditional Use is a type of land use that may only be allowed after a review to evaluate the potential impacts of the use and to determine if the use is appropriate and compatible in the area.

**NEEDED FOR APPROVAL:**

All conditional use permits are discretionary and MAY be permitted after evaluation according to criteria in the Dallas Development Code. The Planning Commission must make written findings to support their decision. The applicant is responsible for providing evidence to support the conditional use request, according to the criteria in Article III, Section 3.4, of the Dallas Development Code.

**CHANCES FOR APPROVAL:**

Staff cannot predetermine the decision on this or any application. A decision of approval or denial will only be made after the complete application is processed. This includes review of citizen and agency comments. The decision is based on criteria appropriate to this application as listed in the code. In order to address the necessary criteria, the information requested in this supplemental application should be as thorough and complete as possible.

**APPLICATION PROCESS:**

Conditional use permits are subject to the public hearing process and public notice. Public comments received from property owners, agencies and other interested parties may affect the decision on the application. Special conditions may be attached to any approval. All Conditional Use applications are reviewed at a public hearing before the Dallas Planning Commission. The Planning Commission's decision may be appealed to the Dallas City Council, and to the State Land Use Board of Appeals (LUBA).

**HOW LONG IT MAY TAKE TO GET A FINAL DECISION ON AN APPLICATION:**

Approximately 60 days for applications scheduled before the Planning Commission.

**COMPLETE APPLICATION REQUIREMENTS:**

1. Plot Plan drawn to scale on 8.5" x 11" or 8.5" x 14" paper, showing the property and your proposal. See sample plot plan.
2. Building Profile of proposed new or remodeled structures as appropriate.
3. Additional Information
  - A. Number of people (employees, students, congregation, clients, etc.) associated with the proposed use.
  - B. Days and hours of operation.

COMMUNITY DEVELOPMENT DEPARTMENT  
187 SE Court Street • Dallas, OR 97338 • (503) 831-3571

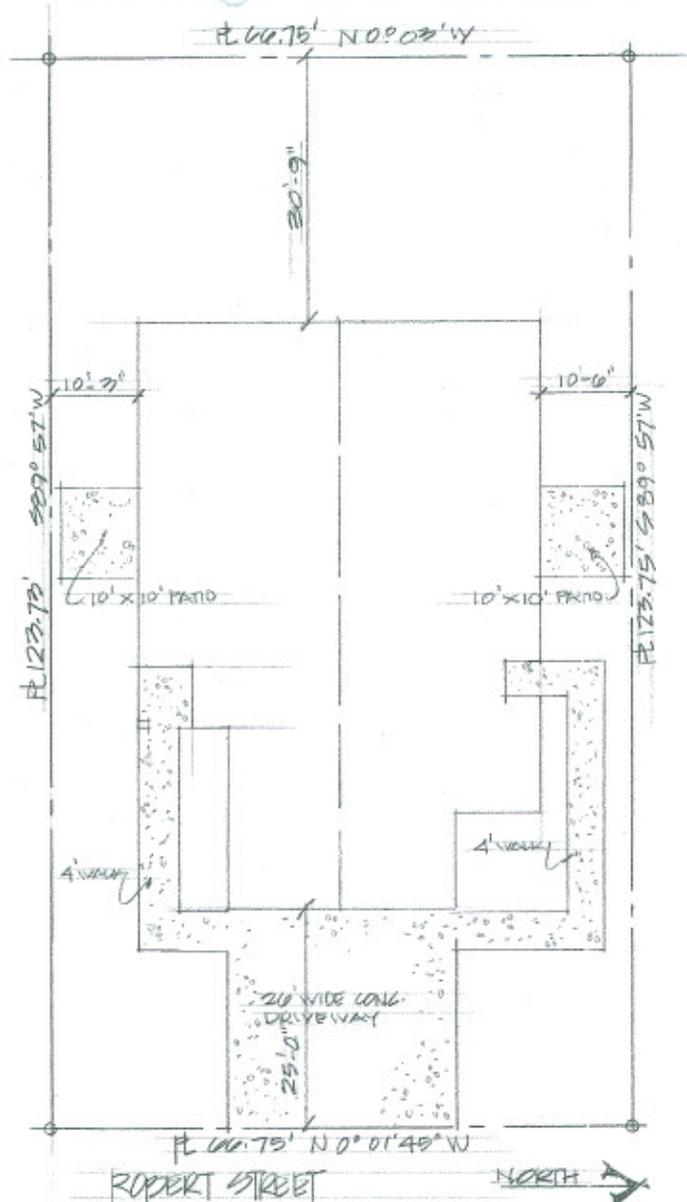
Rev. 4/06

- C. Buildings, vehicles, equipment, and materials associated with the proposed use.
- D. If changes are going to occur to the exterior of the building or if there will be changes in the use of the land, then provide:
  - 1. Building elevations and plot plan.
  - 2. Plans for (a) off-street parking; (b) drainage; (c) landscaping; (d) egress and ingress to property; (e) sign location and size.

