



Dallas City Council Agenda

**Kenneth L. Woods, Jr., Presiding
Monday, November 18, 2024**

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 streamed and recorded via the City of Dallas YouTube Channel:

<https://www.dallasor.gov/community/page/dallasyoutube>

AGENDA ITEM	RECOMMENDED ACTION
1. ROLL CALL, PLEDGE OF ALLEGIANCE	
2. INTRODUCTIONS, RECOGNITIONS, PROCLAMATIONS	
3. PUBLIC HEARING a) Development Code Updates addressing requirements in Senate Bill 1537 - #LA-24-01 p.4	MOTION
4. PUBLIC COMMENT (SEE PAGE 3 FOR MORE INFORMATION) <i>This time is provided for citizens to comment on municipal issues and any agenda items other than public hearings.</i> <u>To submit public comment by live telephone, please call:</u> +1 253 215 8782 MEETING ID: 213 855 0622 *We encourage you to be logged into the public comment queue by 7:00pm*	
5. CONSENT AGENDA <i>The following items are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which case the item will be removed from the Consent Agenda and considered separately.</i> a) Approve the November 4, 2024 Work Session Minutes p.21 b) Approve the November 4, 2024 City Council Meeting Minutes p.22	MOTION
6. ITEMS REMOVED FROM CONSENT AGENDA	
7. REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS	
8. REPORTS FROM CITY MANAGER AND STAFF a) Republic Services p.24 b) Public Works Building Project Update p.33 c) Creation of Technical Advisory Committee for the Transportation System Plan Project and Appointment of Members p.38 d) FEMA Pre-implementation Compliance Measures p.41 e) Veteran's Day Celebration p.50	MOTION N/A MOTION N/A N/A

COUNCIL

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Council President

Michael Schilling

Councilor

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Councilor

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Our Mission: We are a welcoming, safe and livable community dedicated to people and business.



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9. FIRST READING OF ORDINANCES

- a) Ordinance No. 1901 - declaring 9.2 acres, more or less, of territory being Tax Lot 400 and a portion of Tax Lot 1400 on Polk County Assessor’s Map 7.5.29CA, and a portion of the neighboring property, Tax Lot 1304 on Assessor’s Map 7.5.29CD, annexed to the City of Dallas and withdrawn from Southwestern Polk County Rural Fire Protection District; and designating the zoning of said property as Residential Low Density (RL) p.51
- b) Ordinance No. 1902 - declaring .33 acres, more or less, of territory being Tax Lot 10000, on Polk County Assessor’s Map 7.5.32CD, annexed to the City of Dallas and withdrawn from Southwestern Polk County Rural Fire Protection District; and designating the zoning of said property as Residential Low Density (RL) p.60

10. RESOLUTIONS

- a) Resolution No. 3538 – A Resolution honoring Mark O. Hatfield and renaming Birch Park as Mark O. Hatfield Park p.66

11. OTHER BUSINESS

12. ADJOURNMENT

ROLL CALL
VOTE

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Watch a Dallas City Council Meeting or Planning Commission Meeting Live on Youtube

Visit: www.dallasor.gov/community/page/dallasyoutube

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We encourage you to be logged into the public comment queue by 7:00PM to ensure your comments will be received

Step 1: Dial: **+1 (253) 215-8782**

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Step 3: Press **#**. This will set your participant ID as your telephone number.

Helpful Tips:

- Make sure to call in before the meeting start time
- You will be asked to speak during the public comment portion of the meeting (See page 1 of the meeting agenda). You will be called upon by phone number once the public comment period begins. All testimony will be electronically recorded.
- Do not use your speakerphone when calling to submit public comments as it may affect call quality.
- Turn off the volume on YouTube if you choose to watch the video live on YouTube while simultaneously commenting via telephone, otherwise you may experience audio feedback.
- Press ***6** to unmute yourself when asked by the recording secretary or presiding officer.



CITY COUNCIL STAFF REPORT

MEETING DATE: November 18, 2024
AGENDA ITEM NO. 3.a
TOPIC: Development Code Updates addressing requirements in Senate Bill 1537 (2024)
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Planning Commission Staff Report

RECOMMENDED ACTION:

Hold the public hearing, accept any public testimony, and vote to approve the proposed text amendments, as presented, subject to the adoption of an ordinance.

BACKGROUND:

As noted in the Planning Commission staff report (**Attachment A**), Senate Bill 1537 (2024) requires certain land use applications to be processed as limited land use decisions, meaning no public hearing. These actions may be appealed locally. Staff has drafted amendments to the City’s development code to reflect compliance with Senate Bill 1537, and those amendments are located in Exhibit A of the Planning Commission Staff Report (**Attachment A**). The Planning Commission public hearing is scheduled for November 14, 2024. At the time this report was written, a recommendation from the Planning Commission had not yet been made. The recommendation of the Planning Commission will be given to the City Council at the council meeting on November 18th. Recommended revisions to the proposed code amendments, if any, will also be shared with the City Council on November 18th.

Senate Bill 1537 requires these amendments to be in place by January 1, 2025. As such, the ordinance implementing these administrative changes will have its first and second reading at the December 9, 2024 City Council meeting with an effective date of January 1, 2025.

SUMMARY TIMELINE:

11/14/2024 – Planning Commission hearing on proposed text amendments
11/18/ 2024 – City Council hearing on proposed text amendments
12/9/2024 – Ordinance scheduled for its first and second reading with vote to adopt
1/1/2024 – Ordinance takes effect

FISCAL IMPACT:

None.

RECOMMENDED MOTION:

I move to approve the proposed text amendments, as presented, and direct the City Attorney to prepare an ordinance.

CITY OF DALLAS PLANNING COMMISSION STAFF REPORT

Meeting Date: November 14, 2024
Topic: Development Code Updates - #LA-24-01

Application Type: Legislative Amendment
Applicant: City of Dallas
Exhibits: A – Draft Code Amendments

RECOMMENDED ACTION

Recommend to City Council that the code updates be adopted.

BACKGROUND:

The Dallas Development Code regulates development within the city, and is regularly updated as community conditions change and as required by changes in state and federal law.

Oregon Senate Bill 1537, passed by the state legislature in the 2024 session, includes numerous provisions intended to incentivize and streamline the development of housing in the state. One particular provision relates to how land use applications are processed, requiring that:

“...Local government shall process as a limited land use decision any application for the development of housing within an urban growth boundary that requests:

- (a) Partitions, subdivisions, replats or property line adjustments under ORS 92.010 to 92.192;*
- (b) Site plan review;*
- (c) Extensions, alterations or expansions of nonconforming uses; or*
- (d) Adjustments to land use regulations, as defined...”*

In this context, processing an application “as a limited land use decision” means that the land use decision is to be made without a public hearing, as an administrative decision by city staff via a Type II procedure, and not by the Planning Commission, under the Type III procedure. Accordingly, staff has proposed the attached code amendment to implement this change. State law provides that a local government may allow an appeal of an administrative limited land use decision. The proposed amendment provides for an appeal of an administrative decision to either the Planning Commission or the City Council, depending on the nature of the application. An appeal from an administrative limited land use decision is a de novo appeal, to be conducted in the manner of a Type III quasi-judicial hearing.

CODE AMENDMENT PROCEDURE:

As described in Chapter 4.7.020 of the Dallas Development Code, all code amendments shall follow the Type IV procedure as governed by DDC.4.1.050. Under this procedure, the Planning Commission shall hold public hearing and make a recommendation to the City Council on any proposed changes, after which the City Council shall hold public hearing and decide whether to adopt the changes. If the City Council approves that code change, the City Attorney will prepare the draft ordinances which is subject to first and second reading by Council.

CODE AMENDMENT APPROVAL CRITERIA:

DDC.4.7.020. – Legislative Amendments

“Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Section 4.1.050 and shall conform to the Transportation Planning Rule provisions in Section 4.7.060, as applicable.”

Staff finds the proposed amendments to the development code identified in Exhibit A are necessary to comply with the applicable sections of Senate Bill 1537. Further staff finds the Transportation Planning Rule does not apply to the proposed text amendments.

RECOMMENDED MOTION:

I move to recommend the City Council approve of the proposed text amendments to the Dallas Development Code, as drafted in Exhibit A.

1.2.090 Official Action

- A. **Official Actions.** The City of Dallas City Council, Planning Commission, and Planning Official, as applicable, are vested with authority to issue permits and grant approvals in conformance with this Code. **All references to the Planning Official in this code shall include the Planning Official's designee unless the context clearly requires a different interpretation.** City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. **Void Actions.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless it is modified by the City to conform to the Code. The Planning Official shall determine when an approval is void and he or she may modify the approval, or refer it back to the original decision-making body for modification, to make it conform to the Code.
- C. **Notices and Validity of Actions.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to notice.

4.1.10 Purpose And Applicability Of Review Procedures

- A. **Purpose.** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.
- B. **Applicability of Review Procedures.** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures as described in subsections 1-4 below. Table lists the City's land use and development approvals and their required review procedure(s).
 1. **Type I Procedure (Administrative).** Type I decisions are made by the City Planning Official without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria, and applying City standards and criteria requires no use of discretion;
 2. **Type II Procedure (Administrative, with right to appeal).** Type II decisions are made by the City Planning Official with public notice and an opportunity for appeal. ~~An appeal of a Type II decision is heard by the Planning Commission;~~
 3. **Type III Procedure (Quasi-Judicial).** Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council.
 4. **Type IV Procedure (Legislative).** Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council.

Table 4.1.010 Summary of Approvals and Appeal Rights by Type of Review Procedure

Approvals*	Review Procedures	Applicable Regulations	Local Appeal Body**
Access Permit (public street)	Type I	Chapters 3.1, 4.2, 4.3; Engineering Design Standards	None
Annexation	Type IV	Chapter 4.10	None
Code Interpretation	Type II	Chapter 4.8	City Council
Code Text Amendment	Type IV	Chapter 4.7	None
Comprehensive Plan Amendment	Type IV	Chapter 4.7 & Comprehensive Plan	None
Conditional Use Permit	Type III	Chapter 4.4	Planning Commission
Home Occupation Permit Type I	Type I	Chapter 4.9; See also ; Section 2.2.020	None
Home Occupation Permit Type II	Type II	Chapter 4.9; See also ; Section 2.2.020	Planning Commission
Master Planned Development	Type III	Chapter 4.5	City Council
Modification to Approval	Type II/III (minor or major)	Chapter 4.6	Same as original approval
Land Use District Map Change Quasi- Judicial (does not require a plan amendment) Legislative (plan amendment)	Type III IV Type IV	Chapter 4.7 Chapter 4.7	None
Property Line Adjustments, including Lot Consolidations	Type I	Chapter 4.3	None
Legal Lot Determination	Type I	Chapter 5.3	None

Non-Conforming Use or Development Confirmation	Type II	Chapter 5.2	Planning Commission
Partition or Replat of 2-3 lots	Type II	Chapter 4.3	Planning Commission
Land Use Review	Type I/II	Chapter 4.2	None
Site Design Review	Type II		Planning Commission
Site Design Review w/- Adjustment	Type III		=
Subdivision or Replat of >3 lots Preliminary Plat Final Plat	Type III II Type I	Chapter 4.3	City Council
Temporary Use Permit (includes Temporary Medical Hardship Dwelling)	Type I/II/ III	Chapter 4.9, Chapter 2.2	Planning Commission
Variance			Planning Commission
Class A	Type II	Chapter 5.1	Planning Commission
Class B	Type III	Chapter 5.1	Planning Commission

* The applicant may be required to obtain approvals from other agencies, such as a road authority or natural resource regulatory agency, for some types of approvals. The City’s failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or action taken by the City under this Code.

** Appeals to the Planning Commission may instead be referred to the City Council at the discretion of the Planning Official.

4.1.030 Type II Procedure (Administrative, with right to appeal)**A. Application Requirements.**

1. Application Forms. Type II applications shall be made on forms provided by the City Planning Official.
2. Submittal Information. The application shall:
 - a. Include the information requested on the application form;
 - b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 4.2 (Land Use Review), 4.3 (Land Divisions), 4.6 (Modifications), 4.8 (Code Interpretations), and 4.9 (Miscellaneous Permits); and
 - c. Be accompanied by the required fee.
 - d. Be accompanied by a list of property owners of record within one hundred (100) feet of the subject site (by tax map and lot number) and mailing labels for the same.

