



AGENDA
City of Dallas Planning Commission
TUESDAY August 9, 2022 7:00 p.m.
IN PERSON: 187 SE Court St, Dallas, OR 97338

CALL TO ORDER

**Planning
Commission**

President
David Shein

Vice President
John Swanson

Commissioner
Rich Spoffard

Commissioner
Carol Kowash

Commissioner
Andy Groh

Commissioner
Tory Banford

Commissioner
John Schulte

Staff

Economic and
Community
Development
Director
Charlie Mitchell

City Attorney
Lane Shetterly

Planner
Chase Ballew

Recording Secretary
Mary Kay Wiens

1. ROLL CALL
2. APPROVAL OF MINUTES
A) July 14, 2022 Meeting Minutes
3. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please.)
4. PUBLIC HEARINGS
 - A. VAR 22-04: 902 SE Greenbriar Avenue
APPLICANT: Junior Updike
 - B. LA-22-01: Development Code Updates
APPLICANT: City of Dallas
5. OTHER BUSINESS
6. COMMISSIONER COMMENTS
7. STAFF COMMENTS
8. ADJOURN

Next Meeting will be on September 13, 2022

Although the meeting is in person you may also watch virtually.

To Watch Online: www.dallasor.gov/community/page/dallasyoutube

If you are watching on line and want to submit a comment either in the public comment period or during the Public Hearing comment period, you must telephone: +1 253 215 8782

Meeting ID: 213 855 0622

If you are unable to access the meeting by telephone or by computer, please contact the Administration Department (503-831-3502) at least 48 hours in advance to request alternative accommodation.

Dallas City Hall is accessible to all persons with disabilities. Any requests for accommodation should be made at least 48 hours before the meeting to the Planning Department, 503-831-3571 or TDD 503-623-7355.

For questions or comments on the agenda, contact: Chase Ballew at 503.831.3570 or chase.ballew@dallasor.gov

City of Dallas Planning Commission

In Person
187 SE Court Street, Dallas, OR
July 12, 2022 - 7:00 p.m.

1 MINUTES

2 President David Shein called the meeting to order at 7:00 p.m.

3 ROLL CALL

4 Commissioners Present: David Shein, John Swanson, Tory Banford, Andy Groh, and John
5 Schulte

6 Absent: Carol Kowash and Rich Spofford

7 Staff Present: City Attorney, Teresa Osias; Planner, Chase Ballew; City Manager,
8 Brian Latta, and Recording Secretary Mary Kay Wiens

9 APPROVAL OF MINUTES

10 Mr. Shein presented the minutes of the regular meetings of June 14, 2022 and June 21, 2022.

11 Commissioner Tory Banford noted a change the wording on the minute's dated June 21, 2022, line
12 77, to read: 'fire access lane.' Tory Branford made a motion to approve the minutes with the
13 aforementioned change. Both Commissioners John Swanson and Andy Groh seconded the motion.
14 The motion passed unanimously.

15 PUBLIC COMMENTS

16 There were none.

17 PUBLIC HEARING

18 **VAR 22-03: 520 SE Polk Station Road**

19 **APPLICANT: Clifford & Barbara Brotherton**

20 **Accessory Structure Setback Variance**

21 Mr. Shein opened the hearing at 7:03 pm.

22 STAFF REPORT

23 Mr. Chase Ballew reviewed the staff report using a PowerPoint presentation. He explained the
24 owners/applicants propose to construct an accessory structure adjacent to the residence at 520 SE
25 Polk Station Road with a setback variance.

26 COMMISSIONERS QUESTIONS

27 Mr. Shein asked if any Commissioner's had a conflict of interest. None were declared.

28 Mr. Andy Groh asked if there is a limit to how close the building can be to the existing structure,
29 and the size of the proposed structure.

30 Mr. Swanson asked if the drawing of the site plan is to scale, and how much of the proposed 600
31 sq. ft. structure is encroaching into the setback areas on both streets.

42
43 Mr. Groh advised the need to specify what is being allowed or not, such as are setbacks from the
44 property line and or the easement, and that the accessory structure can be closer to the existing
45 structure on Polk Station Road.

46
47 Mr. Swanson asked if Kings Valley Highway falls under the state jurisdiction for setback
48 requirements.

49
50 Mr. Groh asked if anyone had contacted the Oregon Department of Transportation (ODOT) to
51 determine jurisdiction.

52
53 Mr. Shein asked if the above question will come up again before construction.

54
55 Mr. Swanson asked if there is a requirement to contact ODOT in a situation like this, and if ODOT
56 was notified.

57
58 **APPLICANT PRESENTATION**

59 There was no applicant presentation as the applicant was not present at the hearing.

60
61 **TESTIMONY**

62 There was none.

63
64 **REBUTTAL**

65 There was none.

66
67 **FINAL COMMENTS**

68 There were none.

69
70 Mr. Shein closed the hearing at 7:21pm.

71
72 **DELIBERATIONS:**

73 Mr. Groh suggested that the application was not viable as written and perhaps the client will be
74 interested in modifying the size of the proposed building or building onto the existing building.

75
76 Mr. Banford asked if the request was reviewed by city staff.

77
78 Mr. Ballew responded yes.

79
80 Mr. Groh shared he was prepared to move forward with the changes as discussed with a sign off
81 from ODOT on any setback requirements.

82
83 Mr. Swanson stated he was prepared to vote no, but willing to waive the fee for an amended
84 application.

85
86 Mr. Groh moved to approve the application with 10' variance on the property line and 10' variance
87 on Kings Valley Highway and a condition that, prior to a building permit application, staff would
88 check with ODOT on setback requirements. Tory Banford seconded the motion. A roll call vote
89 was taken and the motion passed with 3 votes 'Yes' and 2 votes 'No.'

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PUBLIC HEARING
MP 16-02: Modification of Wyatt Node Master Plan
APPLICANT: Brownstone Land Inc.

Mr. Shein opened the hearing at 7:29pm

STAFF REPORT

Chase Ballew reviewed the staff report using a PowerPoint presentation. He explained the request is to modify the approved lot layout for the unbuilt portion of the RL and RM areas, which reduces lot sizes and thereby increases the overall number of approved lots.

COMMISSIONERS

Mr. Swanson reiterated that it is a net increase in density and realignment that is being proposed.

Mr. Groh asked if the proposal was adding or subtracting from the original space allotted.

Mr. Ballew responded that the area remains the same.

APPLICANT PRESENTATION

Brandi Dalton, consultant for the Applicant, 1155 SE 13th St., Salem, OR 97302, stated the proposal meets all the required criteria, it will increase density by 15%, and that all other changes documented in the staff presentation are accurate.

TESTIMONY

Kyle Buchholz, 433 NW Crater Lake Drive, Dallas, stated his concern about increased traffic, which can create unsafe setting for kids at play in the streets. He added that smaller lot sizes will bring down his home value and he would like to keep the safe feel of the current neighborhood.

Jace Wambach, 482 NW Crater Lake Rd., Dallas, stated concern about sewer and water infrastructure, and whether the existing system will be able to accommodate the additional buildings.

Blake Allen, 472 Cascade Mountain Drive, Dallas, explained that decreasing size of lots will decrease the value of his home.

Devin Hammill, 484 NW Cascade Mountain Drive, Dallas, shared concern that the street he lives on, which is a dead end street, will be turned into a through street if the lot modification goes through.

Jodyl Fuller, 426 NW Crater Lake Drive, Dallas, voiced concern that the new density will increase traffic to the point where a new traffic light will be needed. She stated she is very disappointed about the communication from the city advising the homeowners of the proposed changes.

REBUTTAL

Mark Grenz, 1155 SE 13th St., Salem, OR, explained that a 5,000 sq. ft. lot is a fairly large lot by today's standards, and the plan offers additional floor models. He explained the plan revolves around cost and increased prices and this can keep costs steady. He added that new building will

138 should not affect the traffic in neighborhoods already built. He confirmed the storm water system
139 will still be adequate for the intended change.

140
141 Mr. Ballew stated that letters were sent out to all residences within 150 feet of the developing area
142 to advise them of the project.

143
144 Mr. Shein closed the hearing at 8:09pm.

145
146 **DELIBERATION**

147 Mr. Groh asked if the new building would require a new traffic light.

148
149 Mr. Ballew answered not for now, adding there is a mechanism to review after 180 additional lots.

150
151 Mr. Groh asked who handles the review mechanism.

152
153 Mr. Ballew answered his team will not be re-reviewing the traffic impact analysis (TIA) and it
154 would most likely end up at Public Works.

155
156 Mr. Shein asked if there is anything in the change about quality of life.

157
158 Mr. Ballew answered, not directly as the change would not rise to the level of a regulatory takings.

159
160 Mr. Swanson made a motion to approve the modification as presented. Mr. Schulte seconded the
161 motion. Mr. Groh made a motion to change the motion to include that the City of Dallas maintain
162 copies of all city or state permits to support the modification. Mr. Groh's motion was approved.
163 Mr. Swanson made a motion to approve the amended modification. Mr. Schulte seconded the
164 motion. A roll call vote was taken. The motion passed unanimously.

