

City Council

- Mayor
Brian Dalton
- Council President
LaVonne Wilson
- Councilor
Jim Brown
- Councilor
Jim Fairchild
- Councilor
Kelly Gabilks
- Councilor
Beth Jones
- Councilor
Jackie Lawson
- Councilor
Kevin Marshall
- Councilor
Murray Stewart
- 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
- Engineering Director
Fred Braun
- City Recorder
Emily Gagner
- Recording Secretary
Jeremy Teal

Dallas City Council Agenda

Mayor Brian Dalton, Presiding
TUESDAY, February 18, 2014

7:00 pm
Dallas City Hall
187 SE Court St.
Dallas, OR 97338

All persons addressing the Council will please use the table at the front of the Council. All testimony is electronically recorded. If you wish to speak on any agenda item, please sign in on the provided card.

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL	
2. PLEDGE OF ALLEGIANCE	
3. EMPLOYEE/VOLUNTEER RECOGNITION	
4. STATE OF THE CITY ADDRESS	
5. COMMENTS FROM AUDIENCE 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.	
6. PUBLIC HEARINGS 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. ZC/CPA13-01: Comprehensive Plan Map Amendment/Zone Change from I to RM at 1505 SE Jonathan Ave.	PG . 3
7. CONSENT AGENDA 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. a. Approve minutes of January 24, 2014 City Council meeting b. Polk County Bounty Market request	PG . 40 PG . 41
8. ITEMS REMOVED FROM CONSENT AGENDA	
9. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	



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.

- a. General comments from Councilors and Mayor
- b. Report of the January 27, 2014, Administration Committee Meeting (Councilor Brown) PG. 42
- c. Report of the January 27, 2014, Building and Grounds Committee (Councilor Lawson) PG. 62

10. REPORTS FROM CITY MANAGER AND STAFF

- a. January financial report Information PG. 76
- b. Senior Center update Information
- c. Other

10. RESOLUTIONS

11. FIRST READING OF ORDINANCE

- a. Ordinance No. 1760: An Ordinance amending provisions of the Dallas City Code Sections 2.550 and 2.555, and creating a new provision, relating to the Parks Advisory Board. First Reading PG. 102

12. SECOND READING OF ORDINANCE

14. OTHER BUSINESS

15. ADJOURNMENT

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 6	Topic: Public Hearing on ZC/CPA13-01
Prepared By: Jason Locke, Community Development Director	Meeting Date: February 18, 2014	Attachments: Yes <input type="checkbox"/> No
Approved By: Ron Foggin, City Manager		

RECOMMENDED ACTION: Direct staff to prepare an Ordinance changing the zoning designation from Industrial to Residential Medium Density and amending the Comprehensive Plan Map from Industrial to Residential for a .23ac parcel located at 1505 SE Jonathan Avenue.

BACKGROUND: The subject property is located on the south side of SE Jonathan Ave and is comprised of 1 previously platted lot in the Applegate Landing Subdivision that is currently zoned Industrial (I). The 13 platted lots to the east have already been rezoned to RM and are developed. The Comprehensive Plan designation is Industrial. The access to the subject property occurs via SE Greening Drive and SE Appleseed Drive. SE Jonathan Ave is a fully improved city street.

The property to the east is developed with a duplex, the property to the west is zoned Industrial and contains self-storage units. The property to the north is a residential subdivision that is fully built out and contains detached single-family dwellings and duplexes. The property to the south is zoned Industrial and contains RR tracks.

The Planning Commission held a public hearing on this matter on January 14, 2014. After receiving testimony and deliberating, the Planning Commission is recommending approval of ZC/CPA13-01.

FISCAL IMPACT: None.

ATTACHMENTS:

- 1) Planning Commission minutes
- 2) Staff report

PLANNING COMMISSION MINUTES 1/7/14

PUBLIC HEARING

Hearing Name (CPA/ZC 13-01 Comprehensive Plan Zone Change from I to RM)

President Lerwick declared the public hearing open at 7:02 p.m. He explained this hearing was for the Planning Commission to make a recommendation to City Council who would make the final decision on this matter.

STAFF REPORT:

Mr. Locke reviewed the staff report. He explained the application was for a Comprehensive Plan Amendment and a Zone Change from Industrial to Residential Medium Density (RM) at 1505 SE Jonathan Avenue, located at the end of Jonathan Avenue. Adjacent to the west were storage units, to the east was existing RM housing and the Victoria Place Apartments, and to the south of all of the property on Jonathan Avenue was a railroad in an Industrial zone. He noted the existing RM zoning had gone through an earlier Comprehensive Plan Amendment and Zone Change from Industrial to RM in 2010. He stated the criteria had been addressed by the applicant and was consistent with statewide planning goals, the City's Comprehensive Plan, and had no significant effect on the Transportation System Plan. He stated there was infrastructure in place and capacity to service the property. Mr. Locke summarized that the findings were based on these issues and the criteria had been met. He recommended the Planning Commission forward the application to City Council with the recommendation for approval of the Comprehensive Plan Amendment and Zone Change from Industrial to RM at 1505 SE Jonathan Avenue.

APPLICANT PRESENTATION

Paul Trahan, 1116 SE Barberry Avenue, Dallas, Oregon stated he represented Fowler Homes, the applicant. He explained the lot was the last one in phase three of the Applegate subdivision. He noted that 12 other lots in that subdivision were changed to RM in 2010 and every lot had been built on and sold. He indicated this had filled a niche needed in the City and it brought employment.

PERSONS SPEAKING FOR OR AGAINST There were none.

REBUTTAL There was none.

COMMISSIONER QUESTIONS There were none.

Public Hearing was closed at 7:12 p.m.

DISCUSSION BY COMMISSION

Commissioner Les Oehler moved to recommend to City Council to approve application CPA/ZC 14-01 for a Comprehensive Plan Amendment and a Zone Change from Industrial to Residential Medium Density at 1505 SE Jonathan Avenue. Commissioner David Shein seconded the motion and it passed unanimously. Mr. Locke commented that it would be added to the second City Council meeting agenda in February, allowing time for proper public notice.

CITY OF DALLAS
City Council

APPLICATION COMPLETE:
DECEMBER 4, 2013

STAFF REPORT
DATE: FEBRUARY 10, 2014

FILE NO.	ZC/CPA13-01
HEARING DATE	FEBRUARY 18, 2014 7:00 P.M. CITY HALL COUNCIL CHAMBERS 187 SE COURT STREET DALLAS, OREGON 97338
OWNER	GARY AND BERTHA FITZWATER
APPLICANT	FOWLER HOMES LLC
REQUEST	ZONE CHANGE AND COMPREHENSIVE PLAN MAP AMENDMENT FROM INDUSTRIAL TO RESIDENTIAL (MEDIUM DENSITY) FOR .2 AC LOT
LOCATION	1505 SE JONATHAN AVE
RECOMMENDATION	APPROVAL

CITY OF DALLAS
City Council



COMMUNITY DEVELOPMENT
DEPARTMENT STAFF REPORT

BACKGROUND INFORMATION: The subject property is located on the south side of SE Jonathan Ave and is comprised of 1 previously platted lot in the Applegate Landing Subdivision that is currently zoned Industrial (I). The 13 platted lots to the east have already been rezoned to RM and are developed. The Comprehensive Plan designation is Industrial. The access to the subject property occurs via SE Greening Drive and SE Appleseed Drive. SE Jonathan Ave is a fully improved city street.

The property to the east is developed with a duplex, the property to the west is zoned Industrial and contains self-storage units. The property to the north is a residential subdivision that is fully built out and contains detached single-family dwellings and duplexes. The property to the south is zoned Industrial and contains RR tracks.

The Planning Commission held a public hearing on this matter on January 14, 2014. After receiving testimony and deliberating, the Planning Commission is recommending approval of ZC/CPA13-01.

PROPOSAL: The applicant is proposing to change the Comprehensive Plan Map Designation from Industrial to Residential, and change the zoning from Industrial (I) to Residential Medium Density (RM) in order to accommodate smaller lot housing types.

APPROVAL CRITERIA:

Type IV Legislative Criteria (4.1.040)

G. **Decision-Making Criteria.** The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals;

Goal 9: Economic Development

*The Goal 9 Administrative Rule requires that conversion of 2 or more acres of Industrial land meet the requirements of **OAR 660-009-0010***

(4) For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or another employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

Findings: The proposed change will not affect 2 acres or more. Therefore, the requirements of

Conclusion: The conversion of this property from industrial to residential use is not required to satisfy OAR 660-009-0010

Goal 10: Housing

Goal 10 states that: Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Finding: The City of Dallas recently adopted a new Development Code that significantly changed the allowed housing types in various residential zones. The RM zone (Residential Medium Density) now allows more housing types beyond just apartments, including row houses, zero lot line housing, and small lot housing types in order to encourage development of needed housing types within the city. There is currently very little vacant RM-zoned land outside of designated Mixed-Use Nodes.

Conclusion: The proposal would provide an additional .2 acres of RM zoned land to provide a much needed housing type, single family attached or detached small lot housing at a price level affordable for the citizens of Dallas.

- 2. Approval of the request is consistent with the Comprehensive Plan; and
Findings: The Dallas Comprehensive Plan designation for the subject property is Industrial. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation.

ECONOMIC GOALS:

2.1 Industrial Development Policies

1. Encourage the future development of industrial facilities, primarily ones that would have a limited environmental effect upon the community and which do not place excessive demands on the City's infrastructure.
2. Require all existing and future industries to locate within the City Limits and to conform to existing federal and state environmental laws.
3. Encourage the diversification of industries in Dallas to reduce the chance of economic depression because of an economic slump in one industry.
4. Encourage the development of an industrial or business park within the Dallas City Limits.
5. Provide for a choice among suitable industrial and business park sites.
6. Encourage the development of agriculture-related industries.

Findings: The proposal removes .2 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites.

2.3 Industrial Land Use Policies

1. Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand.
2. Support the Ash Creek Water Control District in order to maximize use of the Ash Creek Industrial area.
3. Encourage the use of the industrial park concept by requiring master planning rather than piecemeal development of industrial sites and areas.
4. Where appropriately buffered, designate multi-family residential land near industrial sites to minimize travel distance from employment centers to housing.
5. Encourage the continued growth of the service-related industries.

Findings: The proposal removes .2 acres of unsuitable Industrial land from the City of Dallas industrial land inventory. This will not impact the provision of choice among suitable sites, will provide a buffer from Industrial land to the south, and will have no impact on the growth of service-related industries.

HOUSING GOALS

3.3 Phasing & Adequate Public Facilities

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

1. Except in areas identified for more intensive development, existing high-quality residential areas and housing stock within the community shall be maintained and conserved.
2. The development of close-in vacant land, readily serviceable by a full range of urban services shall have a higher priority than development of peripheral land that cannot be provided, efficiently, with a full range of urban services.
3. Vacant land within the current City limits shall have a higher priority than unincorporated areas.

Except in documented health hazard situations, annexation shall occur in areas where services can be most easily extended, as prescribed in Chapter 7, the Public Facilities Plan.

Findings: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone. Therefore, being land that is close-in and serviceable, is of a higher priority than land on the periphery.

Conclusion: The proposal is consistent with the Dallas Comprehensive Plan.

3. The property and affected area is presently provided with adequate public facilities and services, including transportation, sewer and water systems, to support the use, or such facilities and services are provided for in adopted City plans and can be provided concurrently with the development of the property.
Findings: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.
Conclusion: The subject property is presently provided with adequate public facilities and services.

Land Use Map and Text amendments 4.7.030(B)

B. **Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;
Finding: See G1 above
2. Approval of the request is consistent with the Comprehensive Plan;
Finding: See G2 above

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
Finding: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone.
4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and
Findings: The subject property is zoned Industrial, and is located in a residential neighborhood. The applicant states, and staff concurs, that this is an inconsistency on both the comprehensive plan map and zoning map, and that redesignating the property to residential with the proposed RM zoning will adequately correct the inconsistency and is, in fact, more in line with the Comprehensive Plan.
5. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.060.

4.7.060 TRANSPORTATION PLANNING RULE COMPLIANCE

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. “Significant” means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Dallas Transportation System Plan; or
Finding: The subject property is served by an existing local street, SE Jonathan Ave. There is no proposal or need to change the functional classification of SE Jonathan Ave. The nearest major collector is SE Miller Ave, which operates at acceptable performance levels.
2. Change the standards implementing a functional classification system; or
Finding: There is no change to the standards implementing the functional classification system.

3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

Finding: The proposal, as measured at the end of the planning period identified in the Dallas Transportation Plan, will not result in levels of travel or access that are inconsistent with the functional classification of the existing transportation facility.

4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or

Finding: The proposal, with the RM designation at full buildout, would generate an additional 1-2 peak hour trips on to SE Miller Ave. SE Miller Ave. is a major collector with significant additional capacity. Therefore, the proposal would not fall below the minimum acceptable standard.

5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.

Finding: SE Miller Ave. does not currently, nor is it projected to perform below minimum acceptable standards as a result of the proposal.

6. Where the City lacks specific transportation policies or standards, the City Council shall be consulted, as provided under Section 4.1.050 (Type IV Legislative Review).

Finding: Not applicable.

OVERALL TPR FINDING: Based on the above findings, the proposal would not result in a significant effect on an existing or planned transportation facility.

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

RECOMMENDATION:

Recommend approval of ZC/CPA13-01, a Comprehensive Plan Map amendment from Industrial to Residential and zone change from Industrial to Residential Medium density (RM) at 1505 SE Jonathan Ave.



Polk County Web Maps v. 2.0

Disclaimer: This map was produced using Polk County GIS data. The GIS data is maintained by the County to support its governmental activities. This map should not be used for survey or engineering purposes. The County is not responsible for map errors, omissions, misuse or misinterpretation.

Printed 01/08/2014

SE GODSEY RD

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1250
1318

RM

1209
1217
1235
1251
1269
1574

SE GREENING

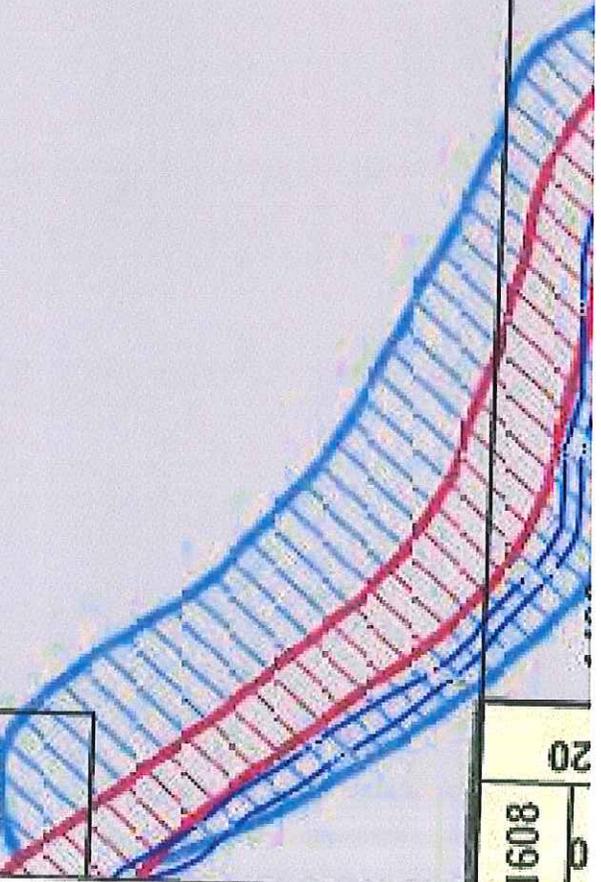
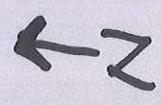
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SE JONATHAN AVE

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SUBJECT
PROPERTY (I → RM)



CITY OF DALLAS
NOTICE OF PUBLIC HEARING

The Dallas Planning Commission will hold a public hearing on Tuesday, January 14, 2013, at 7:00 p.m., in the Council Chambers at City Hall, 187 SE Court Street, Dallas, Oregon, on an application for Comprehensive Plan Map amendment and Zone Change on a .2 ac property located at **1505 SE Jonathan Ave**. The designation is proposed to be changed from Industrial (I) to Residential Medium Density (RM)

The Planning Commission will consider testimony which addresses the criteria for a Zone Change and Comprehensive Plan map amendment as prescribed by the City of Dallas Development Code. Testimony may be submitted in writing to the Dallas Community Development Department, City Hall, Dallas, Oregon 97338, or in writing or orally at the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties. All persons wishing to testify must sign in and be recognized by the Chair.

Written comments submitted to the Community Development Department by January 7, 2014, will be included with the staff report. Written comments submitted after that date will be forwarded to the Planning Commission at the public hearing. The staff report will be available for inspection at the Community Development Department at least seven days prior to the hearing. Copies of the staff report, the application, and all documents and evidence submitted by or on behalf of the applicant, and copies of the applicable criteria are available for inspection at the Community Development Department at no cost and copies will be provided at a reasonable cost.

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

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

NATURE OF REQUEST: Zone Change and Comprehensive Plan Map Amendment from Industrial to Residential (Medium Density) at 1505 SE Jonathan Ave

APPLICABLE CRITERIA: SECTION 4.7.030 of the Dallas Development Code

STAFF CONTACT FOR ADDITIONAL INFORMATION: Jason Locke, Community Development Director, 503.831.3565 or TDD phone 503.623.7355.

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

Dated: December 20, 2013
Posted: December 20, 2013
Published: December 26, 2013

Jason Locke, Community Development Director
City of Dallas, Oregon

City of Dallas
187 SE Court St.
Dallas OR 97338



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

File No: 2C/CPA 1301
Date Received: 11-15-2012
Fee \$: 5000
Received By: PA
Complete App. Date: 12/3/13
Hearing Date: 1/19/14-PC

COMPREHENSIVE PLAN MAP/TEXT AMENDMENT APPLICATION

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

OWNER(S)

Name(s): Fitzwater Gary L & Bertha M
Mailing Address: 520 SW Nottingham Ln, Dallas, OR 97338
Owner Phone: Home _____ Mobile _____
E-Mail _____

APPLICANT(S): (If not owner)

Name(s): Fowler Homes, LLC (Trahan Consulting)
Mailing Address: PO Box 441, Dallas, OR 97338
Owner Phone: Home _____ Mobile (503) 383-5043
E-Mail pault.trahanconsulting@gmail.com

Description of Request: Comprehensive Plan Amendment and Zone Change

With Zone Change: Y N Zone Change from I to RM

Site Address: 1505 Jonathan (Lot 63 Applegate Landing III) Total Land Area: .23 Acres

Assessors Map/Taxlot #: 7-5-34CA Tax Lot 8700 Current Zoning: I

Present Use of Property: Empty Lot

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

Signatures (Required):

Owner(s)	Date	Applicant(s)	Date
<u><i>Harry J. Schwartz</i></u>	<u><i>11-6-13</i></u>	_____	_____
<u><i>Bertha M. Fitzmaurice</i></u>	<u><i>11/6/13</i></u>	_____	_____

APPLICATION CHECKLIST:

All items must be submitted unless waived by the Planning Official. When an application is submitted, the City will notify you in writing within 30 days as to whether the application is complete or what information is required to make the application complete.

- Property deed and deed restrictions.** Copy of the deed and all existing and proposed restrictions or covenants, including those for access control.

- If Map Amendment; include a map showing the extent of the proposed change. If Text Amendment, attach existing and proposed text.**

- Narrative.** Letter or narrative report documenting compliance with the applicable approval criteria contained below.

Address the following Criteria in Narrative:

- B. **Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:
 1. Approval of the request is consistent with the Statewide Planning Goals;
 2. Approval of the request is consistent with the Comprehensive Plan;

I. FACT SHEET

Subject Property: Lot 63 – Applegate Phase III

Requested Action: Comprehensive Plan Amendment and Zone Change

Tax Maps: 7-5-34CA Tax Lot 8700

Site Size: .23 acres (10,088 sf)

Address: 1505 SE Jonathan

Comprehensive Plan Designation: I (Industrial)

Zoning: I (Industrial)

Owner/Applicant:
Contact: Gary L & Bertha M Fitzwater
520 SW Nottingham Ln
Dallas, OR 97338

Applicants
Representative: Trahan Consulting
Paul Trahan
PO Box 441
Dallas, OR 97338
Ph. (503) 383-5043
Paul.t.trahanconsulting@gmail.com

Engineer of Record: Project Deliver Group
Keith Whisenhunt, PE
3150 22nd Street SE
Salem, Oregon 97302
Ph. (503) 364-4004

Section 2 Compliance Narrative

Background Information

The subject property is located on the south side of SE Jonathan Ave and is referred to as Lot 63 of Applegate Landing Phase III. Lot 63 was part of 14 lots along the south side of Jonathan Avenue. In March 2010, the Planning Commission held a hearing pertaining to the 13 lots to the east of lot 64 and the Applicant was The FIFE Group, Inc. (ZC/CPA10-01); Lot 64 was not included as part of that application because it had separate ownership. Prior to the adoption of the new Development Code and Zoning Map, the zoning was Light Industrial (IL). The Comprehensive Plan designation is Industrial. The subject property consists of approximately 10,088 square feet or .23 of an acre. The access to the subject property occurs via SE Greening Drive and SE Appleseed Drive. SE Jonathan is a fully improved city street with this property being the only lot without sidewalk on the south side.