B. Notice of Application for Type II Administrative Decision.

1. ~~Before making a Type II Administrative Decision, Upon determining a Type II application to be complete,~~ the City Planning Official shall mail notice of the application to:
 - a. All owners of record of real property within a minimum of 100 feet of the ~~subject~~ entire contiguous site for which the application was made;
 - b. Any person who submits a written request to receive a notice; ~~and~~
 - c. Any neighborhood or community organization recognized by the governing body and whose boundaries include the site; and
 - d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.
2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.
3. Notice of a pending Type II Administrative Decision shall:
 - a. Provide a 14-day period for submitting written comments before a decision is made ~~on the permit~~; List the relevant approval criteria by name and number of code sections; this information may be summarized by Code chapter, provided the notice has sufficient detail to help the public identify and locate applicable code criteria;
 - b. State the place, date and time the comments are due, and the person to whom the comments should be addressed;

- c. Include the name and telephone number of a contact person regarding the Administrative Decision;
 - d. Describe proposal and identify the specific permits or approvals requested;
 - e. Describe the street address or other easily understandable reference to the location of the site;
 - f. ~~State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;~~ State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
 - g. State that all evidence relied upon by the City Planning Official to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
 - h. State that after the comment period closes, the City Planning Official shall issue a Type II Administrative Decision, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
 - i. Contain the following notice: “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 or person in fee title to the property.”
- C. Administrative Decision Requirements.** The City Planning Official shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the City Planning Official shall approve, approve with conditions, or deny the requested permit or action. Alternatively, the City Planning Official may refer the application to the Planning Commission for review in a public hearing, in which case the public shall be notified of the hearing and the review shall proceed following the Type III procedures in Section 4.1.040.
- D. Notice of Decision.**
- 1. Within five (5) days after the City Planning Official signs the Type II decision, a Notice of Decision shall be sent by mail to:
 - a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;

- b. Any person who submitted a written request to receive notice, or provided comments during the application-review period;
 - ~~e. Any City recognized neighborhood group or association whose boundaries include the site; and~~
 - ~~d.c.~~ Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies that were notified or provided comments during the application review period.
2. The City Planning Official shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
 3. The Type II Notice of Decision shall contain:
 - a. A description of the applicant’s proposal and the City’s decision on the proposal (i.e., may be a summary);
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
 - c. A statement of where the City’s decision can be obtained;
 - d. The date the decision shall become final, unless appealed;
 - e. A statement that all persons entitled to notice may appeal the decision; and
 - f. A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.
- E. Final Decision and Effective Date.** A Type II ~~administrative~~ decision is final for purposes of appeal, when it is mailed by the City. A Type II ~~administrative~~ decision is effective on the day after the appeal period expires. The appeal period runs fourteen (14) days from the date the decision is mailed. Upon appeal, the decision becomes effective when the City takes final action on the appeal.
- F. Appeal.** A Type II ~~administrative~~ decision may be appealed ~~to the Planning Commission~~ as follows:
1. Who may appeal. The following people have legal standing to appeal a Type II ~~Administrative~~ Decision:
 - a. The applicant or owner of the subject property;
 - b. Any person who was entitled to written notice of the Type II decision;
 - c. Any other person who participated in the proceeding by submitting written comments on the application to the City by the specified deadline.
 2. Appeal filing procedure.
 - a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II ~~Administrative~~ Decision by filing a Notice of Appeal according to the following procedures. *The appeal shall be heard by the Local Appeal Body designated in Table 4.1.010; provided, appeals designated to the Planning Commission may instead be referred to the City Council at the discretion of the Planning Official.*
 - b. *Time for filing.* A Notice of Appeal shall be filed with the City

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Planning Official within fourteen (14) days of the date the Notice of Decision was mailed.

- c. *Content of notice of appeal.* The Notice of Appeal be accompanied by the required filing fee and shall contain:
- (1) An identification of the decision being appealed, including the date of the decision;
 - (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - (3) A statement explaining the specific issues being raised on appeal; and
 - (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
3. Scope of appeal. The appeal of a Type II ~~Administrative~~ Decision by a person with standing shall be a hearing *de novo*, ~~before the Planning Commission.~~ ~~The meaning the~~ appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the Type II-~~administrative~~ review, but may include other relevant evidence and arguments. The ~~Planning Commission~~ Local Appeal Body may allow additional evidence, testimony or argument concerning any relevant standard, criterion, condition, or issue.
4. Appeal procedures. Sections 4.1.040.C - E, governing notice, hearing procedures and decision process for Type III decisions shall apply to all Type II ~~Administrative~~ Appeals.
5. Further Appeal. The decision of the ~~Planning Commission~~ Local Appeal Body designated in Table 4.1.010 regarding an appeal of a Type II ~~Administrative~~ Decision is the final decision of the City. ~~City Council within the time provided in 4.1.040.G.2.b.~~

4.1.40 Type III Procedure (Quasi-Judicial)

- A. **Pre-application Conference.** A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 4.1.060.
- B. **Application Requirements.**
1. Application forms. Type III applications shall be made on forms provided by the City Planning Official; ~~if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.~~
 2. Submittal Information. When a Type III application is required, it shall:
 - a. Include the information requested on the application form;
 - b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific application requirements for each approval, e.g., Chapters 4.2 (Land Use Review and Site Design Review), 4.3 (Land Divisions), 4.6 (Modifications), 4.8 (Code Interpretations), and 4.9 (Miscellaneous Permits); and

- c. Be accompanied by the required fee.
- d. Be accompanied by a list of property owners of record within one hundred (100) feet of the subject site (by tax map and lot number) and mailing labels for the same.

C. Notice of Hearing.

1. Mailed notice. The City shall mail the notice of the Type III action. The records of the Polk County Assessor's Office are the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the City Planning Official in the following manner:
 - a. At least 20 days before the hearing date, notice shall be mailed to:
 - (1) The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
 - (2) All property owners of record within 100 feet of the site;
 - (3) Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. The City shall notify the road authority, and rail authority and owner, when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
 - (4) Any neighborhood or community organization recognized by the City Council and whose boundaries include the subject property;
 - (5) Any person who submits a written request to receive notice;
 - (6) For appeals, the appellant and all persons who provided testimony in the original decision; and
 - (7) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 - b. The City Planning Official shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who must receive notice.
 - c. At least fourteen (14) business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the

City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

2. Content of Notice. Notice of ~~appeal of a Type II Administrative decision and notice of~~ a Type III hearing to be mailed and published per Subsection 1 above shall contain the following information:
- a. The nature of the application and the proposed land use or uses that could be authorized for the property;
 - b. The applicable criteria and standards from the development code(s) that apply to the application;
 - c. The street address or other easily understood geographical reference to the subject property;
 - d. The date, time, and location of the public hearing;
 - e. A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;
 - f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
 - g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Dallas City Hall at no cost and that copies shall be provided at a reasonable cost;
 - h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
 - i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
 - j. The following notice: "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 or person in fee title to the property."

D. Conduct of the Public Hearing.

1. At the commencement of the hearing, the chair or convener of the Planning Commission, or his or her designee, shall state to those in attendance:
 - a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the

issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;

- d. A statement that, at the conclusion of the initial evidentiary hearing, any participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing, and that, if the Planning Commission grants the request, it will schedule a date to continue the hearing as provided in paragraph 2 of this subsection, or leave the record open for additional written evidence or testimony as provided paragraph 3 of this subsection.
2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the Planning Commission shall reopen the record.
 - a. When the Planning Commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to Section 4.1.040.D is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;
 - c. If requested by the applicant, the City shall allow the applicant at least seven (7) days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence;
4. The record shall contain all testimony and evidence that is submitted to the City and that the hearings body has not rejected;
5. In making its decision, the hearings body may take notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;
6. The review authority shall retain custody of the record until the City issues a

- final decision.
7. Participants ~~in the appeal of a Type II Administrative decision or participants~~ in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing *ex parte* contacts as reasonably possible. Where questions related to conflict of interest or *ex parte* contact are concerned, public hearings shall be conducted pursuant to State law.
 8. Presenting and receiving evidence.
 - a. The Planning Commission may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;
 - b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only as provided in Section 4.1.040.D;
 - c. Members of the Planning Commission may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence.

E. The Decision Process.

1. Basis for decision. Decisions on Type III applications, ~~and any action taken on an appeal of a Type II Administrative decision,~~ shall be based on standards and criteria in this Code. The decision on such application or appeal shall relate to the applicable Code standards and criteria.
2. Findings and conclusions. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions required in subsection 2, which approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required.
4. Decision-making time limits. A final order for any Type III decision ~~or action on a Type II Administrative Appeal~~ shall be signed by the chair of the Planning Commission and filed by the City Planning Official within ten (10) business days after the decision or action is made.
5. Notice of Decision. Written notice of a Type III decision, ~~or action on an appeal of Type II Administrative Appeal,~~ shall be mailed to the applicant and to all participants of record within ten (10) business days after the decision is made. Failure of any person to receive mailed notice shall not invalidate the decision or action, provided that a good faith attempt was made to mail the notice.
6. Final Decision and Effective Date. A Type III decision, ~~or action on a Type II Administrative Appeal,~~ is final for purposes of appeal to the City Council on the date it is mailed by the City. The decision is effective on the day after the

- appeal period for the decision expires.
- F. **Appeals.** Appeals from the Planning Commission on ~~Type II Administrative Appeals and~~ Type III decisions are heard by City Council as follows:
1. Who may appeal. The following people have legal standing to appeal a ~~Type II Administrative Decision or~~ Type III Decision from the Planning Commission to the City Council:
 - a. The applicant or owner of the subject property;
 - b. Any other person who participated in the proceeding by submitting oral or written comments.
 2. Appeal filing procedure.
 - a. *Notice of appeal.* Any person with standing to appeal, as provided in subsection 1, above, may appeal a ~~Type II Administrative Appeal or~~ Type III Decision by filing a Notice of Appeal according to the following procedures.
 - b. *Time for filing.* A Notice of Appeal of a ~~Type II Administrative Appeal or~~ Type III Decision shall be filed with the City Planning Official within ten (10) business days after the notice of decision is mailed.
 - c. *Content of notice of appeal.* The Notice of Appeal shall be accompanied by the required filing fee, and shall contain:
 - (1) An identification of the decision being appealed, including the date of the decision;
 - (2) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
 - (3) A statement explaining the specific issues being raised on appeal;
 - (4) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.
 3. Scope of review. An appeal of a ~~Type II Administrative Appeal or a~~ Type III Decision shall be limited to *de novo* review on the record of the decision being appealed.
 4. Review on the Record.
 - a. For the purpose of *de novo* review on the record under section 3., above, the record shall include the following:
A factual report prepared by the Planning Official; All exhibits, materials, pleadings, memoranda, stipulations, oral and written testimony and motions submitted to and received or considered by the Planning Commission in reaching the decision under review; The final order and findings of fact adopted by the Planning Commission; The Notice of Appeal filed by the appellant; and The minutes of the Planning Commission's public hearings on the matter, including a transcript of the hearings if requested by or presented to the City Council.
 - b. All parties to the hearing before the Planning Commission shall receive notice of the proposed hearing on *de novo* review on the record, indicating the date, time and place of the review, and of the right to present argument to the City Council as provided in subsection c.,

below.

- c. The City Council shall make its decision based upon the record after first granting the right to present argument, but not to introduce additional evidence, to the parties to the hearing before the Planning Commission.
 - d. In considering the appeal, the City Council need only consider those matters specifically raised by the appellant. The City Council may consider other matters if it so desires.
 - e. The appellant shall have the burden of proof and persuasion on appeal.
5. The Decision Process.
- a. Basis for decision. Decisions on appeal to the City Council shall be based on standards and criteria in this Code. The decision on such appeal shall relate to the applicable Code standards and criteria.
 - b. Findings and conclusions. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
 - c. Form of decision. The City Council shall issue a final written order containing the findings and conclusions required in subparagraph b., which either approves, denies, or approves with specific conditions.
 - d. Decision-making time limits. A final order on any appeal to the City Council shall be signed by the Mayor or President of the City Council and filed by the City Planning Official within ten (10) business days after the decision is made.
 - e. Notice of Decision. Written notice of a decision on an appeal to the City Council shall be mailed to the applicant and to all participants of record within ten (10) business days after the decision is made. Failure of any person to receive mailed notice shall not invalidate the decision or action, provided that a good faith attempt was made to mail the notice.
 - f. Final Decision and Effective Date. A decision of the City Council is final on the date it is mailed by the City. The decision is effective on the day after the appeal period for the decision expires.
6. Further Appeal to LUBA. The City Council's decision may be appealed to the State Land Use Board of Appeals pursuant to ORS 197.805 - 197.860.



**MEETING MINUTES
DALLAS CITY COUNCIL WORK SESSION
187 SE COURT ST, DALLAS OR 97338**

Monday, November 4, 2024

1 Mayor Kenneth L. Woods, Jr. called the City Council Work Session to order on November 4,
2 2024 at 6:03 pm.

3 **ROLL CALL**

4 **Councilors Present:** Council President Michael Schilling, Councilor Nancy Adams, Councilor
5 Carlos Barrientos, Councilor Larry Briggs, Councilor Kirsten Collins, Councilor Kim Fitzgerald,
6 Councilor Micah Jantz, Councilor David Shein, and Councilor Debbie Virden

7 **Mayor or Councilors Excused:** none

8 **Also Present:** Mayor Kenneth L. Woods, Jr., City Manager Brian Latta, Assistant City Manager
9 Emily Gagner, City Attorney Lane Shetterly, Fire & EMS Chief April Wallace (joined at 6:33
10 pm), Police Chief Tom Simpson, Economic & Community Development Director Charlie
11 Mitchell (joined at 6:35 pm), Public Works Director Gary Marks, Library Director Mark Green-
12 halgh-Johnson and City Recorder Kim Herring

13 **Tour of the Public Works Shops**

14 City staff, Mayor Woods and City Councilors met at the Public Works Shops at 5:30 pm to tour
15 the facilities. They then travelled to City Hall where the meeting was officially called to order.

16 **Public Works Annual Report**

17 Mr. Marks presented the annual report for Public Works. He reviewed the projects that were fin-
18 ished or in progress for this year as well as what is planned for the year ahead.