165
166 **PUBLIC HEARING**

167 **ANX 22-03 & ZC 22-04: 1784 Bridlewood Drive**

168 **APPLICANT: Trahan Consulting, LLC**

169 **Annexation of property into the City of Dallas and change zoning from county**
170 **zone Suburban Residential (SR) to city zone Medium Density Residential (RM)**

171
172 President Shein declared he has a conflict of interest with ANX 22-03 & ZC 22-04 and removed
173 himself from the hearing.

174
175 Mr. Swanson opened the hearing at 8:20pm.

176
177 **STAFF REPORT**

178 City Planner II Chase Ballew reviewed the staff report using a PowerPoint presentation. He
179 explained the request was to annex the applicant's property into the City of Dallas and change the
180 zoning from county zone Suburban Residential (SR) to city zone Residential Medium-Density
181 (RM). He advised the applicant proposes to construct a single-family dwelling, and Condition #4
182 of Polk County's 1989 partition approval states that "*it is an express condition of the partitioning*
183 *that there will be no residential development on the property unless it is annexed into the City of*
184 *Dallas.*"

185

186 **APPLICANT PRESENTATION**

187 *Representative for the Owners of Property, Paul Trahan, Trahan Consulting, LLC, 1116 SW*
188 *Barberry Ave., Dallas,* advised that the previous property owners entered into an agreement in
189 1989 stating that if they needed services to the home they would need to annex the property to the
190 City of Dallas.

191
192 **TESTIMONY**

193 *Davis Kirt, 1401 NW Ellendale Ave. S., Dallas,* explained that on his father’s property, the primary
194 concern is that the well is only 20’ away from the subject property. He confirmed that both
195 properties are inside the urban growth boundary and zoned as residential.

196
197 *Beverly Shein, 1680 Bridlewood Dr., Dallas,* asked that if the property was annexed to the City of
198 Dallas, would the new homes be part of the existing Bridlewood Homeowners Association.

199
200 **REBUTTAL**

201 Paul Trahan confirmed there are no current plans to incorporate in to the Bridlewood Homeowners
202 Association.

203
204 Mr. Ballew provided a letter of testimony from the Fair Housing Council of Oregon that was not
205 included in the original packet.

206
207 Mr. Swanson closed the hearing at 8:40pm.

208
209 **COMMISSIONERS QUESTIONS AND DELIBERATION**

210 Mr. Groh addressed the concerns in the letter made available by Chase Ballew from the Fair
211 Housing Council of Oregon.

212
213 Mr. Groh made a motion to make a recommendation to the City Council to approve the annexation
214 of the subject property and have the zone changed to Residential Medium density. Mr. Banford
215 seconded the motion. A roll call vote was taken. The motion was approved unanimously.

216
217 **South Dallas Urban Renewal District**

218 **APPLICANT: City of Dallas**

219 **Make a recommendation to the City Council regarding the Council’s consideration and**
220 **adoption of the proposed South Dallas Urban Renewal Plan**

221
222 President Shein opened the hearing at 8:45pm.

223
224 **STAFF REPORT**

225 City Manager Brian Latta introduced *Elaine Howard, Elaine Howard Consulting, LLC, 476 3rd SW*
226 *Street, Portland.* Ms. Howard reviewed the prepared presentation.

227
228 Mr. Groh made a motion to make a recommendation to the City Council to approve the South
229 Dallas Urban Renewal District. Mr. Banford seconded the motion. The motion passed
230 unanimously.

231
232 Mr. Shein closed the meeting at 9:40pm.

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**



MEETING DATE: AUGUST 9, 2022
REPORT DATE: AUGUST 5, 2022
TOPIC: GREENBRIAR BOAT COVER - #VAR-21-04

Application Type: Variance to Setbacks
Owner: Gena Dickey
Applicant: Junior Updike
Location: 902 SE Greenbriar Avenue

RECOMMENDED ACTION

Approval with Conditions

BACKGROUND INFORMATION

Zoning: RL – Residential Low Density
Comprehensive Plan Map: Residential
Floodplain: Not within mapped floodplain
Adjacent Land Uses: Single-Family Residential
Prior Land Use Approvals: Subdivision “Greenway Park” – 1972

PROJECT OVERVIEW

The owners/applicant have constructed a freestanding boat shed adjacent to two other freestanding sheds in the backyard of the residence at 902 SE Greenbriar Avenue.

Under DDC.2.2.030.G.8 detached structures in the RL zone are subject to a side-yard and rear-yard setback of 3 feet, and the boat shed as constructed is less than one foot from the side property line.

Under DDC.2.2.303.G, structures shall not encroach into easements for utilities, accessways, etcetera and all three of the detached structures are constructed within the 7 foot public utility easement running across the back of the property, which contains franchise utilities (telephone, etc.) but no city utilities.

To legalize the structures, the applicant has filed for a variance to the abovementioned standards, which is the subject of this proceeding.

APPROVAL CRITERIA:

DDC.5.1.040.B – Class B Variance Approval Criteria

CRITERION:

DDC.5.1.040.B.1: The variance is necessary because the subject Code provision does not account for special or unique circumstances of the subject site, existing development patterns, or adjacent land uses.

FINDING:

As stated in the applicant's narrative, the boat shed and adjacent detached structures have already been constructed, the boat shed being less than one foot from the property line, and all within the 7 foot utility easement.

The boat shed structure must be of a certain minimum size in order to accommodate the boat intended to be stored within. Therefore, the variance to setbacks may be found necessary to ensure the shed is large enough to accommodate covered storage of the applicant's boat and other possessions.

Consequently, it may be concluded that the subject code provisions do not account for the special or unique circumstances of the applicant's property.

CRITERION:

DDC.5.1.040.B.2: The variance is the minimum necessary to address the special or unique physical circumstances referenced above [under subsection B.1].

FINDING:

As the boat shed is intended to accommodate the owner's boat, and the structures were constructed less than one foot from the side property line, and within the utility easement, a reduction in setbacks of that amount is presumed to be the minimum variance necessary to accommodate the structure and boat contained within, staff therefore conclude that criterion B.2 may be met.

CRITERION:

DDC.5.1.040.B.3: The variance conforms to the provisions of DDC.5.1.040 subsection C through G, as applicable.

FINDING:

Staff have determined this criterion does not apply.

CRITERION:

DDC.5.1.040.B.4 The variance does not conflict with other applicable City policies or other applicable regulations.

FINDING:

Building and fire code allow buildings to be less than 3 feet from the property line, but requires fire-rated construction in such circumstances. A standard condition of approval is that the structure comply with building and fire codes, however detached structures under 200 square feet are exempt from requiring building permits.

With the addition of the structures the total lot coverage is 34%, which is within the 50% limit. Staff are unaware of other conflicting policies or regulations, therefore concluding that criterion B.4 is met.

CRITERION:

DDC.5.1.040.B.5 The variance will result in no foreseeable harm to adjacent property owners or the public.

FINDING:

Based on the applicant’s narrative description, staff do not foresee any harm to adjacent property owners or the public as a result of the variance to the side yard setback. Specifically, staff note that the proposed use is accessory to an existing residential household. Accordingly, no additional traffic or noise within the neighborhood is foreseeable beyond that which would otherwise be expected from ordinary residential household use. Additionally, the sloped shed roof is configured with the short end to the adjacent property, minimizing visual impacts.

Franchise utilities may be adversely affected by the encroachment into the 7 foot utility easement, therefore staff are recommending a condition of approval that the applicant seek consent from the franchise utilities.

RECOMMENDED ACTION

Staff recommends that the Variance application be approved with the following conditions.

RECOMMENDED CONDITIONS OF APPROVAL

1. The structure shall not be used for commercial purposes, with the exception of lawfully permitted home occupations in compliance with the Dallas Development Code.
2. If the structure is removed or demolished by any means and not replaced within 12 months, then the approval shall lapse and any future construction shall comply with the code then in effect.
3. Within 120 days of approval, the applicant shall obtain from the utility companies with rights to the 7 foot utility easement written permission for the structures to occupy the easement. If written permission is not provided within 120 days, the variance approval shall be void and all structures must be removed from the easement area.

RECOMMENDED MOTION:

I move to approve the Variance with the conditions stated in the staff report.

EXHIBITS:

- Notice of Public Hearing
- Comments from City Departments
- Applicant’s Written Narrative, Plans, and Photographs

CITY OF DALLAS
NOTICE OF PUBLIC HEARING

Variance #VAR-22-04

*You are receiving this notice because you own property near the proposed development.
If you wish to provide public comment then instructions are provided below.*

PROPERTY LOCATION: 902 SE Greenbriar Avenue (See map on reverse)

APPLICANT: Junior Updike

OWNER: Gena Dickey

NATURE OF REQUEST: Variance to property line setbacks to allow an accessory structure.