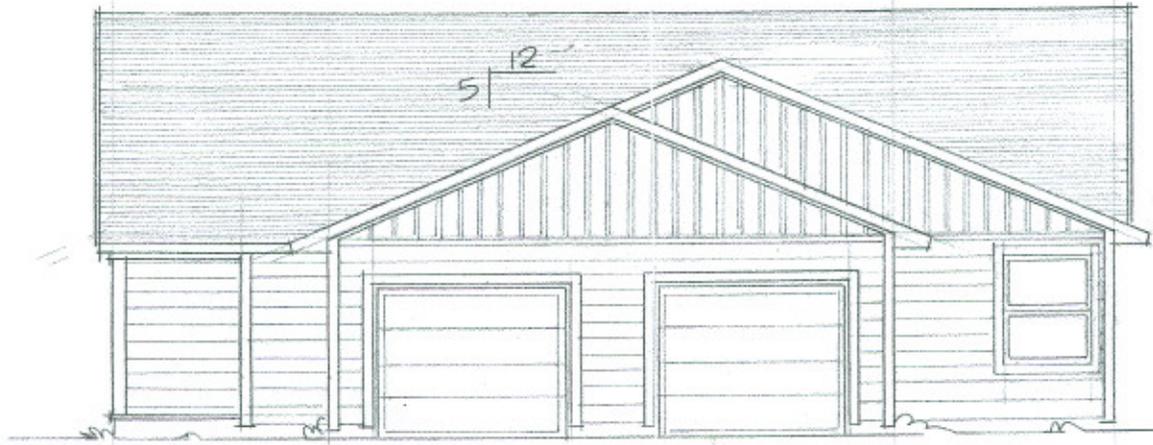
**JUSTIFICATION CRITERIA:** See relevant code sections for specific requirements. Then answer the following questions:

- 1. Site Characteristics – Why are the characteristics of the site suitable for the proposed use considering size, shape, location, topography, and existence of improvements and natural features?
  
- 2. Timeliness – Why is the site and proposed development timely, considering the adequacy of the transportation systems, public facilities and services existing or planned for the area affected by the use?
  
- 3. Compatibility with Surrounding Area – Will the proposed use affect property values in the surrounding area, and if so, in what way? Explain and show how the building design or land use will be compatible with existing development or designated land use. Are property owners in the area in favor of this proposal? (Applicant may want to get letters or a petition from neighbors indicating their support or have them testify at the hearing.)
  
- 4. Plan Goals and Policies – How would the proposal satisfy the goals and policies of the Comprehensive Plan that apply to the proposed use?

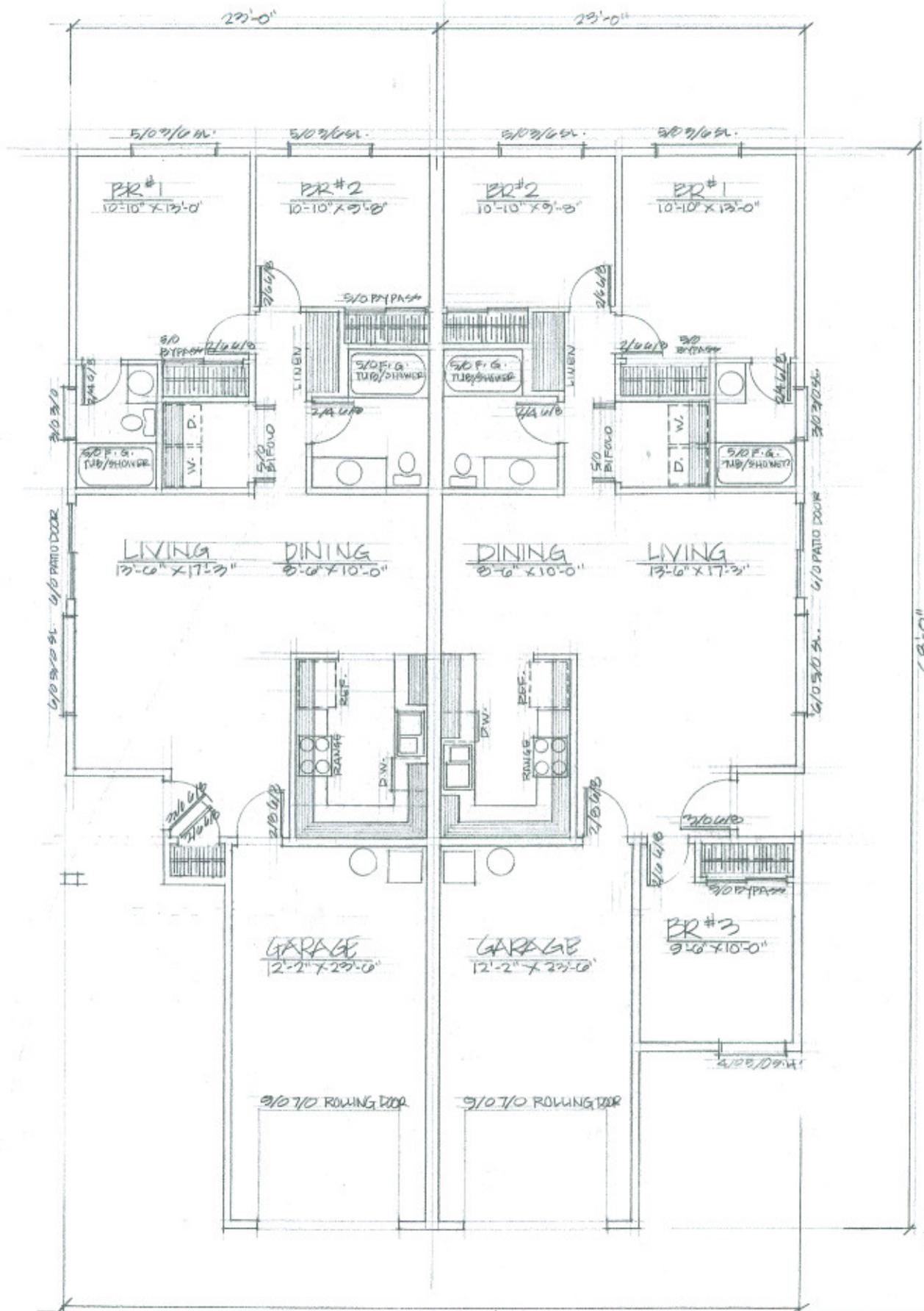
1. The site is a bare lot. It is flat. It has no existing buildings or site improvements except for curb and sidewalk.
  