19 **OTHER BUSINESS**

20 **ADJOURNMENT:** 6:40 pm



MEETING MINUTES
DALLAS CITY COUNCIL
187 SE COURT ST, DALLAS, OR 97338

Monday, November 4, 2024

1 Mayor Kenneth L. Woods, Jr. called the City Council meeting to order on Monday, November 4,
2 2024 at 7:00 pm.

3 **ROLL CALL**

4 **Councilors Present:** Council President Michael Schilling, Councilor Nancy Adams, Councilor
5 Carlos Barrientos, Councilor Larry Briggs, Councilor Kirsten Collins, Councilor Kim Fitzgerald,
6 Councilor Micah Jantz, Councilor David Shein, and Councilor Debbie Virden

7 **Mayor or Councilors Excused:** None

8 **Also Present:** Mayor Kenneth L. Woods, Jr., City Manager Brian Latta, Assistant City Manager
9 Emily Gagner, City Attorney Lane Shetterly, Fire & EMS Chief April Wallace, Police Chief
10 Tom Simpson, Public Works Director Gary Marks, Economic & Community Development Di-
11 rector Charlie Mitchell, Library Director Mark Greenhalgh-Johnson and City Recorder Kim Her-
12 ring

13 **PUBLIC COMMENT**

14 Ann Hurd, Friends of the Dallas Aquatic Center, gave an update on their fundraising efforts.
15 There are almost 50% to their goal of \$15,000, which will be used to replace the aging sand fil-
16 ters.

17 Robert Greenway provided comment on general council business.

18 **CONSENT AGENDA**

- 19 a) **Approve the October 21, 2024 Work Session Minutes**
20 b) **Approve the October 21, 2024 City Council Meeting Minutes**

21 Councilor Briggs made a motion to approve the consent agenda as presented. Councilor Shein
22 seconded the motion. The vote was taken and the motion passed with a vote of 9-0.

23 **REPORTS OR COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

24 Councilor Shein attended a meeting of the Local Public Safety Coordinating Council (LPSCC)
25 today where they had a presentation regarding the delivery of crisis services in Polk County.
26 There was a presentation that was given and each councilor will receive a copy of that via email.

27 Councilor Briggs proposed a change to the Council Rules of Procedure Section 7.6.e. He would
28 like to change the wording from "Testimony will be limited to five minutes, unless a shorter time
29 is announced by the Mayor" to "*Testimony will be three minutes, unless a longer time is an-*
30 *nounced by the Mayor*". Mr. Latta indicated that the procedures are reviewed after every election
31 and this suggestion will be added the agenda for the Public Administration Committee. Mayor
32 Woods commented that most cities are three minutes.

33 **REPORTS FROM CITY MANAGER AND STAFF**

34 a) **Highways 22 and 51 Interchange Project Update**

35 Mayor Woods read a statement regarding the intersection and the resolution that was
36 passed by the Council in October. Anna Henson, ODOT Area Manager, Kumar
37 Rethnasamy, ODOT Project Manager, and Ed Chamberland, Project Manager with David
38 Evans, presented an update on the design project as well as some interim plans to help
39 with the traffic issues at this intersection. It was proposed that they come back in January
40 or February to update the Council and the Value Engineering portion of the project.

41 Mayor Woods called for a recess at 8:09 pm. Mayor Woods reconvened the meeting at 8:15 pm.

42 b) **FEMA Biological Opinion: Pre-implementation Compliance Measures**

1 Tom Gilson presented information on the Federal Emergency Management Agency
2 (FEMA) issued mandate for local governments that participate in the National Flood In-
3 surance Program. The council will need to decide how to proceed with the temporary
4 Pre-implementation Compliance Measures. Mr. Gilson will return on November 18th with
5 a recommended option for council to adopt.

6 **SECOND READING OF ORDINANCES**

7 **a) Ordinance No. 1900 relating to illegal stormwater discharges and illicit stormwater**
8 **connections; and adding new provisions to Chapter 4 of the Dallas City Code**

9 Mr. Latta reviewed the staff report. Mayor Woods called for a roll call vote. The vote was
10 taken and Ordinance No. 1900 passed with a 9-0 vote.

11 **ADJOURNMENT: 9:00 pm**

12 **Read and approved this _____ day of _____ 2024.**

13

14 _____

15 **Mayor**


16

17 _____

18 **City Manager**



CITY COUNCIL STAFF REPORT

MEETING DATE: November 18, 2024
AGENDA ITEM NO. 8.a
TOPIC: Republic Services Annual Rate Review
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Supporting Documents from Republic Services

RECOMMENDED ACTION:

Staff recommends the City Council hear the proposal by Republic Services staff.

BACKGROUND:

Republic Services has an exclusive franchise agreement with the City of Dallas to provide refuse and recycling services (**Attachment B**). Annually, the company evaluates its rates and requests the City Council approve adjustments to the rates it charges Dallas customers.

Attachment A includes a copy of the current and proposed rates from Republic Services. A 4.1% rate increase for all rates (residential, commercial, and other) is proposed. **Attachment A** includes additional information regarding the recycling modernization act.

To adjust the rates Republic Services charges, the City Council must approve a resolution. Staff have prepared a recommended motion below.

A Republic Services representative will come prepared with additional information to share with the City Council on this topic.

SUMMARY TIMELINE:

10/16/2023 – City Council considers proposed rate increases by Republic Services.

FISCAL IMPACT:

4.1% rate increase for all services

RECOMMENDED MOTION:

I move to direct the City Attorney to prepare a resolution approving a 4.1% increase to the Republic Services Rates, effective January 1, 2025

We are a welcoming, safe and livable community dedicated to people and business



Sustainability in Action

September 30, 2024

Council President Schilling
Dallas City Council
City Staff

Dear President Schilling, City Council and Staff,

Republic Services is proud to serve the City of Dallas as your waste hauler. Along with our day-to-day work in Dallas, we have been involved in some exciting things over the past year:

- As you may be aware, there has been a flurry of activity surrounding recycling in Oregon that will result in innovative changes in 2025. You have heard us talk about the Oregon Recycling Modernization Act for several years. It will come to fruition on July 1, 2025. Republic Services worked with the City of Dallas, City of Corvallis, Benton County and many other communities in 2024 to assist in two surveys from DEQ and their Producer Responsibility contractor, Circular Action Alliance, who will operate the new program. Watch for more news about changes to recycling in 2025.
- We implemented weekly yard debris and recycling services, which have been very successful.
- We continue to support fleet electrification as a method to reduce Green House Gases, with several trucks arriving in Salem, Bend and the Portland area soon.

In this packet you will find information about the Refuse Rate Index for 2025. The index of 4.1% for residential service is due to a combination of CPI and the increased cost of operations and disposal at Coffin Butte Landfill and Pacific Region Compost and equates to an average increase of \$1.11 per customer.

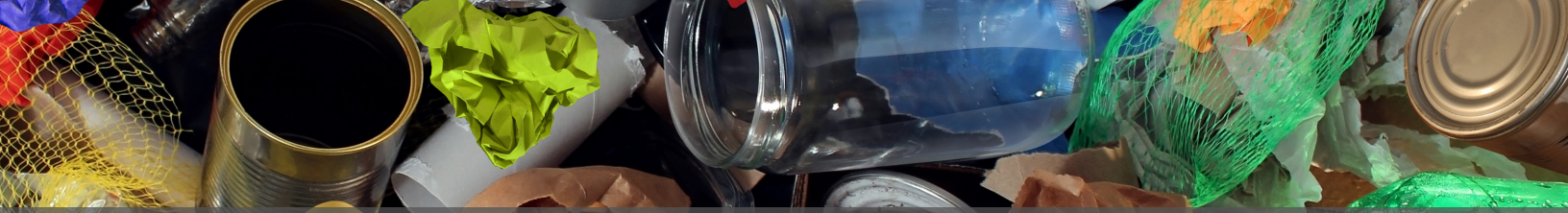
We look forward to your comments,

Bret Davis
General Manager
Bret.davis@republicservices.com

Julie Jackson
Municipal Manager

Republic Services - City of Dallas RRI

	Index: June 30, 2023	Index: June 30, 2024	% Change	Weight	Refuse Index
CPI - West Size Class B/C All Urban Consumers	187.354	193.555	3.3%	75%	2.5%
Coffin Butte Disposal Rate	\$ 56.00	\$ 58.25	4.0%	15%	0.6%
PRC Disposal Rate	\$ 59.00	\$ 65.00	10.2%	10%	1.0%
Rate Adjustment %					4.1%
					100.0%
Adjustment Factor					104.1%



Plastic Pollution and Recycling Modernization Act

The Plastic Pollution and Recycling Modernization Act updates Oregon’s recycling system by building on local community programs and leveraging the resources of producers to create an innovative system that works for everyone. The law requires packaging producers to share responsibility for effective management of their products after use. **The new law goes into effect January 1, 2022 and program changes will start in July 2025.**

KEY BENEFITS



Shares and scales responsibility across the recycling system. Producers will be brought into the recycling system to fund improvements and expand recycling services. Cost to producers will be based on what materials they use and how much they sell into Oregon.



Creates one statewide list of what can be recycled. The uniform collection list will provide clarity to households and businesses about what can be recycled, and create efficiencies in recycling operations across the state.



Increases access to recycling. The new law will provide recycling services to people who didn't previously have it, such as those who live in apartments and rural areas.



Incentivizes sustainable products. Producer fees will be higher for non-recyclable products and those creating more environmental pollution.



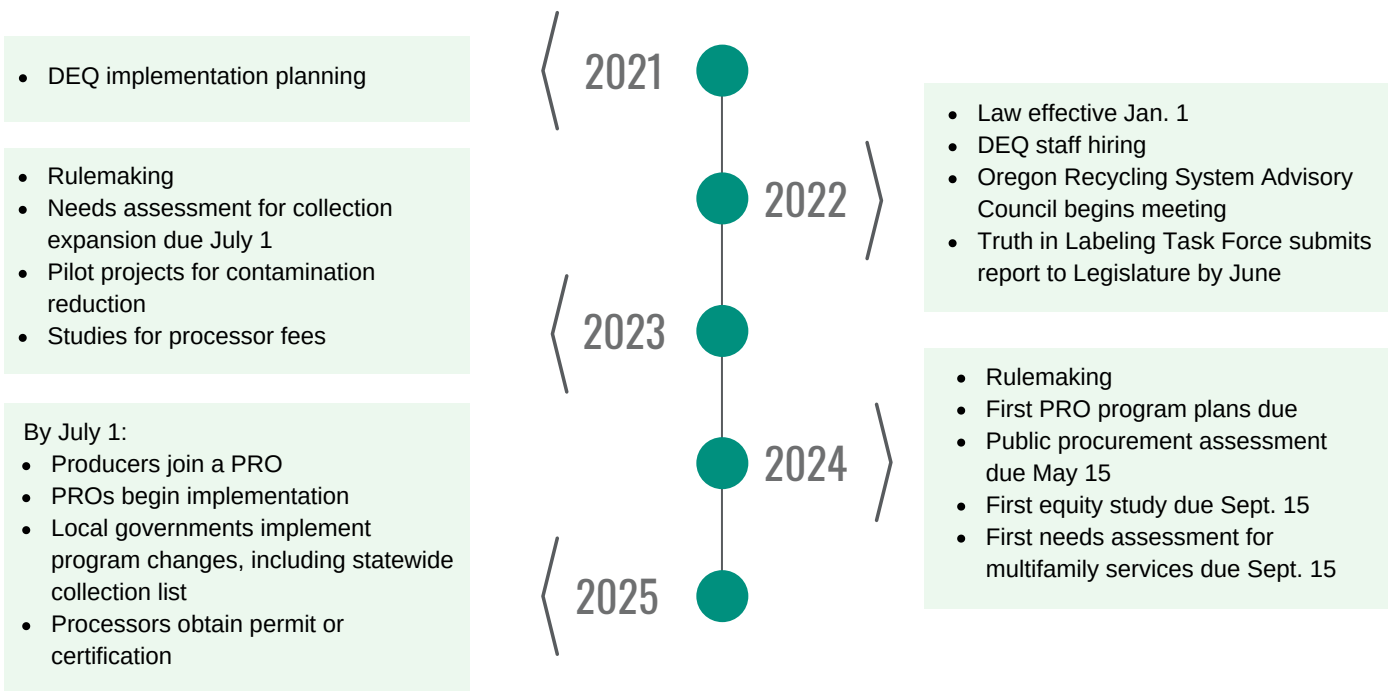
Prevents plastic pollution. Ensures collected materials are recycled responsibly and keeps plastic and other trash out of our waterways and communities — both domestically and overseas.



Creates accountability to outcomes. DEQ will permit and audit recycling processors, and a Governor-appointed advisory council will review producer program plans, the statewide collection list and educational resources.

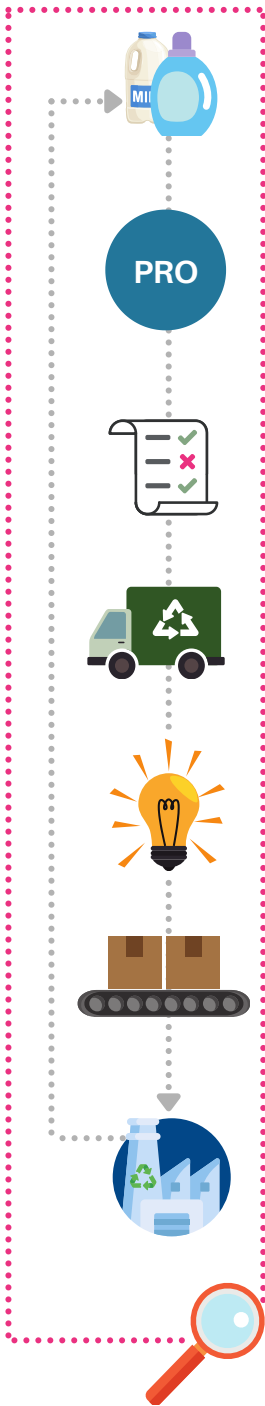
WHAT'S NEXT?