APPLICABLE CRITERIA: Dallas Development Code Chapter 5.1.040 – Class B Variances

HEARING DATE / TIME: **7:00 p.m. Tuesday, August 9, 2022**

HEARING LOCATION: **In Person:** Dallas City Hall, 187 SE Court Street, Dallas, Oregon
Telephone: +1 253 215 8782 Passcode: **213 855 0622**
Watch Online: www.dallasor.gov/community/page/dallasyoutube

CITY STAFF CONTACT: Chase Ballew, City Planner Phone: 503-831-3570
chase.ballew@dallasor.gov TDD: 503-623-7355


At the above day and time the Dallas Planning Commission will hold a public hearing on the application requesting a variance to property line setbacks to allow an accessory structure at the address above.

You may attend this meeting in-person at Dallas City Hall. You may also participate by telephone by dialing the number above and entering the passcode when prompted. Video of the proceedings will be broadcast live at the website above, but oral testimony must be in-person or by phone.

The Planning Commission will consider testimony which addresses the applicable criteria listed above. Testimony may be submitted in advance by writing to the Dallas Planning Department, 187 SE Court Street, Dallas, Oregon 97338, or given orally at the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties.

At least seven days prior to the hearing the staff report, the application and documents and evidence submitted by or on behalf of the applicant, and the applicable approval criteria will be available for review online at www.dallasor.gov/meetings or in person at Dallas City Hall. Upon request, copies will be made at reasonable cost.

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



 City Hall is accessible to persons with disabilities. Requests for reasonable accommodations must be made at least 48 hours in advance. Dated: July 14, 2022

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

SE ACADEMY

Public Notice Map

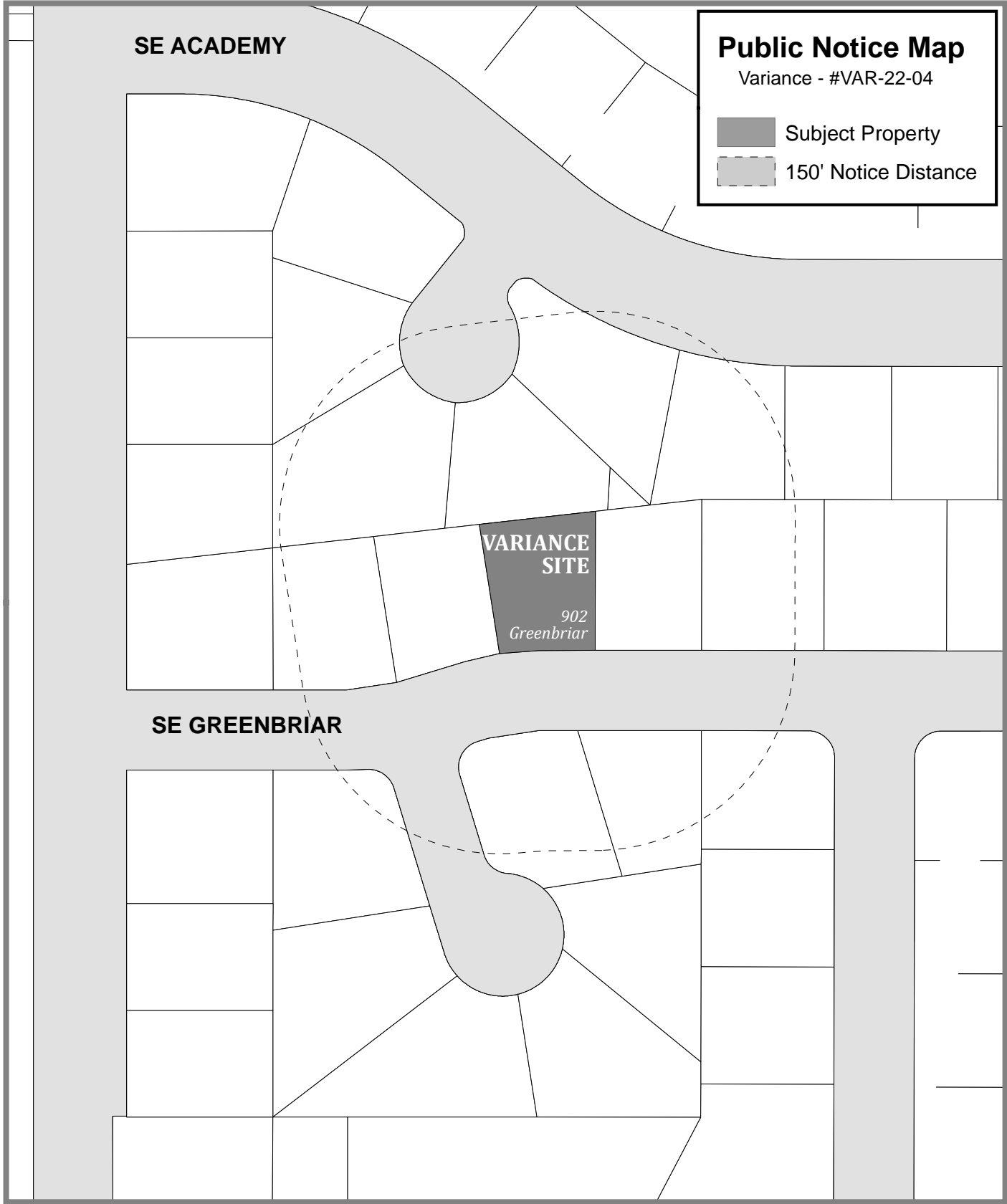
Variance - #VAR-22-04

-  Subject Property
-  150' Notice Distance

**VARIANCE
SITE**

902
Greenbriar

SE GREENBRIAR



BUILDING DEPARTMENT COMMENTS
Land Use Application Technical Notes

File Number: **VAR 22-04**

Date: 11 **July 2022**

Person Commenting: **Troy Skinner**

Detached accessory structure less than 200 square feet is exempt from permits and cannot have projections across property line.

ENGINEERING SERVICES DEPARTMENT COMMENTS
Land Use Application Technical Notes

File Number: **VAR 22-04**

Date: **03 August 2022**

Person Commenting: **Michael Peirce**

Records show there is a 7 foot Public Utility Easement bordering the north side of the property. Public Utility Easements shall not be built upon unless written permission from the utility companies with rights to the easement is obtained.

FIRE DEPARTMENT COMMENTS
Land Use Application Technical Notes

File Number: **VAR 22-04**

Date: **07 July 2022**

Person Commenting: Todd Brumfield

The Fire Department has no comments:



Variance Application
Dallas Planning Department
Development Code Class B, Type III Review

Official Use Only:

File No.: VAR-22-04

Date: 6-23-22

Fee: \$700 PAID

A Class B, Type III Variance is a discretionary review conducted by the Planning Commission with a public hearing. A variance is a request to modify development standards that are not otherwise permitted elsewhere in the Dallas Development Code as exceptions to code standards. The variance procedure provides flexibility to recognize varied geographic and other complexities of land development, while maintaining the purpose and intent of the Development Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with other codes. A pre-application conference is required before an application is submitted. To request a Class B Variance, please return this application form with attachments, and the required fee to the Dallas Planning Department, Dallas City Hall, Second Floor, 187 SE Court Street, Dallas, Oregon 97338.

Section 1 – Applicant Information

Name(s): JANIOR Updike
 Mailing Address: 902 SE GREENBRIAR AVE DALLAS OR 97338
 Email: _____ Phone Number: 503-623-4116 Cell Number: 503-580-3278

Section 2 – Property Owner Information (If not applicant)

Property Owner(s): Gena Dickey
 Mailing Address: 902 SE Greenbriar Ave.
 Email: Gld123@live.com Phone Number: 503-719-3442 Cell Number: 503-719-3442

Section 3 – Project Description

Please describe your project: 7ft x 20ft Free standing LEAN TO BOAT COVER - METAL CONSTRUCTION
 Site Address: 902 SE GREENBRIAR AV Total Land Area: _____
 Assessor Map/Taxlot No. _____ Zoning: _____
 Present Use of Property: FAMILY HOME

Section 4 – Application Submittal Information

Please submit one electronic copy (PDF format preferred) and one paper copy of the information listed below.