The property to the north and east is residential and fully developed, while the property to the south is zoned Industrial, is currently vacant and is separated from the subject property by railroad tracks and accompanying right-of-way. The property to the west is zoned Industrial and contains self-storage units.

Request

The applicant is requesting a change to the Comprehensive Plan Map designation from Industrial to Residential and to change the zoning from Industrial (I) to Residential Medium Density (RM) in order to accommodate smaller lot housing types.

Approval Criteria

Type IV Legislative Procedure (4.1.50)

A. Pre-Application Conference. *A pre-application conference is required for all Type IV applications initiated by a party other than the City of Dallas. The requirements and procedures for a pre-application conference are described in Section 4.1.060.C.*

Applicant's Response: The applicant together with Staff held the required Pre-Application conference on Thursday, October 31st.

B. Timing of Requests. *The City may establish a schedule for when it will accept legislative code amendment or plan amendment requests. The City Council may initiate its own legislative proposals at any time. Legislative requests are not subject to the 120-day review period under ORS 227.178.*

Applicant's Response: This criterion does not require applicant's response.

C. Application Requirements.

1. Application forms. Type IV applications shall be made on forms provided by the City Planning Official.

2. Submittal Information. The application shall contain:

- a. The information requested on the application form;
- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
- c. The required fee; and
- d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

Applicant's Response: Included with this submittal is the Application form provided by Staff and all the information contained in section C-2.

D. Notice of Hearing.

1. Required hearings. A minimum of two (2) hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications.

2. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official in the following manner:

a. At least twenty (20) days, but not more than forty (40) days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance for any Land Use District Change, a notice shall be prepared in conformance with ORS 227.175 and mailed to:

(1) Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);

(2) Any affected governmental agency;

(3) Any person who requests notice in writing;

(4) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;

(5) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

b. At least ten (10) days before the scheduled Planning Commission public hearing date, and fourteen (14) days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.

c. The City Planning Official shall:

- (1) For each mailing of notice, file an affidavit of mailing in the record as provided by subsection a; and
- (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.

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 forty-five (45) days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.

e. Notifications for annexation shall follow the provisions of this Chapter.

Applicant's Response: This criterion does not require applicant's response.

3. Content of notices. The mailed and published notices shall include the following information:

a. The number and title of the file containing the application, and the address and telephone number of the City Planning Official's office where additional information about the application can be obtained;

b. The proposed site location;

c. A description of the proposed site and the proposal in enough detail for people to determine what change is proposed, and the place where all relevant materials and information may be obtained or reviewed;

d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See Section 4.1.050.E); and

e. Each mailed notice required by Section 4.1.050.D shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The City of Dallas Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

Applicant's Response: This criterion does not require applicant's response.

4. Failure to receive notice. *The failure of any person to receive notice shall not invalidate the action, providing:*

- a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;*
- b. Published notice is deemed given on the date it is published.*

Applicant's Response: This criterion does not require applicant's response.

E. Hearing Process and Procedure.

1. *Unless otherwise provided in the rules of procedure adopted by the City Council:*

- a. The presiding officer of the Planning Commission and of the City Council shall have the authority to:
 - (1) Regulate the course, sequence, and decorum of the hearing;*
 - (2) Direct procedural requirements or similar matters; and*
 - (3) Impose reasonable time limits for oral presentations.**
- b. No person shall address the Commission or the Council without:
 - (1) Receiving recognition from the presiding officer; and*
 - (2) Stating their full name and address.**
- c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.*

2. *Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council shall conduct the hearing as follows:*

- a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;*
- b. The City Planning Official's report and other applicable staff reports shall be presented;*
- c. The public shall be invited to testify;*

d. The public hearing may be continued to allow additional testimony or it may be closed; and

e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

Applicant's Response: This criterion does not require applicant's response.

F. Continuation of the Public Hearing. The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

Applicant's Response: This criterion does not require applicant's response.

G. Decision-Making Criteria. The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals;

Applicants Response:

GOAL 1: CITIZEN INVOLVEMENT

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

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

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

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

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

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

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

Component 4 – Technical Information – To assure that technical information is available in an understandable form. Information necessary to reach policy decisions shall be available in a simplified, understandable form. Assistance shall be provided to interpret and effectively use technical information. A copy of all technical information shall be available at a local public library or other location open to the public.

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

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

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

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

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

GOAL 2: LAND USE PLANNING

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

Applicant's response: The applicant is seeking a Comprehensive Plan amendment together with a request for the Residential Medium Density (RM) zoning designation, which if approved will require suitable ordinances to ensure the implementation of the newly modified Comprehensive Plan. This application does not seek any exceptions allowed under this Goal. The applicant submits that this goal can be satisfied or exceeded.

GOAL 3: AGRICULTURAL LANDS

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

Applicant's response: The property which is the subject of this application is within the City of Dallas and currently has a zoning designation of (I) or Industrial. Goal 3 specifically excludes land within "acknowledged urban growth boundaries" as being Agricultural Land as defined. Therefore the Applicant submits that this criterion does not apply.

GOAL 4: FOREST LANDS

Goal 4 defines "forest lands" and requires local governments to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses." Comprehensive plans and zoning provide certainty to assure that forest land will be available now and in the future for the growing and harvesting of trees.

Applicant's response: The proposed amendment does not affect the inventory of forest lands. Thus, this goal is not applicable to this application.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces

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

Applicant's Response: The requested amendment does not affect the any natural resources. Thus, this goal is not applicable to this application.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state

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

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

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

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

A. NATURAL HAZARD PLANNING

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

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

Local governments may identify and plan for other natural hazards.

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

Applicants Response: This request is for a Comprehensive Plan Amendment and a Zone Change. If approved, there will be no additional impact to people from Natural Hazards.

GOAL 8: RECREATIONAL NEEDS

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

RECREATION PLANNING

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

DESTINATION RESORT SITING

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

Applicants Response: The requested Comprehensive Plan Amendment and Zone Change is for .23 acres for residential development. Therefore this goal would not apply to this application.

GOAL 9: ECONOMIC DEVELOPMENT

Intent and Purpose

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

Applicant's response: Every urban area evaluates its needs for land to serve commercial and industrial development. The community then must plan for enough land to meet those needs.

As a result, every city in Oregon now has the supply of land it needs to sustain a healthy local economy. As such, the subject property as currently zoned does not provide adequate opportunities for economic development. Industrial development within a residential subdivision simply does not make for good planning practices. Conversely, by approving this application; construction of residential units will restore some of the jobs lost within our local economy.

The City of Dallas completed Periodic Review in 2006. A major component of that project was an Economic Opportunities Analysis that identified the need for large industrial sites. In fact, that same EOA indicated that there was a surplus of small industrial sites. While the proposal seeks to remove .23 acres of industrial land from the city supply, the configuration and location of the property does not lend itself to developing the type of employment opportunities outlined in the EOA. The property is composed of a single lot, approximately 10,088 square feet. It's located on the southern edge of an existing subdivision, can only be accessed through local residential streets that serve the subdivision, and are directly across the street from existing residential uses. The ability to buffer the industrial uses would be difficult, and therefore the ability to minimize the adverse impacts associated with an industrial use on the adjacent residential uses would be virtually impossible. Such impacts would include lighting, truck traffic, noise, odor, and parking. In the previous application, the applicant has stated that their ability to market and or develop the lots for industrial purposes has been unsuccessful, primarily due to the size and location of the lots and the potential negative impacts on the surrounding neighborhood.

GOAL 10: HOUSING

Purpose: *To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent level which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

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

The City of Dallas recently adopted a new Development Code that significantly changed the allowed housing types in various residential zones. The RM zone (Residential Medium Density) now allows more housing types beyond just apartments, including row houses, zero lot line housing, and small lot housing types in order to encourage development of needed housing types within the city. There is currently very little vacant RM-zoned land outside of designated Mixed- Use Nodes. The proposal would provide an additional .23 acres of RM zoned land to provide a much needed housing type; single family attached or detached small lot housing at a price level affordable for the citizens of Dallas. Approval of the request would be consistent with the Comprehensive Plan.

GOAL 11: PUBLIC FACILITIES AND SERVICES

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

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

Applicants Response: All public facilities are available to the subject property; therefore this goal does not apply to this request.

GOAL 12: TRANSPORTATION

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

Applicants Response: This request is to amend the comprehensive plan and change the zone of .23 acres located in a developed subdivision. This lot is the only lot that still remains with the Industrial Zone designation. Goal 12 does not apply to this request.

GOAL 13: ENERGY CONSERVATION

Purpose - *To conserve energy*

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

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

GOAL 14: URBANIZATION

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

Applicants Response: The City through its planning process is able to provide an orderly and efficient transition from rural to urban land use. This request is to amend the Comprehensive plan and change the zone on a single lot within a residential subdivision. The applicant believes that this goal is satisfied by the planning process.

GOAL 15: WILLAMETTE RIVER GREENWAY

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

Applicants Response: The subject property is not located with the Willamette River Greenway; therefore this criterion does not require a response.

GOAL 16: ESTUARINE RESOURCES

Purpose - To recognize and protect the unique environmental, economic, and social values of each estuary and associated wetlands; and To protect, maintain, where appropriate develop, and where appropriate restore the long-term environmental, economic, and social values, diversity and benefits of Oregon's estuaries.

Applicants Response: The subject property is not located within a Estuarine Resources; therefore, this criterion does not apply.

GOAL 17: COASTAL SHORELANDS

Purpose - To conserve, protect, where appropriate, develop and where appropriate restore the resources and benefits of all coastal shorelands, recognizing their value for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources and recreation and aesthetics. The management of these shoreland areas shall be compatible with the characteristics of the adjacent coastal waters; and To reduce the hazard to human life and property, and the adverse effects upon water quality and fish and wildlife habitat, resulting from the use and enjoyment of Oregon's coastal shorelands.

Applicants Response – The subject property does not contained within the Coastal Shorelands; therefore, this criterion does not apply.

GOAL 18: BEACHES AND DUNES

To conserve, protect, where appropriate develop, and where appropriate restore the resources and benefits of coastal beach and dune areas; and To reduce the hazard to human life and property from natural or man-induced actions associated with these areas.

Applicants Response – The subject property does not contain any "Beaches or Dunes"; therefore, this criterion does not apply.

GOAL 19: OCEAN RESOURCES

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

Applicants Response: The subject property does not contain any Ocean Resources; therefore, this Criterion does not apply.

Type IV Legislative Procedure (4.1.50) (Continued)

H. Approval Process and Authority.

1. The Planning Commission shall:

a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and

b. Within fourteen (14) business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the City Planning Official.

2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the City Planning Official before the Council public hearing on the proposal. The City Planning Official shall send a copy to each Council member and place a copy in the record;

3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within sixty (60) days of its first public hearing on the proposed change, the City Planning Official shall:

a. Report the failure together with the proposed change to the City Council; and

b. Provide notice and put the matter on the City Council's agenda for the City Council to hold a public hearing make a decision. The Commission shall take no further action.

4. The City Council shall:

a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;

b. Consider the recommendation of the Planning Commission; however, the City Council is not bound by the Commission's recommendation; and

c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance.

Applicant's Response: This Criterion does not require a response from the applicant

I. Vote Required for a Legislative Change.

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.

2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

Applicant's Response: This Criterion does not require a response from the applicant

J. Notice of Decision. *Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five (5) business days after the City Council decision is filed with the City Planning Official. The City shall also provide notice to all persons as required by other applicable laws.*

Applicant's Response: This Criterion does not require a response from the applicant

K. Final Decision and Effective Date. *A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.*

Applicant's Response: This Criterion does not require a response from the applicant

L. Record of the Public Hearing.

1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record verbatim, but the meeting minutes shall be filed in hardcopy form with the City Recorder. The minutes and other evidence presented as a part of the hearing shall be part of the record;

2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
3. The official record shall include:
 - a. All materials considered by the hearings body;
 - b. All materials submitted by the City Planning Official to the hearings body regarding the application;
 - c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
 - d. The final ordinance;
 - e. All correspondence; and
 - f. A copy of the notices that were given as required by this Chapter.

Applicant's Response: This Criterion does not require a response from the applicant

Comprehensive Plan Elements

Chapter 2:A sustainable Dallas Economy (Volume 1)

Economic Goals

The City's overall economic goal is to continue as a sustainable community in order to enhance the quality of life for all Dallas citizens. This goal is best achieved by increasing economic opportunities without threatening environmental quality or eroding the region's natural resource base.

- A. Maintain the existing and encourage the future development of a sound economic base in Dallas by providing for adequate and diversified industries, retail and wholesale establishments and service related industries.
- B. Encourage new industrial development that serves the needs of the Dallas Community and is designed to minimize impacts on Dallas residential neighborhoods, consistent with the policies of the Dallas Comprehensive Plan.
- C. Maintain the Central Business District as the dominant commercial cultural center of the community.
- D. Encourage a broad variety of commercial activities in the Dallas area in convenient and desirable locations to serve the public.

- E. *Provide for small-scale, neighborhood commercial centers that complement the Central Business District and which minimize routine travel from home to shopping.*

Applicants Response: This request if approved will supply additional economic opportunities for construction related industries. The applicant believes that this goal has been met or can be met with approval of this request.

Economic Policies

2.1 Industrial Development Policies

1. *Encourage the future development of industrial facilities, primarily ones that would have a limited environmental effect upon the community and which do not place excessive demands on the City's infrastructure.*
2. *Require all existing and future industries to locate within the City Limits and to conform to existing federal and state environmental Laws.*
3. *Encourage the diversification of industries in Dallas to reduce the chance of economic depression because of an economic slump in one industry.*
4. *Encourage the development on an industrial or business park within the Dallas City Limits.*
5. *Provide for a choice among suitable industrial and business park sites.*
6. *Encourage the development of agriculture-related industries.*

Applicant's Response: This request; if approved, will remove .23 acres of unsuitable Industrial land from the City's industrial land inventory. The Applicant believes that will not impact the provision of choice among suitable sites.

2.3 Industrial land Use Policies

1. *Preserve prime industrial sites and reserve suitable land to provide a choice among sites for new industrial development prior to actual demand.*
2. *Support the Ash Creek Water Control District in order to maximize use of the Ash Creek Industrial area.*
3. *Encourage the use of the industrial park concept by requiring master planning rather than piecemeal development of industrial sites and areas.*
4. *Where appropriately buffered, designate multi-family residential land near industrial sites to minimize travel distance from employment centers to housing.*
5. *Encourage the continued growth of the service-related industries.*

Applicant's Response: This request; if approved, will remove .23 acres of unsuitable Industrial land from the City's industrial land inventory. This will not impact the provision of choice among suitable sites, will provide a buffer from Industrial land to the south and will have no impact on the growth of service-related industries.

3.3 Phasing & Adequate Public Facilities

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

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

Applicant's Response: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone. Therefore, the applicant believes that land that is close-in and serviceable, is of a higher priority than land on the periphery.

Dallas Development Code Chapter 4.7 - Land Use District Map and Text Amendments

4.7.030 Quasi-Judicial Amendments

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;

Applicant's Response: The City of Dallas completed Periodic Review in 2006. A major component of that project was an Economic Opportunities Analysis that identified the need for large industrial sites. In fact, that same EOA indicated that there was a surplus of small industrial sites. While the proposal seeks to remove .23 acres of industrial land from the city supply, the configuration and location of the property does not lend itself to developing the

type of employment opportunities outlined in the EOA. The property is composed of a subdivided lot, approximately 10,088 sq. ft. It is located on the southern edge of an existing subdivision, can only be accessed through local residential streets that serve the subdivision, and is directly across the street from residential uses. The ability to buffer the industrial uses would be difficult, and therefore the ability to minimize the adverse impacts associated with an industrial use on the adjacent residential uses would be virtually impossible. Such impacts would include lighting, truck traffic, noise and odor, and parking. Previously, the applicant has stated that their ability to market and or develop the lots they owned, for industrial purposes has been unsuccessful, primarily due to the size and location of the lots and the potential negative impacts on the surrounding neighborhood.

2. Approval of the request is consistent with the Comprehensive Plan;

Applicant's Response: The Dallas Comprehensive Plan designation for the subject property is Industrial. There are a number of Comprehensive Plan policies that are required to be addressed in order to change that designation. The applicant has addressed these policies previously in the submittal; therefore, this criterion has been met.

3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and

Applicant's Response: The subject property is currently served by SE Jonathan Ave, City water, sanitary sewer, and storm drainage. The proposed use would utilize these existing services, which have adequate capacity to serve the uses allowed in the RM zone. The applicant believes this criterion has been met.

4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan map or zoning map regarding the property which is the subject of the application; and

Applicant's Response: The subject property is zoned Industrial, and is located in a residential neighborhood. The applicant states, and staff concurs, that this is an inconsistency on both the comprehensive plan map and zoning map, and that re-designating the property to residential with the proposed RM zoning will adequately correct the inconsistency and is, in fact, more in line with the Comprehensive Plan. The applicant believes that this criterion has been met.

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

4.7.060 Transportation Planning Rule Compliance

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use district

change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule - TPR) and the Traffic Impact Analysis provisions of Section 4.1.090. "Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the Dallas Transportation System Plan; or

Applicant's Response: The subject property is served by an existing local street, SE Jonathan Ave. There is no proposal or need to change the functional classification of SE Jonathan Ave. The nearest major collector is SE Miller Ave, which operates at acceptable performance levels.

2. Change the standards implementing a functional classification system; or

Applicant's Response: There is no change to the standards implementing the functional classification system.

3. As measured at the end of the planning period identified in the Dallas Transportation System Plan or the adopted plan of any other applicable roadway authority, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

Applicant's Response: The proposal, as measured at the end of the planning period identified in the Dallas Transportation Plan, will not result in levels of travel or access that are inconsistent with the functional classification of the existing transportation facility.

4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in road authority's adopted plan; or

Applicant's Response: The proposal, with the RM designation at full buildout, would generate approximately 1.0 peak hour trips in the PM with .3 peak hour trips in the AM on to SE Miller Ave. SE Miller Ave., is a major collector with significant additional capacity. Therefore, this application if approved, would not significantly impact the level of operation of SE Miller Ave.

5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the road authority's adopted plan.

Applicant's Response: SE Miller Ave. does not currently, nor is it projected to perform below minimum acceptable standards as a result of this request.

6. Where the City lacks specific transportation policies or standards, the City Council shall be consulted, as provided under Section 4.1.050 (Type IV Legislative Review).

Applicant's Response: This criterion does not apply to this request.