Below are key dates through 2025. Stakeholder engagement, project planning and research extend throughout implementation.



How the Recycling Modernization Act Works

The Recycling Modernization Act requires producers of packaging, paper products and food serviceware to share responsibility for effective management of their products after use. These producers will finance improvements to the recycling system and perform specific functions to make Oregon's recycling programs convenient, accessible and responsible. Local governments will maintain their role overseeing collection and education in their communities.



PRODUCERS will join and pay a membership fee to a nonprofit Producer Responsibility Organization (PRO) that will fund improvements and ensure that collected recyclables go to responsible end markets. Producers will also be required to meet new recycling goals for plastic packaging and food serviceware.

PRODUCER RESPONSIBILITY ORGANIZATIONS will collect producer membership fees and use them to ensure improved and expanded recycling services. Most collection will continue to be overseen by local governments, but PROs will provide services for certain hard-to-recycle materials. PROs will also fund waste prevention grants, and several studies to assess challenges and recommend improvements to improve multifamily recycling conditions, equity in the recycling system, and litter and marine debris.

ONE COLLECTION LIST will allow individuals and businesses to recycle the same items across the state, at home and at work. PRO funding will enable collection of the same items regardless of location or distance from recycling markets.

RECYCLING SERVICES will be expanded under the direction of local governments, with support from the PROs, especially for rural communities and people living in apartments. The same private collection companies will continue to provide recycling services.

EDUCATION about how to recycle will continue to be offered by local governments, along with new programs to reduce contamination (trash) in our recyclables. PROs will create accessible educational resources that local governments can use and that meet the needs of diverse communities.

PROCESSING of recyclables will be done in facilities that meet new performance standards, including for material quality, reporting, and paying living wages to workers. These facilities will be required to obtain a permit from DEQ or meet similar standards to receive material from Oregon communities. Local governments will make sure material collected in their communities goes to approved facilities.

END MARKETS that can handle the material appropriately — without creating plastic pollution or other harms — can purchase it after sorting and recycle it into something new. Producers and processors will be obligated to make sure materials collected in Oregon reach responsible end markets.

OVERSIGHT AND INTEGRATION will be provided by DEQ, with accountability from all participants. DEQ will plan and implement changes required by the new law, and oversee the recycling system and provide enforcement where necessary. A new Governor-appointed advisory council will provide feedback to DEQ and PROs about important elements of the new system. PROs, recycling processors and local governments will track and report more information about where our recyclables go and ensure that they are managed responsibly and used to make new products.

Dallas Rates Effective 2/1/2025	
Residential Rate:	4.10%
Commercial Rate:	4.10%
Industrial Rate:	4.10%

RESIDENTIAL SERVICE RATES:				
Residential Roll Cart	Current Monthly	Current Bi-Monthly	New Monthly	New Bi-Monthly
1 Can (hand pickup)	\$29.56	\$59.12	\$30.77	\$61.54
20 gal	\$25.29	\$50.58	\$26.33	\$52.66
20 gal bi-weekly (<i>for comparison</i>)	\$21.70	\$43.40	\$22.59	\$45.18
32 gal	\$27.19	\$54.38	\$28.30	\$56.61
32 gal on-call (per pickup)	\$17.07	N/A	\$17.77	N/A
64 gal	\$34.25	\$68.50	\$35.65	\$71.31
90 gal	\$41.73	\$83.47	\$43.44	\$86.89
Extra Rec	\$13.07	\$26.14	\$13.61	\$27.21
Extra YC	\$13.07	\$26.14	\$13.61	\$27.21
Monthly Recycling Processing Surcharge	\$2.00	\$4.00	\$2.08	\$4.16
Rec only	\$17.07	\$34.14	\$17.77	\$35.54
Up the drive	\$26.24	\$52.49	\$27.32	\$54.64
YC Only	\$13.07	\$26.14	\$13.61	\$27.21

Misc. Charges and Limited Services	Current Rate	New Rate
APP-Appliance Without Freon	\$39.14	\$40.74
APN-Appliance With Freon	\$50.66	\$52.73
FUR-Furniture	\$40.47	\$42.13
BU 1 - Dead large animal	\$38.21	\$39.77
MAT - Mattress or Boxspring	\$35.47	\$36.92
EXB-Extra 32 gal can/bag/box/heavy	\$8.75	\$9.11
TRE-Christmas Trees (up to 8 ft and no tinsel, flocked, or after community tree pickup)	\$11.49	\$11.96
TIR-Tires w/o rim	\$14.65	\$15.25
BU3-Tires with rim	\$21.87	\$22.77
Truck Tires-ADTB	\$36.57	\$38.07
Truck Tires with rim-ADTB	\$43.85	\$45.64
Residential Extra Pickup (same day)	Hourly	Hourly
Residential Container Exchange (one time per year no charge)	\$23.31	\$24.27
Residential Delivery - Per Cart	\$10.00	\$10.00

INDUSTRIAL SERVICE RATES:

Drop Box - Solid Waste - Open Top/Lidded	New Rate				
	10	20	30	40	40
PREPAYMENT	\$325.00	\$325.00	\$325.00	\$325.00	\$325.00
Delivery	\$57.93	\$60.46	\$60.46	\$60.46	\$62.94
Haul	\$296.60	\$309.52	\$325.20	\$341.02	\$355.00
Disposal	Pass Thru	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Environmental Fee	Pass Thru	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Dry Run	\$57.93	\$60.46	\$60.46	\$60.46	\$62.94
Temp Rent - starts day after delivery	\$359.14	\$374.78	\$374.78	\$374.78	\$390.15
Perm Rent	\$155.86	\$139.55	\$139.55	\$139.55	\$145.27
Perm Rent Lidded	\$155.86	\$162.65	\$162.65	\$169.69	\$176.65
Perm Rent Lidded not crank	\$187.49	\$195.65	\$195.65	\$202.93	\$203.68

Compactor - Solid Waste/Cardboard	New Rate				
	15	20	30	40	40
PREPAYMENT	\$350.00	\$350.00	\$350.00	\$400.00	\$400.00
Delivery	\$61.18	\$59.58	\$59.58	\$59.58	\$62.03
Haul	\$262.24	\$262.24	\$262.24	\$279.73	\$291.20
Disposal	Pass Thru	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Environmental Fee	Pass Thru	Pass Thru	Pass Thru	Pass Thru	Pass Thru
Dry Run	\$71.82	\$71.82	\$71.82	\$71.82	\$74.76
Temp Rent - starts day after delivery	\$437.20	\$437.20	\$437.20	\$437.20	\$455.12
Perm Rent	\$144.24	\$144.24	\$144.24	\$144.24	\$150.15
Perm Rent Lidded	\$175.23	\$175.23	\$175.23	\$175.23	\$182.41

Security Box	New Rate
Delivery per hour, one hour minimum	40
Rent	\$36.89
	\$120.00

Misc. Charges and Limited Services	New Rate	New Rate
Delivery - Industrial	\$61.18	\$63.69
Dry Run/Empty Removal-DRY (Industrial)	\$71.82	\$74.76
EXC - Industrial Exchange	Hourly	Hourly
EXC - Industrial Exchange Offsite	Hourly	Hourly
Industrial Relocate-REL	\$78.68	\$81.91

COMMERCIAL SERVICE RATES:

Temporary Commercial		New Rate	
Container Size	DUMP	EX DUMP	EX DUMP
2 yd On Call	\$78.68	\$42.91	\$81.91
			\$44.67

Commercial Rear Load - Manual Container Size	NA	Weekly Collection Frequency (# Collections Per Week)					New Rate							
		2	3	4	5	ON CALL / EXT	RENT	1	2	3	4	5	ON CALL / EXT	RENT
1 yd	\$136.01	\$258.57	\$376.34	\$496.55	\$617.02	\$41.07	N/A	\$136.01	\$258.57	\$376.34	\$496.55	\$617.02	\$41.07	N/A
1.5 yd	\$159.26	\$299.65	\$440.05	\$580.60	\$721.04	\$50.05	N/A	\$165.79	\$311.94	\$458.09	\$604.40	\$750.60	\$52.11	N/A
2 yd	\$193.46	\$367.85	\$541.76	\$824.94	\$715.61	\$60.35	N/A	\$201.39	\$382.93	\$563.97	\$858.77	\$744.95	\$62.83	N/A

Misc. Charges and Limited Services	Current Rate	New Rate
Commercial Food Waste - Emptied Weekly	NA	NA
Commercial Food Waste - Emptied Weekly- extra cart (each)	NA	NA
Commercial Container Delivery/Redelivery	\$35.00	\$35.00
Commercial Exchange	NA	NA
Dry Run/Empty Removal-DRY (Commercial)	\$71.82	\$74.76
Each Extra Person Req To Pu Loose Garbage Per Min-EP1	\$1.18	\$1.23
Time per minute to p/u loose garbage-MIN	\$1.18	\$1.23
EP1- Container Off-route pickup- in area (25 min)	\$65.56	\$68.25
EP1- Container Off-route pickup-out of area (25 min)	\$65.56	\$68.25
Commercial Yard Debris Each Extra Cart	NA	NA
Commercial Comingle Recycling	\$2.11	\$2.19
Extra loose garbage per Yard-EXY	\$33.51	\$34.88
EXY- Extra Yardage (Commercial)	\$33.51	\$34.88
LLK-Locking Container Set Up (Commercial)	\$65.56	\$68.25
LOC-Lock & Key	NA	NA
XCS- Container overweight charges per 500lbs	NA	NA

Fee	Current	New
Account Origination Fee	\$ 10.00	\$ 10.00
Cart Recovery/Replacement	\$ 75.00	\$ 75.00
Commercial Container Recovery Fee	\$ 480.00	\$ 480.00
Industrial Container Recovery Fee	\$ 3,000.00	\$ 3,000.00
Contaminated Recycle or Yard Waste Cart	\$ 15.00	\$ 15.00
Late Fee	1.50%	1.50%
Monthly Recycle Processing Surcharge	\$ 2.00	\$ 2.00
Returned Check Fee	\$ 25.00	\$ 25.00
Service Interrupt Fee	\$ 30.00	\$ 30.00



**CITY COUNCIL
STAFF REPORT**

MEETING DATE: November 18, 2024
AGENDA ITEM NO. 8.b
TOPIC: Public Works Building Project Update
PREPARED BY: Gary Marks, Public Works Director
APPROVED BY: *BL* Brian Latta, City Manager
ATTACHMENTS: Exhibit 1: Building illustration
Exhibit 2: Building floor plan

RECOMMENDED ACTION:

This report is for information only. No action is needed at this time.

BACKGROUND:

Bids for construction of the new Public Works Building were opened on October 16, 2024. Ten bids were received ranging from a high of \$4.47 million to a low of \$3.62 million. The low bidder is Andy Medcalf Construction of Salem. The city had estimated construction at \$3.3 million to \$3.9 million. Construction is projected to begin in January with completion in September.

Exhibit 1 provides an illustration of the building and Exhibit 2 shows the floor plan for the main floor. The ground floor provides 16,600 sq. ft. of space with 4,700 sq. ft. dedicated to office space and crew quarters. 11,900 sq. ft. is dedicated to fleet operations containing four (4) pull through service bays (capacity for 8 or more vehicles), one single service bay, fleet office space and a welding room. A 5,700 sq. ft. mezzanine will provide automotive parts storage, HVAC/Mechanical/IT space, and space for future office expansion.

All pre-construction costs for the project have been paid through existing revenues in the Streets, Sewer, Stormwater, Water and Fleet Funds. These costs to-date have included:

Architectural, Engineering, Geo-Tech Services	\$171,917
Pre-engineered metal building package	\$648,030
Temporary Staff Quarters	\$ 70,098
Temporary Fleet Operations in the H Building	\$ 30,550
Utility Adjustments	<u>\$ 15,044</u>
TOTAL	\$935,639

Costs yet-to-be-incurred include:

Old Shops Demolition (est.)	\$ 25,000
Electrical Equipment-Panels & transformer (est.)	\$ 175,000
Construction Contract	\$ 3,627,912
Networking/communications (est.)	\$ 75,000
Furniture & Appliances (est.)	\$ 50,000
Parking, paving, sidewalks, landscaping (est.)	<u>\$ 100,000</u>
TOTAL	\$ 4,052,912

Pre-Construction Costs	\$ 935,639
Remaining Project Costs	<u>\$ 4,052,912</u>
TOTAL PROJECT	\$ 4,988,551

Unspent appropriations of \$1,295,366 currently exist in FY2024-25 budget for the Public Works Building Project. Deducting this amount from the project's anticipated future costs leaves a balance of \$2,757,546 that will need to be financed to bring the project to completion. Staff plans to seek Council authorization in the near-term to finance at least a portion of this amount through an inter-fund loan. This will allow the project to move ahead without delay.