2. The location is close to Lyle School and access to main streets and therefore there is high demand for new duplex housing.
  
3. The conditional use permit request is for a residential duplex. The entire area is a residential duplex. The entire area is residential in nature and there are other one level duplexes in the neighborhood. We do not believe our request will affect property values negatively.
  
4. The proposed use is residential and consistent with the neighborhood. The development of the bare lot is suitable as sewer, water, and other utilities are already available to the site.



**SITE PLAN** MAP# 175W29DC1501  
 TOWN OF POLK CO., OREGON  
 SCALE: 1" = 10'-0"  
 SCALE FOR REDUCTION:  $\frac{3'}{10'} = 20'$



FRONT ELEVATION SCALE: 1/4" = 1'-0"



FLOOR PLAN SCALE: 1/4" = 1'-0"

2 BR UNIT: 998 SQ. FT.  
3 BR UNIT: 1143 SQ. FT.

SCALE FOR REDUCTION: 1" = 10'

DATE PRELIMINARY PAGE: 1 OF: 1

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> 6.1 a	<b>Topic:</b> Urban Renewal District Activities Update
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> August 18, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

None

BACKGROUND:

Greenworks has submitted three proposals for Phase One of the Downtown Streetscape and Redevelopment. Staff has scheduled a meeting to discuss the proposals with the Oregon Department of Transportation and we will be scheduling a meeting in early September to review the hardscape elements for the downtown improvements.

FISCAL IMPACT:

None

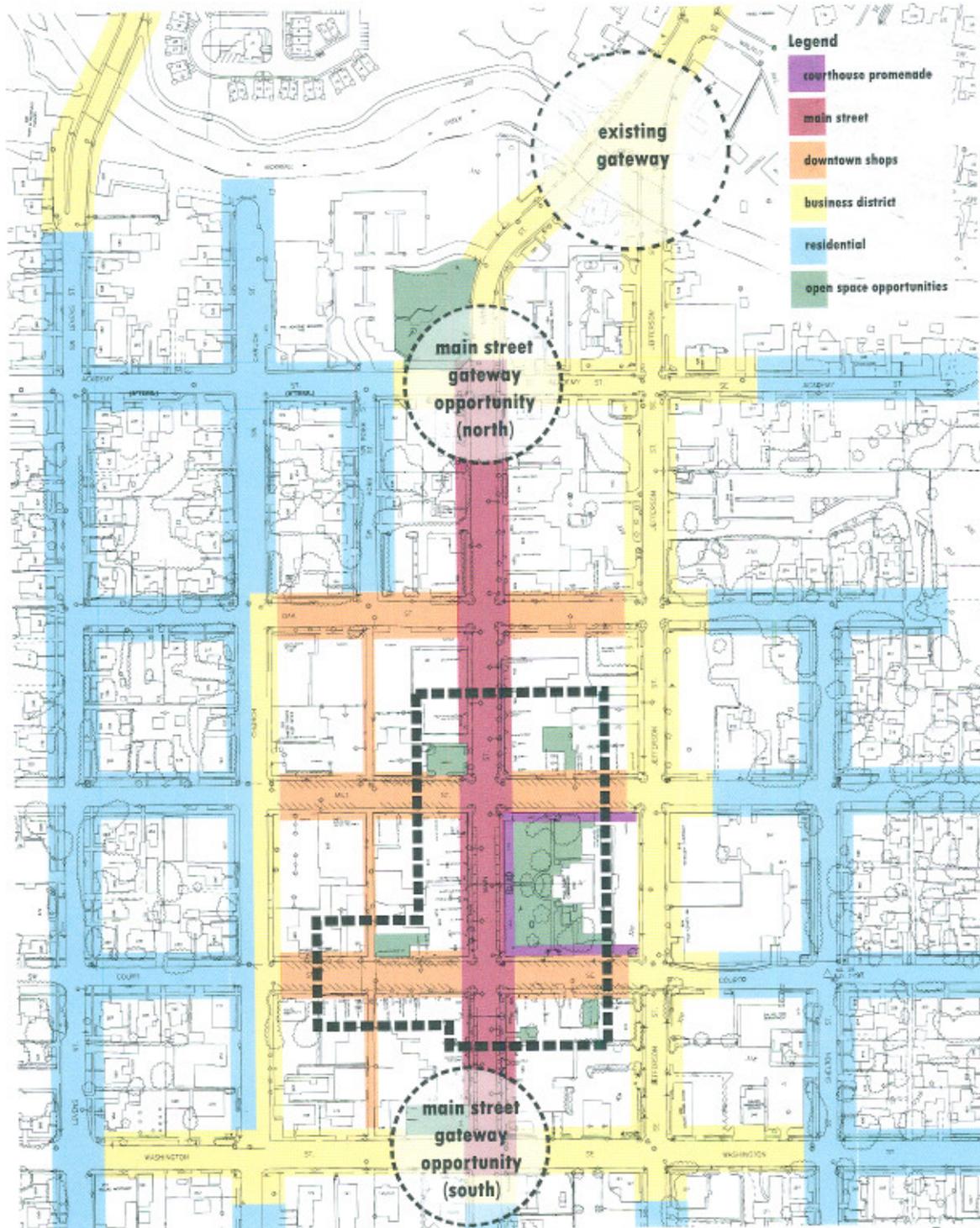
ATTACHMENTS:

Proposals

# Street Hierarchy

GREENWORKS

7.29.08



north

plan  
1"=100'-0"

# Concept A

## summary

### + (positives)

1. Keep existing sidewalk curb line
2. Less construction impacts
3. Generous curb extensions – fix bulb outs
4. Mid-block crossings for more access to open space
5. Opens up views to businesses along Main Street
6. More vegetation adjacent to pedestrian zones
7. Distinct street tree hierarchy

### - (negatives)

1. Roadway still too wide for pedestrians
2. Limited café seating and furnishing zone
3. Less shade/canopy along street
4. Plantings are far from roadway
5. Minimal accents/placemaking opportunities
6. Slight reduction in available parking



plan  
1"=30'-0"

# Concept B

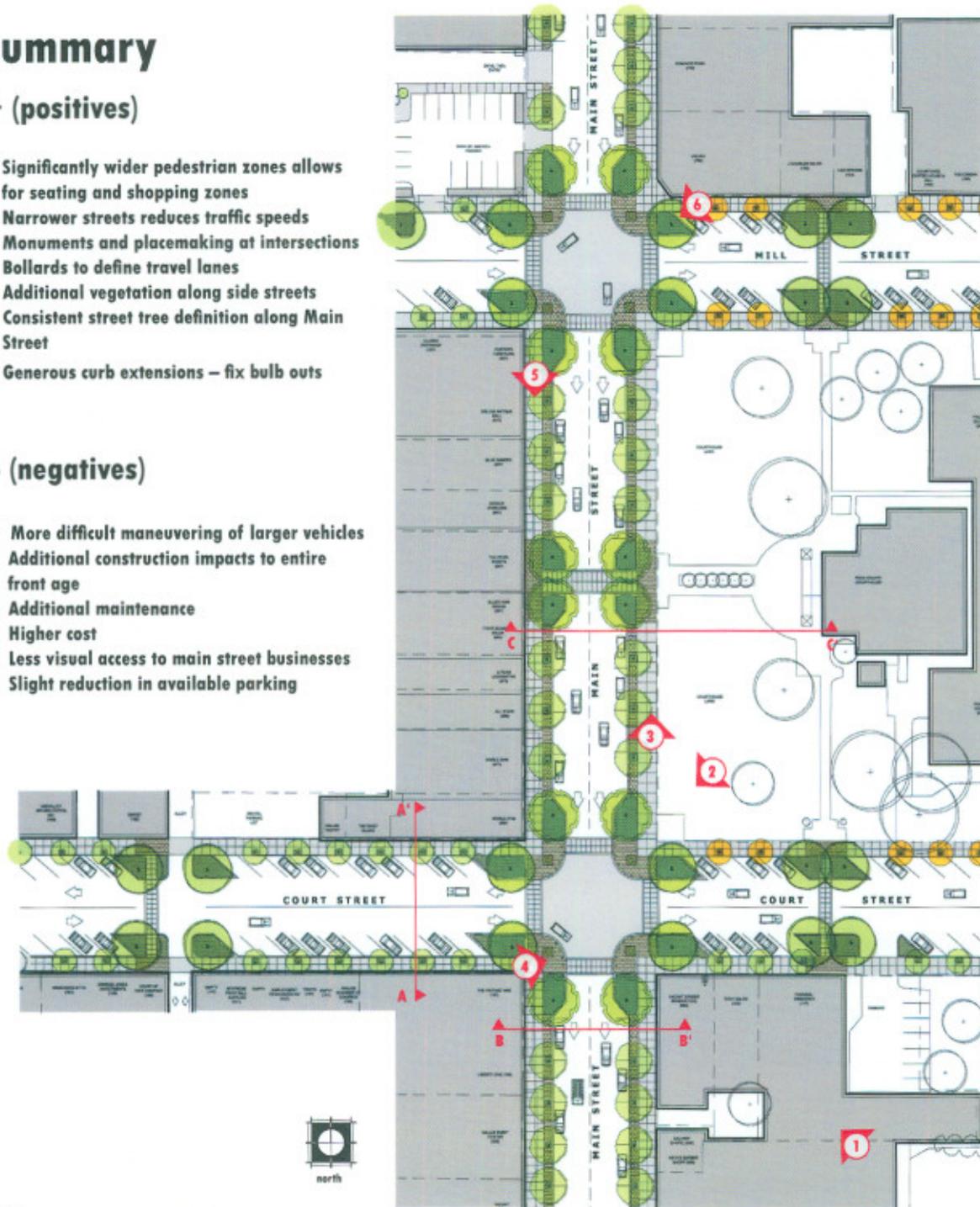
## summary

### + (positives)

1. Significantly wider pedestrian zones allows for seating and shopping zones
2. Narrower streets reduces traffic speeds
3. Monuments and placemaking at intersections
4. Bollards to define travel lanes
5. Additional vegetation along side streets
6. Consistent street tree definition along Main Street
7. Generous curb extensions – fix bulb outs

### - (negatives)

1. More difficult maneuvering of larger vehicles
2. Additional construction impacts to entire front age
4. Additional maintenance
5. Higher cost
6. Less visual access to main street businesses