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

Account Info

Map Taxlot:	7534CA 8700	Property Class:	<u>100</u>
Account Number:	<u>520373 (Report)</u>	RMV Property Class:	<u>100</u>
Acres:	0.23	MA:	03
Sq Ft:	10088	SA:	16
Primary Situs:		NH:	000
		Value Unit:	29680-1

Owner Info

Owner: **FITZWATER GARY L & BERTHA M ETAL**
Mailing Address: **520 SW NOTTINGHAM LN DALLAS, OR 97338**

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

Taxcode:	AV Land:	AV Impr.:	AV Total:	RMV Land:	RMV Impr.:	RMV Total:
0201	35440	0	35440	57200	0	57200
			=====			=====
Grand Total			35440			57200

Property Info

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

Sales Info

Book/Year:	2012	Document Type:	BARGAIN & SALE
Page:	11412	Date:	11/5/2012
Source ID:		Price:	\$30000

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

Legal Info

Subdivision: _____ Lot: _____ Block: _____

NE1/4 SW1/4 SEC.34 T7S R5W WM
PCL COUNTY

Scale = 100'

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

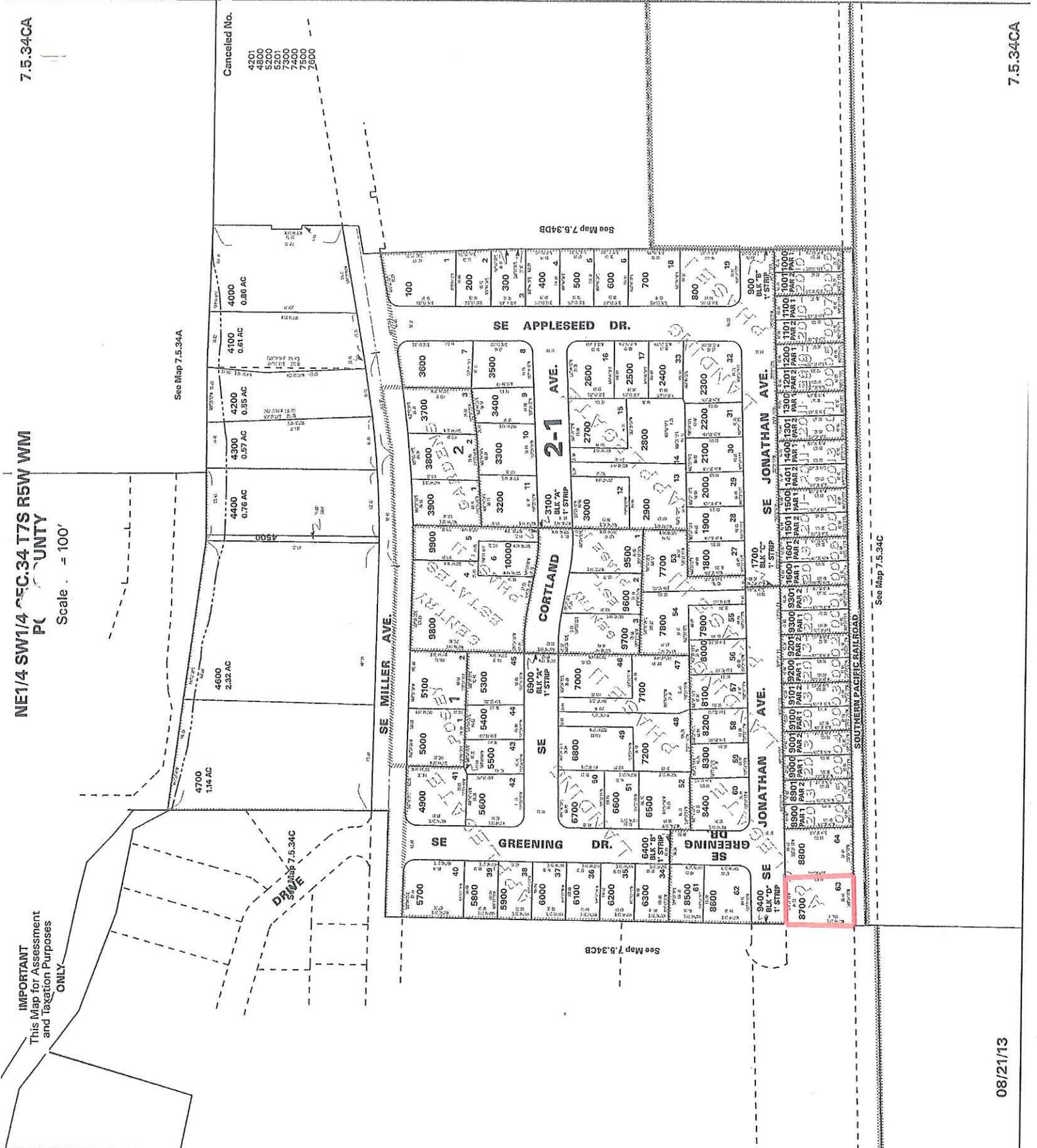
Canceled No.
4201
4800
5200
5700
7300
7400
7500
7600

See Map 7.5.34A

See Map 7.5.34DB

See Map 7.5.34CB

See Map 7.5.34C



SPECIAL DALLAS CITY COUNCIL
Friday, January 24, 2014
Council Chambers

1 The Dallas City Council met in special session on Friday, January 24, 2013, at 12:00 p.m. in the
2 City Hall Conference Room with Mayor Brian Dalton presiding.

3 **ROLL CALL AND PLEDGE OF ALLEGIANCE**

4 Council members present: Council President LaVonne Wilson, Councilor Jim Brown, Councilor
5 Jim Fairchild, Councilor Beth Jones, Councilor Murray Stewart, and Councilor Ken Woods, Jr.
6 By phone: Councilor Kelly Gabliks, Councilor Jackie Lawson, and Councilor Kevin Marshall.

7 Also present were: City Manager Ron Foggin and Recording Secretary Jeremy Teal.

8 **CONSENT AGENDA**

9 It was moved by Council President Wilson *to approve the Consent Agenda as submitted*. The
10 motion was duly seconded and carried unanimously.

11 Item approved by the Consent Agenda: a) January 21, 2014, Council meeting minutes; b) OLCC
12 application for El Pique Taqueria.

13 **ADJOURNMENT**

14 There being no further business, the meeting adjourned at 12:02 p.m.

Read and approved this _____ day of _____ 2013.

Mayor

ATTEST:

City Manager

February 11, 2014

City of Dallas
187 SE Court Street
Dallas, OR 97338

Dear Mayor Dalton and City Councilors,

Thank you for your continued support of the Polk County Bounty Market in Dallas. We are in full planning mode and look forward to kicking off our 5th season and are proud to say that in the past 4 years of hosting this Market, we have had over 32,600 people visit the vendors, spending over \$215,000!!

We have concluded our survey with an overwhelming number of vendors and customers that would like to see hours of operation remain from 10am-3pm at the Academy Lawn hosted on Thursdays. We are also working on a plan that the first Thursday of each month the Market hours will be from 10am-6:30pm to accommodate working families and commuters stated desire to shop. This will again be a 22 week Market from May 1st – September 25th.

While this property is under the management of Polk County, we request your support and approval to work with city staff for various needs that come up (picnic tables, monitoring/closing streets, etc.)

Please feel free to contact us if you have any questions or comments.

Sincerely,



Chelsea Pope
Executive Directors

cc: Ron Foggin, City Manager
Bonnie Dreier, Market Manager
Dallas Area Visitors Center Board of Directors

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Members Present: Chair Jim Brown, Jackie Lawson, Kevin Marshall, Murray Stewart, and LaVonne Wilson.
Also Present: Mayor Brian Dalton, City Manager Ron Foggin, City Attorney Lane Shetterly, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.
Chair Brown called the meeting to order at 5:00 p.m.

PROPERTY MAINTENANCE REGULATIONS

Mr. Locke gave the background concerning the property maintenance issues. There was discussion regarding the subject. The Committee decided staff should revise the policy and it would be discussed at the next Committee meeting.

FINANCE DIRECTOR'S REPORT

Ms. Ward reported the software was updated for misdemeanor caseload and the budget process was underway.

HR MANAGER'S REPORT

Ms. Gagner reported a Fire Chief, Police Chief, Lifeguard and Water Aerobics Instructor were hired.

OTHER

ADJOURNMENT

There was no other business and the meeting was adjourned at 5:42 p.m.



Administrative Committee

A G E N D A

**Monday,
January 27, 2014**

5:00 PM

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

1. Call to Order
2. Property maintenance regulations
3. **Finance Director's report**
4. **HR Manager's report**
5. Other
6. Adjournment

Chair Jim Brown
Jackie Lawson
Kevin Marshall
Murray Stewart
LaVonne Wilson



Community Development Department

Memo

To: Administration Committee
From: Jason Locke, Community Development/Operations Director
Date: January 27, 2014
Re: Property Maintenance Regulations

This draft is a follow-up as directed by the Admin Committee at their last meeting (See attachments). The draft has been reviewed by the Building Official and staff, and contains basic maintenance items and fixes that would allow the city to address issues that we are not currently able to address except when a building or structure either gets to the point of being a dangerous building or becomes a significant nuisance. Once a building reaches that stage, there are far fewer options and a long and potentially costly process to abate the problem. That being said, it would be the intent that the proposed regulations be used in a pro-active yet common sense way as a tool to ensure safety and avoid long-term problem structures.

Attachments:

- 1) Proposed Property Maintenance Regulations
- 2) Minutes and Packet materials from November 2013 Admin Committee meeting

CHAPTER 8.800

PROPERTY MAINTENANCE REGULATIONS - DRAFT 2

- 8.800 Title.
- 8.801 Purpose.
- 8.802 Scope; conflict with state law.
- 8.803 Application.
- 8.804 Inspection.
- 8.805 Enforcement and Penalty.
- 8.806 Definitions.
- 8.807 Maintenance.
- 8.808 Accessory structures.
- 8.809 Roofs.
- 8.810 Chimneys.
- 8.811 Foundations and structural members.
- 8.812 Exterior walls and exposed surfaces.
- 8.813 Stairs and porches.
- 8.814 Handrails and guardrails.
- 8.815 Windows.
- 8.816 Doors.
- 8.817 Interior walls, floors, and ceilings.
- 8.818 Interior dampness.
- 8.819 Insect and rodent harborage.
- 8.820 Cleanliness and sanitation.
- 8.821 Bathroom facilities.
- 8.822 Kitchen facilities.
- 8.823 Plumbing facilities.
- 8.824 Heating equipment and facilities.
- 8.825 Electrical system, outlets, and lighting.
- 8.826 Sleeping room requirements.
- 8.827 Overcrowding.
- 8.828 Emergency exits.
- 8.829 Smoke alarms and carbon monoxide alarms.
- 8.830 Hazardous materials.
- 8.831 Maintenance of facilities and equipment.
- 8.832 Swimming pools.

8.800 Title.

This Chapter shall be known as the "property maintenance regulations," and is referred to herein as "this chapter."

8.801 Purpose.

The purpose of this chapter is to protect the health, safety and welfare of city citizens, to prevent deterioration of existing structures, and to contribute to vital neighborhoods by:

- (1) Regulating and abating dangerous and derelict buildings.
- (2) Establishing and enforcing minimum standards for buildings and other structures regarding basic equipment, facilities, sanitation, fire safety, and maintenance.

8.802 Scope; conflict with state law.

The provisions of this chapter shall apply to all property in the city limits except as otherwise provided by law; however, the provisions of this chapter do not apply to jails, institutions and similar occupancies as classified by the state-adopted structural specialty code. In the event that a provision of this chapter conflicts with a licensing requirement of the state, the state licensing requirements shall be followed.

8.803 Application.

Any alterations to buildings, or changes of their use, which may be a result of the enforcement of this chapter shall be done in accordance with applicable building codes as adopted by the city.

8.804 Inspections.

The building official (and his or her designee), or code enforcement officer, or both, are authorized to conduct inspections to enforce the provisions of this chapter.

8.805 Enforcement and Penalty.

- A. Enforcement of the provisions of this chapter will be performed in accordance with Chapter **1.052**
- B. No responsible person may violate or fail to comply with any provisions of this chapter. Any responsible person commits a separate offense for each and every day they commit, continue or permit a violation of any provision of this chapter.
- C. Violation of any provision of this chapter is considered a civil infraction.

8.806 Definitions.

- (a) For the purpose of this chapter:
 - (1) Certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this chapter.
 - (2) Words used in the singular include the plural and the plural the singular.
 - (3) Words used in the masculine gender include the feminine and the feminine the masculine.

- (4) The term "and" indicates that all connected items or provisions apply.
 - (5) The term "or" indicates that the connected items or provisions may apply singly or in combination.
 - (6) Terms, words, phrases and their derivatives used, but not specifically defined, in this chapter either shall have the meanings defined in other chapters of this Code or if not defined, shall have their commonly accepted meanings. If a conflict exists between a definition in other chapters and a definition in this chapter, the definitions in this chapter shall apply to actions taken pursuant to this chapter.
- (b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Abatement of a nuisance means the act of removing, repairing, or taking other steps as may be necessary in order to remove a nuisance.

Accessory structure means any structure not intended for human occupancy which is located on residential property. Accessory structures may be attached to or detached from the residential structure. Examples of accessory structures include: garages, carports, sheds, and other non-dwelling buildings; decks, awnings, equipment, fences, trellises, flag poles, tanks, towers, exterior stairs and walkways, and other exterior structures on the property.

Apartment house. See *Dwelling classifications.*

Approved means meets the standards set forth by applicable provisions of this Code including any applicable regulations for electric, plumbing, building, mechanical or other sets of standards included by reference in this chapter.

Basement means the usable portion of a building which is below the main entrance story and is partly or completely below grade.

Boarded means secured against entry by apparatus which is visible off the premises or is not both lawful and customary to install on occupied structures.

Building means any structure used or intended to be used for supporting or sheltering any use or occupancy.

Building, existing, means a building constructed and legally occupied prior to the adoption of this chapter, and one for which a building permit has been lawfully issued and has not been revoked or lapsed due to inactivity.

Building Official means the Building Official charged with the enforcement and administration of this chapter.

Carbon monoxide alarm means a device that detects carbon monoxide: produces a distinctive audible alert when carbon monoxide is detected; is listed by Underwriters Laboratories as complying with ANSI/UL 2034 or ANSI/UL 2075 or any other nationally recognized testing laboratory or an equivalent organization; and operates as a distinct unit, as two or more single station units wired to operate in conjunction with each other, or as part of a system that includes carbon monoxide detectors.

Carbon monoxide source means a heater, fireplace, furnace, appliance, or cooking source that uses coal, wood, petroleum products, and other fuels that emit carbon monoxide as a by-product of combustion. Petroleum products include, but are not limited to, kerosene, natural gas, or propane.

Ceiling height means the clear distance between the floor and the ceiling directly above it.

Court means a space, open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

Dangerous building. See *Dangerous structure.*

Dangerous structure means any structure which has any of the conditions or defects described in section 8.400

Duplex. See *Dwelling classifications, Two-family dwelling.*

Dwelling means any structure containing dwelling units, including all dwelling classifications covered by this chapter.

Dwelling classifications. Types of dwellings covered by this chapter include:

Apartment house means any building or portion of a building containing three or more dwelling units, which is designed, built, rented, leased, let, or hired out to be occupied for residential living purposes.

Hotel means any structure containing dwelling units that are intended, designed, or used for renting or hiring out for sleeping purposes by residents on a daily, weekly, or monthly basis.

Manufactured dwelling. The term "manufactured dwelling" includes the following types of single-family dwellings:

Manufactured dwelling does not include any unit identified as a recreational vehicle by the manufacturer.

Manufactured home means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations.

Mobile home means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of state mobile home law in effect at the time of construction.

Residential trailer means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for, or is intended to be used for, residential purposes, and that was constructed before January 1, 1962.

Motel. For purposes of this chapter, the term "motel" means the same as a *Hotel*.

Single-family dwelling means a structure containing one dwelling unit, including adult foster care homes.

Single-room occupancy housing unit means a one-room dwelling unit in a hotel providing sleeping, cooking, and living facilities for one or two persons in which some or all sanitary or cooking facilities (toilet, lavatory, bathtub or shower, kitchen sink, or cooking equipment) may be shared with other dwelling units.

Social care facilities means any building or portion of a building which is designed, built, rented, leased, let, hired out or otherwise occupied for group residential living purposes, which is not an apartment house, single-family dwelling or two-family dwelling. Such facilities include, but are not limited to, retirement facilities, assisted living facilities, residential care facilities, halfway houses, youth shelters, homeless shelters and other group living residential facilities.

Two-family dwelling means a structure containing two dwelling units, also known as a "duplex."

Dwelling unit means one or more habitable rooms that are occupied by, or in the case of an unoccupied structure or portion of a structure, are designed or intended to be occupied by, one person or by a family or group living together as a single housekeeping unit that includes facilities for living and sleeping and, unless exempted by this chapter.

Exit (means of egress) means a continuous, unobstructed means of escape to a public way, as defined in the building code in effect in the city.

Exterior property area means the portions of a property outside the exterior walls and roof of any structure.

Extermination means the elimination of insects, rodents, vermin, vector or other pests at or about the affected building.

Floor area means the area of clear floor space in a room exclusive of fixed or built-in cabinets or appliances.

Habitable room or space means a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Hazardous materials means materials defined by the current adopted fire code as hazardous.

Hotel. See *Dwelling classifications*.

Human habitation means the use of any residential structure or portion of the structure in which any person remains for continuous periods of two hours or more or for periods which will amount to four or more hours out of 24 hours in one day.

Immediate danger means any condition posing a direct, immediate threat to human life, health, or safety.

Infestation means the presence within or around a structure of insects, rodents, vermin, vector or other pests to a degree that is harmful to the structure or its occupants.

Inspection means the examination of a property by a person authorized by law for the purpose of evaluating its condition as provided by this chapter.

Inspector means an authorized representative of the Building Official or Code Enforcement Officer whose primary function is the inspection of properties and the enforcement of this chapter.

Interested party means any person or entity that possesses any legal or equitable interest of record in a property including, but not limited to, the holder of any lien or encumbrance of record on the property.

Kitchen means a room used or designed to be used for the preparation of food.

Lavatory means a fixed wash basin connected to hot and cold running water and the building drain and used primarily for personal hygiene.

Maintenance means the work of keeping property in proper condition to perpetuate its use.

Manufactured dwelling. See *Dwelling classifications*.

Motel. See *Dwelling classifications*.

Occupancy means the lawful purpose for which a building or part of a building is used or intended to be used.

Occupant means any person (including an owner, tenant or operator) using a building, or any part of a building, for its lawful, intended use.

Occupied means used for an occupancy.

Operator means any person who has charge, care or control of a building or part of a building.

Outdoor area means all parts of property that are exposed to the weather including the exterior of structures built for human occupancy. The term "outdoor area" includes, but is not limited to, open and accessible porches, carports, garages, and decks; accessory structures; and any outdoor storage structure.

Owner means the person whose name and address is listed as the owner of the property by the County Tax Assessor in the county assessment and taxation records.

Plumbing or plumbing fixtures means any water pipes, vent pipes, garbage or disposal units, waste lavatories, bathtubs, shower baths, installed clothes-washing machines or other similar equipment, catch

basins, drains, vents, or other similarly supplied fixtures, together with all connection to water, sewer, or vent lines.

Property means real property and all improvements or structures on real property, from property line to property line.

Public right-of-way means any sidewalk, park strip, alley, street, or pathway, improved or unimproved, that is dedicated to public use.

Repair means the reconstruction or renewal of any part of an existing structure for the purpose of its maintenance.

Resident means any person (including owner, tenant or operator) hiring or occupying a room or dwelling unit for living or sleeping purposes.

Residential property means real property and all improvements or structures on real property used or, in the case of unoccupied property, intended to be used for residential purposes including any residential structure, dwelling, or dwelling unit as defined in this chapter and any mixed-use structures which have one or more dwelling units. Hotels that are used exclusively for transient occupancy, as defined in this chapter, are excluded from this definition of residential property.

Residential rental property means any property within the city on which exist one or more dwelling units which are not occupied as the principal residence of the owner.

Residential structure means any building or other improvement or structure containing one or more dwelling units as well as any accessory structure. The term "residential structure" includes any dwelling as defined in this chapter.

Responsible person means an agent, occupant, lessee, tenant, contract purchaser, owner, or other person having possession or control of property or the supervision of any construction project.

Shall, as used in this chapter, is mandatory.

Single-family dwelling. See *Dwelling classifications*.

Single-room occupancy housing unit. See *Dwelling classifications*.

Sink means a fixed basin connected to hot and cold running water and a drainage system and primarily used for the preparation of food and the washing of cooking and eating utensils.

Sleeping room means any room designed, built, or intended to be used as a bedroom as well as any other room used for sleeping purposes.

Smoke alarm or detector means an approved detection device for products of combustion other than heat that is either a single station device or intended for use in conjunction with a central control panel and which plainly identifies the testing agency that inspected or approved the device.

Structure means that which is built or constructed, an edifice or building of any kind, or any piece or work artificially built up or composed of parts joined together in some definite manner, including but not limited to buildings.

Substandard means in violation of any of the minimum requirements as set out in this chapter.

Supplied means installed, furnished or provided by the owner or operator.

Swimming pool means an artificial basin, chamber, or tank constructed of impervious material, having a depth of 24 inches or more, and used or intended to be used for swimming, diving, or recreational bathing.

Toilet means a flushable plumbing fixture connected to running water and a drainage system and used for the disposal of human waste.

Toilet compartment means a room containing only a toilet or only a toilet and lavatory.