In early 2025 staff is further planning to recommend the Council approve a comprehensive infrastructure loan to finance the balance of the Public Works Building Project (and thereby pay off the inter-fund loan) as well as provide matching funds for a project to rebuild Godsey Road from Olive Street to Monmouth Cutoff Road. It is anticipated this project will be partially funded through an Oregon Department of Transportation (ODOT) funding agreement. It is currently slated for construction in 2025. Funding for the construction of a signalized intersection at Levens Street and Ellendale Avenue may also be added to the infrastructure loan in the event a current grant application pending with ODOT's Safe Routes to Schools Program is not successful. The City expects to be notified about this grant in early 2025. The intersection project is planned for the summer months of 2025. Once funding for the above named projects is clarified, work to develop the infrastructure loan will proceed.

During the design and planning stages of the project, staff looked for ways to reduce costs. These included purchasing used modular buildings from the Salem-Keizer School District to remodel for use as temporary crew quarters. Staff estimates a savings of \$185,000 as compared to the purchase of new modular buildings. Staff also found and purchased new HVAC units from a school district in Washington State that had surplused the units after abandoning a construction project. Staff estimates a savings of \$95,000 as compared to the full price of these units. Finally, staff engaged the city's architects, Varitone Architecture, in a value engineering process that identified several areas for savings for the project. While staff is unable to place a value on these savings they were substantial.

SUMMARY TIMELINE:

October 16, 2023, Council action to authorize purchase of the pre-engineered building package.

City's Motto: Come Thrive with Us, We Invest in People and Business

November 18, 2024, Project Update.

FISCAL IMPACT:

Fiscal impacts are addressed above in detail in the Project Background section.

RECOMMENDED MOTION:

This report is for information only. No action is needed at this time.

ATTACHMENTS:

Exhibit 1: Building illustration

Exhibit 2: Building floor plan



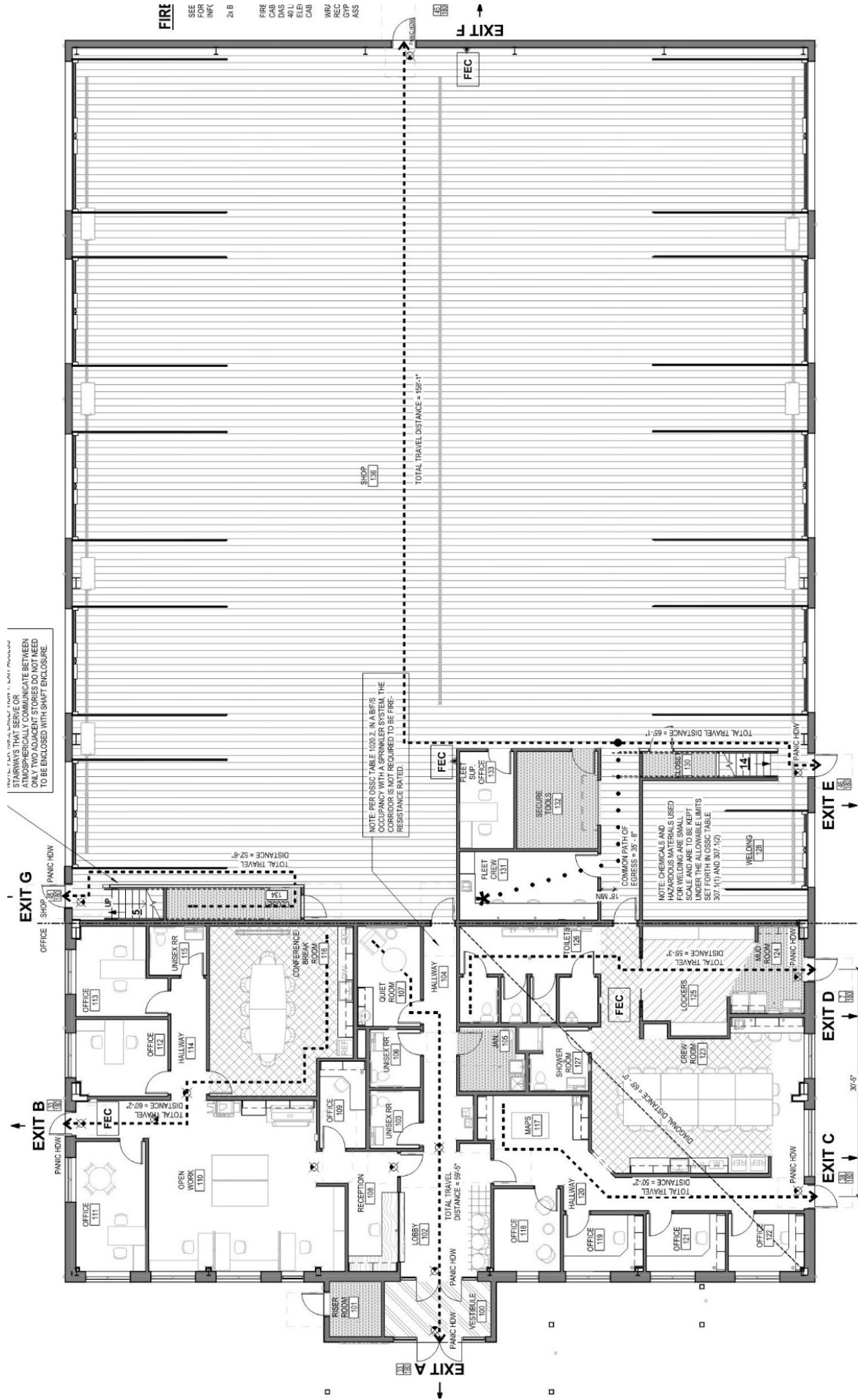



EXHIBIT 2



**CITY COUNCIL
STAFF REPORT**

MEETING DATE: November 18, 2024
AGENDA ITEM NO. 8.c
TOPIC: Creation of Technical Advisory Committee for the Transportation System Plan Project and Appointment of Members
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Membership Roster

RECOMMENDED ACTION:

Staff recommends the City Council authorize the City Manager to organize a technical advisory committee to assist with the Transportation System Plan update project and appoint members listed in **Attachment A**.

BACKGROUND:

The City is working with ODOT to update our transportation system plan. To assist in the review and update of this plan, staff recommends the formation of a technical advisory committee comprised of local business owners, transportation specialists, economic development professionals, and public safety professionals.

City staff has put together a roster of individuals to serve on this committee and is seeking approval from the Council. The roster includes two individuals who are currently serving on two other city committees. Rich Spofford currently serves on the Planning Commission and Budget Committee, and Trevor Peterson currently serves on the Urban Renewal District Advisory Committee and the Historic Preservation Commission. City staff seeks an exception to the two committee limit for these two individuals, because their involvement with this committee is directly related to their roles on the other committees on which they serve. That is the Planning Commission and the Urban Renewal District Advisory Committee.

SUMMARY TIMELINE:

November 18, 2024 – City Council considers the formation of the Transportation System Plan Project Technical Advisory Committee and appointment of its members.

FISCAL IMPACT:

None

RECOMMENDED MOTION:

I move to form the Transportation System Plan Project Technical Advisory Committee and appoint as its members the individuals listed in **Attachment A**.

ATTACHMENTS:


A – Membership Roster

Transportation System Plan Project Technical Advisory Committee Roster

Name	Organization / Affiliation	Representing
Alex Paraskevas	SEDCOR	Regional Economic Development
Chris French	Cherriots	Transit
Ryan Miller	OpenRoad Transportation	Freight (Long Haul)
Rita Grady	Polk CDC	Housing/EDC
Todd Baughman	Dallas School District	K-12/ adjacent use/ transportation
Jason Saunder	Willamette Valley Fiber	DDA/Telecommunications
Tara Townley	Chamber of Commerce	Chamber of Commerce
Sam Dufner	Chamber of Commerce/URDAC	Chamber of Commerce
David Shein	City Council	City Council
Rich Spofford	Dallas Planning Commission	Development/Planning
Geoff Saunders	Cascade Home Center	Chamber of Commerce/Adjacent use
Trevor Peterson	Urban Renewal District Advisory Committee	Urban Renewal District Advisory Committee
Dale Derouin	Bicycle Advocacy	Bicycle Advocacy
Wade White	Bicycle Advocacy	Bicycle Advocacy
Jim Bauer	West Valley Hospital	Hospital/EDC
Sidney Mulder	Polk County	Polk County
Christian Edelblute	West Valley Housing Authority	Affordable Housing
Steve Mohr	Dallas Senior Center	Senior Living
April Wallace	Dallas Fire & EMS	Emergency Responders
Julie Jackson	Republic Services	Freight (Distribution)
Kiki Dohman	Commuter Options Program Coordinator	Transportation



CITY COUNCIL STAFF REPORT

MEETING DATE: November 18, 2024
AGENDA ITEM NO. 8.d
TOPIC: FEMA Pre-implementation Compliance Measures
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Presentation

RECOMMENDED ACTION:

Not applicable. This is an information sharing item.

BACKGROUND:

The Federal Emergency Management Agency has issued its biological opinion following a lawsuit by the Audubon Society. Through a subsequent lawsuit, FEMA is requiring affected cities in Oregon to select one of three pre-implementation compliance measures to implement to better protect endangered species within the regulated floodplain. The deadline to select a pre-implementation compliance measure is December 1, 2024. However, given the city has received insufficient information to fully evaluate the three options and how they could be implemented locally, staff are recommending to the City Council to wait for additional guidance from FEMA before fully selecting one of the three measures.

Staff will acknowledge that the permit by permit approval process is likely the recommended solution for Dallas. However, without further guidance on how to implement the permit by permit review, staff does not give this recommendation at this time.

If the City Council agrees with staff's recommendation to wait for further guidance on the permit by permit review, then we will notify FEMA of this approach by the December 1, 2024 deadline.

SUMMARY TIMELINE:

November 4, 2024 – City Council introduced to the FEMA BiOp topic.
November 18, 2024 – City Council provided with additional information, including the scope and breadth of affected property owners within the special flood hazard areas.
December 1, 2024 – City of Dallas will notify FEMA of our status in the pre-implementation compliance measure decision process.

We are a welcoming, safe and livable community dedicated to people and business

FISCAL IMPACT:

TBD

RECOMMENDED MOTION:

None

ATTACHMENTS:

A - Presentation

FEMA Biological Opinion Pre-compliance Measures

By: Brian Latta and Tom Gilson



Remember Why We are Talking About This

This is a mandate from FEMA for all cities in Oregon that utilize the National Flood Insurance Program based on a lawsuit settlement related to the Endangered Species Act - Requires better management of the floodplains to ensure that protected species in the riparian corridors are not negatively impacted by development.

Sense of Urgency, Pre-compliance:

- Current mandate for pre-compliance measures by December 1, 2024
- Pre-compliance measures may necessitate action by City Council
- This is a follow up session to our November 4th meeting. This is still informational and sets the stage for future potential action by the Council.

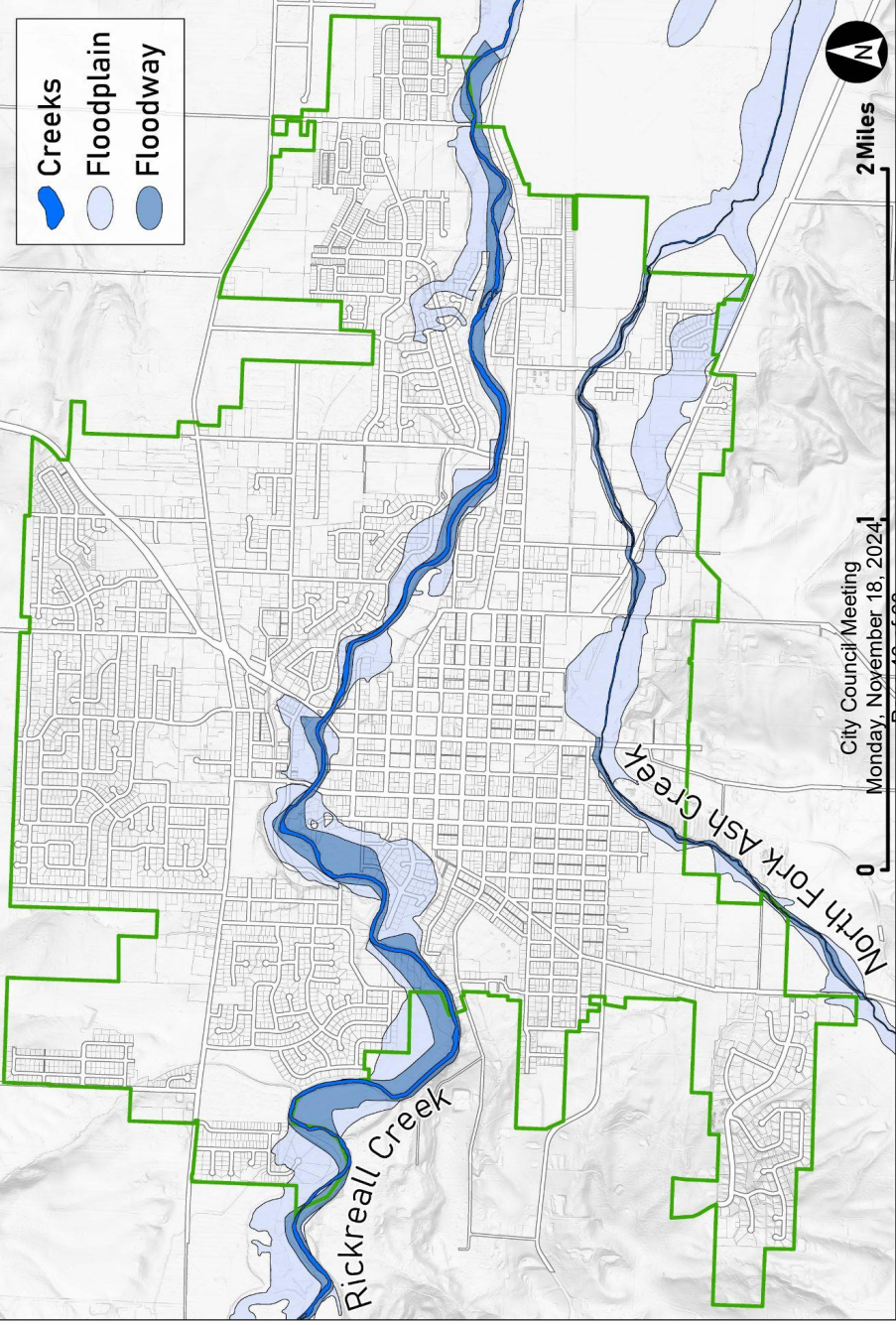


What Does Pre-compliance Look Like?