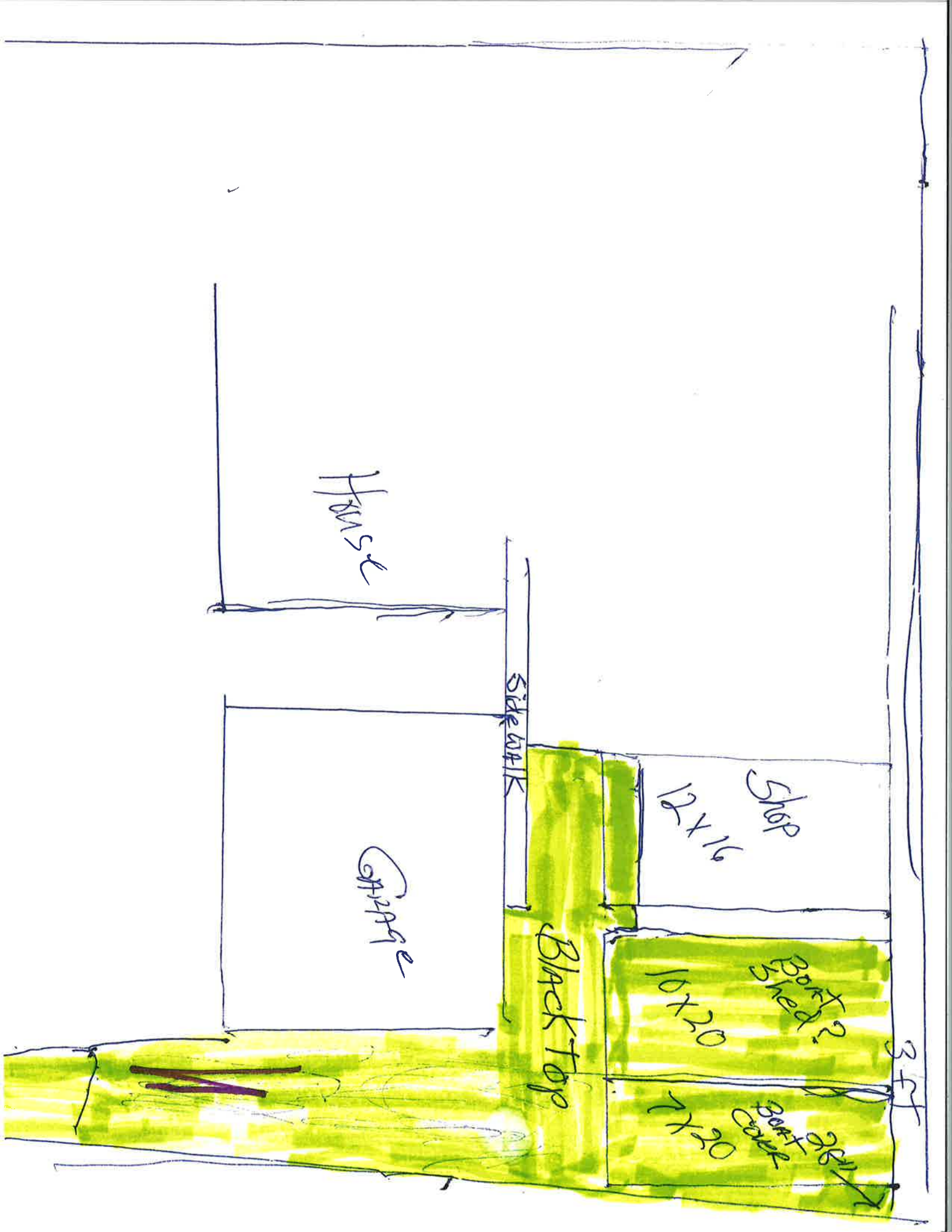
- Application Form.
- Application Fee.
- Property Deed and all existing and proposed restrictions or covenants, including those for access control.
- Narrative that addresses the relevant criteria in sufficient detail for review and decision-making (see Section 6, page 3).
- Traffic Impact Analysis when required, shall be prepared in accordance with the road authority's requirements. See Section 4.1.090, and Section 3.4.010 for relevant standards.

The reason we needed to add on the ~~free standing~~ lean to for the boat. We moved in with our daughter from a 2 acre farm with a 4 bedroom house, a 54x60 shop, a 12x40 barn with a 10x40 lean to after 48 years of stuff.

We filled the shop and the planned to be boat shed with all this stuff and needed a place for the boat. We will go through all of it and get rid of most but it will take years to do it.

We had it installed by ~~the star~~ West coast Metal the same as the other two buildings because we wanted to be and look good.

Thank You
Junior Updike
Junior Updike



House

Side Walk

Garage

12x16 Shop

Black Top

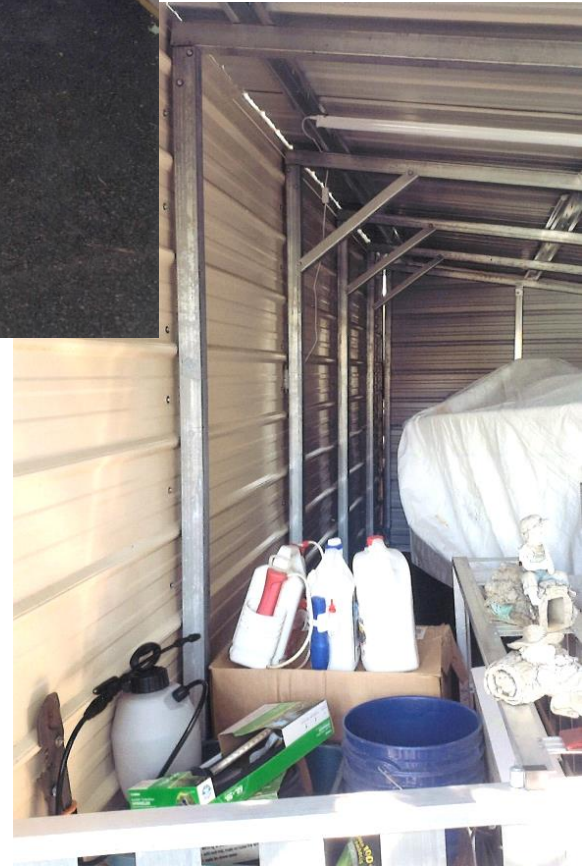
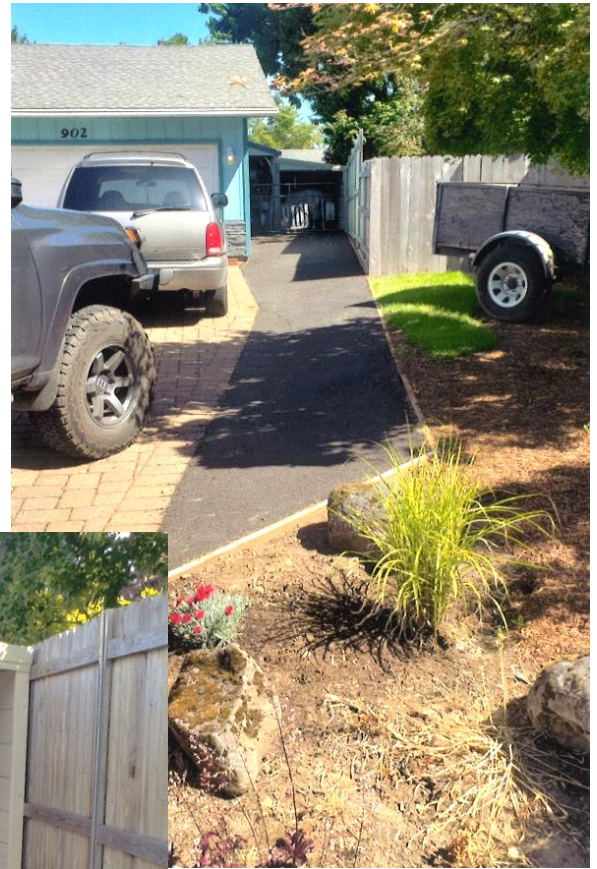
10x20

Port Shed?

10x20

Port Shed?

3 ft



CITY OF DALLAS PLANNING COMMISSION STAFF REPORT



MEETING DATE: AUGUST 9, 2022
REPORT DATE: AUGUST 5, 2022
TOPIC: DEVELOPMENT CODE UPDATES - #LA-22-01

Application Type: LEGISLATIVE AMENDMENT
Applicant: CITY OF DALLAS

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 shortcomings in the code are identified. The topics below are proposed for revision. These topics were discussed with the Planning Commission at their meeting on June 14, and with the City Council on August 1, which directed staff to produce a draft of the text, which is attached.

TOPICS FOR CODE AMENDMENT:

- Temporary signs in advance of elections
- List of allowed land uses by zone
- Self-storage uses
- Animals and agriculture
- Wireless communication facilities
- Housing variety standards and Accessory Dwelling Unit (ADU) standards
- Bicycle parking
- Streets and sidewalks
- Open space, trails, and environmental conservation areas

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.

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.”

CITY OF DALLAS
NOTICE OF PUBLIC HEARING
Legislative Text Amendment to the Dallas Development Code

The City of Dallas will hold public hearings to consider proposed legislative amendments to the Dallas Development Code (DDC) case file #LA 22-01

HEARING DAY AND TIME:

Tuesday, August 9, 2022, at 7:00 p.m, heard by the Dallas Planning Commission.

HEARING LOCATION:

In Person: Dallas City Hall, 187 SE Court Street, Dallas, Oregon
Telephone: +1 253 215 8782 Passcode: 213 855 0622
Watch Online: www.dallasor.gov/community/page/dallasyoutube

You may attend these meetings in-person at Dallas City Hall. You may also participate by telephone by dialing the number above and entering the passcode when prompted. Video of the proceedings will be broadcast live at the website above, but oral testimony must be in-person or by phone.

SUMMARY OF PROPOSAL:

Miscellaneous code updates. Updates to sign regulations. Changes to categories of allowed uses by zone. Changes to development standards for self storage, wireless communications, and agriculture in residential zones, accessory dwelling units, residential garages, parking including bicycle parking, and sidewalks in residential subdivisions. Changes to housing variety standard calculations. Clarify requirements for open space, trails, and environmental conservation areas to provide clearer and more objective standards.