Transient occupancy means occupancy of a dwelling unit in a hotel where the following conditions are met:

- (1) Occupancy is charged on a daily basis and is not collected more than six days in advance;
- (2) The lodging operator provides maid and linen service daily or every two days as part of the regularly charged cost of occupancy; and
- (3) The period of occupancy does not exceed 30 days.

Two-family dwelling. See Dwelling classifications.

Unoccupied means not used for occupancy.

Unsecured means any structure in which doors, windows, or apertures are open or broken so as to allow access by unauthorized persons.

Yard means an open, unoccupied space, other than a court, unobstructed from the ground to the sky, and located between a structure and the property line of the lot on which the structure is situated.

8.807 Maintenance.

No responsible person shall maintain or permit to be maintained any property which does not comply with the requirements of this chapter. All properties shall be maintained to the building code requirements in effect at the time of construction, alteration, or repair and shall meet the minimum requirements described in this chapter.

8.808 Accessory structures.

All accessory structures on residential property shall be maintained structurally safe and sound and in good repair. All accessory structures, including exterior steps and walkways, shall be maintained free of unsafe obstructions or hazardous conditions.

8.809 Roofs.

The roof of any structure shall be structurally sound, tight, and have no defects which might admit rain. Roof drainage shall be adequate to prevent rainwater from causing dampness in the walls or interior portion of the building and shall channel rainwater into approved receivers. Temporary use of tarps, sheet plastics and similar products shall be limited to a 30 day duration. Up to two, 60 day extensions may be granted by the city if needed because of bad weather or other emergency conditions.

8.810 Chimneys.

Every masonry, metal, or other chimney shall remain adequately supported and free from obstructions and shall be maintained in a condition which ensures there will be no leakage or backup of noxious gases. Every chimney shall be reasonably plumb. Loose bricks or blocks shall be rebonded. Loose or missing mortar shall be replaced. Unused openings into the interior of the structure must be permanently sealed using approved materials.

8.811 Foundations and structural members.

Foundation elements shall adequately support the building and shall be free of rot, crumbling elements, or similar deterioration. The supporting structural members in every structure shall be maintained structurally sound, showing no evidence of deterioration or decay which would substantially impair their ability to carry imposed loads.

8.812 Exterior walls and exposed surfaces.

- (a) Every exterior wall and weather-exposed exterior surface or attachment shall be free of holes, breaks, loose or rotting boards or timbers and any other conditions which might admit rain or dampness to the interior portions of the walls or the occupied spaces of the building.
- (b) All exterior wood surfaces shall be made substantially impervious to the adverse effects of weather by periodic application of an approved protective coating of weather-resistant preservative, and be maintained in good condition. Wood used in construction of permanent structures and located nearer than six inches to the earth shall be treated wood or wood having a natural resistance to decay.
- (c) Exterior metal surfaces shall be protected from rust and corrosion.
- (d) Every section of exterior brick, stone, masonry, or other veneer shall be maintained structurally sound and be adequately supported and tied back to its supporting structure.

8.813 Stairs and porches.

Every stair, porch, and attachment to stairs or porches shall be so constructed as to be safe to use and capable of supporting the loads to which it is subjected and shall be kept in sound condition and good repair, including replacement as necessary of flooring, treads, risers, and stringers that evidence excessive wear and are broken, warped, or loose.

8.814 Handrails and guardrails.

Every handrail and guardrail shall be firmly fastened, and shall be maintained in good condition, capable of supporting the loads to which it is subjected, and meet the following requirement:

Handrails and guardrails required by building codes at the time of construction shall be maintained or, if removed, shall be replaced in accordance with current building code requirements with a permit.

8.815 Windows.

All windows shall be maintained in good condition and meet the following requirements or as required by building codes at the time of construction:

- (1) All windows within ten feet of the exterior grade that open must be able to be securely latched from the inside as well as be openable from the inside without the use of a key or any special knowledge or effort. This same requirement shall apply to all openable windows that face other locations that are easily accessible from the outside, such as balconies or fire escapes, regardless of height from the exterior grade.
- (2) Every window shall be substantially weather-tight, shall be kept in sound condition and repair for its intended use, and shall comply with the following:
 - a. Every window sash shall be fully supplied with glass window panes without open cracks and holes.
 - b. Every window sash shall be in good condition and fit weather tight within its frames.
 - c. Every window frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible and to substantially exclude wind from entering the dwelling.

8.816 Doors.

- (a) Every dwelling or dwelling unit shall have at least one door leading to an exterior yard or court, or in the case of a two-family dwelling or apartment, to an exterior yard or court or to an approved exit. All such doors shall be openable from the inside without the use of a key or any special knowledge or effort. All screen doors and storm doors must be easily openable from the inside without the use of a key or special knowledge or effort.
- (b) In hotels and apartment houses, exit doors in common corridors or other common passageways shall be openable from the inside with one hand in a single motion, such as pressing a bar or turning a knob, without the use of a key or any special knowledge or effort.
- (c) Every door to the exterior of a dwelling unit shall be equipped with a lock designed to discourage unwanted entry and to permit opening from the inside without the use of a key or any special knowledge or effort.
- (d) Every exterior door shall comply with the following:
 - (1) Every exterior door shall be able to be securely locked and every exterior door, door hinge, door lock, and strike plate shall be maintained in good condition.
 - (2) Every exterior door, when closed, shall fit reasonably well within its frame and be weather-tight.
 - (3) Every door frame shall be constructed and maintained in relation to the adjacent wall construction so as to exclude rain as completely as possible, and to substantially exclude wind from entering the dwelling.
- (e) Every existing interior door and door frame shall be maintained in a sound condition for its intended purpose with the door fitting within the door frame.

8.817 Interior walls, floors, and ceilings.

- (a) Every interior wall, floor, ceiling, and cabinet shall be constructed and maintained in a safe and structurally sound condition, free of large holes and serious cracks, loose plaster or wallpaper, flaking or scaling paint, to permit the interior wall, floor, ceiling and cabinet to be kept in a clean and sanitary condition.
- (b) Every toilet compartment, bathroom, and kitchen floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be kept in a clean and sanitary condition.

8.818 Interior dampness.

Every structure, including basements and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay, mold growth, or deterioration of the structure.

8.819 Insect and rodent harborage.

Every structure shall be kept free from insect and rodent infestation, and where insects and rodents are found, they shall be promptly exterminated. After extermination, proper precautions shall be taken to prevent re-infestation.

8.820 Cleanliness and sanitation.

The interior and exterior of every structure shall be constructed in a safe and structurally sound condition to permit the interior and exterior to be maintained in a clean and sanitary condition. The interior/exterior of every structure shall be free from accumulation of rubbish, unused appliances,

discarded furniture or garbage which is affording a breeding ground for insects and rodents, producing dangerous or offensive gases, odors and bacteria, or other unsanitary conditions, or a fire hazard.

8.821 Bathroom facilities.

- (a) Except as otherwise noted in this division, bathroom facilities shall be maintained in a safe and sanitary working condition.
 - (1) Every dwelling unit shall be provided with a toilet, lavatory, and a bathtub or shower.
 - (2) Every commercial building shall be provided with toilet and lavatory facilities. Exception: Toilet facilities may be located in an adjacent building on the same property for all commercial or industrial uses, except drinking and dining establishments.
- (b) In hotels, apartment houses and social care facilities where private toilets, lavatories, or baths are not provided, there shall be on each floor at least one toilet, one lavatory, and one bathtub or shower, each provided at the rate of one for every 12 residents. Required toilets, bathtubs, and showers shall be in a room, or rooms, that allow privacy.
- (c) When there are practical difficulties involved in carrying out the provisions of this section for hotels, apartment houses and social care facilities where private toilets, lavatories or baths are not provided, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special and individual reason makes the requirements of this section impractical and that the modification is in conformance with the intent of this section and that such modification does not result in the provision of inadequate bathroom facilities in the dwelling.

8.822 Kitchen facilities.

- (a) Every dwelling unit shall contain a kitchen sink apart from the lavatory basin required under 8.821 and social care facilities complying with subsection (c) of this section.
- (b) Except as otherwise provided for in subsection (c) of this section, every dwelling unit shall have approved service connections for refrigeration and cooking appliances.
- (c) Social care facilities may be provided with a community kitchen with facilities for cooking, refrigeration, and washing utensils.

8.823 Plumbing facilities.

- (a) Every plumbing fixture or device shall be properly connected to a public or an approved private water system and to a public or an approved private sewer system.
- (b) Commercial structures shall be provided with plumbing systems that comply with the Oregon Structural Specialty Code.
- (c) All required sinks, lavatory basins, bathtubs and showers shall be supplied with both hot and cold running water. Every dwelling shall be supplied with water-heating facilities adequate for each dwelling unit which are installed in an approved manner, properly maintained, and properly connected with hot water lines to all sinks, lavatory basins, bathtubs and showers. Dwelling water-heating facilities shall be capable of heating enough water to permit an adequate amount of water to be drawn at every facility. Water capable of being drawn from bathtubs and showers shall not exceed 120 degrees Fahrenheit.
- (d) In every structure, all required plumbing or plumbing fixtures shall be:
 - (1) Properly installed, connected, and maintained in good working order;
 - (2) Kept free from obstructions, leaks, and defects;

- (3) Capable of performing the function for which they are designed; and
- (4) Installed and maintained so as to prevent structural deterioration or health hazards.
- (e) All plumbing repairs and installations shall be made in accordance with the provisions of the plumbing code adopted by the city.

8.824 Heating equipment and facilities.

- (a) All heating equipment, including that used for cooking, water heating, heat, and clothes drying shall be:
 - (1) Properly installed, connected, and maintained in safe condition and good working order;
 - (2) Free from leaks and obstructions and kept functioning properly so as to be free from fire, health, and accident hazards; and
 - (3) Capable of performing the function for which they are designed.
- (b) Every dwelling unit shall have a heating facility capable of maintaining a room temperature of 68 degrees Fahrenheit at a point three feet from the floor in all habitable spaces.
 - (1) Portable heating devices may not be used to meet the dwelling heat requirements of this section.
 - (2) No inverted or open flame fuel burning heater shall be permitted. All heating devices or appliances shall be of an approved type.

8.825 Electrical system, outlets, and lighting.

- (a) Any structure using power must be connected to an approved source of electric power. Every electric outlet and fixture shall be maintained and safely connected to an approved electrical system. The electrical system shall not constitute a hazard to the occupants of the building by reason of inadequate service, improper fusing, improper wiring or installation, deterioration or damage, or similar reasons.
- (b) In addition to other electrical system components that may be used to meet cooking, refrigeration, and heating requirements listed elsewhere in this section, the following outlets and lighting fixtures are required:
 - (1) Every habitable room shall contain at least two operable electric outlets or one outlet and one operable electric light fixture.
 - (2) Every toilet compartment or bathroom shall contain at least one supplied and operable electric light fixture and one outlet. Every laundry, furnace room, and all similar uninhabitable spaces shall have one supplied electric light fixture available at all times.
 - (3) Every public hallway, corridor, and stairway in apartment houses, hotels and social care facilities shall be adequately lighted at all times with an average intensity of illumination of at least one foot-candle at principal points such as angles and intersections of corridors and passageways, stairways, landings of stairways, landings of stairs and exit doorways, and at least one-half foot-candle at other points. Measurement of illumination shall be taken at points not more than four feet above the floor.

8.826 Sleeping room requirements.

Every room used for sleeping purposes:

- (1) Shall be a habitable room as defined in this chapter; and

- (2) Shall have natural or approved artificial light, ventilation, and windows or other means for escape purposes as required by this chapter.

8.827 Overcrowding.

No dwelling unit shall be permitted to be overcrowded. A dwelling unit shall be considered overcrowded if there are more than two residents per bedroom and living/sleeping room in the dwelling unit. (Example: a two-bedroom unit with a living room could have no more than six residents.)

8.828 Emergency exits.

- (a) Every sleeping room shall have at least one operable window or exterior door approved for emergency escape or rescue that is openable from the inside to a full, clear opening without the use of special knowledge, effort, or separate tools.
- (b) Required exit doors and other exits shall be free of encumbrances or obstructions that block access to the exit.
- (c) All doorways, windows and any device used in connection with the means of escape shall be maintained in good working order and repair.

8.829 Smoke alarms and carbon monoxide alarms.

- (a) Smoke alarms or detectors shall be required to be maintained as was required at the time of construction of the dwelling. Notwithstanding the provisions of the requirement at the time of construction, a single station smoke alarm or detector shall be located in all buildings where a room or area therein is designated for sleeping purposes either as a primary use or use on a casual basis. A single station smoke alarm or detector shall be installed in the immediate vicinity of the sleeping rooms and on each additional story of the dwelling, including basements, cellars and attics with habitable space. Required smoke alarms shall not be located within kitchens or garages, or in other spaces where temperatures can fall below 40 degrees Fahrenheit (38 degrees Celsius). All alarms and detectors shall be approved, shall comply with all applicable laws, shall be installed in accordance with the manufacturer's instructions and shall be operable.
- (b) A properly functioning carbon monoxide alarm shall be installed for all new dwelling construction and all dwelling units for sale, lease or rent. A carbon monoxide alarm shall be located:
 - (1) In each bedroom or within 15 feet outside of each bedroom door (bedrooms on separate floor levels in a structure consisting of two or more stories shall have separate carbon monoxide alarms); and
 - (2) In any enclosed common area within the dwelling, if the common area is connected by door, ductwork or ventilation shaft to a carbon monoxide source located within or attached to the dwelling.
- (c) Allowable carbon monoxide alarm systems:
 - (1) Single station alarms.
 - (2) Household carbon monoxide detection systems.

 - (3) Combination smoke/carbon monoxide alarms.

8.830 Hazardous materials.

- (a) When paint is applied to any surface of a structure, it shall be lead-free.
- (b) Property shall be free of dangerous levels of hazardous or explosive materials, contamination by toxic chemicals, or other circumstances that would render the property unsafe or be detrimental to life or health.

8.831 Maintenance of facilities and equipment.

In addition to other requirements for the maintenance of facilities, such as bathrooms, kitchens, etc., and equipment described in this chapter:

- (1) All facilities in structures shall be constructed and maintained to properly and safely perform their intended function.
- (2) All facilities or equipment present in a structure shall be maintained to prevent structural damage to the building or hazards of health, sanitation, or fire.

8.832 Swimming pools.

A swimming pool may be located within a required rear yard or side yard provided that the pool meets the setback requirements for the zone in which the pool is located. Any pool installed shall be protected against accidental entry by meeting current building code barrier requirements.

Members Present: Chair Jim Fairchild, Jim Brown, Kelly Gabliks, Kevin Marshall, and Murray Stewart.

Also Present: Mayor Brian Dalton, City Manager Ron Foggin, City Attorney Lane Shetterly, Council President LaVonne Wilson, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Fairchild called the meeting to order at 5:23 p.m.

BUILDING MAINTENANCE POLICY DISCUSSION

Mr. Locke reported that the Council declined to enact the vacant building and maintenance ordinance earlier in the year but wanted to continue the discussion regarding maintenance on commercial buildings in the Central Business District. He noted that a copy of the Independence Building Maintenance Code and the International Property Maintenance Code (IPMC) was provided and provided a very basic overview of the building maintenance code. He reported that the current Dallas code dealt with new construction and dangerous buildings, but didn't address any maintenance issues in between. He noted that Independence took pieces of the IPMC to fit their community with tenant issues and applied it city wide. He advised that there were a number of ways to deal with this and have the code cover the entire gambit of issues.

Councilor Stewart agreed pinpointing one area was a problem and the code should be broad. He asked the difference between occupied and vacant buildings. Mr. Locke stated the code didn't deal with the vacant issue other than to ensure the structure was secure. He explained the first proposed ordinance that failed to pass the Council had two components. One part was to provide incentives to not leave commercial spaces vacant and the other part dealt with a maintenance standard whether a building was vacant or not. Councilor Gabliks indicated she liked the original proposal. She suggested biting off small sections at a time to make it easier for the full Council to deal with and recommended starting with the downtown. She advised the City needed a legal basis to deal with properties that didn't follow the rules. Councilor Brown pointed out that every building downtown had some maintenance issues and asked where the line would be drawn for dealing with those.

Mr. Foggin reported that the antique store on Main Street had roof issues and didn't know if this code would have caught that. Councilor Brown asked if inspectors would go into the downtown buildings. Mr. Foggin noted that would be ideal.

Councilor Brown asked if there would be a fiscal impact on the City. Mr. Locke advised that the staff would be inspecting these buildings and were used to seeing these types of issues. He noted it would give the City a way in to deal with more pressing issues. He noted that with the code enforced when an issue was found, a permit would be required to fix any issues and that would help alleviate some fiscal impact. He stated to move forward with some form of the code, he would need to look at the impact on staff and resources.

Mr. Shetterly advised he could build in a delayed effective date for the ordinance to give property owners time to make the needed changes.

There was discussion regarding the two code examples and Mr. Locke stated he would work with staff on a first draft of the code to present at the January Committee meeting.

SMOKING ORDINANCE MODIFICATION

1 Mr. Foggin advised the proposed no smoking code changes were generated by a citizen who called and
2 asked if smoking was allowed at bus stops. He noted the City currently did not allow smoking at public
3 bus stops, but did not address smoking at school bus stops.

4 It was moved by Councilor Stewart *to recommend to the Council to modify the Smoking Ordinance*. It was
5 duly seconded and carried unanimously.

6 **FINANCE DIRECTOR'S REPORT**

7 Ms. Ward reported the Finance Department would be completing the CAFR and the auditor would present
8 the audit report to the Council in January. She advised the City had 945 Xpress Bill Pay customers, a 3%
9 increase since September, with 334 customers having paperless billing. She noted the full report would be
10 presented to the Council in January. She stated the late fees implemented in July resulted in the collection
11 of \$23,000 in late fees, but that was on the decline as people got used to the new program. She commented
12 the City had reversed 103 late fees for first timers.

13 **HR MANAGER'S REPORT**

14 Ms. Gagner reported that a part time EMT and a fire chief had been hired, and the City lost a part-time
15 lifeguard and a part-time EMT. She noted that she had finished the Connect Oregon grant for the next
16 piece of park trail and the employee committee was working on a Code of Ethics for the employees.

17 **OTHER**

18 **ADJOURNMENT**

19 There was no other business and the meeting was adjourned at 5:55 p.m.



Community Development Department

Memo

To: Administration Committee
From: Jason Locke, Community Development/Operations Director 
Date: November 25, 2013
Re: Building Maintenance

Below is what was proposed as part of the Vacant Building/Maintenance Ordinance

8.815 General minimum maintenance requirements. (Only applicable to commercial buildings in the CBD)

All responsible persons shall perform the following with respect to each structure they own, lease, rent or lawfully possess:

- A. Maintain all exterior surfaces, including but not limited to doors, windows, door and window frames, cornices, porches, trim, balconies, decks, and fences, in good condition. No use of plywood, OSB, or similar materials are permitted in place of actual doors, windows, or on other building openings and shall not be visible from the street.
- B. Protect exterior wood surfaces, other than decay-resistant woods, from the elements and decay with paint or other protective covering or treatment. If protection of the surface is compromised, restore adequate protection within a reasonable time; for example, remove peeling, flaking or chipped paint and repaint the compromised surface.

- C. Cause all siding and masonry joints and joints between the building envelope and the perimeter of windows, doors, and skylights to be weather-resistant and watertight.
- D. Coat all metal surfaces subject to rust or corrosion, except those designed to be stabilized by oxidation, to inhibit rust and corrosion, after first stabilizing any existing rust and corrosion. Remove oxidation stains from exterior surfaces.
- E. Maintain all exterior walls free from moss, algae, dirt, grime, holes, breaks, and loose or decaying materials. Weatherproof and properly coat the surface of all exterior walls when required to prevent deterioration.
- F. Maintain the roof and flashing of all structures so that they are sound, tight, free of moss, algae or defects that admit rain, attract pests or create a public nuisance. Maintain adequate roof drainage to prevent dampness and deterioration in the walls and inside the structure. Maintain roof drains, gutters, and downspouts in good repair and free from obstructions.
- G. Maintain and show proof of testing of existing fire suppression systems.

Attachments:

- 1) City of Independence Property Maintenance Regulations
- 2) 2012 Property Maintenance Code

Building and Grounds Committee
Monday, January 27, 2014

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Members Present: Chair; Jackie Lawson, Jim Brown, Kevin Marshall, Murray Stewart, and LaVonne Wilson.

Also Present: Mayor Brian Dalton, City Attorney Lane Shetterly, Council President LaVonne Wilson, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Lawson called the meeting to order at 5:42 p.m.