1. Adopt a model ordinance that considers impacts to species and their habitat. Requires mitigation to a no net loss standard
2. Require a habitat assessment and mitigation plan for development on a permit by permit review and approval process
3. Prohibition on development within the Special Flood Hazard Areas (SFHA)

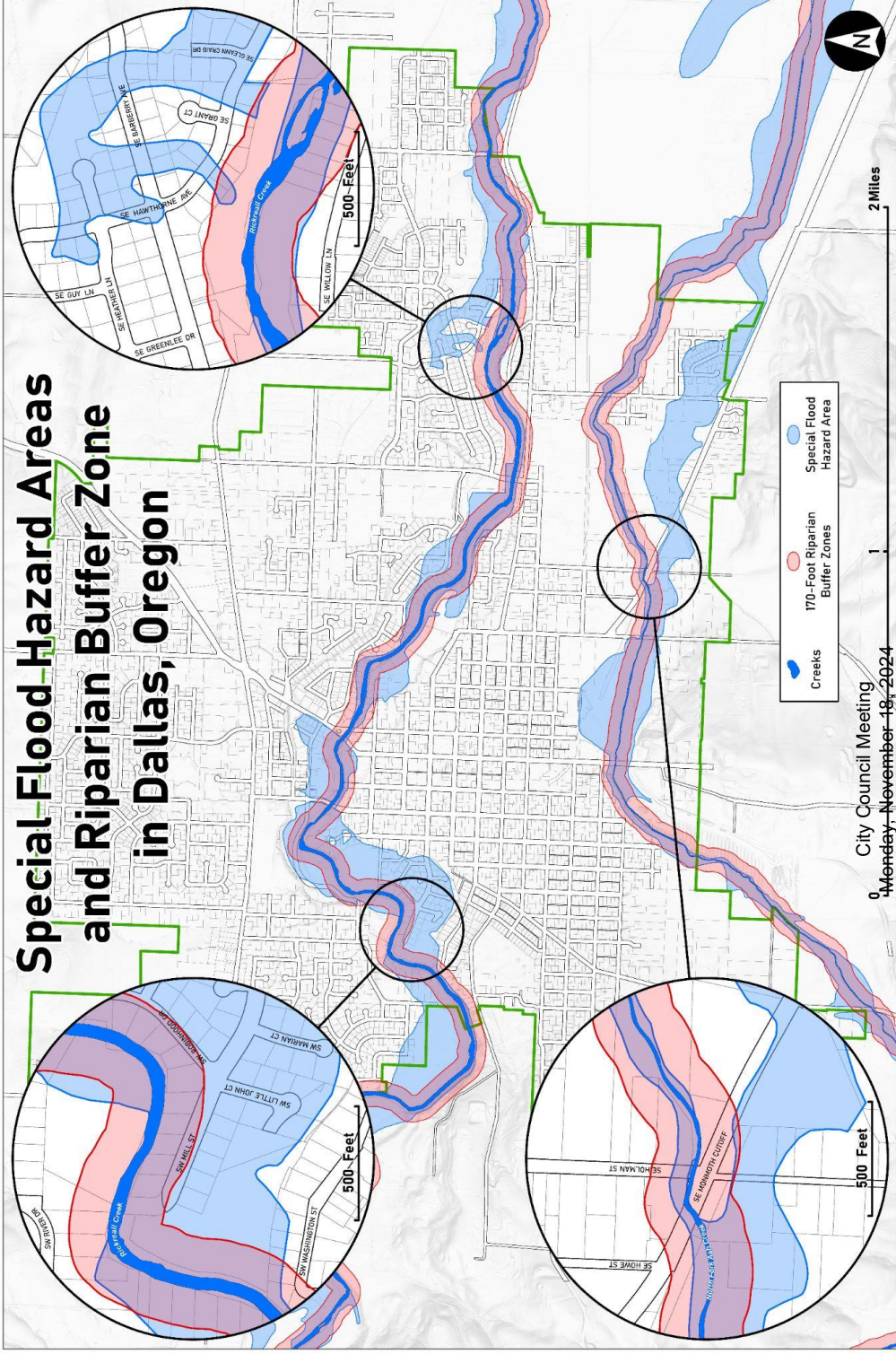
Special Flood Hazard Areas in Dallas, Oregon

- Creeks
- Floodplain
- Floodway



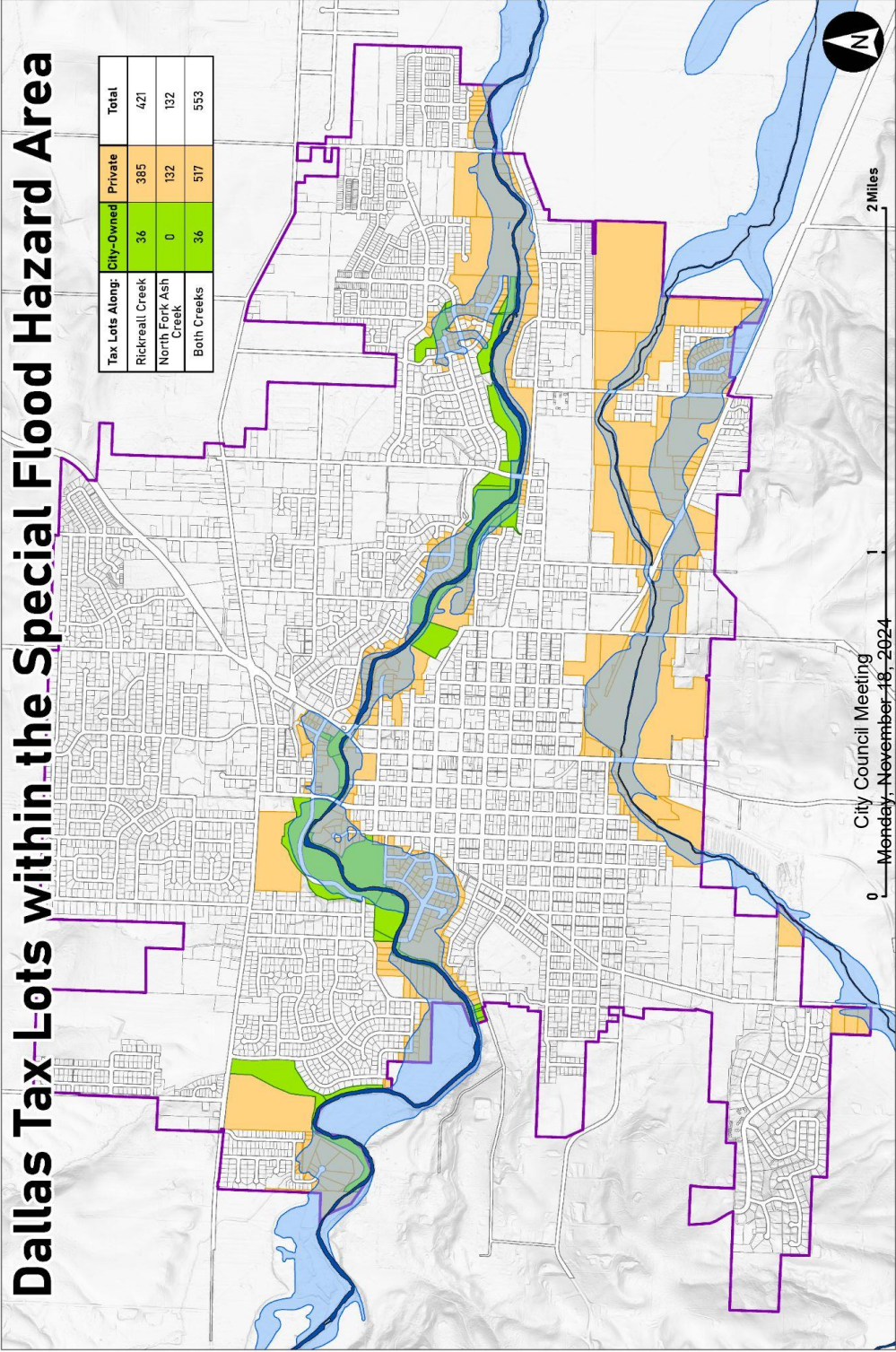
City Council Meeting
Monday, November 18, 2024
Page 46 of 68

Special Flood Hazard Areas and Riparian Buffer Zone in Dallas, Oregon



Dallas Tax Lots within the Special Flood Hazard Area

Tax Lots Along:	City-Owned	Private	Total
Rickreall Creek	36	385	421
North Fork Ash Creek	0	132	132
Both Creeks	36	517	553






Staff Recommendation

- Based on the information that we currently have, staff are supportive of a permit by permit approval process for development within the floodplain.
 - **HOWEVER...** We recommend the City Council **not** make a formal decision on any of the pre-compliance measures until additional information can be provided by FEMA.



**CITY COUNCIL
STAFF REPORT**

MEETING DATE: November 18, 2024
AGENDA ITEM NO. 8.e
TOPIC: Veteran’s Day Celebration
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: None

RECOMMENDED ACTION:

Staff recommends referring this topic to the Buildings and Grounds Committee for further discussion and recommendation.

BACKGROUND:

The City of Dallas has hosted a community fireworks display in the city for many years. This display for the past four years has been on Veterans Day. Each year following the fireworks display, the city receives both positive feedback and concerns from our citizens. The public concern generally involves concern for our local military veterans with whom the loud noise from the firework show will trigger episodes of post-traumatic stress from their military service.

In an effort to be sensitive to the needs of those whom the fireworks display are intended to celebrate, city staff would like to have a discussion with the Buildings and Grounds Committee on how we can best celebrate Veterans Day as a community in the years ahead.

SUMMARY TIMELINE:

11/18/2024 – City Council asked to refer the Veterans Day celebration discussion to the Buildings and Grounds Committee

FISCAL IMPACT:

TBD

RECOMMENDED MOTION:

N/A – Council can refer to committee by consensus




CITY COUNCIL STAFF REPORT

MEETING DATE: November 18, 2024

AGENDA ITEM NO. 9.a

TOPIC: First Reading of Ordinance No. 1901, an Ordinance declaring 9.2 acres, more or less, of territory being Tax Lot 400 and a portion of Tax Lot 1400 on Polk County Assessor’s Map 7.5.29CA, and a portion of the neighboring property, Tax Lot 1304 on Assessor’s Map 7.5.29CD, annexed to the City of Dallas and withdrawn from Southwestern Polk County Rural Fire Protection District; and designating the zoning of said property as Residential Low Density (RL).

PREPARED BY:  Brian Latta, City Manager

ATTACHMENTS: A – Ordinance No. 1901

RECOMMENDED ACTION:

Not applicable. Ordinance No. 1901 is scheduled for its first reading.

BACKGROUND:

On October 21, 2024, the City Council held a public hearing and voted to approve the annexation and zone change for portion of the properties identified on Polk County Assessors Map 7.5.29CD as tax lots 1304 and 1400, and the whole of property identified on Polk County Assessors Map 7.5.29CA as tax lot 400, subject to the adoption of an ordinance.

The draft ordinance has been prepared by the City Attorney, and is included with this report as **Attachment A**.

Staff recommends the City Council allow Ordinance No. 1901 to pass its first reading.

SUMMARY TIMELINE:

September 12, 2024 – Dallas Planning Commission held a public hearing and recommended the City Council approve the annexation and zone change.

October 21, 2024 – Dallas City Council held a public hearing and approved the annexation and zone change, subject to the adoption of an ordinance.

November 18, 2024 – Ordinance No. 1901 is scheduled for its first reading.

December 9, 2024 – Ordinance No. 1901 is scheduled for its second reading and vote to adopt.

FISCAL IMPACT:

None

RECOMMENDED MOTION:

Not applicable. The ordinance is scheduled for its first reading.

ORDINANCE NO. 1901

An Ordinance declaring 9.2 acres, more or less, of territory being Tax Lot 400 and a portion of Tax Lot 1400 on Polk County Assessor’s Map 7.5.29CA, and a portion of the neighboring property, Tax Lot 1304 on Assessor’s Map 7.5.29CD, annexed to the City of Dallas and withdrawn from Southwestern Polk County Rural Fire Protection District; and designating the zoning of said property as Residential Low Density (RL).