APPLICABLE APPROVAL CRITERIA: Chapter 4 of the Dallas Development Code, Section 4.1.050.G., describes the decision-making criteria for legislative amendments.

STAFF CONTACT FOR ADDITIONAL INFORMATION:

Chase Ballew, City Planner
187 SE Court Street, Dallas, OR 97338.
503.831.3570 / chase.ballew@dallasor.gov

Oral and written testimony is invited. Prior to the hearing date, written testimony may be submitted to the Dallas Economic and Community Development Department, City Hall, 187 SE Court Street, Dallas, Oregon 97338. The public hearing will be conducted in a manner that allows testimony from all interested parties. Proposed amendments may be viewed at City Hall in the Economic & Community Development Department. A staff report will be available one week prior to the public hearings. Copies of the staff report and proposed code changes will be provided at a reasonable cost. Failure to raise an issue, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker(s) an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

If you require a special accommodation to attend the public hearings, please contact the Dallas Economic & Community Development Department (at 503-831-3571) at least 48 hours in advance of the hearing date to request a reasonable accommodation.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

SECTION 1:

3.6.066 Signs Allowed Prior To Election(*Added*)

Temporary signs advocating for or against a candidate or measure on a national, state or local election ballot are permitted on private property outside of required sign setback and vision clearance areas. These signs may be erected 60 days prior to an election and must be removed 7 days after an election. Such signs shall not exceed three square feet in height or six square feet in area.

Staff Comment:
This reinstates an allowance inadvertently removed in a previous update.

SECTION 2:

2.2.020 Allowed Land Uses And Building Types

Table 2.2.020 identifies the land uses and building types that are allowed in the Residential Districts. The specific land use categories are described and uses are defined, respectively, in Articles 1 and 6.

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)	RL	RM	RH	
Residential Categories				
Household Living				
Single Family House	P	P	P	
Accessory Dwelling Unit	S	S	S	Section 2.2.120A
Duplex (2 dwelling units sharing a common wall on one lot)	P P	P P	P P	
Attached House (2 dwelling units sharing a common wall with each unit on its own lot)				
Attached House (3 or more common-wall dwelling units), each on its own lot	N	S	S	Section 2.2.120B

Cottage Cluster (2-4 single family dwellings on one lot, oriented to an alley or common green, and each containing less than 1,200 square feet of floor area)	S	S	S	Section 2.2.120H
Manufactured Home on a Lot	S	S	N	Section 2.2.120F
Manufactured Dwelling Park - Equal to or less than 3 acres - Greater than 3 acres	N N	S N	S S	Chapter 2.9
Modular Home on a lot	S	S	S	Section 2.2.120M
Multifamily (3 or more dwellings on a lot; Includes Senior Housing, some types of Assisted Living and Single Room Occupancy Uses, but not Group Living)	N	S	S	Section 2.2.120H
Zero Lot Line Courtyard Housing (not common wall)	N	S	S	Section 2.2.120J
Group Living				
Residential Home	S	S	N	Section 2.2.120D
Residential Facility	CU + S	S	S	Section 2.2.120D
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	N	N	CU + S	Section 2.3.100
Bed and Breakfast Inn	CU + S	CU + S	CU + S	Section 2.2.120C
Educational Services, Commercial (e.g., tutoring or similar services); not a home occupation	N	CU + S	CU + S	Limited to 1,200 square feet of floor area
Entertainment, Major Event	N	N	N	
Home Occupation	S	S	S	Per standards of Section 2.2.120E and procedures in Chapter 4.9
Office, not a home occupation; fully enclosed in primary and/or accessory building	N	CU + S	CU + S	Limited to 1,200 square feet of floor area
Outdoor Recreation, Commercial	N	N	N	
	<u>CU</u>	<u>CU</u>	<u>CU</u>	

Parking Lot (not an accessory use, park and ride, or recreational vehicle park)				
Quick Vehicle Servicing or Vehicle Repair	N	N	N	
Recreational Vehicle Park	N	N	N	
Retail Sales and Service, excluding Eating and Drinking Establishments as primary use	N	N	N	
Self-Service Storage, when not accessory to a permitted use	N	N	CU	
Short-Term Vacation Rental, primary dwelling or accessory dwelling; not a recreational vehicle or mobile home	CU + S	CU + S	N	Section 2.2.120I
Industrial Categories				
Industrial Service, enclosed in primary building	N	N	N	
Manufacturing and Production, fully enclosed in primary and/or accessory building	N	N	N	
Warehouse and Freight Movement				
Waste-Related when not accessory to a primary permitted use (e.g., trash and recycling storage and sorting, garden composting)	N	N	N	
Wholesale Sales when accessory to a primary permitted use	N	N	N	
Institutional Categories				
Basic Utilities when not accessory to a primary permitted use	CU	CU	CU	Wireless Communication Facilities Subject to CU
Community Service; Government, except drive-up facilities or uses (includes clubs and lodges, public and quasi-public buildings where public is received, other community services)	CU	CU	CU	
Daycare, adult or child care; except:	CU + S	CU + S	CU + S	Provide City with evidence of

Staff Comment:
Adds a defined use that is missing from the table for this zone.

Family Childcare (16 or fewer children)	P	P	N	compliance with ORS 329A.250 and 329A.440(4)
Hospitals and Medical Clinics	N	N	N	
Incarceration Facilities	CU	N	N	
Parks, Open Space, and Common Areas	P	P	P	
Religious Institution, House of Worship	CU	CU	CU	Conditional Use Permit required, except where City codes preempted by Federal or State law
Schools	P/CU	P/CU	P/CU	Permitted (P) when part of a Master Plan; otherwise CU
Park and Ride	N	P/CU	P/CU	Permitted (P) when part of a Master Plan; otherwise CU
Accessory Structures, total of all accessory structures on site - Not taller than 15 ft. and not wider than 50% of width of primary building footprint - Taller than 15 ft. or wider than 50% of width of primary building footprint	P CU	P CU	P CU	
Agriculture - Animals	S	N	N	Section 2.2.120L
Agriculture - Crops and Nurseries	S	N	N	
Mining	N	N	N	
Radio Frequency Transmission Facilities, Wind Turbines, and Similar Structures	CU N	CU N	CU N	Chapter 4.3 Conditional Use Permit, except Ham and Similar Amateur Radio exempt when height limits are met
Utility Corridors (e.g., regional gas pipelines, electrical transmission lines, etc.), except those existing prior to January 22, 2010 , are permitted	CU	CU	CU	
Temporary Uses	P/CU			Temporary uses subject to Section 4.9.010
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit and are subject to review and approval by the applicable road authority.				

Staff Comment:
Adds a defined use that is missing from the table for this zone.

Staff Comment:
Corrects inconsistency in the code between this table and the text of DDC.3.5

Non-Conforming Uses. Uses and structures lawfully established prior to *January 22, 2010* may continue pursuant to Chapter 5.2 Non-Conforming Situations. The City may require upon annexation rezoning that uses conform to the current code requirements for the zone in which they are located.
 Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws

SECTION 3:

2.3.020 Allowed Land Uses And Building Types

Table 2.3.020A – Building Types Allowed in Commercial Districts				
<i>Building Types</i>	<i>Status of Building Type in District</i>			
<i>(Uses and building types in Chapter 1.3; definitions in Chapter 6.1)</i>	C	C	C	Special Standards
	B	G	N	
	D			
Building Types				
Store/Shop/Dining	P	P	P	Drive-up and drive-thru facilities, where allowed, are subject to Section 2.3.100. For buildings with floor plate >50,000 square feet, see Section 2.3.060 See also, Chapter 2.6 Mixed Use Master Plan provisions, and Chapter 4.5 Master Planned Developments.
Office Building	P	P	P	
Mixed-Use Building	P	P	P	
Automotive Services Building	C U +	C U +	C U +	
Large-Format Commercial: floor plate exceeds 50,000 square feet	C U	C U	N	
Neighborhood Commercial: total floor plate of building <20,000 square feet; and total leasable floor area of building < 50,000 square feet	P	P	P	
Parking Structures, public parking structures; and other parking structures when accessory to a primary permitted use	P	P	P	

Key:

P = Permitted, subject to site/development review

S = Permitted with standards (Section 2.3.030)

CU = CU permit required (Chapter 4.3)

N = Not permitted

Table 2.3.020B – Land Uses Allowed in Commercial Districts				
<i>Land Uses</i>	<i>Status of Use in District</i>			
	C			