CARNEGIE BUILDING DISCUSSION

Mr. Locke explained the Carnegie Building had recently been fitted with a heating system to keep the building comfortable and that a decision needed to be made on the potential outcome for the building. There was discussion by the Committee, but no decision was made.

PARK AND RECREATION BOARD MODIFICATIONS

Mr. Foggin gave a brief overview of the reconfiguration of a smaller Parks & Recreation Board. He noted attaining a quorum with the current large group was very difficult.

It was moved by Chair Lawson *to direct staff to draft an ordinance regarding the Park and Recreation Board for approval by Council.* The motion was duly seconded and carried unanimously.

COMMUNITY DEVELOPMENT/OPERATIONS DIRECTOR'S REPORT

Mr. Locke reported that building and planning activity was picking up.

OTHER

There was discussion regarding the schedule for the Committee to meet. The Committee decided to wait for the Public Works and Public Safety Committees to make their decision on the time to meet and the Administration and Building & Grounds Committees would follow.

ADJOURNMENT

There was no other business and the meeting was adjourned at 6:21 p.m.



Building & Grounds Committee

AMENDED AGENDA

**Monday,
January 27, 2014**

5:00 PM

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

1. Call to Order
2. Carnegie Building discussion
3. Parks and Rec Board modifications
4. Community Development/Operations
Director's Report
5. Other
6. Adjournment

Chair Jackie Lawson
Jim Brown
Kevin Marshall
Murray Stewart
LaVonne Wilson



Community Development Department

Memo

To: Buildings and Grounds Committee
From: Jason Locke, Community Development/Operations Director
Date: January 27, 2014
Re: Carnegie Building update

We have installed a low-cost temporary heating system in the Carnegie Building to stabilize temperature and moisture. In the time between the last committee meeting and now, we have showed the building to a local realtor in order to get some ideas/feedback. At her recommendation, we will be getting a basic structural analysis and review of the building by an engineer (Cost – approx \$3500). The importance of this analysis is that it could determine either the disposition of the building as well as a list price in the instance the Council decides to surplus the building. It will also alert us to any significant structural issues. We anticipate that the analysis will be completed in 3-4 weeks. We can then prepare some viable options for the committee to review at the next meeting.

Building and Grounds Committee
Monday, November 25, 2013

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Members Present: Chair; Murray Stewart, Jim Brown, Jim Fairchild, Kelly Gabliks, Kevin Marshall.

Also Present: Mayor Brian Dalton, City Attorney Lane Shetterly, Council President LaVonne Wilson, Community Development/Operations Director Jason Locke, Finance Director Cecilia Ward, City Recorder Emily Gagner, and Recording Secretary Jeremy Teal.

Chair Stewart called the meeting to order at 5:00 p.m.

CARNEGIE BUILDING DISCUSSION

Mr. Locke stated there had been a lot of discussion regarding the Carnegie building and what to do with it. He reported the committee walked through the building to get a good idea of the condition of the building and what it would take to get a new user in there. He advised that an appraisal had been done, but noted if vacant property attached was used for another purpose would take value away from the property. He reported that funds had been budgeted for reheating the building, but a possible system replacement may not suit the new owner. He stated the building was sealed up and in relatively good condition, but would quickly begin to deteriorate without heat and it was time to see if the building was sellable. He noted the City could put stipulations on the sale of the building. He advised that the City could sell the building outright and let the new owners deal with the improvements. He added if the City rented the building the rent would go back into a fund to deal with maintenance.

Councilor Stewart asked if the market value at \$240,000 two years ago had dropped. Mr. Locke stated that values hadn't dropped and that was fairly accurate, but didn't take into account the vacant property south of the building. He noted there were uses being discussed for that property and that would take value away.

Councilor Gabliks commented that the appraisal value for the building was \$240,000, not the land. Mr. Locke stated that the appraisal included the building with the entire property.

Councilor Gabliks asked if there were any promises made to the seniors for that property. Mr. Foggin reported there was a building designed for that property and the CDBG grant was moving forward.

Councilor Brown asked if the City could bring in a commercial real estate agent to get a professional opinion on the building. Mr. Foggin stated the City could, but there was no local commercial real estate agent. Mr. Locke advised that the City could bring in someone from Monmouth.

Councilor Marshall asked the dollar value placed on the property for the seniors. Mr. Foggin stated the property was city owned and wasn't required to be valued with the CDBG grant. Mr. Locke noted it would be worth approximately \$60,000 for the land. Mr. Foggin commented that the seniors bought the lot on the corner of Washington Street and Church Street for \$50,000.

Councilor Fairchild suggested getting the minimum rent and turning the building into an entrepreneurial setting for people looking for an office space to start a business.

Councilor Gabliks noted she wasn't sure what the City would do with it and suggested it was time to put the building on the market. Mr. Foggin stated that he and Mr. Locke had discussions regarding what business would work in that building. He noted that whatever investment the City put into the building, the City would never get the investment back. Councilor Stewart stated he had mixed feelings about the heating is-

1 sue and making the building sellable without heat. He commented that offers would be low without ameni-
2 ties and wouldn't be appealable to anyone as the building currently was.

3 Councilor Marshall asked if the heating could be patched for the winter. Mr. Locke stated the boiler was
4 damaged and removed so there was no boiler in the building. Councilor Marshall asked if there were any
5 temporary heating solutions. Mr. Locke stated the City could use a temporary solution and keep the build-
6 ing at a minimal temperature.

7 Councilor Brown suggested getting people in the building to look at it with no cost to the City. Mr. Locke
8 stated that if that was the direction the committee wanted to go, the City would get an opinion of value
9 from a commercial real estate agent and possibly get some ideas for the building. He noted the agent may
10 have a client list that was looking for that kind of building. Councilor Gabliks suggested putting a heating
11 system together for the winter and selling the building as-is to let the new owner decide what they wanted.

12 Councilor Brown stated that \$240,000 was nothing and suggested holding on to the building while the
13 market increased, so the City could sell when the market was high. Mr. Locke stated that the City could
14 contact a couple realtors and get some professional opinions.

15 Mr. Foggin stated staff would do some more research and get back to the committee.

16 **COMMUNITY DEVELOPMENT/OPERATIONS DIRECTOR'S REPORT**

17 Mr. Locke reported staff was working on the Capital Improvement Plan.

18 **OTHER**

19 **ADJOURNMENT**

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



Community Development Department

Memo

To: Buildings and Grounds
From: Jason Locke, Community Development Director 
Date: September 19, 2011
Re: Carnegie Building

Staff has been instructed to provide the committee with information and options regarding the city-owned Carnegie Library Building, located on the corner of Court and Church. The building was constructed in 1910, and was formerly utilized as a library. The parcel is 14,650 sq.ft, and the south side is lawn area. Currently, the building is occupied by Kids Inc., who pays \$1/year in rent. The city pays all the operating costs for the building, and performs very limited maintenance due to budgetary constraints.

In order to ensure the long term future and viability of the building, the following options should be discussed:

- 1) Sell the building.
- 2) Start charging market rent in order to maintain the building properly.
- 3) Lease to own option to a qualified party or entity.
- 4) Maintain the status quo.
- 5) Divide the property on which the building sits and sell the bare parcel, and use the funds to perform needed maintenance/repairs and fund a trust account (and decide which option to pursue 1-4).
- 6) Develop a Request for Proposals (RFP) for development of the site.

7.5.32AD

SE1/4 NE1/4 SEC.32 T7S R5W WM
POLK COUNTY

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

Scale 1" = 100'

Canceled No.

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See Map 7.5.32AC

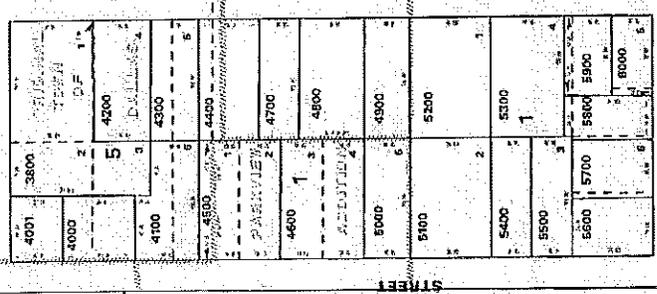
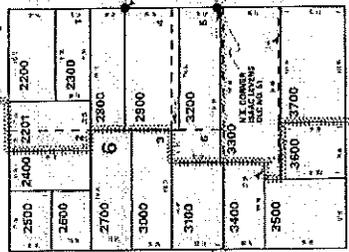
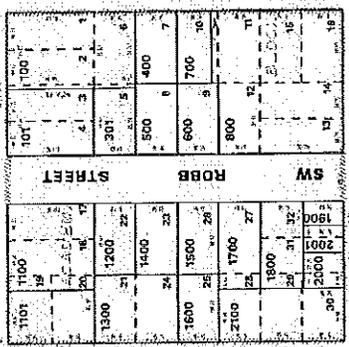
SUBJECT
PROPERTY

7.5.32AD

SW ACADEMY STREET

SW ACADEMY STREET

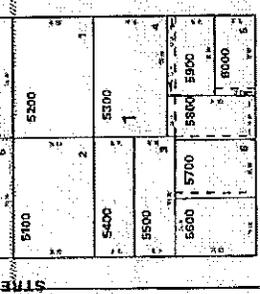
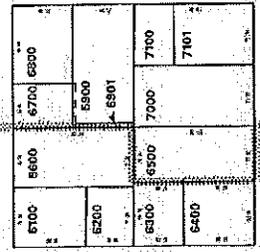
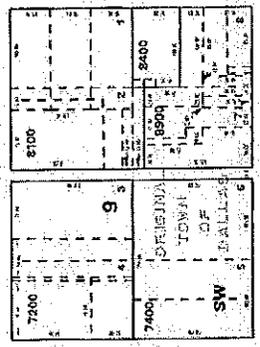
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SW STREET

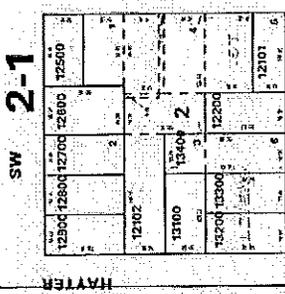
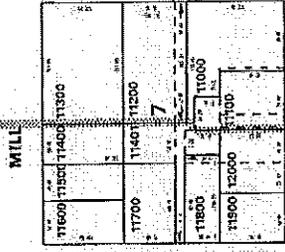
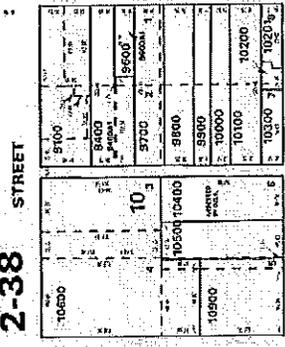
SW OAK STREET

SW HAYTER STREET



2-38

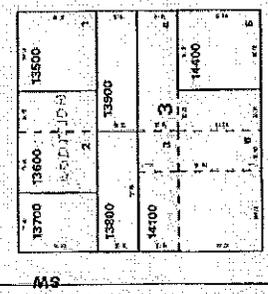
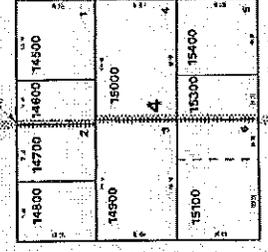
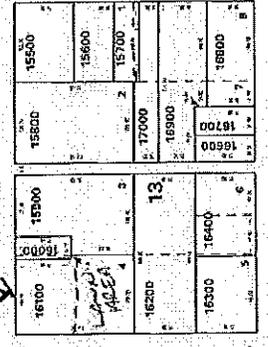
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SW STREET

SW COURT STREET

SW



SW STREET

SW WASHINGTON STREET

SW

01/27/11

Stat Class Type: **COMMERCIAL** Stat Class Desc: **Commercial Other Improvements**
 Year Built: **1910** Total Sq Ft: **4838**
 Improvement Image: [Click to view image](#)

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

Account Number:	Taxcode:	Acres:	District:
321936	0238	0.34	DALLAS SD 2 BONDS AFTER 2001
321936	0238	0.34	DALLAS SD 2
321936	0238	0.34	DALLAS CITY
321936	0238	0.34	POLK COUNTY

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. Report generated on: 9/20/2011 using data produced on: 2/1/2011.



Community Development Department

Memo

To: Buildings and Grounds
From: Jason Locke, Community Development Director
Date: November 16, 2011
Re: Carnegie Building

As directed at the last meeting, an appraisal of the Carnegie building has been completed. The appraised value of the building is \$240,000. In addition, the rental value was stated as \$.35/sq ft, or a gross rent of \$1,693/month for the entire building. Since the last meeting, the heating system in the building has failed, and needs to be replaced.

Based on that information, the options presented at the last meeting are still valid.

However, in the alternative, we are recommending that staff be directed to actively recruit potential tenants or purchasers for the next 6-9 months. If that does not produce results, we would re-evaluate and bring recommendations back to the Committee and or/Council.



Community Development/Operations Department

Memo

To: Buildings and Grounds Committee
From: Jason Locke, Community Development/Operations Director 
Date: July 23, 2012
Re: Status of Armory site and Carnegie Building

Armory Site: The building has been completely removed. There was an underground tank discovered and removed. The OMD has submitted paperwork to the DEQ regarding the tank removal, and are waiting for review and an OK from DEQ. The City has not received a sales contract from OMD with the agreed upon terms as of yet, but we expect it shortly.

Carnegie Building: The building has been vacated and was in rough condition both inside and out. City staff has done considerable cleanup on the inside, and will be completing the outside in the coming month. In addition, staff is determining what the best and most cost-effective HVAC solution is for the building. We anticipate having the HVAC installed this fall. After that, staff will present some options to the Council regarding the disposition of the building in conjunction with some other properties that should be considered for surplus.

DALLAS CITY COUNCIL
BUILDING & GROUNDS SUBCOMMITTEE REPORT

TO: COUNCIL BUILDING & GROUNDS SUBCOMMITTEE

<i>City of Dallas</i>	Agenda Item No. 3	Topic: Park Board modifications
Prepared By: Emily Gagner	Meeting Date: January 27, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Motion to recommend the Council adopt the proposed changes to the Parks Advisory Board ordinance.

BACKGROUND:

Our Park and Rec Board currently comprise 13 people, many of whom do not come to the meetings. Because we then lack a quorum at our meetings, the members in attendance cannot move forward with anything of substance. Staff would like to propose we modify the makeup of the Board and clarify the Board’s duties and responsibilities. The goal will then be to get a Board made up of members who are truly dedicated to our parks and are ready and willing to step up and help in future planning and promote our parks throughout the community.

FISCAL IMPACT:

None

ATTACHMENTS:

Draft Park Board ordinance

2.550 Parks Advisory Board.

- (1) A city Parks Advisory Board is hereby created.
- (2) The Parks Advisory Board shall consist of seven members. At least five members of the parks advisory board shall be residents of the city. Two members may reside outside of the city limits but must reside within Polk County. Members shall be appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the City Council.
- (3) Of the members first appointed, three members shall be appointed for a two-year term and four members shall be appointed for a four year term. Subsequent appointments shall be for a term of four years.
- (4) Four members shall constitute a quorum, and a majority of a quorum may transact business.
- (5) At its first meeting in each calendar year, the board shall elect a chairperson and vice chairperson. The chairperson shall preside at all meetings and the vice chairperson shall preside over the meetings in the event that the chairperson is absent. Unless otherwise provided, the board shall conduct its affairs according to Robert's Rules of Order.
- (6) In the event that a member is absent from three meetings in any calendar year without an excuse, or in the event of an emergency, the board may recommend removal of the member.
- (7) The board shall hold at least two meetings per year. All meetings of the board shall be open to the public.

[Section 2.550 amended by Ordinance No. 1507, passed February 6, 1995; amended by Ordinance No. 1699, passed 1-20-2009.]

2.555 Duties and Responsibilities.

The Park Advisory Board shall be advisory to the city council and shall:

- (1) Give due attention and study to park and recreation services as they affect the welfare of the citizens of Dallas.
- (2) Interpret the park and recreation services of the city to the community.
- (3) Engage in planning for future park and recreation areas and facilities, as well as the maintenance of existing areas and facilities.
- (4) Provide input to the city manager or the city manager's designees on their plans and proposals for parks and recreation activities.
- (5) Recommend policies relating to city parks and recreation activities.

(6) Encourage individuals and organizations to donate funds, property, and volunteer services for the development and operation of park and recreation facilities.

(7) Generally encourage community interest in parks and recreation.

(8) The board shall also have the duties assigned under DCC 3.700 through 3.750, and such other responsibilities as the city council may, from time to time, direct.

[Section 2.555(1) amended by Ordinance No. 1507, passed February 6, 1995; Section 2.555 amended by Ordinance No. 1680, passed April 7, 2008.]

2.556 Advisory Functions

The actions of the Parks Advisory Board shall be advisory only and shall not constitute policy of the city and shall not be binding upon the City Council or upon the city. The City Council may adopt all or part of any recommendation of the board, with or without changes as city policy.

DALLAS CITY COUNCIL REPORT

To: DALLAS CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 10a	Topic: January 2014 Financial Report
Prepared By: Cecilia Ward	Meeting Date: February 18, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Information Only

BACKGROUND:

Provided is the monthly financial reports for the month of January 2014.

For January 2014:

- Percent collected/spent should be at 58.33%. This can vary up or down depending on seasonal or one-time revenues and expenditures.
- The following capital improvement payments were made in January:
 Urban Renewal-Special Projects (Main Street Project) \$7,711
 Grant Fund-Trail Project \$10,435
- An updated Utility Aging Report has been provided to present more information on the City's accounts receivables.