WHEREAS, the owner of the real property described on Exhibits A, B and C, attached hereto and by reference incorporated herein which is contiguous to the City of Dallas, did petition the City to annex that territory to the City and withdraw said territory from the Southwestern Polk County Rural Fire Protection District (ANX 24-01); and

WHEREAS, there are no electors residing on the subject property whose consent to annexation is required pursuant to ORS 222.125; and

WHEREAS, said territory is a part of the Southwestern Polk County Rural Fire Protection District; and

WHEREAS, as a further part of the same application, the applicant applied to designate the subject property as Residential Low Density (RL) (ZC 24-02); and

WHEREAS, after due notice and a public hearing on September 12, 2024, the Dallas Planning Commission recommended to the City Council that it approve the requested annexation and withdrawal of said territory from the Southwestern Polk County Rural Fire Protection District, and the zoning designation of the subject property as RL; and

WHEREAS, after due notice, the City Council held a public hearing on said annexation petition and zone designation application on October 21, 2024, and at the conclusion thereof found that the proposed annexation and withdrawal of said territory from the Southwestern Polk County Rural Fire Protection District and the requested zone designation should be approved;

NOW, THEREFORE, THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. That the real property described on Exhibits A, B, and C attached hereto and by reference incorporated herein be, and the same hereby is,

declared to be duly annexed to the City of Dallas, Polk County, Oregon and shall forever be a part of the City of Dallas.

Section 2. That the approval of this annexation is based upon the following findings and conclusions:

- A. The sole owner of the territory to be annexed, consented in writing to the annexation, and filed a statement of consent to annexation with the City.
- B. There are no electors residing on the subject property whose consent to annexation is required pursuant to ORS 222.125.
- C. The subject property is located within the City's Urban Growth Boundary and is planned and available for annexation and development.
- D. The proposed zoning for the annexed area as RL is consistent with the Comprehensive Plan.
- E. The subject property is contiguous to and a logical and orderly extension of the City.
- F. The property can be provided with the full range of urban facilities, and therefore approval of the annexation is consistent with the Dallas Comprehensive Plan.
- G. The application, as approved by the City Council, is consistent with the annexation policies contained in the Comprehensive Plan and meets the requirements of all standards of review.

Section 3. That the annexed territory described on Exhibits A, B, and C is hereby declared to be withdrawn from the Southwestern Polk County Rural Fire Protection District.

Section 4. That the zoning designation of the real property described on Exhibits A, B, and C attached hereto, is hereby established in part as Residential Low Density, as shown on the map attached hereto as Exhibit D and by reference incorporated herein.

Section 5. That the staff report on this matter, for the City Council Meeting dated October 21, 2024, inclusive of the exhibits attached thereto, be, and it hereby is, incorporated herein by reference, and the Findings and Conclusions therein are hereby adopted and approved in support of the annexation and zone designation.

Section 6. That the owner of the subject property shall enter into a development agreement with the City of Dallas to pay three point one percent (3.1%) of the total project costs to improve the intersection of W. Ellendale Avenue and Levens Street, in mitigation of the significant effect of the zone change, as described in the staff report for the City Council Meeting dated October 21, 2024.

Read for the first time: November 18, 2024
Read for the second time: December 9, 2024
Adopted by the City Council: December 9, 2024
Approved by the Mayor: December 9, 2024

KENNETH L. WOODS, JR., MAYOR

ATTEST:

APPROVED AS TO FORM:

BRIAN LATTA
CITY MANAGER

LANE P. SHETTERLY
CITY ATTORNEY

EXHIBIT A

A tract of land situated in the southwest one-quarter of Section 29, Township 7 South, Range 5 West, of the Willamette Meridian, Polk County, Oregon, being a portion of that property described in Instrument Number 2017-000092, Polk County Deed Records, and more particularly described as follows:

Beginning on the south line of that property conveyed to Harlan Howard by Instrument Number 2005-005740, Polk County Deed Records, being also on the east line of that property conveyed to Carver Development, LLC, by Instrument Number 2017-003379, Polk County Deed Records;

thence, along the south line of said Howard property, North 88°13'28" East, 684.85 feet to the northwest corner of that property conveyed to Mendell by Book 296, Page 1799, Polk County Deed Records;

thence, along the west line of said Mendell property, South 00°06'20" East, 566.37 feet to the north line of Parcel 1 of Partition Plat 1999-26, Polk County Plat Records;

thence, along the north line of said Parcel 1, North 89°57'33" West, 137.67 feet to the northwest corner thereof;

thence, along the west line of said Parcel 1, South 01°59'25" West, 28.17 feet;

thence, South 89°59'02" West, 545.85 feet to the east line of said Carver Development property;

thence, along the east line of said Carver Development property, North 00°06'20" West, 573.37 feet to the Point of Beginning.

Containing 9.09 acres, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025



SCALE: 1" = 200'

HARLAN HOWARD
INSTR. NO. 2005-005740

N88°13'28"E 684.85'

N00°06'20"W 573.37'

S00°06'20"E 566.37'

SUBJECT AREA
REMAINDER OF
INSTR. NO. 2017-000092
9.09 ACRES

MENDELL
BOOK 296, PAGE 1799

CARVER DEVELOPMENT, LLC
INSTR. NO. 2017-003379

N89°57'33"W 137.67'

S01°59'25"W 28.17'

S89°59'02"W 545.85'

PARCEL 1
P.P. 1999-26

FUTURE
SUBDIVISION PLAT

PARCEL 2
P.P. 1999-26

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Signature
**OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569**

RENEWS: 6-30-2025

W. ELLENDALE AVENUE

NW WOODS LANE

EXHIBIT B

IN THE SW 1/4 OF SECTION 29,
TOWNSHIP 7 SOUTH, RANGE 5 WEST, W.M.
POLK COUNTY, OREGON

DATE: DECEMBER 18, 2023

SURVEYED FOR: MRB ENTERPRISES, INC.



FFN SURVEYING

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO.
21-285

SHEET
1/1

EXHIBIT C



Parcel 1, Partition Plat 1999-0026, Book of Partition Plats for Polk County, Oregon,
Recorded September 15, 1999.

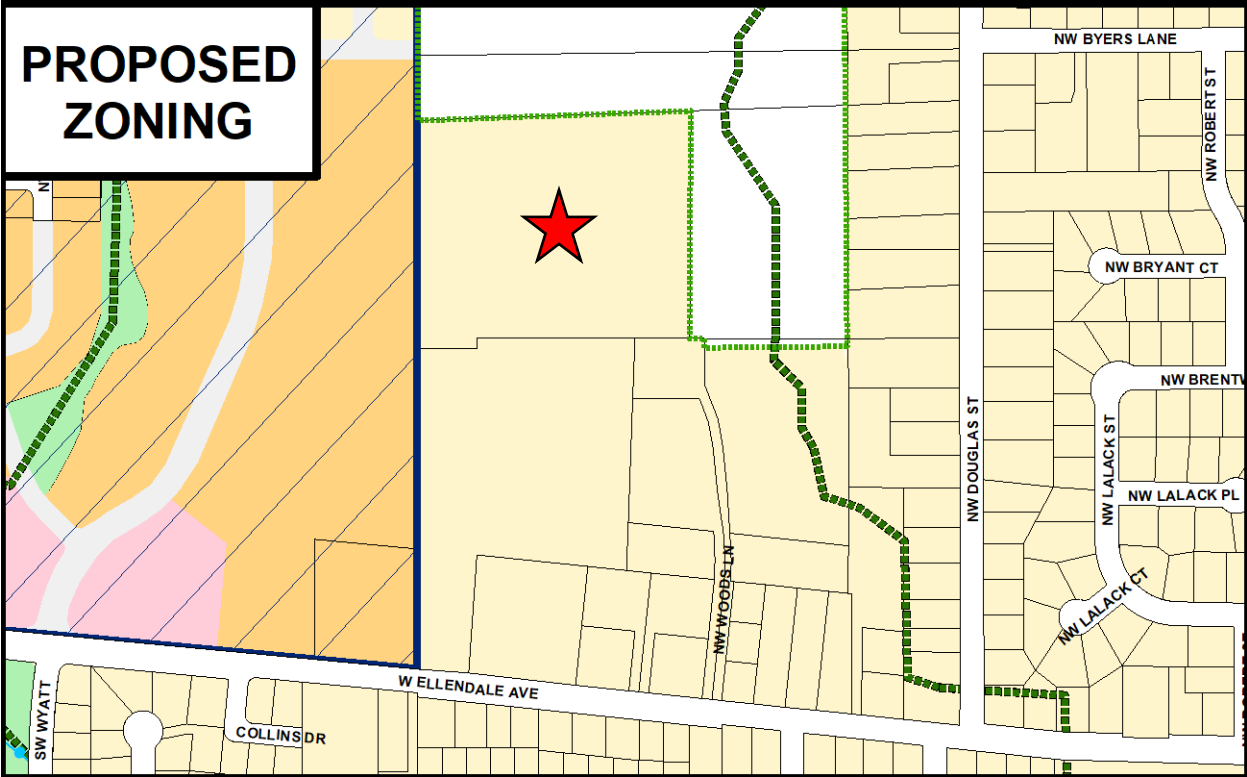
SAVE AND EXCEPT that portion of said parcel already lying within the incorporated
boundary of the City of Dallas.

EXHIBIT D


Rezoning Site


 **RM** Residential Medium Density
 **RH** Residential High Density

 **RL** Residential Low Density
 **POS** Parks and Open Space





**CITY COUNCIL
STAFF REPORT**

MEETING DATE: November 18, 2024
AGENDA ITEM NO. 9.b
TOPIC: First Reading of Ordinance No. 1902, an Ordinance declaring .33 acres, more or less, of territory being Tax Lot 10000, on Polk County Assessor’s Map 7.5.32CD, annexed to the City of Dallas and withdrawn from Southwestern Polk County Rural Fire Protection District; and designating the zoning of said property as Residential Low Density (RL)
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Ordinance No. 1902

RECOMMENDED ACTION:

Not applicable. Ordinance No. 1902 is scheduled for its first reading.

BACKGROUND:

On October 21, 2024, the City Council held a public hearing and voted to approve the annexation and zone change for the property identified on Polk County Assessors Map 7.5.32CD as tax lots 10000, subject to the adoption of an ordinance.

The draft ordinance has been prepared by the City Attorney, and is included with this report as **Attachment A**.

Staff recommends the City Council allow Ordinance No. 1902 to pass its first reading.

SUMMARY TIMELINE:

September 12, 2024 – Dallas Planning Commission held a public hearing and recommended the City Council approve the annexation and zone change.

October 21, 2024 – Dallas City Council held a public hearing and approved the annexation and zone change, subject to the adoption of an ordinance.

November 18, 2024 – Ordinance No. 1902 is scheduled for its first reading.

December 9, 2024 – Ordinance No. 1902 is scheduled for its second reading and vote to adopt.

FISCAL IMPACT:

None

RECOMMENDED MOTION:

Not applicable. The ordinance is scheduled for its first reading.

We are a welcoming, safe and livable community dedicated to people and business

ORDINANCE NO. _____

An Ordinance declaring .33 acres, more or less, of territory being Tax Lot 10000, on Polk County Assessor’s Map 7.5.32CD, annexed to the City of Dallas and withdrawn from Southwestern Polk County Rural Fire Protection District; and designating the zoning of said property as Residential Low Density (RL).

WHEREAS, the owner of the real property described on Exhibit 1, attached hereto and by reference incorporated herein which is contiguous to the City of Dallas, did petition the City to annex that territory to the City and withdraw said territory from the Southwestern Polk County Rural Fire Protection District (ANX 24-03); and

WHEREAS, there are no electors residing on the subject property whose consent to annexation is required pursuant to ORS 222.125; and

WHEREAS, said territory is a part of the Southwestern Polk County Rural Fire Protection District; and

WHEREAS, as a further part of the same application, the applicant applied to designate the subject property as Residential Low Density (RL) (ZC 24-05); and

WHEREAS, after due notice and a public hearing on September 12, 2024, the Dallas Planning Commission recommended to the City Council that it approve the requested annexation and withdrawal of said territory from the Southwestern Polk County Rural Fire Protection District, and the zoning designation of the subject property as RL; and

WHEREAS, after due notice, the City Council held a public hearing on said annexation petition and zone designation application on October 21, 2024, and at the conclusion thereof found that the proposed annexation and withdrawal of said territory from the Southwestern Polk County Rural Fire Protection District and the requested zone designation should be approved;

NOW, THEREFORE, THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. That the real property described on Exhibit 1 attached hereto and by reference incorporated herein be, and the same hereby is, declared to be duly annexed to the City of Dallas, Polk County, Oregon and shall forever be a part of the City of Dallas.

Section 2. That the approval of this annexation is based upon the following findings and conclusions:

- A. The sole owner of the territory to be annexed, consented in writing to the annexation, and filed a statement of consent to annexation with the City.
- B. There are no electors residing on the subject property whose consent to annexation is required pursuant to ORS 222.125.
- C. The subject property is located within the City’s Urban Growth Boundary and is planned and available for annexation and development.
- D. The proposed zoning for the annexed area as RL is consistent with the Comprehensive Plan.
- E. The subject property is contiguous to and a logical and orderly extension of the City.
- F. The property can be provided with the full range of urban facilities, and therefore approval of the annexation is consistent with the Dallas Comprehensive Plan.
- G. The application, as approved by the City Council, is consistent with the annexation policies contained in the Comprehensive Plan and meets the requirements of all standards of review.

Section 3. That the annexed territory described on Exhibit 1 is hereby declared to be withdrawn from the Southwestern Polk County Rural Fire Protection District.