<i>(Uses and building types in Chapter 1.3; definitions in Chapter 6.1)</i>	B D	C G	C N	Special Use Standards
Residential Categories				
Residential (Household Living and Group Living):				New residential buildings (not in conjunction with ground floor commercial use) must conform to the Architectural Standards contained in Section 2.2.070 and 2.2.100.
Dwelling lawfully existing in its current location as of January 22, 2010 (may be rebuilt in the event of involuntary damage or destruction due to fire or other event beyond owner's control)	P	P	P	
New dwelling built in conjunction with a permitted commercial use, above ground floor commercial space	P	P	P	
New dwelling on the ground floor or not in conjunction with a permitted commercial use: 24 or more units/acre	N	C U + S	N	
New dwelling not in conjunction with a permitted commercial use: <24 units/acre	N	N	C U + S	
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	C U + S	C U + S	C U + S	Section 2.3.100
Transient Lodging, including hotel, motel, bed and breakfast inn, and similar uses; excluding recreational vehicle park	P	P	P	
Educational Services, Commercial	P	P	P	
Entertainment, Major Event	C U	C U	N	
Offices	P	P	P	
Outdoor Recreation, Commercial	C U	C U	C U	
Parking Lot (when not an accessory use, <u>park and ride, or</u> and not a recreational vehicle park)	C U	C U	C U	
Automobile Service: Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)				Section 2.3.100 applies to uses with drive-up/drive-in/drive-through
- Fully enclosed in a building	C U	P	C U	
		C		

Staff Comment:
Clarification

- Not fully enclosed in a building	N	U + S	N	facilities
- Automobile fueling	N	C U + S	C U + S	
Retail Sales and Service				Section 2.3.100 applies to uses with drive-up/drive-in/drive-through facilities.
Primary use enclosed in building (allows 10% of sales/service area outside)	P	P	P	
More than >10% of use not enclosed in building	C U	C U	C U	
Outdoor retail sales of Agricultural goods produced within 25 miles of site	P	P	P	
Recreational Vehicle Park (3 or more RVs)	N	C U	N	
Industrial Categories				
Industrial Service				Industrial uses, where allowed, are subject to Industrial Performance Standards in Chapter 2.4.
- Fully enclosed (e.g., similar to office)	S	S	C U + S	
- Not fully enclosed (e.g., with some outdoor storage or activity)	N	C U + S	N	
Manufacturing and Production				
- Fully enclosed	S	S	S	
- Not fully enclosed and not accessory to Retail Sales	N	N	N	
Self-Service Storage not accessory to a primary permitted use	N	N	N	
Warehouse and Freight Movement when not accessory to a primary permitted use	C U + S	C U + S	N	
Waste-Related, when not accessory to a primary permitted use	N	N	N	
Wholesale Sales				
- Primary use enclosed in building (allows 10% of sales area outside)	P	P	P	
- More than 10% of use not enclosed in building	C U	C U	C U	

- Outdoor sales of Agricultural goods, the majority of which are produced within 100 miles of site	P	P	P	
<i>Institutional Categories</i>				
Basic Utilities when not accessory to a primary permitted use	C U	C U	C U	Wireless Communication Facilities Subject to CU and Chapter 3.5.
Community Service; Government, except drive-up facilities or uses				
Clubs and lodges	C U	C U	C U	
Public and quasi-public buildings where public is received	P	P	P	
Other Community Services	C U	C U	C U	
Daycare, adult or child day care; not Family Daycare under ORS 329A.250	C U	C U	C U	
Parks, Open Space, and Common Areas: pedestrian amenities (e.g., plaza or outdoor seating, parks and recreation facilities, and other open space uses	P	P	P	
Religious Institutions and Houses of Worship	C U	C U	C U	
Schools, primary or secondary	C U	C U	C U	
<u>Hospitals and Medical Centers</u>	<u>C U</u>	<u>C U</u>	<u>C U</u>	
<u>Incarceration Facilities</u>	<u>C U</u>	<u>C U</u>	<u>N</u>	
<u>Park and Ride</u>	<u>N</u>	<u>C U</u>	<u>C U</u>	
<i>Other Use Categories</i>				
Accessory Structures (with a permitted use)	P	P	P	
Buildings and Structures exceeding height standards. See Table 2.3.030	C U	C U	C U	Height/density bonus subject to performance standards in Section 2.3.070B
Radio Frequency Transmission Facilities, Wind Turbines and Similar Structures when not accessory to a primary permitted use	C U	C U	C U	These facilities are Permitted when height limits of district area met. See also, Chapter 3.5 for Wireless Communication Facilities
Utility Corridors when not accessory to a permitted use	C U	C U	C U	
Temporary Uses when not accessory to a permitted use	P/CU			Only those uses designated as “P” or “CU”, are allowed and may be permitted, per Section 4.8.010.

Staff Comment:
Adds a defined use that is missing from the table for this zone.

Non-Conforming Uses. Uses and structures lawfully established prior to [effective date of code] may continue pursuant to Chapter 5.2 Non-Conforming Situations. Upon annexation or rezoning, uses shall conform to the current code requirements for the zone in which they are located.

Transportation Facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit

Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws

Key:

P = Permitted, subject to site/development review

S = Permitted with standards (Section 2.3.030)

CU = CU permit required (Chapter 4.3)

N = Not permitted

SECTION 4:

2.4.020 Allowed Uses

Table 2.4.020 identifies the land uses that are allowed in the Industrial District. The specific land use categories are described in Chapter 1.3. Definitions are contained in Chapter 6.1.

Table 2.4.020 – Land Uses Allowed in Industrial Districts	
<i>Uses</i>	<i>Status of Use in District</i>
Use Categories <i>(Examples of uses are in Chapter 1.3; definitions are in Chapter 6.1.)</i>	I <i>Exceptions and Special Use Standards</i>
Residential Categories	
Household Living	
Residential Uses (Household Living and Group Living) allowed, if:	
- Lawfully existing as of January 22, 2010 (may be rebuilt within the existing footprint within 12 months of involuntary damage or destruction due to fire or other event beyond owner's control)	P
- New dwelling	CU
- Caretaker dwelling	P
Commercial Categories	
Drive-Up/Drive-In/Drive-Through (drive-up	When in conjunction with Retail Sales and

windows, kiosks, ATM's, similar uses/facilities)	P	Services, must comply with Section 2.3.100
Bed and Breakfast Inn	N	
Educational Services, commercial	C U	Educational Services may be permitted without CU with a Master Planned Development
Entertainment, Major Event	C U	Entertainment, Major Event may be permitted without CU with a Master Planned Development. See also, Section 2.4.050
Offices	P	
Outdoor Recreation, Commercial	C U	Outdoor Recreation, Commercial may be permitted without CU with a Master Planned Development
Parking Lot (when not an accessory use, <u>park and ride, or recreational vehicle park</u>)	C U	
Quick Vehicle Servicing or Vehicle Repair	P	See also, Section 2.4.050
Recreational Vehicle Park	N	
Retail Sales and Service	S	Retail Sales and Services are limited to 20,000 sq. ft. gross floor area and must be accessory to a primary permitted use
Self-Service Storage	P	See also, Section 2.4.050
Industrial Categories		
Industrial Service		
- 50% or more of use enclosed in building	P	Percent of use not enclosed may be increased with a Master Planned Development. See also, Section 2.4.050
- <50% of use not enclosed in building	C U	
Manufacturing and Production		Percent of use not enclosed may be increased with a Master Planned Development. See also, Section 2.4.050
- 50% or more of use enclosed in building	P	
- <50% of use not enclosed in building	C U	
Warehouse and Freight Movement	P	See also, Section 2.4.050
Waste-Related	C U	See also, Section 2.4.050
Wholesale Sales		Percent of use not enclosed may be increased with a Master Planned Development. See also, Section 2.4.050
- 50% or more of use enclosed in building	P	
- <50% of use not enclosed in building	C U	
Institutional Categories		
Basic Utilities	P	See also, Section 2.4.050
Community Service	P	See also, Section 2.4.050

Staff Comment:
Clarification

Daycare, adult or child day care; does not include Family Daycare under ORS 329A.250	C U	Daycare Center may be permitted without CU with a Master Planned Development.
Parks and Open Space	P	
Religious Institutions and Houses of Worship	C U	Religious Institutions and Houses of Worship Permitted when part of a Master Plan, per Chapter 4.5
Schools	C U	Schools Permitted when part of a Master Plan, per Chapter 4.5
<u>Hospitals and Medical Centers</u>	C U	
<u>Incarceration Facilities</u>	C U	
<u>Park and Ride</u>	C U	
Other Categories		
Accessory Structures (with a permitted use)		See examples of Accessory Structures in Chapter 1.3.
Agriculture – Animals, when		
- existing use as of January 22, 2010	P	
- accessory to a permitted use	P	
- primary use (e.g., meat processing, stockyard, vet, kennel, and similar uses)	C U	
Agriculture – Nurseries and similar horticulture (See also, Wholesale and Retail Uses)	P	
Buildings and Structures Exceeding the Height Limits in Table 2.4.060	C U	Increased height may be permitted without CU with a Master Planned Development.
Mining	N	
Radio Frequency Transmission Facilities, Wind Turbines, and Similar Structures		
- within height limit of district	C U P	See also, Chapter 3.5 for Wireless Telecommunication Facilities requirements.
- exceeds height limit (free-standing or building-mounted facilities)	C U	
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are permitted.	C U	
Temporary Uses (Only uses allowed as “P” and “CU”), per Chapter 4.9.	P/ C U	See Chapter 4.9. Unlisted uses require CU permit.
Transportation Facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit and are subject to review and approval by the applicable road authority.		