7. Slight reduction in available parking



plan  
1"=30'-0"

# Concept C

## summary

### + (positives)

1. Alternating roadway slows traffic
2. Ability to provide a linear park along court house
3. Generous curb extensions and plantings
4. Mid-block crossings for more access to open space
5. Monuments and placemaking at intersections
6. No net loss of parking along Main Street
7. Parking is oriented towards businesses

### - (negatives)

1. Roadway configuration difficult for larger vehicles
2. Irregular street tree canopy
3. Less shade/canopy along street
4. Potential issues with backing into roadway
5. Parking is located on one side of Main Street



plan  
1"=30'-0"

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> 6.1 b	<b>Topic:</b> Park & Rec Board Update
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> August 18, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**ACTION:**

None

**BACKGROUND:**

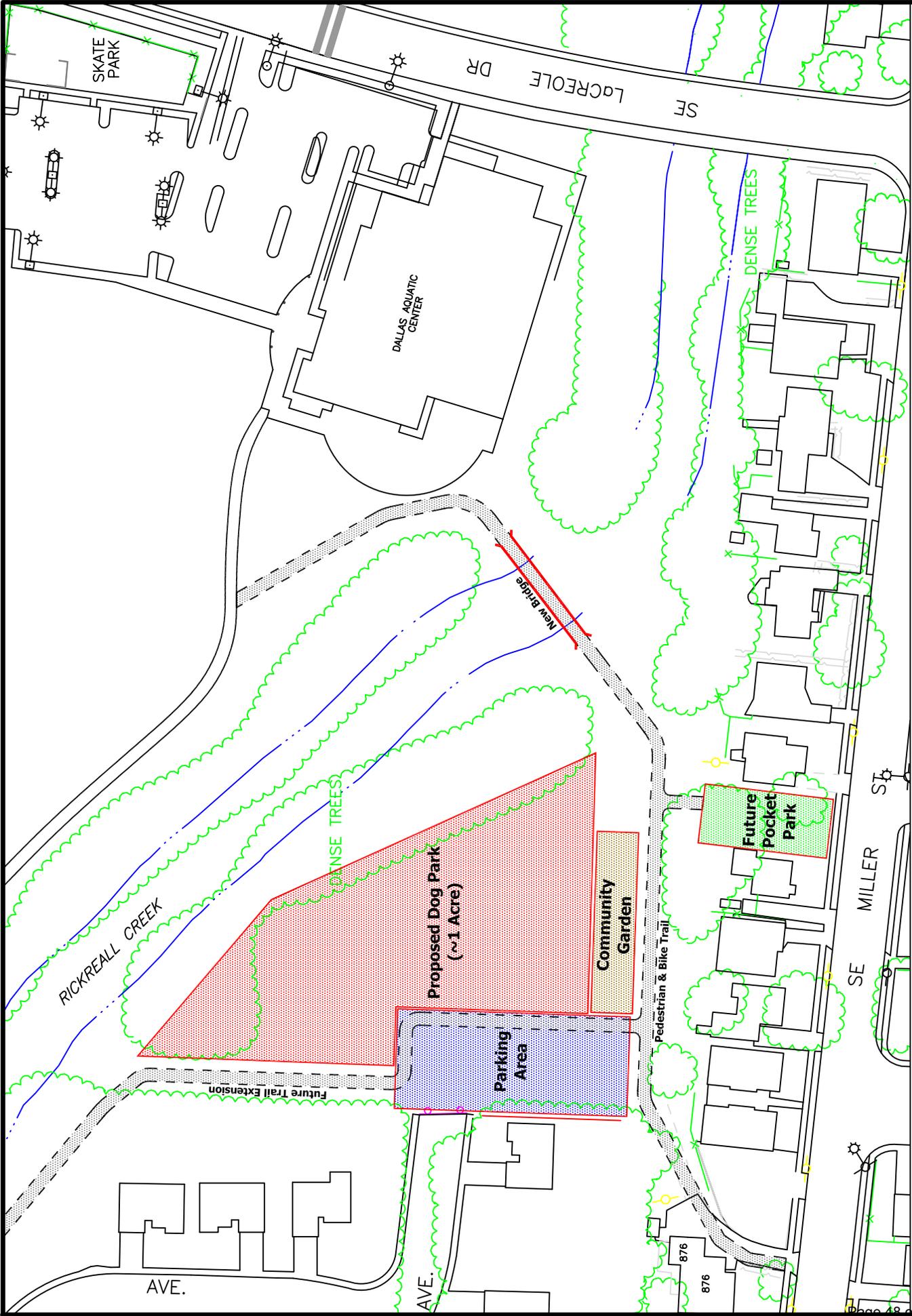
- A 2008/09 Council goal was to complete the construction of a dog park. The city staff continues to work on the layout and bridge connection from the proposed location north of Miller Avenue and east of SE Juniper Ave, to the Aquatic Center. At the council meeting an update of the plans with construction schedule will be outlined.
  