FISCAL IMPACT:

None

ATTACHMENTS:

January 2014 Financial Reports



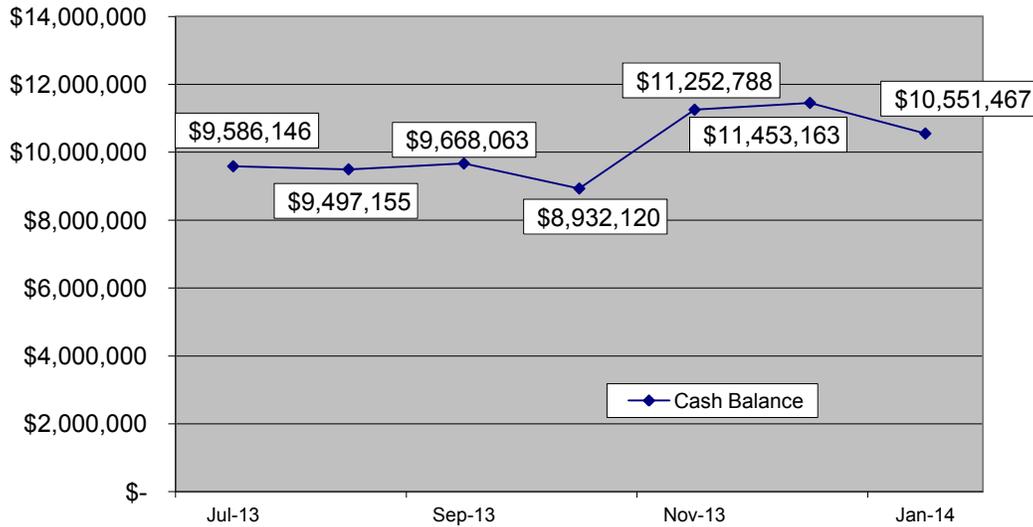
**Monthly Financials
for the Month of
January 2014**

CITY OF DALLAS
Cash Report
For the Period Ending January 31, 2014

Cash on hand	\$ 645
Cash in Investments	9,934,613
Cash in Bank	616,209
Total Cash Balance as of 11/30/2013	\$ 10,551,467

Restricted/Committed	\$ 6,819,318
Unrestricted	3,732,150
	\$ 10,551,467

Cash Balance



Investment Breakdown

	<u>Ending Bal</u>	<u>Interest YTD</u>
LGIP	\$ 8,756,387	\$ 25,159
Wells Fargo Savings	1,178,225	\$ 208
	\$ 9,934,613	\$ 25,367

UTILITY AGING REPORT
January 31, 2014

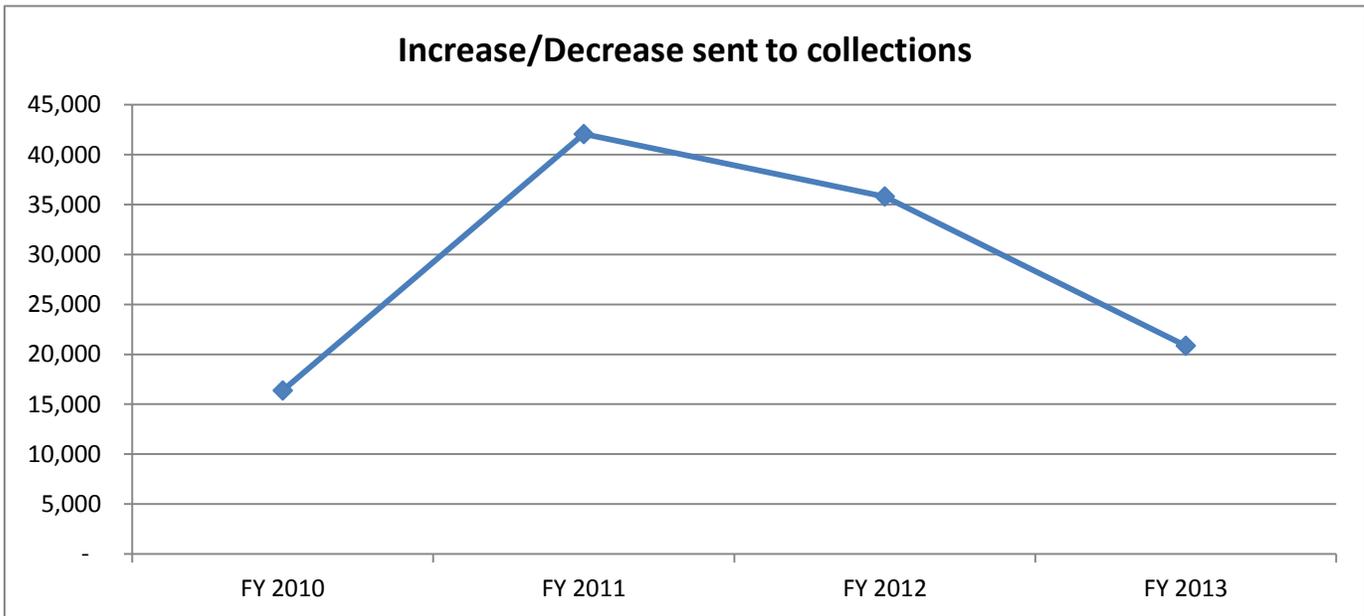
Current Accounts Receivable

Current	30+ days	Total
271,790	43,461	315,251

60+ Days Accounts Receivable

	Payments Made	Sent to Collections	Balance to Collect	Increase/Decrease sent to collections
FY 2013	2,913	23,770	137,284	20,857
FY 2012			116,427	35,803
* FY 2011			80,624	42,056
FY 2010			38,568	16,378
FY 2009			22,190	

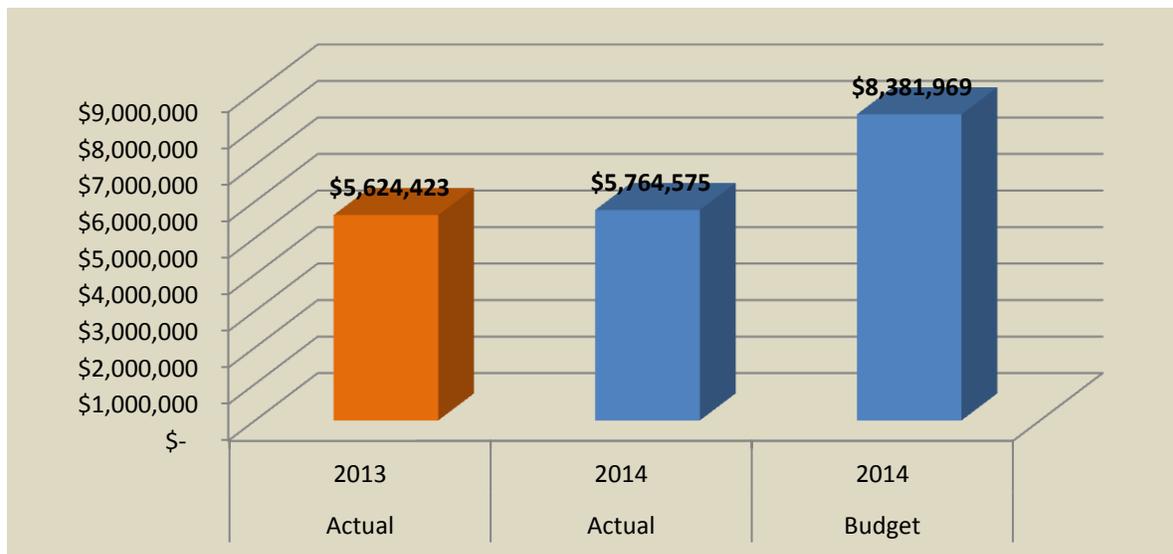
*significant increase due to change in collection company and submitting a higher volume of delinquent accounts.



City of Dallas
Monthly Financials
January 2014

General Fund Revenue

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Licenses, Permits and Fees	\$ 689,260	\$ 749,354	\$ 1,379,000	\$ 629,646	54.3%
Fines and Forfeitures	58,399	61,442	155,000	93,558	39.6%
Recreation Fees	243,527	257,715	461,000	203,285	55.9%
Library Fees	41,756	42,350	75,000	32,650	56.5%
Property Taxes	3,105,808	3,131,796	3,444,000	312,204	90.9%
Miscellaneous Taxes	170,536	135,015	225,000	89,985	60.0%
Franchise Fees	461,591	496,198	1,105,000	608,802	44.9%
Inter-governmental	83,299	93,628	187,000	93,372	50.1%
Miscellaneous Revenue	27,104	35,581	48,000	12,419	74.1%
Interest Earnings	7,533	6,902	15,000	8,098	46.0%
Transfers	735,610	754,595	1,287,969	533,374	58.6%
	\$ 5,624,423	\$ 5,764,575	\$ 8,381,969	\$ 2,617,394	68.8%



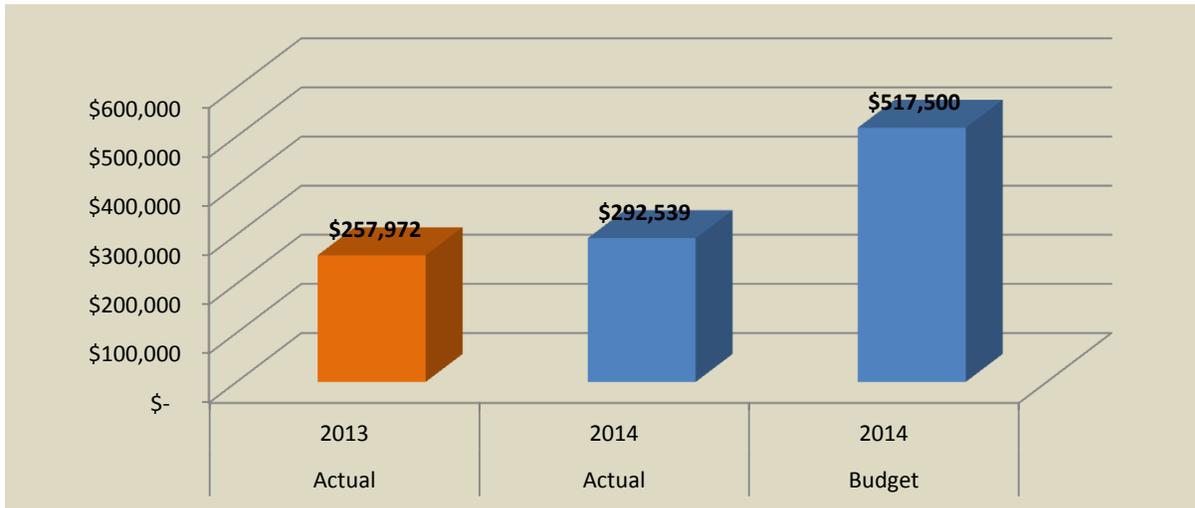
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Administration

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 191,932	\$ 220,671	\$ 376,000	\$ 155,329	58.7%
Materials and Supplies	66,040	71,868	141,500	69,632	50.8%
	\$ 257,972	\$ 292,539	\$ 517,500	\$ 224,961	56.5%

There are no capital expenditures budgeted in this department.



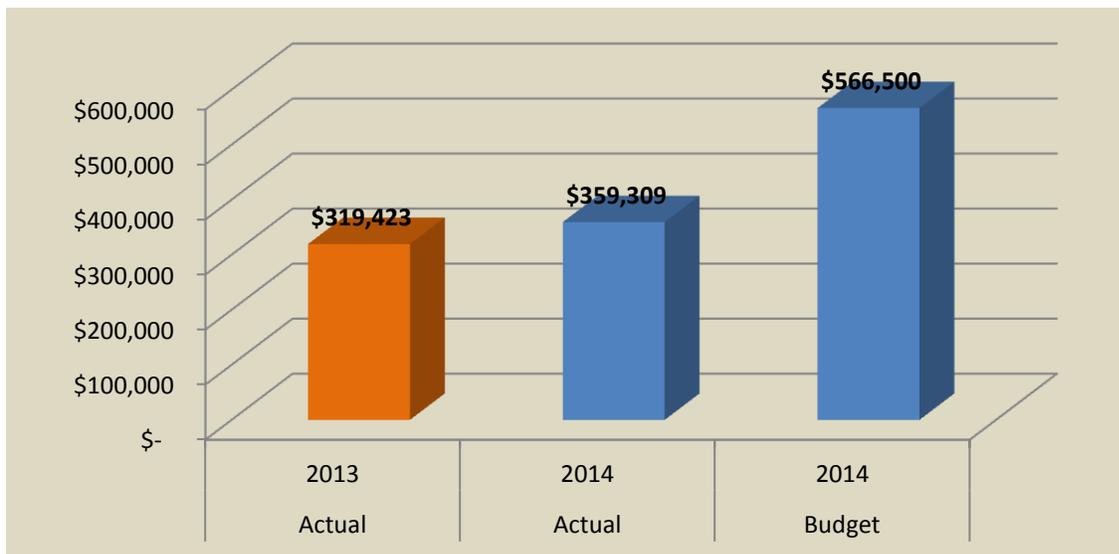
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Finance

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 191,204	\$ 213,358	\$ 361,000	\$ 147,642	59.1%
Materials and Supplies	128,219	145,950	205,500	59,550	71.0%
	\$ 319,423	\$ 359,309	\$ 566,500	\$ 207,191	63.4%

There are no capital expenditures budgeted in this department.



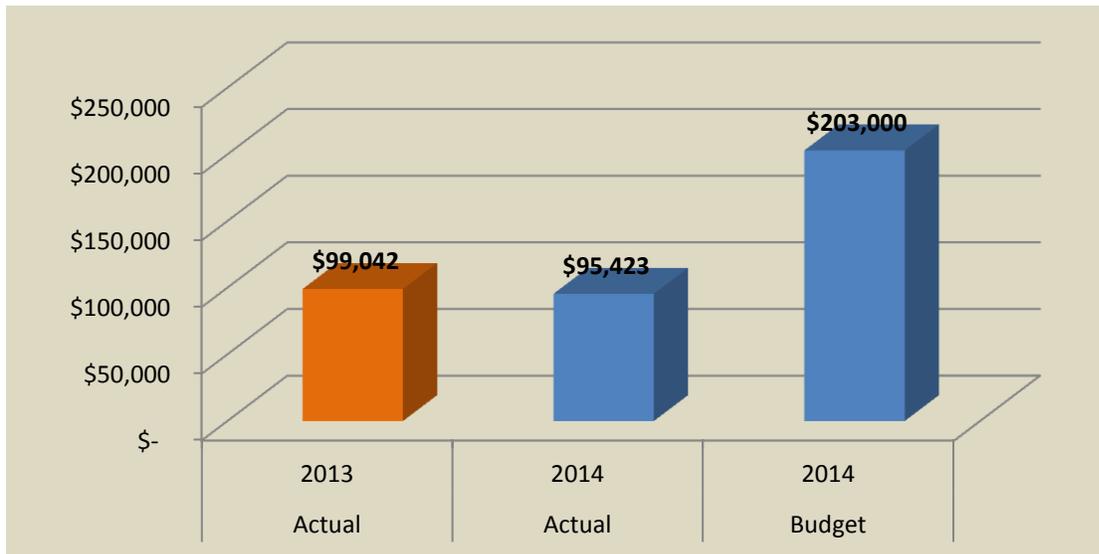
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Facilities

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 62,883	\$ 63,928	\$ 121,000	\$ 57,072	52.8%
Materials and Supplies	36,159	31,495	67,000	35,505	47.0%
Capital Outlay	-	-	15,000	15,000	0.0%
	\$ 99,042	\$ 95,423	\$ 203,000	\$ 107,577	47.0%

Capital Expenditures: HVAC system for Carnegie Building - \$15,000



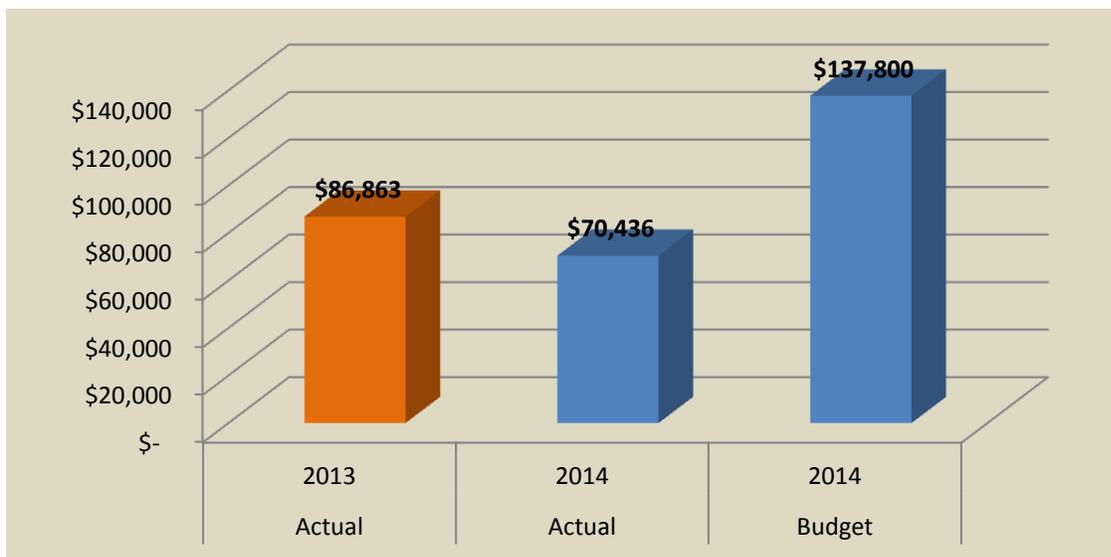
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Municipal Court

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 78,589	\$ 61,288	\$ 108,500	\$ 47,212	56.5%
Materials and Supplies	8,274	9,148	29,300	20,152	31.2%
	\$ 86,863	\$ 70,436	\$ 137,800	\$ 67,364	51.1%

There are no capital expenditures budgeted in this department.



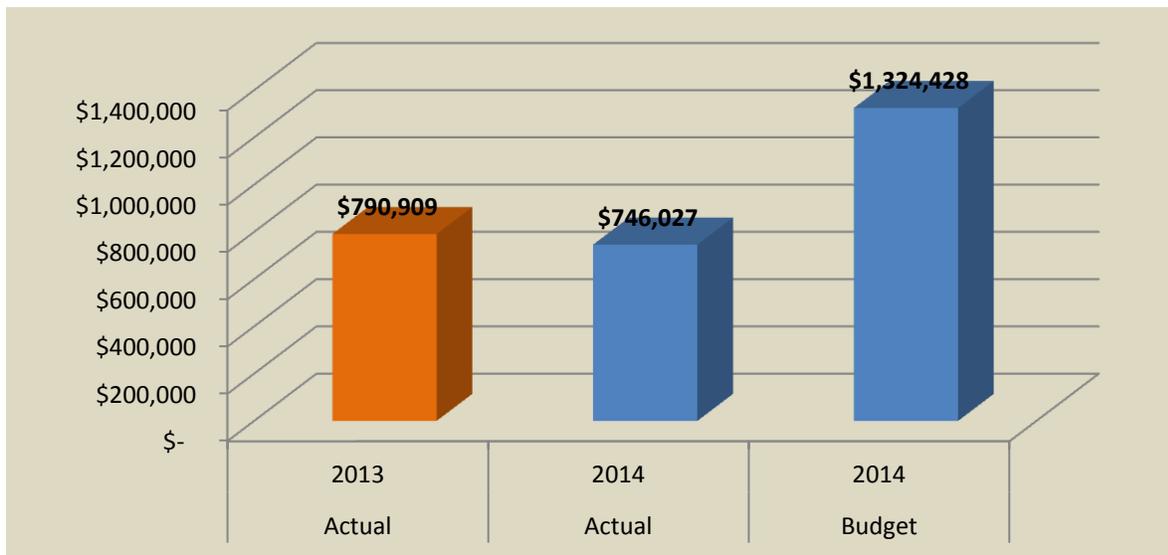
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Ambulance

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 548,275	\$ 526,256	\$ 927,000	\$ 400,744	56.8%
Materials and Supplies	182,642	159,838	320,125	160,287	49.9%
Capital Outlay	5,352	5,941	10,000	4,059	59.4%
Debt Service	37,140	36,493	37,303	811	97.8%
Transfers	17,500	17,500	30,000	12,500	58.3%
	\$ 790,909	\$ 746,027	\$ 1,324,428	\$ 578,401	56.3%

Capital Expenditures: Replacement of medical equipment - \$7,000
 Replacement of turnouts - \$3,000



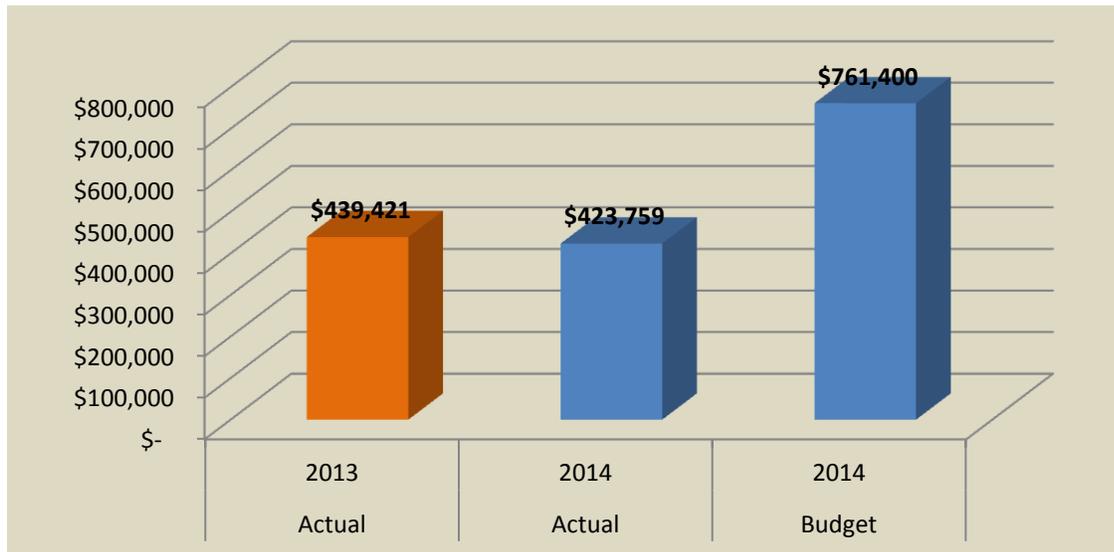
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Fire

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 267,416	\$ 260,393	\$ 421,000	\$ 160,607	61.9%
Materials and Supplies	126,160	125,264	230,000	104,736	54.5%
Capital Outlay	28,695	20,952	81,000	60,048	25.9%
Transfers	17,150	17,150	29,400	12,250	58.3%
	\$ 439,421	\$ 423,759	\$ 761,400	\$ 337,641	55.7%

Capital Expenditures: Replacement of equipment - \$8,000
 Replacement of turnouts - \$30,000



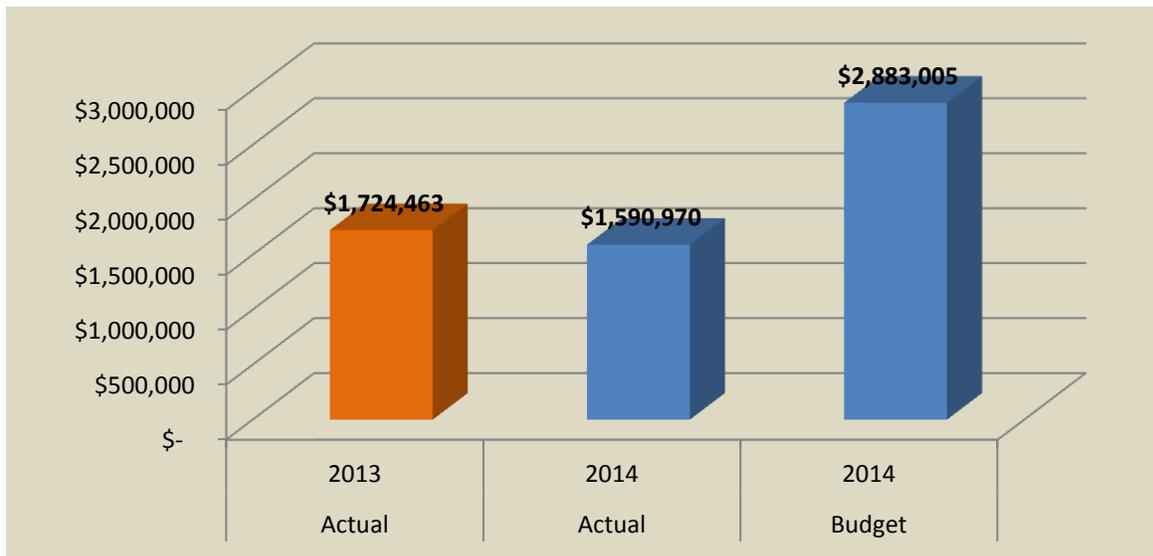
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Police

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 1,490,336	\$ 1,371,432	\$ 2,445,000	\$ 1,073,568	56.1%
Materials and Supplies	218,377	195,788	403,005	207,217	48.6%
Capital Outlay	-	8,000	8,000	-	100.0%
Transfers	15,750	15,750	27,000	11,250	58.3%
	\$ 1,724,463	\$ 1,590,970	\$ 2,883,005	\$ 1,292,035	55.2%

There are no capital expenditures budgeted in this department.