Staff Comment:
Adds a defined use that is missing from the table for this zone.

Staff Comment:
Corrects inconsistency in the code between this table and the text of DDC.3.5

Non-Conforming Uses. Uses and structures lawfully established prior to *[effective date of code]* may continue pursuant to Chapter 5.2 Non-Conforming Situations. Upon annexation or rezoning, uses shall conform to the current code requirements for the zone in which they are located.

Uses Subject to Preemptive State or Federal Law are allowed pursuant to applicable laws

Key:

P = Permitted, subject to site/development review S = Permitted with standards (See cross-reference) CU = CU permit required (Chapter 4.4) N = Not permitted

SECTION 5:

1.3.280 Recreational Vehicle Park(*Added*)

Characteristics. Recreational Vehicle Parks are a commercial use primarily designed to accommodate recreational vehicles for overnight stay as a form of transient lodging by providing space and support facilities for recreational vehicles, motor homes, or similar vehicles to park overnight while occupied. This includes facilities with park-owned recreational vehicles held out for rent for on-site occupancy.

Staff Comment:
Adds definition for use identified elsewhere in code

Accessory Uses. Accessory uses may include offices, employee or operator living units, recreational facilities, canteens, convenience stores, gift shops, service buildings, rest rooms, dumping stations, showers, laundry facilities, storage units; and other uses and structures customarily a part of the RV park or campground operation.

Exceptions. Uses where unoccupied recreational vehicles are manufactured, offered for sale or lease, or are stored are not included as Recreational Vehicle Parks.

SECTION 6:

1.3.440 Park and Ride(*Added*)

Characteristics. Park and Ride facilities are a civic use intended to facilitate use of public transportation and carpooling by commuters in low density areas by providing a place to park privately owned vehicles such that drivers may continue their journey in a different vehicle. Park and Ride facilities are generally located along major travel corridors in close proximity to a bus stops, train stations, and major crossroads. Park and Ride facilities may be owned and operated by government organizations (transit districts, transportation departments, municipalities) by may also be leased from private entities with surplus weekday parking capacity such as churches and shopping centers.

Staff Comment:
Adds definition for use identified elsewhere in code

Accessory Uses. Accessory uses may include offices and ticketing halls, employee or operator break rooms, vending areas, service buildings, and rest rooms, and electric vehicle charging stations.

Exceptions. Uses where the drivers of parked vehicles are generally not continuing their journey on another vehicle, but are instead patronizing businesses or institutions within walking distance, are not park and ride facilities.

SECTION 7:

1.3.210 Commercial Parking

- A. **Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. **Accessory Uses.** In a parking structure only, accessory uses may include car washing, and vehicle repair activities.
- C. **Examples.** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- D. **Exceptions.**
 - 1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
 - 2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Article 6 Definitions.
 - 3. Parking facilities where drivers are generally parking so as to continue their journey in another vehicle, such as a public bus or carpool, are a Park and Ride use.

Staff Comment:
Clarification

SECTION 8:

2.4.~~50~~060 Industrial District - Building And Structure Height

Staff Comment:
Corrects numbering is
out of sequence

SECTION 9:

2.4.070 Industrial District - Special Use Standards(*Added*)

This section provides standards for the land uses and building types identified as Special Uses in Table 2.4.020 (uses denoted with an 'S'). These uses are intended to control the scale and compatibility of those uses within the Industrial District. The standards in this section are in addition to and do not replace the general development standards for industrial districts.

Staff Comment:
Adds header for new section to regulate specific uses

SECTION 10:

2.4.070.A Self Storage(*Added*)

1. Self-service storage uses shall be located at least 850 feet from any other self-service storage use and 150 feet from any collector or arterial road.
2. Self-storage uses shall occupy an area no greater than five acres.
3. Self-service storage is permitted only within multi-story structures. Floor area of the second floor must be at least 40% of the total building footprint.
4. Self-storage units shall gain access from the interior of the building(s) or site.
5. At least forty feet of clear, unobstructed driveway length will be provided from the road to the primary access gate or principal entry point of the facility, and any interior drive aisles shall be at least 20 feet wide.
6. Self-storage units shall not be used for:
 - A. Heavy manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances or other electrical equipment, or any other heavy industrial activity.
 - B. Conducting garage or estate sales. This does not preclude auctions or sales for the disposition of abandoned or unclaimed property.
 - C. Storage of flammable, perishable or hazardous materials.
 - D. The raising or keeping of animals.
7. Each floor above the ground floor of a self-storage facility building that is facing a street shall at a minimum be comprised of 15% glass.
8. At least 75% of the width of any new or reconstructed first-story building wall facing a principal, minor, or collector arterial street shall be devoted to interest-creating features, such as pedestrian entrances, reliefs, murals, landscaping, transparent show or display windows, or windows affording views into retail, office, or lobby space.
9. Outdoor storage is prohibited. All goods and property stored at a self-storage facility shall be stored in an enclosed building. No outdoor storage of boats, RVs, vehicles, or similar, or storage in outdoor storage pods or shipping containers is permitted.
10. Recognition of Existing Facilities. Existing self-service storage facilities as of the date of adoption of this ordinance are permitted to expand within the boundaries of the property. The expansion shall be consistent with and meet all applicable standards of the zoning district as well as this section.

Staff Comment:
Adds new standards and restrictions on self storage uses in order to ensure the most productive use of industrial land.

Borrows heavily from Vancouver, WA and Gardena, CA

SECTION 11:

2.2.080 Housing Variety Standards

- A. Purpose. Require new neighborhoods and large subdivisions to contain a variety of housing types. Housing variety is in the public interest because it supports housing at price ranges and rent levels that are commensurate to local incomes, promotes livability by offering housing choices, and contributes to the development of complete neighborhoods, consistent with the Comprehensive Plan.
- B. Applicability. Section 2.2.080 applies to land divisions creating or having the potential to create twenty (20) or more lots on any parcel or contiguous parcels in the RL and RM zones. For the purpose of this Section, “project proposal” means the sum total of all proposed development (acres and dwellings) and potential future development on contiguous land under the same ownership that could occur under existing zoning. “Same ownership” means ownership by the same individual, group, organization, corporation or other legal entity; or such entity holds a majority interest. The standards of this Section may be adjusted through a Type II review, provided the adjustment is consistent with the above purpose and the applicant demonstrates that an alternative proposal meets the intent of the standard.
- C. Housing Variety Standards. Project proposals shall achieve a minimum of twelve (12) points based on the following criteria. Lots and housing units used to comply with the standards below should be evenly distributed throughout all phases of the subdivision
 - 1. Minimum Density (required). Projects are required to meet the minimum density standard, per Table 2.2.030, except as allowed elsewhere in this code. No points are awarded for compliance with the minimum density standard.
 - 2. **Option 1: Lot Size Variety.** Choose one of the following options:

Criteria	Points
a) At least 10% of lots in the project are at least 20% smaller than the project's median lot size	3
b) At least 20% of the lots in the project are at least 20% smaller than the project's median lot size	6
c) At least 30% of the lost in the project are at least 20% smaller than the project's median lot size	9

Staff Comment:
Clarification

*This option may not be used if it would result in a lot size less than the minimum for the zone. Percentages are rounded to the closest whole percent (1%); fractional points are not awarded.

- 3. **Option 2: ~~Housing choices~~Small houses.** Choose one of the following options:

Staff Comment:
Re-labels section for clarity

Criteria	Points
a) At least 10% of the <u>lots in the project are reserved for "small houses"*</u> dwelling units in the project consist of "small housing types"*	3
b) At least 20% of the <u>lots in the project are reserved for "small houses"*</u> dwelling units in the project consist of "small housing types"*	6
c) At least 30% of the <u>lots in the project are reserved for "small houses"*</u> dwelling units in the project consist of "small housing types"*	9

Staff Comment:
Rephrases requirement to match existing practice. The subdivision developer may be different from the homebuilder, so the deed restriction ensures that the resulting dwelling is consistent with the Planning Commission's approval

*Reservation shall be enforced through deed-restrictions for a period not less than **15 years**. Small housing types are detached single-family dwelling units that individually contain less than 1,600 square feet of enclosed floor area excluding garages. Percentages are rounded to the closest whole percent (1%); fractional points are not awarded. Small housing types may include duplex dwelling units that contain less than 1,600 square feet per unit.

4. **Option 3: Affordable housing.** Choose one of the following options:

Criteria	Points
a) At least 15% of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below Polk County area median income.*	6
b) At least 10% of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below 80% of Polk County area median income.*	6
c) At least 5% of the dwelling units in the project reserved for qualifying buyers or renters with incomes at or below 60% of Polk County area median income.*	6

* Income levels determined based on household size and other factors, in accordance with U.S. Department of Housing and Urban Development criteria. Housing must ensure housing affordability through deed-restrictions for a period not less than **15 years**. Percentages are rounded to closest whole percent (1%); fractional points are not awarded. A development agreement is

required.