- Parks and Rec Board report.

**FISCAL IMPACT:**

Fencing material and gravel

**ATTACHMENTS:**

Off leash dog park layout, draft letter to neighborhood, proposed rules  
Rotary Park layout



SCALE 1"=100'

Project Name: Proposed Park Trail Expansion and Dog Park

Project Sponsor: City of Dallas

18 August 2008

August 8, 2008

The City of Dallas Parks and Recreation Board and City Council have established a location of an off-leash dog park in the open field area at the east end of Juniper Avenue. The area will be fenced and will allow ample area for dogs to play and run in an off-leash setting. The dog park will be located to the east end of the open space to avoid any potential disruption to the neighborhood.

Access to the park will be through Juniper Avenue and a one-way driveway off of Miller Avenue, with a designated temporary parking area. In the future, direct access to the park will be from a walking bridge across Rickreall Creek near the Aquatic Center.

We will review the drainage issues associated with the development of this new park and the runoff water will be contained within the park and will not affect neighboring properties.

The amenities at the off-leash dog park will include picnic tables, watering stations, doggie waste bag stations, portable toilet facilities, and trashcans.

We anticipate the temporary fencing to be constructed sometime late summer 2008.

If you have any comments or concerns regarding this project, please contact me at 503.831.3502.

Sincerely,

Jerry Wyatt  
City Manager

Enclosures: Park Map  
Potential Park Rules

cc: Dallas Parks and Recreation Board  
City Council

## off-leash park rules

- These guidelines will help to ensure that your dog park stays clean and safe.
- Please use the mutt mitt dispensers and waste containers located at the park's fence lines. Owners/custodians must clean up after their dog(s) to decrease the spread of disease.
- To help keep the dog park clean, please do not groom animals at the park.
- Dogs must be kept on a leash until the owners/custodian and dog(s) are in the dog park and the entrance gates are fully closed after entry.
- Dogs must be accompanied by their owners/custodians. Owners/custodians must maintain voice control over their dog(s) and keep them in sight while visiting the dog park.
- Dog behavior can be unpredictable around other dogs and strangers. For the safety of all the dogs at the parks, immediately leash your dog if it exhibits aggressive behavior and leave the dog park area.
- Some dogs exhibit unpredictable behavior around small children. For the safety of children please do not bring children under the age of 12 into the dog parks.
- Owners/custodians of a dog are responsible for the acts and conduct of their animal at all times when it is in a city park. Park users and dog owners assume all risks related to use of the dog park.
- All dogs in the park must be licensed. Dogs should wear current license tags and be up-to-date on shots. If they are not wearing a tag, proof of rabies vaccination must be shown.
- No more than 2 dogs per person.
- No sick dogs, dogs in heat, or dogs with fleas.
- Rough play is not allowed especially if any of the dogs involved are not comfortable with the situation.
- Digging is not allowed except at a designated area. If your dog does dig a hole elsewhere, do your best to fill it in.
- Curb excessive barking, especially near the neighbors.
- Smoking, alcoholic beverages, and food are not permitted within the park area.
- Park is open from dawn to dusk.



# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> 6.1 c	<b>Topic:</b> 30 Minute Parking Request
<b>Prepared By:</b> John Swanson	<b>Meeting Date:</b> August 18, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**ACTION:**

Direct the City Attorney to draft a Resolution to designate up to 8 parking spots in front of the Post Office as 30-minute parking spaces.

**BACKGROUND:**

The Postmaster and Department of Human Services (DHS) at 177 SW Oak Street were contacted for input on the on-street parking situation and will pass the information on to their employees. No objection was communicated by either office. Police Chief Harper has reviewed the parking situation in front of the Post Office on Church Street, and as noted that there is a tendency for the DHS employees to monopolize parking in front of the buildings. Recommendation is designate spots in front of the Post Office as 30-minute spots so Post Office customers have adequate parking available. Currently 16 on-street parking spaces exist on the east side of the 700 block of SW Church Street.

**FISCAL IMPACT:**

Cost of signs and/or paint \$500.

**ATTACHMENTS:**

Photo of on-street parking spaces, draft Resolution.