Section 4. That the zoning designation of the real property described on Exhibit 1 attached hereto, is hereby established in part as Residential Low Density, as shown on the map attached hereto as Exhibit 2 and by reference incorporated herein.

Section 5. That the staff report on this matter, for the City Council Meeting dated October 21, 2024, inclusive of the exhibits attached thereto, be, and it hereby is, incorporated herein by reference, and the Findings and Conclusions therein are hereby adopted and approved in support of the annexation and zone designation.

Read for the first time: _____, 2024
Read for the second time: _____, 2024

Adopted by the City Council: _____, 2024
Approved by the Mayor: _____, 2024

KENNETH L. WOODS, JR., MAYOR

ATTEST:

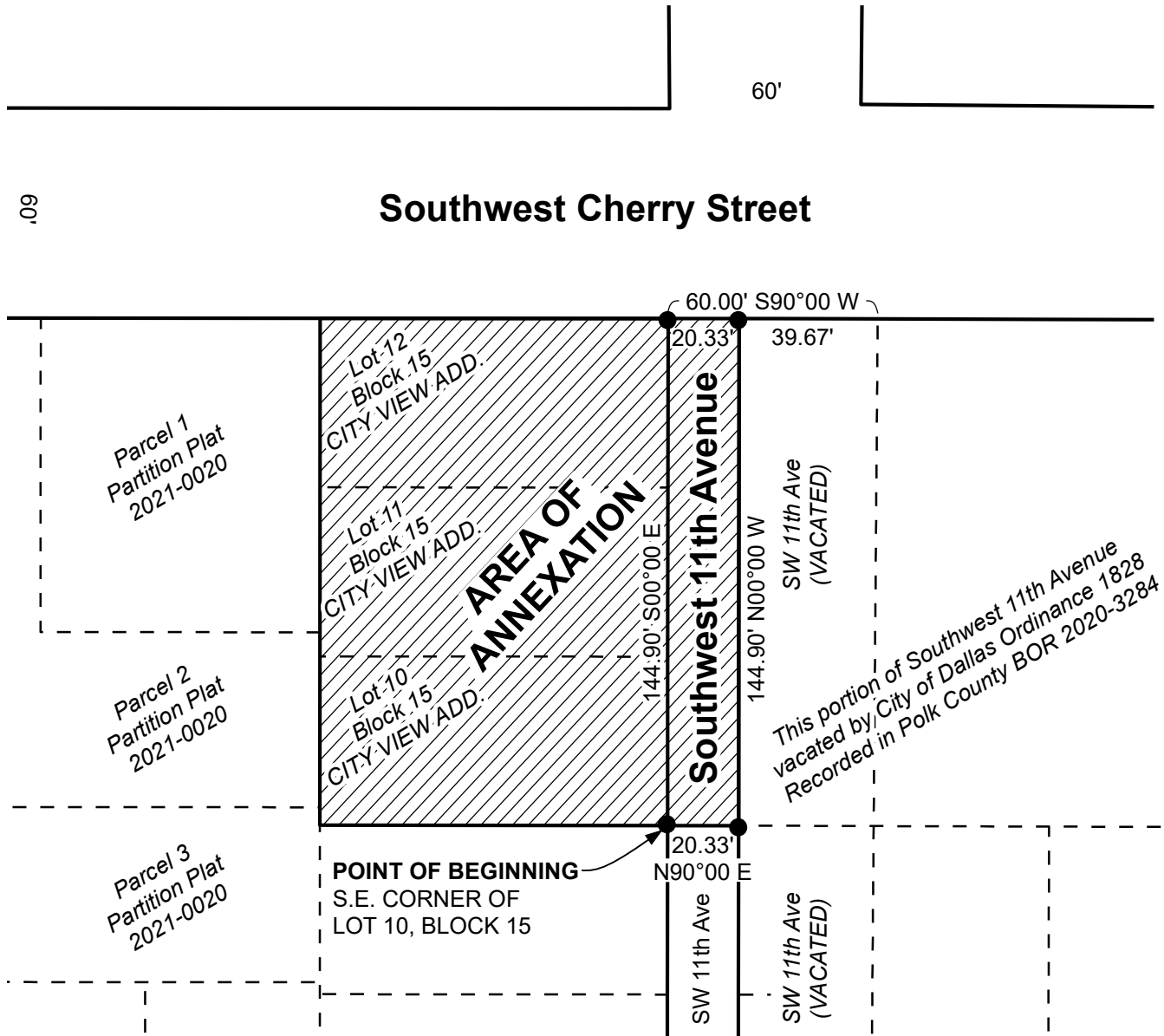
APPROVED AS TO FORM:

BRIAN LATTA
CITY MANAGER

LANE P. SHETTERLY
CITY ATTORNEY

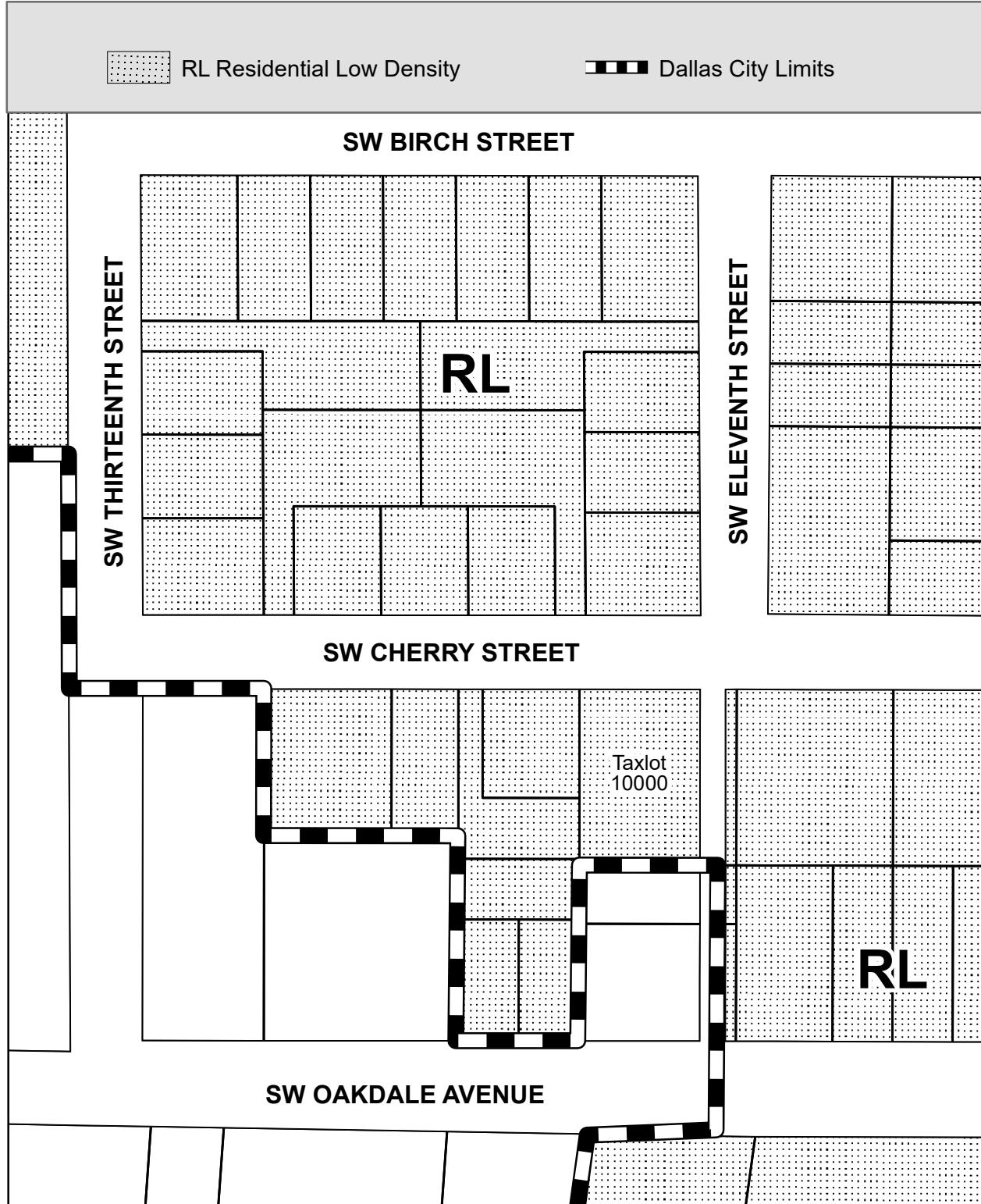
EXHIBIT 1

FOR ANNEXATION OF LAND INTO THE CITY OF DALLAS
SECTION 32, TOWNSHIP 7 SOUTH, RANGE 5 WEST
WILLAMETTE MERIDIAN, POLK COUNTY, OREGON




LOTS 10, 11, AND 12, BLOCK 15 IN CITY VIEW ADDITION TO DALLAS, POLK COUNTY, OREGON
(PLAT VOLUME 1, PAGE 90)
TOGETHER WITH THAT PORTION OF SW 11TH AVENUE ABUTTING SAID LOTS, DESCRIBED AS:
BEGINNING AT THE SE CORNER OF THE AFOREMENTIONED LOT 10 OF BLOCK 15;
THENCE EAST 20.33 FEET TO A POINT INTERSECTING THE DALLAS CITY LIMITS;
THENCE NORTH 144.90 FEET ALONG SAID CITY LIMITS TO A POINT INTERSECTING THE SOUTH
RIGHT-OF-WAY LINE OF SW CHERRY STREET;
THENCE WEST 20.33 FEET ALONG SAID RIGHT-OF-WAY LINE, SUCH LINE ALSO BEING THE CITY LIMITS,
TO THE NE CORNER OF THE AFOREMENTIONED LOT 12 OF BLOCK 15;
THENCE SOUTH 144.90 FEET TO THE POINT OF BEGINNING.

EXHIBIT 2





**CITY COUNCIL
STAFF REPORT**

MEETING DATE: November 18, 2024
AGENDA ITEM NO. 10.a
TOPIC: Renaming Birch Park as Mark O. Hatfield Park
PREPARED BY:  Brian Latta, City Manager
ATTACHMENTS: A – Resolution No. 3538

RECOMMENDED ACTION:

Pass Resolution No. 3538, renaming Birch Park as Mark O. Hatfield Park.

BACKGROUND:

Mark O. Hatfield was an Oregon politician whose childhood home was Dallas. His long-tenured and successful political career is worthy of recognition. Mayor Woods asked city staff to recommend a city facility to be named in honor of Mark O. Hatfield. City staff recommend renaming Birch Park as Mark O. Hatfield Park. Birch Park was built in the 1970s and is located in the older portion of the city near the childhood home of Mark Hatfield.

Attachment A is a resolution which, if approved by the City Council, will officially rename Birch Park as Mark O. Hatfield Park. The resolution further directs the city manager to replace the signage at the park, which will be completed in December. Staff suggest a ribbon cutting for the renamed park once the signage is installed.

SUMMARY TIMELINE:

11/18/2024 – Council considers resolution to rename Birch Park as Mark O. Hatfield Park

FISCAL IMPACT:

Minor costs to update the signage at the park.

RECOMMENDED MOTION:

Not applicable. Resolutions are considered by a roll call vote.

RESOLUTION NO. 3538

A Resolution honoring Mark O. Hatfield and renaming Birch Park as Mark O. Hatfield Park.

WHEREAS, Mark O. Hatfield was born in Dallas, Oregon on July 12, 1922; and

WHEREAS, Mark O. Hatfield served with honor in the United States Navy in the Pacific theater during World War II; and

WHEREAS, Mark O. Hatfield distinguished himself as a leader in business and the community in Oregon and was elected to serve in the Oregon House of Representatives and the Oregon State Senate, as Oregon Secretary of State and two terms as Governor, having been the first two-term Governor to serve the state in the 20th century; and

WHEREAS, Mark O. Hatfield was elected to the United States Senate in 1966, where he served with distinction until his retirement in 1996, being the longest serving Senator from Oregon, and having never lost an election in 46 years, over 11 campaigns as a public official; and

WHEREAS, Mark O. Hatfield died on August 7, 2011, still remembered and honored at his death as an outstanding Oregon leader;

WHEREAS, in all of his years of public service and leadership in state and national office, Mark O. Hatfield never forgot the community he came from and was proud to call himself a son of Dallas, Oregon; and

WHEREAS, Dallas honors the memory of Mark O. Hatfield and expresses its gratitude for his exemplary leadership and service; and

WHEREAS, the Dallas City Council finds that the renaming of Birch Park as Mark O. Hatfield Park to be a fitting and proper memorial in his honor;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That Birch Park be, and it hereby is, renamed Mark O. Hatfield Park.

Section 2. That the residents of Dallas be always reminded of the life and service of Mark O. Hatfield, the honor he brought to the community, and the example he serves as a public servant of the highest order.

Section 3. That the City Manager be directed to place signage at Mark O. Hatfield Park to identify the park by his name and to tell the story of his life of service and dedication to the people of the United States of America, the State of Oregon and the City of Dallas.

Section 4. That this Resolution shall take effect immediately upon adoption and approval by the City Council and Mayor.

Adopted: November 18, 2024
Approved: November 18, 2024

KENNETH L. WOODS, JR., MAYOR

ATTEST:

APPROVED AS TO FORM:

BRIAN LATTA,
CITY MANAGER

LANE P. SHETTERLY,
CITY ATTORNEY