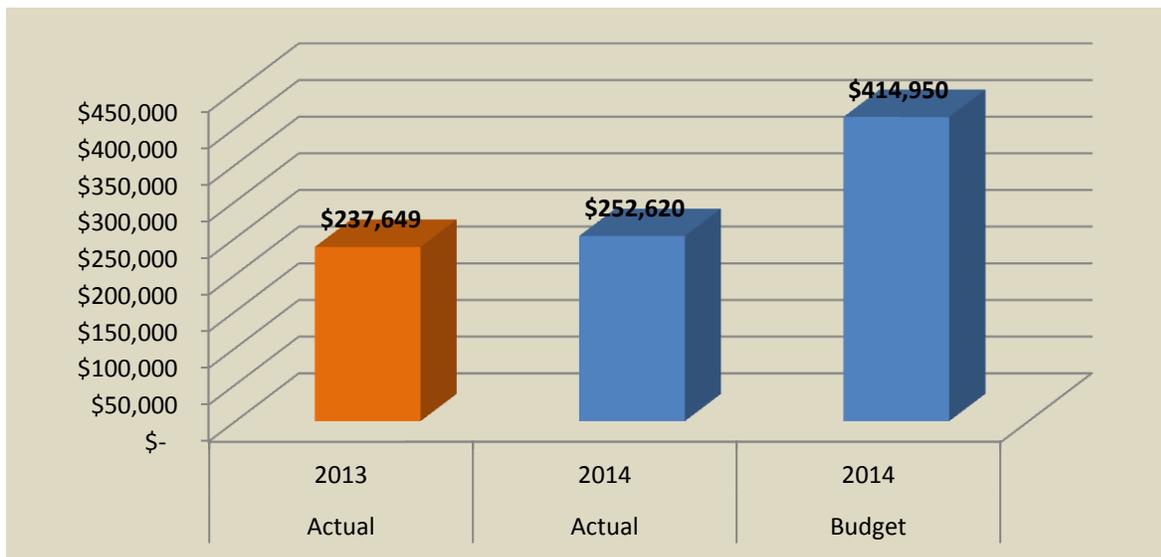
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Library

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 193,230	\$ 204,915	\$ 339,000	\$ 134,085	60.4%
Materials and Supplies	44,420	47,706	75,950	28,244	62.8%
	\$ 237,649	\$ 252,620	\$ 414,950	\$ 162,330	60.9%

There are no capital expenditures budgeted in this department.



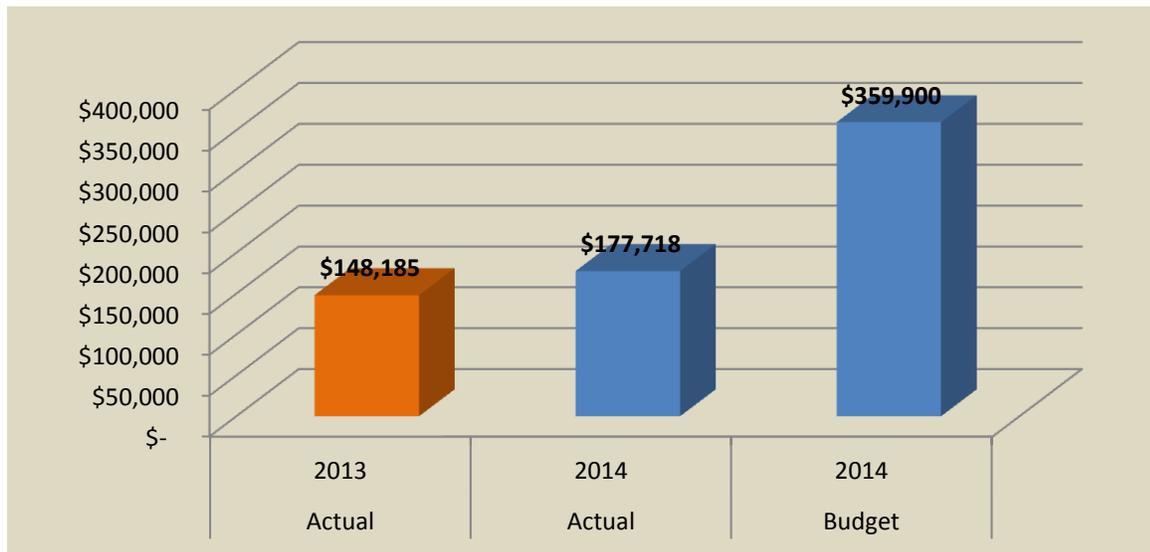
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Parks

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 94,238	\$ 126,881	\$ 208,000	\$ 81,119	61.0%
Materials and Supplies	51,030	47,921	101,900	53,979	47.0%
Capital Outlay	0	0	45,000	45,000	0.0%
Transfers	2916.69	2916.69	5000	2,083	58.3%
	\$ 148,185	\$ 177,718	\$ 359,900	\$ 182,182	49.4%

Capital Expenditures: Equipment - \$45,000



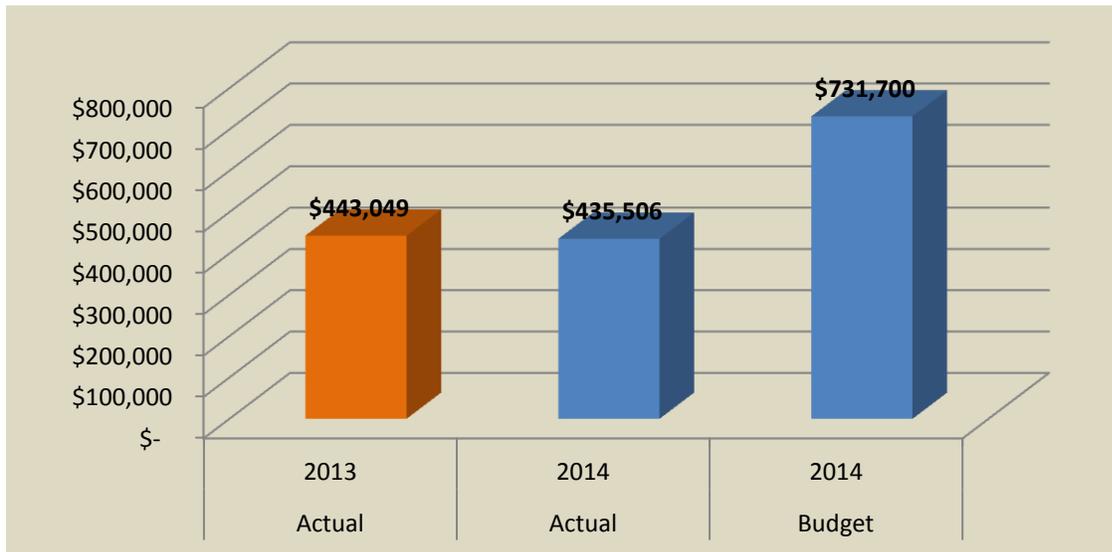
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Aquatic Center

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 247,599	\$ 248,099	\$ 410,000	\$ 161,901	60.5%
Materials and Supplies	166,283	158,240	271,700	113,460	58.2%
Capital Outlay	29,167	29,167	50,000	20,833	58.3%
	\$ 443,049	\$ 435,506	\$ 731,700	\$ 296,194	59.5%

Capital Expenditures: Equipment Reimbursement - \$50,000



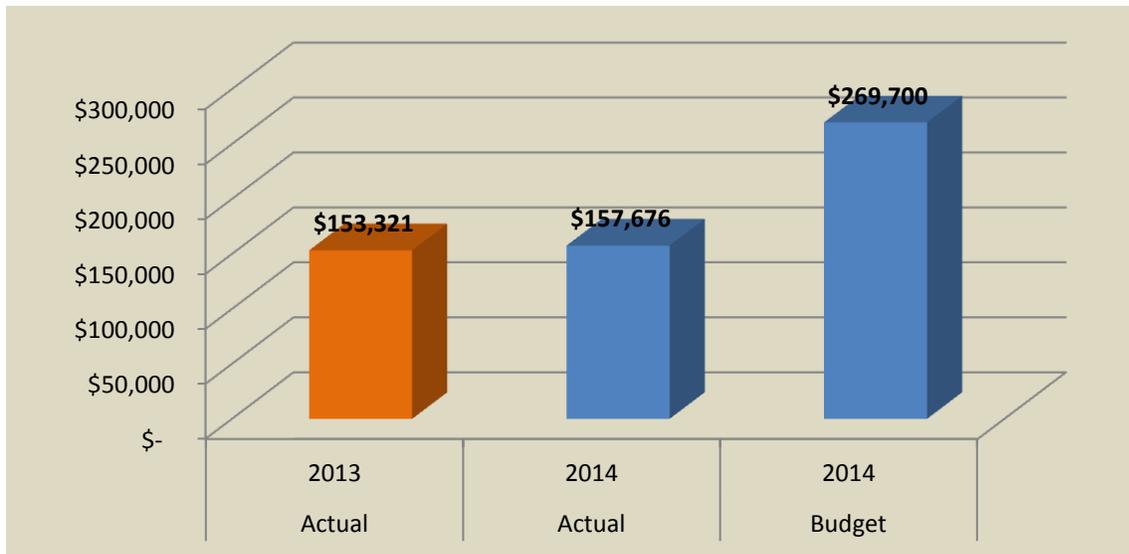
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Building Inspections

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 144,793	\$ 149,775	\$ 253,000	\$ 103,225	59.2%
Materials and Supplies	8,528	7,901	16,700	8,799	47.3%
	\$ 153,321	\$ 157,676	\$ 269,700	112,024	58.5%

There are no capital expenditures budgeted in this department.



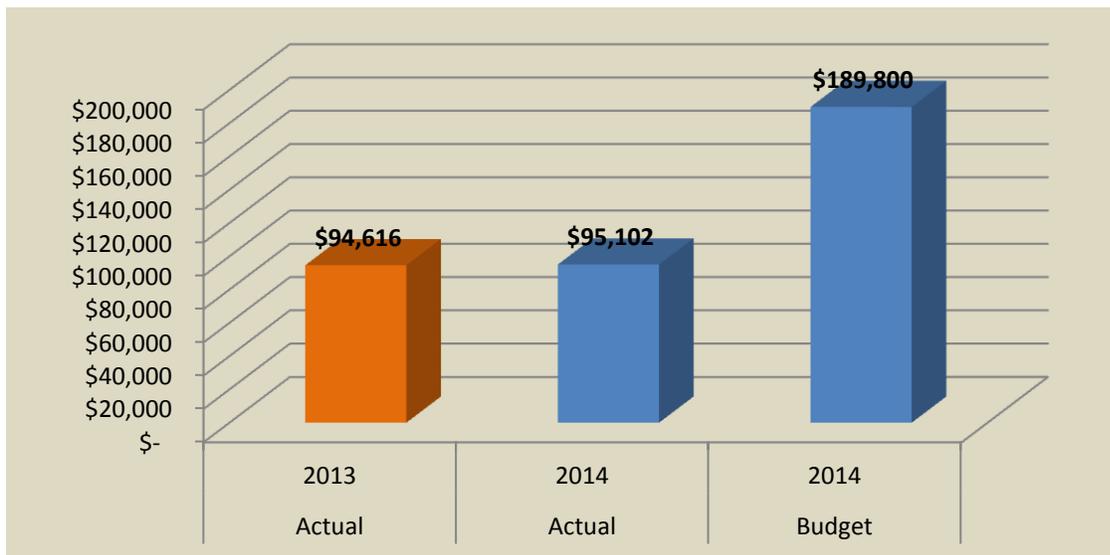
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Planning

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Personnel Services	\$ 83,554	\$ 85,518	\$ 147,000	\$ 61,482	58.2%
Materials and Supplies	9,079	7,601	39,400	31,799	19.3%
Transfers	1,983	1,983	3,400	1,417	58.3%
	\$ 94,616	\$ 95,102	\$ 189,800	\$ 94,698	50.1%

There are no capital expenditures budgeted in this department.



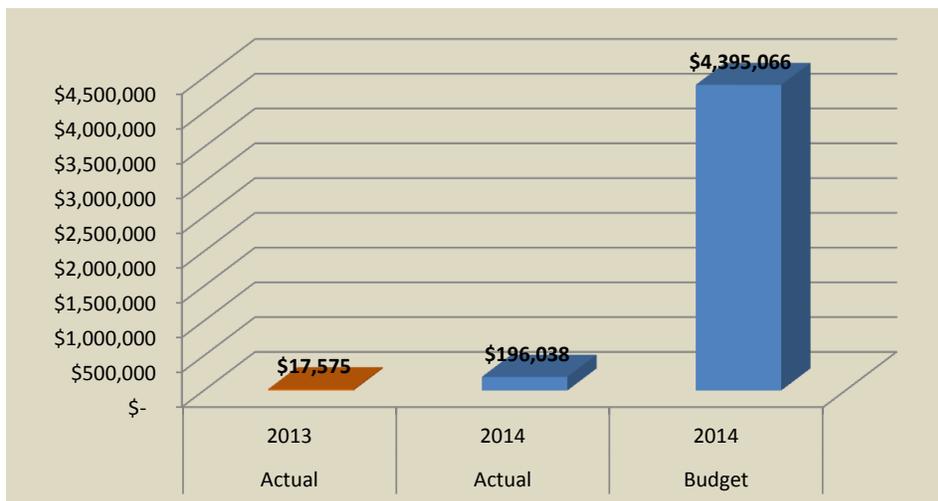
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: System Development Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Streets SDC	\$ 21,689	\$ 34,878	\$ 50,000	\$ 15,122	69.8%
Parks SDC	44,373	68,166	100,000	31,834	68.2%
Water SDC	50,957	124,476	100,000	(24,476)	124.5%
Sewer SDC	20,802	129,204	60,000	(69,204)	215.3%
Storm Water SDC	17,572	27,852	30,000	2,148	92.8%
Transfers	638,417	135,483	160,066	24,583	84.6%
	\$ 793,809	\$ 520,059	\$ 500,066	\$ (19,993)	104.0%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Street SDC Projects	\$ -	\$ -	\$ 240,000	\$ 240,000	0.0%
Park SDC Projects	3,050	-	242,451	242,451	0.0%
Water SDC Projects	-	-	225,000	225,000	0.0%
Sewer SDC Projects	-	196,038	3,627,615	3,431,577	5.4%
Storm Water SDC Projects	-	-	60,000	60,000	0.0%
Transfers (none for 2014)	14,525	-	-	-	
	\$ 17,575	\$ 196,038	\$ 4,395,066	\$ 4,199,028	4.5%



58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Streets

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Highway Reimbursement & Appropriations	\$ 1,023,301	\$ 666,424	\$ 1,025,000	\$ 358,576	65.0%
Miscellaneous Revenue and Interest	11,363	65,107	66,060	953	98.6%
	\$ 1,034,665	\$ 731,531	\$ 1,091,060	\$ 359,529	67.0%

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personnel Services	\$ 184,169	\$ 172,182	\$ 292,000	\$ 119,818	59.0%
Materials and Supplies	136,068	145,050	261,700	116,650	55.4%
Capital Outlay	26,941	44,812	495,000	450,188	9.1%
Transfers	46,667	46,667	80,000	33,333	58.3%
	\$ 393,845	\$ 408,710	\$ 1,128,700	\$ 719,990	36.2%

Capital Expenditures: Contractual Overlays - \$475,000
Sidewalks - \$20,000



58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Sewer

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Service Charges and Hook Up Fees	\$ 2,966,626	\$ 1,808,881	\$ 3,037,000	\$ 1,228,119	59.6%
Miscellaneous Revenue and Interest	204,721	328,791	120,000	\$ (208,791)	274.0%
	\$ 3,171,347	\$ 2,137,672	\$ 3,157,000	\$ 1,019,328	67.7%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personnel Services	\$ 347,748	\$ 350,901	\$ 593,500	\$ 242,599	59.1%
Materials and Supplies	541,116	550,244	1,070,500	520,256	51.4%
Capital Outlay	94,794	591,005	810,000	218,995	73.0%
Transfers	1,326,477	320,833	559,000	238,167	57.4%
Debt Service (2013 in Debt Service Fund)	-	1,004,534	1,004,550	16	100.0%
	\$ 2,310,134	\$ 2,817,518	\$ 4,037,550	\$ 1,220,032	69.8%

Capital Expenditures:

- Equipment - \$65,000
- Rickereall Crk Interceptor CIP - \$500,000
- Siphon Replacement - \$100,000
- I & I - \$25,000
- Storm Projects - \$20,000
- WWTF Capital Improvements - \$50,000
- Sewer Replacement Projects - \$50,000



58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Water

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Service Charges and Connection Fees	\$ 2,084,881	\$ 1,375,826	\$ 2,142,000	\$ 766,174	64.2%
Miscellaneous Revenue and Interest	49,558	60,886	1,545,000	1,484,114	3.9%
	\$ 2,134,440	\$ 1,436,712	\$ 3,687,000	\$ 2,250,288	39.0%

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personnel Services	\$ 235,602	\$ 237,987	\$ 398,000	\$ 160,013	59.8%
Materials and Supplies	389,650	421,498	705,000	283,502	59.8%
Capital Outlay	-	-	1,650,000	1,650,000	0.0%
Transfers	-	347,967	347,968	1	100.0%
Debt Service (2013 in Debt Service Fund)	771,109	247,917	434,000	186,083	57.1%
	\$ 1,396,361	\$ 1,255,369	\$ 3,534,968	\$ 2,279,599	35.5%

Capital Expenditures:

AMR Project- \$1,500,000
 Water Line Replacement Project - \$50,000
 Transmission Water Line- \$100,000