7200

7400

STREET

RESOLUTION NO. \_\_\_\_\_

A Resolution Establishing the Designation of Parking Stalls on the 700 Block of SW Church Street, in front of the United States Post Office.

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

Section 1. The first seven parking stalls on the east side of SW Church Street, north of the intersection of SW Mill Street, in front of the United States Post Office, are established as thirty-minute parking stalls.

Section 2. The Public Works Director shall mark and place appropriate signs at said parking stalls so as to inform the public of the requirements of this Resolution.

Section 3. Any prior resolutions establishing parking regulations contrary to those set forth herein are hereby repealed.

Adopted: August 4, 2008

Approved: August 4, 2008

---

JAMES B. FAIRCHILD, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> 6.1 d	<b>Topic:</b> OECDD Senior Center Project Intake Form
<b>Prepared By:</b> Kim Marr	<b>Meeting Date:</b> August 18, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**ACTION:**

Update

**BACKGROUND:**

The City is preparing to submit the Project Intake Form to OECDD for CDBG funds. OECDD will then notify the City to file the Intent To Apply which requires a Resolution from the Council. The Intent To Apply for a CDBG grant is for final design and construction of the Senior Center. The City has been working on a preliminary design with the Senior Advisory Committee of a 3,800 square foot facility that provides a kitchen facility, classrooms, craft areas, computer area, multi-purpose room, and office. The facility would be designed for future building expansion and the appearance will remain basically the same with a smaller building footprint. The estimated cost for the project is approximately \$1,300,000 with \$800,000 from a CDBG grant. The combination of CDBG funds, private grants and local funds will fully fund the project. The current facility is just over 1,400 square feet in size with a small kitchen area and office. This space provides the recreation, social, educational and meal services at this time. Meals will be served at the new facility to the seniors five days a week.

**FISCAL IMPACT:**

None at this time

**ATTACHMENTS:**

Concept Design



Concept Design - View from Southeast

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> 6.1 e	<b>Topic:</b> Designate authorized signers for Washington Federal Savings accounts
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> August 18, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

RECOMMENDED MOTION:

Designate Mayor Jim Fairchild and City Manager Jerry Wyatt as the authorized signers on the City's Washington Federal Savings account.

BACKGROUND:

It recently came to our attention that the signature cards for the City of Dallas account at Washington Federal Savings still showed Roger Jordan and Gwen VanDenBosch as the authorized signers. In order to update the signature cards, Washington Federal needs copies of meeting minutes which indicate that the governing body has approved the new signers for the City's account.

FISCAL IMPACT:

None

ATTACHMENTS:

None

# DALLAS CITY COUNCIL

## REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> 6.1 f	<b>Topic:</b> Bids Received for Cherry Street Water Transmission Project
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> August 18, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Fred Braun		

RECOMMENDED MOTION:

None

BACKGROUND:

Following is a list of bids received for the 2008 Cherry Street Water Transmission project. The low bid was \$869,629, which was within the amount budgeted for this project and below the engineer's estimate of \$900,000. I have given notice of our intent to award this contract to the low bidder, Camrock Excavation.

Camrock Excavation	\$ 869,629
Gelco Construction	\$ 923,847
Pacific Excavation, Inc.	\$ 925,320
K & E Excavating	\$ 925,325
James W Fowler Co.	\$ 943,760
Canby Excavating	\$ 994,190
Landis & Landis Construction	\$ 1,026,090

FISCAL IMPACT:

This project is the last project that was included in our Safe Drinking Water Revolving Loan Fund Project Number S07001. The total loan approval is \$5.625 million and is based on actual expenditures at the time of project completion. The loan includes the raw water transmission pipeline project, 2 million gallon water reservoir, and this transmission pipeline project.

ATTACHMENTS: None

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> 6.1 g	<b>Topic:</b> Transient Lodging Tax Update
<b>Prepared By:</b> Emily Gagner	<b>Meeting Date:</b> August 18, 2008	<b>Attachments:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**ACTION:**

Information only

**BACKGROUND:**

The City has collected the first quarter transient lodging tax. The total collected for April, May and June was \$17,200. The Chamber of Commerce is still working on obtaining the 501(c)(3) designation for the visitor center. As approved, 70% of the taxes received shall be distributed to a visitor's center that qualifies as a "tourism promotion agency" and 30% of the total (which is 95% of total collected) may be appropriated to fund city services.

**FISCAL IMPACT:** None

**ATTACHMENTS:** None

# DALLAS CITY COUNCIL REPORT

**TO: MAYOR JIM FAIRCHILD AND CITY COUNCIL**

<i>City of Dallas</i>	<b>Agenda Item No.</b> 6.1h	<b>Topic:</b> Planning Commission Update
<b>Prepared By:</b> Jason Locke, Community Development Director	<b>Meeting Date:</b> August 18, 2008	<b>Attachments:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>Approved By:</b> Jerry Wyatt		

**RECOMMENDED ACTION:** None. For information only.

At their August 12 meeting, the Planning Commission discussed a work plan for 2008-2010. This is an opportune time to do long range planning to amend the Comprehensive Plan and do significant code revisions. The items on the work plan include the following:

- 1) Adopt TSP (includes amending the existing applicable Comprehensive Plan and appropriate Development Code regulations) **(Done)**
- 2) Comprehensive Plan Amendment: Citizen Involvement Element
- 3) Comprehensive Plan Amendment: Public Facilities Element
- 4) Comprehensive Plan Amendment: Urbanization Element
- 5) Comprehensive Plan Amendment: Parks and Open Space Plan
- 6) Development Code Revisions (DLCD Code Assistance Grant)
- 7) Planning Commissioner Training
- 8) Wyatt Node Master Plan (DLCD Quick Response Grant)
- 9) Barberry and LaCreole node refinement plans

We are in the process of working through the Scopes of Work for both the Code Assistance Grant and the Quick Response Grant. Both of these grants are offered through the Transportation and Growth Management program at DLCD, and neither requires any grant management or expenditure of funds by the city, only staff time.

The Code Assistance project begins with an evaluation of our current Development Code and will result in a new and updated Code for the City to consider and adopt. The Quick Response project will be used to develop a Master Plan for the Wyatt Node, with detailed plans for the southern portion of the node that contains both commercial and higher density housing.

Both projects will include appropriate citizen and stakeholder involvement, and should be completed by December.

Also, the Planning Commission voted to move their meeting time from 7:30 to 7:00pm.

**City of Dallas Planning Commission  
City Hall Council Chambers  
187 SE Court St.**

**August 12, 2008 - 7:30 p.m.**

**AGENDA**

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - Regular meeting of June 10, 2008.
4. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please)
5. ANNOUNCEMENT OF PUBLIC HEARING GUIDELINES  
(Copies available in the slots at the door.)
6. PUBLIC HEARINGS
7. OTHER BUSINESS
  - 7.1 Discussion of immediate Development Code changes
  - 7.2 Discussion of work program for the coming year.

From:

Sally Clark  
Dallas Arts Association  
President

15145 Ferns Corner Rd  
Dallas, OR 97338  
503-623-0809  
SalClark@hotmail.com

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Dear Jerry,

I would like to extend a special thanks to you for allowing us to use the city park for our "Art in the Park" event on Sunday, July 28.

One of the most positive, and frequent, comments we get is that the park setting is so lovely.

The park staff was most helpful too. We had a couple of "issues" early in the day and they responded and resolved them very quickly. Please let them know how appreciative we are.

I hope that we left the park in good condition. Please let me know if there were any problems.

Thank you! Sally

RESOLUTION NO. 3165

A Resolution designating the National Incident Management System (NIMS) as the basis for all incident management in the City of Dallas

WHEREAS, the President in Homeland Security Directive (HSPD)-5, directed the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), which would provide a consistent nationwide approach for Federal, State, local, and tribal governments to work together more effectively and efficiently to prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all Federal, State, local, and tribal homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, it is necessary and desirable that all Federal, State, local and tribal emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, local, and tribal organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the State's ability to utilize federal funding to enhance local and state agency readiness, maintain first responder safety, and streamline incident management processes.

WHEREAS, the Incident Command System components of NIMS are already an integral part of various incident management activities throughout the State, including current emergency management training programs; and

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System;

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

Section 1. That the National Incident Management System (NIMS) be, and it hereby is, established as the standard for incident management in the City of Dallas.

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

Adopted August 18, 2008  
Approved August 18, 2008

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

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JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3166

A Resolution establishing areas on SW Bridlewood Drive where the parking of motor vehicles is prohibited.

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

Section 1. That the parking of motor vehicles is prohibited on SW Bridlewood Drive within 100 feet of the intersection of Kings Valley Highway.

Section 2. That the Director of Public Works is hereby directed to mark the above-described areas so as to indicate the prohibition against the parking of motor vehicles in said areas.

Adopted: August 18, 2008

Approved: August 18, 2008

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JAMES B. FAIRCHILD, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3167

A Resolution establishing a fee in lieu of construction of street improvements in connection with development for which adequate public facilities are required by the Dallas Development Code or Comprehensive Plan.

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

Section 1. That, in lieu of construction of street improvements in connection with development for which adequate public facilities are required by Dallas Development Code Section 3.2.30(4), or any provision of the Dallas Comprehensive Plan, the City may impose and collect a fee in the amount of \$165 per linear foot of street frontage, to be used for the future construction of such improvements, in which case the requirement of construction of street improvements in connection with such development shall be deemed satisfied.

Section 2. This Resolution shall be effective upon its adoption and approval.

Adopted: August 18, 2008  
Approved: August 18, 2008

---

JAMES B. FAIRCHILD, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER

RESOLUTION NO. 3168

A Resolution establishing a fee for licensing impounded unlicensed dogs.

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

Section 1. In addition to any other fees for dog licenses or impoundment in the City of Dallas, when an unlicensed dog for which a license is required by Dallas City Code 5.382 is impounded pursuant to Dallas City Code 5.384, the owner or custodian of the dog shall pay a penalty fee in the amount of \$50 prior to release from impoundment.

Section 2. This resolution shall be effective on adoption.

Adopted: August 18, 2008

Approved: August 18, 2008

---

JAMES B. FAIRCHILD, MAYOR

ATTEST:

---

JERRY WYATT, CITY MANAGER