58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

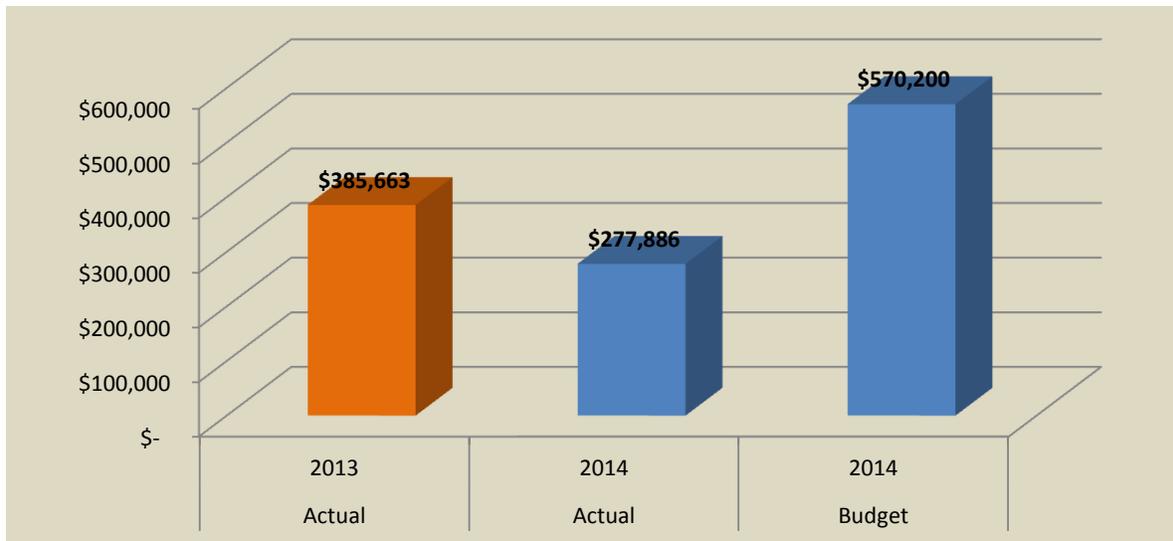
Department: Fleet

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Service Charges and Total Care	\$ 429,802	\$ 246,856	\$ 427,000	\$ 180,144	57.8%
Miscellaneous Revenue	103,958	52,766	84,800	32,034	62.2%
	\$ 533,761	\$ 299,623	\$ 511,800	\$ 212,177	58.5%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personnel Services	\$ 117,918	\$ 117,857	\$ 201,000	\$ 83,143	58.6%
Materials and Supplies	101,917	113,372	192,200	78,828	59.0%
Capital Outlay	119,162	(10)	97,000	97,010	0.0%
Transfers	46,667	46,667	80,000	33,333	58.3%
	\$ 385,663	\$ 277,886	\$ 570,200	\$ 292,314	48.7%

Capital Expenditures:

Equipment - \$65,000 (Sewer Camera System)
 Building Improvements - \$32,000



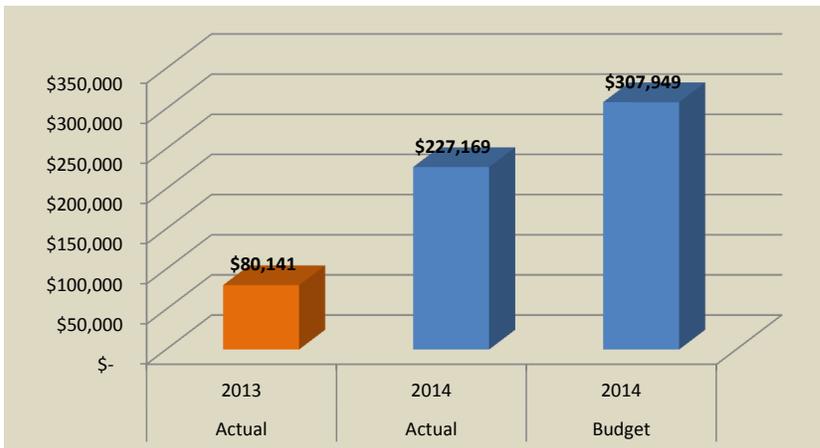
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: Trust Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Aquatics	\$ -	\$ -	\$ -	\$ -	
Fire and Ambulance	34,669	18,766	36,000	17,234	52.1%
Street	-	-	-	-	
Transient Lodging	54,363	-	-	-	
Miscellaneous	811	591	1,000	409	59.1%
Economic Development	27,737	20,000	30,000	10,000	66.7%
Park	3,050	2,719	4,000	1,281	
Police	7,808	-	-	-	
Library	1,108	17,134	20,000	2,866	85.7%
	\$ 129,547	\$ 59,210	\$ 91,000	\$ 31,790	65.1%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Aquatics	\$ 6,379	\$ -	\$ -	\$ -	
Fire and Ambulance	22,257	22,947	64,274	41,327	35.7%
Street	-	-	-	-	
Transient Lodging	40,113	-	-	-	
Miscellaneous	240	1,732	3,000	1,268	57.7%
Economic Development	3,260	26,919	48,000	21,081	56.1%
Park	2,014	1,736	4,000	2,264	
Police	2,505	-	-	-	
Library	3,373	9,108	20,000	10,892	45.5%
Transfers	-	164,727	168,675	3,948	97.7%
	\$ 80,141	\$ 227,169	\$ 307,949	\$ 80,780	73.8%



58.33% Through the Fiscal Year

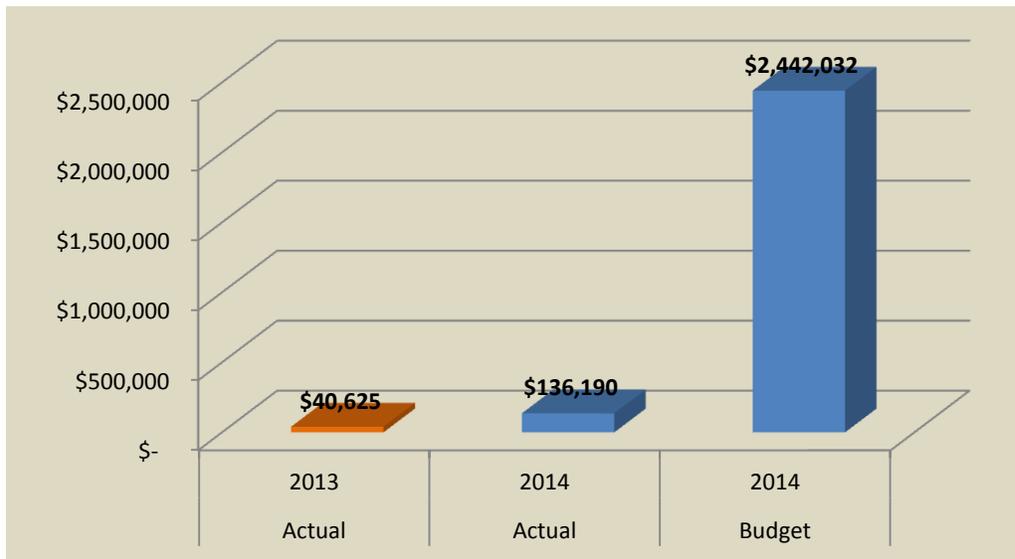
City of Dallas
Monthly Financials
January 2014

Department: Grant Fund

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Police	\$ 8,018	\$ 8,393	\$ 12,000	\$ 3,607	69.9%
Fire	38,047	-	456,532	456,532	0.0%
Parks and Trails	501	501	470,000	469,499	0.1%
Miscellaneous	2,739	26,020	1,503,500	1,477,480	1.7%
	\$ 49,305	\$ 34,914	\$ 2,442,032	\$ 2,407,118	1.4%

Description	Year-to-Date	Year-to-Date	Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Police	\$ 2,625	\$ 750	\$ 12,000	\$ 11,250	6.3%
Fire	38,000	-	456,532	456,532	0.0%
Parks and Trails	-	134,743	470,000	335,257	28.7%
Miscellaneous	-	697	1,503,500	2,803	0.0%
	\$ 40,625	\$ 136,190	\$ 2,442,032	\$ 805,842	5.6%

Grant Projects: Police - vests, misc.
 Fire - Hydraulic rescue tool system, pumper
 Parks and Trails - Rickreall Crk Trail System
 Miscellaneous - CDBG; Ready to Read



58.33% Through the Fiscal Year

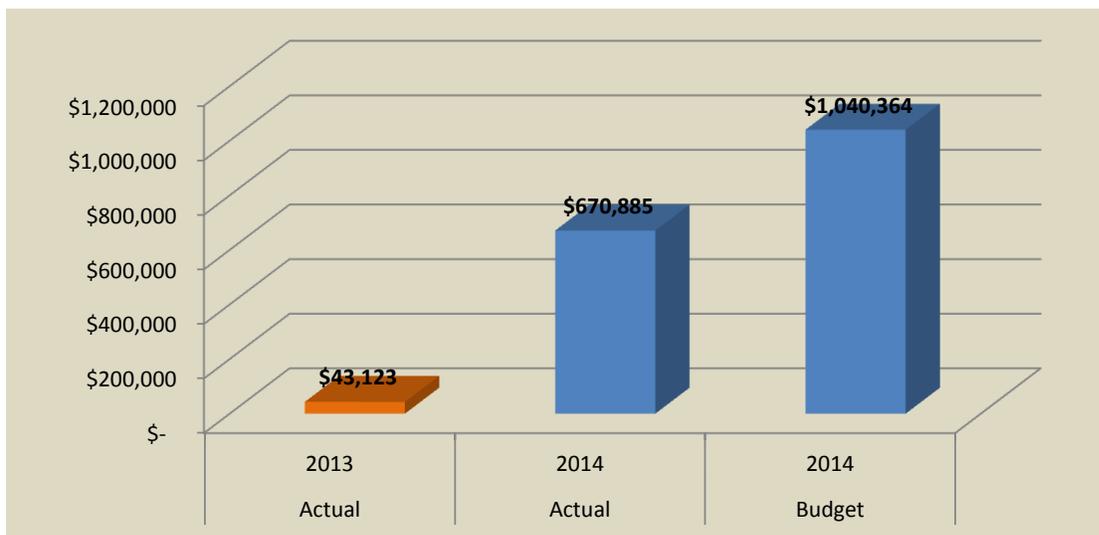
City of Dallas
Monthly Financials
January 2014

Department: Urban Renewal Fund

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Collected
	Actual 2013	Actual 2014			
Revenue					
Property Taxes	\$ 121,062	\$ 127,403	\$ 125,000	\$ (2,403)	101.9%
Interest Earnings	2,311	1,556	1,000	(556)	155.6%
Miscellaneous Revenue	-	50	1,000	950	5.0%
Finance Proceeds	-	750,000	750,000	-	100.0%
	\$ 123,373	\$ 879,008	\$ 877,000	\$ (2,958)	100.2%

Description	Year-to-Date		Budget 2014	Budget Remaining	Percent Spent
	Actual 2013	Actual 2014			
Expenditures					
Personal Services	\$ 8,453	\$ 9,665	\$ 16,000	\$ 6,335	60.4%
Materials and Services	-	11,798	13,000	1,202	90.8%
Debt Service Reserve	-	-	86,395	86,395	0.0%
Capital Expenditures	34,671	635,454	875,000	239,546	72.6%
Grants	-	4,000	40,000	36,000	10.0%
Transfers	-	9,969	9,969	0	100.0%
	\$ 43,123	\$ 670,885	\$ 1,040,364	\$ 369,479	64.5%

Capital Expenditures: 800/900 Block Main Street Project
Property Acquisition



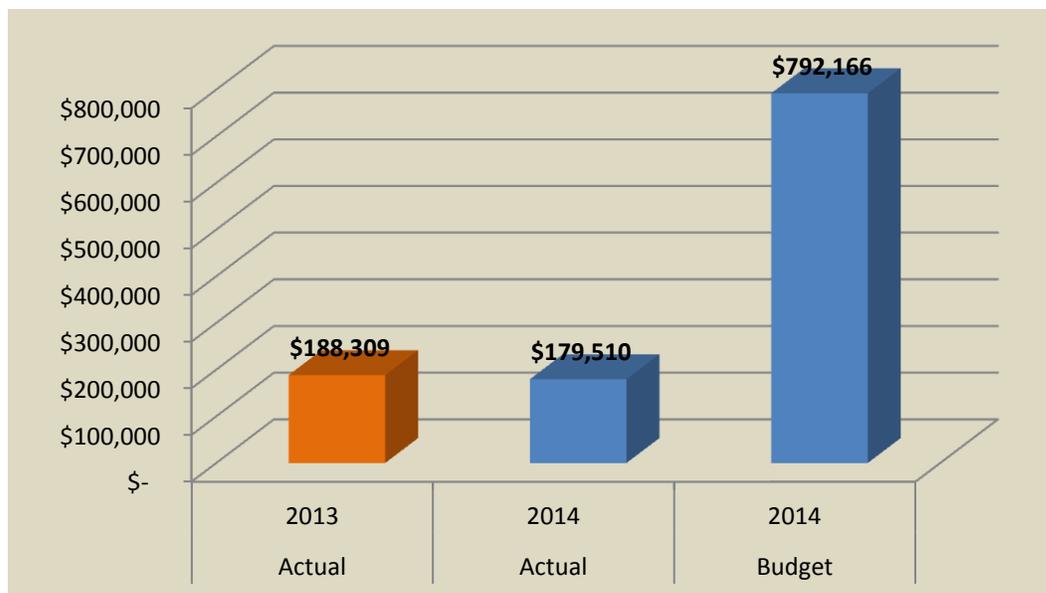
58.33% Through the Fiscal Year

City of Dallas
Monthly Financials
January 2014

Department: General Obligation and Long Term Debt Funds

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Collected
Revenue					
Property Taxes	\$ 664,129	\$ 665,862	\$ 735,000	\$ 69,138	90.6%
Transfers	61,839	62,545	109,627	47,082	57.1%
	\$ 725,968	\$ 728,407	\$ 844,627	\$ 116,220	86.2%

Description	Year-to-Date Actual 2013	Year-to-Date Actual 2014	Budget 2014	Budget Remaining	Percent Spent
Expenditures					
Principal	\$ 70,000	\$ 75,000	\$ 585,000	\$ 510,000	12.8%
Interest	118,309	104,510	207,166	102,656	50.4%
	\$ 188,309	\$ 179,510	\$ 792,166	\$ 612,656	22.7%



58.33% Through the Fiscal Year

DALLAS CITY COUNCIL REPORT

TO: MAYOR BRIAN DALTON AND CITY COUNCIL

<i>City of Dallas</i>	Agenda Item No. 11	Topic: Ord. No. 1760 – Park Advisory Board
Prepared By: Emily Gagner	Meeting Date: February 18, 2014	Attachments: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Approved By: Ron Foggin		

RECOMMENDED MOTION:

Allow Ordinance 1760 to pass its first reading

BACKGROUND:

Our Park and Rec Board is currently 11 to 13 people, many of whom do not come to the meetings. Because we then lack a quorum at our meetings, the members in attendance cannot move forward with anything of substance. Staff would like to propose we modify the makeup of the Board and clarify the Board’s duties and responsibilities. The goal will then be to get a Board made up of members who are truly dedicated to our parks and are ready and willing to step up and help in future planning and promote our parks throughout the community.

The Building and Grounds committee reviewed the proposed changes and voted unanimously to recommend the Council approve an ordinance enacting the changes.

FISCAL IMPACT:

None

ATTACHMENTS:

Redline version of ordinance
Ordinance 1760

2.550 Parks Advisory Board.

(1) A city Parks Advisory Board is hereby created.

~~(2) The board shall consist of not less than eleven nor more than thirteen persons appointed by the council who shall serve at the pleasure of the city council. Not less than one member of the board shall be a member of the city council and not more than three members may be non-residents of the city. The Parks Advisory Board shall consist of seven members. At least five members of the parks advisory board shall be residents of the city. Two members may reside outside of the city limits but must reside within Polk County. Members shall be appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the City Council.~~

~~(3) The term of office for each member is three years. Of the members first appointed, four members shall be appointed for a two-year term and five members shall be appointed for a four year term. Subsequent appointments shall be for a term of four years.~~

~~(4) A majority of a quorum of the board is sufficient to conduct board business. Four members shall constitute a quorum, and a majority of a quorum may transact business.~~

~~(5) At its first meeting in each calendar year, the board shall elect a chairperson and vice chairperson. The chairperson shall preside at all meetings and the vice chairperson shall preside over the meetings in the event that the chairperson is absent. Unless otherwise provided, the board shall conduct its affairs according to Robert's Rules of Order.~~

~~(6) In the event that a member is absent from three meetings in any calendar year without an excuse, or in the event of an emergency, the board may recommend removal of the member.~~

~~(7) The board shall hold at least two meetings per year.~~

2.555 Duties and Responsibilities.

The Park Advisory Board shall be advisory to the city council and shall:

~~(1) Give due attention and study to park and recreation services as they affect the welfare of the citizens of Dallas. The board shall make regular inspections of city park facilities, review the recreational, cultural and leisure needs of the city and make recommendations to the council and mayor on issues dealing with development, improvement, extension, and promotion of park, recreation and leisure programs and facilities. The board shall also have such duties assigned to it under DCC 3.700 through 3.750.~~

~~(2) Interpret the park and recreation services of the city to the community. (2) The board shall conduct its affairs according to Roberts Rules of Order.~~

~~(3) Engage in planning for future park and recreation areas and facilities, as well as the maintenance of existing areas and facilities.~~

(4) Provide input to the city manager or the city manager's designees on their plans and proposals for parks and recreation activities.

(5) Recommend policies relating to city parks and recreation activities.

(6) Encourage individuals and organizations to donate funds, property, and volunteer services for the development and operation of park and recreation facilities.

(7) Generally encourage community interest in parks and recreation.

(8) The board shall also have the duties assigned under DCC 3.800 through 3.820, and such other responsibilities as the city council may, from time to time, direct.

2.556 Advisory Functions

The actions of the Parks Advisory Board shall be advisory only and shall not constitute policy of the city, nor shall such actions be binding upon the City Council or upon the city. The City Council may adopt all or part of any recommendation of the board, with or without amendment, as city policy.

ORDINANCE NO. 1760

An Ordinance amending provisions of the Dallas City Code Sections 2.550 and 2.555, and creating a new provision, relating to the Parks Advisory Board.

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Dallas City Code Section 2.550 is hereby amended and restated in its entirety as follows:

2.550 Parks Advisory Board.

- (1) A city Parks Advisory Board is hereby created.
- (2) The Parks Advisory Board shall consist of seven members. At least five members of the parks advisory board shall be residents of the city. Two members may reside outside of the city limits but must reside within Polk County. Members shall be appointed by the Mayor with the consent of the City Council and may be removed by the Mayor with the consent of the City Council.
- (3) Of the members first appointed, four members shall be appointed for a two-year term and five members shall be appointed for a four year term. Subsequent appointments shall be for a term of four years.
- (4) Four members shall constitute a quorum, and a majority of a quorum may transact business.
- (5) At its first meeting in each calendar year, the board shall elect a chairperson and vice chairperson. The chairperson shall preside at all meetings and the vice chairperson shall preside over the meetings in the event that the chairperson is absent. Unless otherwise provided, the board shall conduct its affairs according to Robert's Rules of Order.
- (6) In the event that a member is absent from three meetings in any calendar year without an excuse, or in the event of an emergency, the board may recommend removal of the member.
- (7) The board shall hold at least two meetings per year.

Section 2. Dallas City Code Section 2.555 is hereby amended and restated in its entirety as follows:

2.555 Duties and Responsibilities.

The Park Advisory Board shall be advisory to the city council and shall:

- (1) Give due attention and study to park and recreation services as they affect the welfare of the citizens of Dallas.
- (2) Interpret the park and recreation services of the city to the community.
- (3) Engage in planning for future park and recreation areas and facilities, as well as the maintenance of existing areas and facilities.
- (4) Provide input to the city manager or the city manager's designees on their plans and proposals for parks and recreation activities.
- (5) Recommend policies relating to city parks and recreation activities.
- (6) Encourage individuals and organizations to donate funds, property, and volunteer services for the development and operation of park and recreation facilities.
- (7) Generally encourage community interest in parks and recreation.
- (8) The board shall also have the duties assigned under DCC 3.800 through 3.820, and such other responsibilities as the city council may, from time to time, direct.

Section 3. The following provision is added to and made a part of Dallas City Code chapter 2:

2.556 Advisory Functions

The actions of the Parks Advisory Board shall be advisory only and shall not constitute policy of the city, nor shall such actions be binding upon the City Council or upon the city. The City Council may adopt all or part of any recommendation of the board, with or without amendment, as city policy.

Section 4. The Park Board in existence on the date of adoption of this ordinance is hereby abolished and its members are hereby discharged as of the effective date of this ordinance.

Section 5. Ordinances 1680, 1699 and all prior and conflicting ordinances are

hereby repealed as of the effective date of this ordinance.

Read for the first time: February 18, 2014
Read for the second time: March 3, 2014
Adopted by the City Council: March 3, 2014
Approved by the Mayor: March 3, 2014

BRIAN W. DALTON, MAYOR

ATTEST:

APPROVED AS TO FORM:

RONALD W. FOGGIN, CITY MANAGER

LANE P. SHETTERLY, CITY
ATTORNEY