5. **Option 4: Middle housing types.** Choose on of the following options:

Criteria	Points
a) At least 10% of the lots in the project are reserved for duplexes, attached houses, or accessory dwelling units.*	3
b) At least 20% of the lots in the project are reserved for duplexes, attached houses, or accessory dwelling units.*	6
c) At least 35% of the lots in the project are reserved for duplexes, attached houses, or accessory dwelling units.*	9
d) More than 50% of the lots in the project are reserved for duplexes, attached houses, or accessory dwelling units.*	12

Staff Comment:
Adds new option for scoring points, to give developers of these housing types more flexibility.

(sorry the font is inconsistent, we'll fix that in the final version.)

* Reservation shall be enforced through deed-restrictions for a period not less than **15 years**. Percentages are rounded to closest whole percent (1%); fractional points are not awarded.

SECTION 12:

2.2.120.A Accessory Dwelling

Accessory Dwelling Unit (attached, separate cottage, or above detached garage). Accessory dwelling units shall conform to all of the following standards:

1. **Floor Area.** Accessory dwellings shall not exceed 800 square feet of floor area, or one-half of the primary dwelling unit floor area, whichever is smaller. The unit can be a detached cottage, a unit attached to a garage, or in a portion of an existing house. The floor area of the primary dwelling unit's garage is not included in the calculation;
2. **Housing Density for subdivision review.** Accessory dwellings shall equal 0.5 dwelling unit for purposes of calculating allowable density, if proposed as part of a subdivision or master plan development. See Table 2.2.030;
3. **Oregon Structural Specialty Code.** The accessory dwelling shall comply with

- applicable building code;
4. **One Unit.** A maximum of one (1) accessory dwelling unit is allowed per legal lot. Accessory dwellings are not permitted on legal lots developed for duplex residential;
 5. **Building Height.** The building height of a detached accessory dwelling (e.g., separate cottage) shall not exceed the height of the primary dwelling;
 6. **Buffering.** The decision making body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single family dwelling for the purposes of visual screening and privacy between uses.
 7. **Setbacks.** Newly constructed, detached accessory dwellings must meet the side and rear setbacks for accessory structures. Conversion of existing detached structures more than 15 years old into accessory dwellings need not meet setback requirements so long as fire code standards are met.

Staff Comment:
Removes the requirement that ADU's meet the same setback requirement as full size dwellings.
Adds exception for conversion of existing structures.

SECTION 13:

2.2.030 General Development Standards

The development standards in Table 2.2.030 apply to all uses, structures, buildings, and development, and major remodels, in the Residential Districts.

Table 2.2.030– Development Standards for Residential Districts				
Standard General Development Standards may be adjusted through Chapter 4.5 Master Planned Development		Land Use Districts		
		RL	RM	RH
A)	<i>Minimum and Maximum Residential Density</i> (Dwelling units per net buildable acre after subtracting required right-of-way. Does not apply to partitions of 3 or fewer lots and to conversion of existing detached single-family houses to duplex.) All residential zones are subject to Housing Density standards in Section 2.2.050.	4-9	6-16	10-40
B)				3,000 sf 1,500 sf 4,000 sf 3,000 sf 7,000 sf

	Minimum Average Lot Area*			
	Single Family House, non-attached	5,000 sf	4,000 sf	
	Attached House	2,500 sf	2,000 sf	
	Single Family House with Accessory Dwelling Unit	6,000 sf	5,000 sf	
	Duplex	5,000 sf	12,000 sf	
	Multiple-Family or Cottage Cluster, per allowable density	12,000 sf	4,000 sf	
	*Minimum lot area in new land divisions platted for single family, housing is the average area for all lots, categorized by above lot type, in the land division, provided that no lot shall be smaller than 80% of the area shown at right, and the land division shall conform to the above Density standards and requirements for Lot Size Averaging in Chapter 4.3.		10,000 sf	
C)	Minimum Lot Width/Depth (feet), per minimum lot size, density, setbacks, and lot coverage			
	Single Family House	50' / 75'	40' / 60'	30' / 45'
	Attached House	25' / 62'	20' / 30'	15' / 22'
	Single Family with Accessory Dwelling Unit	60' / 80'	50' / 75'	40' / 60'
	Duplex	50' / 75'	40' / 60'	30' / 45'
	Multiple-Family or Cottage Cluster	100' / 100'	100' / 100'	100' / 100'
	*Flag lots subject to Chapter 4.3			
D)	Building/Structure Height			
	Except Fences, Garden Walls and Other non-Building Structures are subject to Section 3.2.050, Fences and Walls.			
	Primary buildings	28 ft	40 ft	48 ft
	Accessory buildings (except accessory dwellings) are subject to the height	15 ft	15 ft	15 ft

Staff Comment:
Removes the requirement that ADU's meet the same setback requirement as full size dwellings.

	<p>limitations and setback requirements for primary structures)</p> <p>Buildings exceeding above standards, with Conditional User Permit</p>	+ 5 ft	+ 8 ft	+ 8 ft
E)	<p>Lot Coverage (Impervious Surfaces): Max. Lot Coverage by Impervious Surfaces draining into a public right-of-way or draining off-site. Areas covered with pervious surfaces (e.g., planted areas, porous paving systems, etc.) and allowing on-site infiltration of stormwater, are not counted toward lot coverage, provided such areas are designed to City standards. Adjustments are limited to 10% (e.g., up to 55% in RL), except as approved through a Master Plan under Chapter 4.5</p>	50%	65%	75%
F)	<p>Min. Open Space Area (% site area); except does not apply to Single Family House, Attached House, or duplex dwelling lots, only the subdivision as a whole. Where a subdivision site does not contain suitable land for open space, the City may accept a fee equal to 6% of the site's Real Market Value, per the current Assessor's file, in lieu of open space. The landscaped portion of common area or green roof, when approved by Planning Official, may count toward meeting landscape area requirement under Section 3.2.030.D. Required Children's Play Area, see Section 2.2.120H Multifamily Housing</p>	6% per residential subdiv.; 15% for cottage clusters and other uses where open space is required	6% per residential subdiv.; 15% for cottage clusters and other uses where open space is required	15%
G)	<p>Minimum Setbacks (feet), except as otherwise required for Clear Vision areas and per Section 3.2.060, Fences and Walls. Other standards may preclude building at a minimum setback. Structures shall not encroach into easements for utilities, access ways, etc. See also, Clear Vision Area requirements and special setbacks for planned street improvements, respectively, in Chapter 3.2 and Chapter 3.4.</p>			

G.1) G.1	Front/Street Side Yard, Primary Structures, Fronting Local Street with Standard ROW	15 ft	12 ft	12 ft
G.2) G.2	Front Yards and Street Side Yards, Primary Structures, Fronting a Collector or Arterial Street with Standard ROW	20 ft	20 ft	20 ft
G.3) G.3	Front Yards and Street Side Yards, Primary Structures, Fronting Any Street Without Standard ROW (measured from designated street centerline)	1/2 - width standard ROW, plus setback		
G.4) G.4	Garage or Carport Opening Facing a Street, as determined by Community Development Dept.	20 ft	20 ft	20 ft
G.5) G.5	Front/Street Side Yard, Accessory Structures	Where an accessory structure is visible from a street, it shall be set back behind the front/side building elevation adjacent to the subject street. The street side yard setback for an accessory structure may be reduced to 5 ft, if the structure is screened with a 6 ft high sight-obscuring fence, wall or hedge.		
G.6) G.6	Interior Side Yards, Primary Structure, Not Abutting Alley. Note additional setbacks may be required pursuant to building codes and other Development Code provisions.	5 ft	3 ft	3 ft
G.7) G.7	Interior Side Yards, where common wall or zero-lot line is allowed. See also, Section 2.2.120.B & J	0 ft	0 ft	0 ft
G.8) G.8	Interior Side Yard, Accessory Structure	3 ft for structures up to 15 ft in height; Taller structures shall conform to Primary Structure setbacks		
G.9) G.9	Yard Abutting Alley; Allowed Only Where Alley is Improved to City Standards	3 ft	3 ft	3 ft
G.10) G.10	RM or RH Yard Abutting RL Yard	10 ft	10 ft	15 ft
G.11) G.11	Parking Lot (e.g., multifamily, commercial, or institutional use) abutting RL District; see Chapter 3.2 Landscaping	10 ft	10 ft	10 ft
G.12) G.12	Rear Yard, Primary Structure	10 ft	10 ft	15 ft
	Rear Yard, Accessory Structure	3 ft for structures up to 15 ft in height; Taller		

G.1 3)		structures shall conform to Primary Structure setbacks
G.1 4)	Reduced Setback for Covered Front Porch	8 ft Reduction in front and street side setbacks allowed where structure does not conflict with any easement
G.1 5)	Special Setback for Development on Oversized Lot	Where a lot is more than twice the minimum lot size of the zone, the dwelling shall be placed to allow for future land division in accordance with the minimum dimensional standards of this Chapter and requirements of the Land Division criteria of Chapter 4.3.

SECTION 14:

3.3.040 Bicycle Parking Standards

All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 3.3.040, and subsections A-G, below.

- A. **Minimum Required Bicycle Parking Spaces.** Uses shall provide bicycle parking spaces, as designated in Table 3.3.040.

Table 3.3.040 Minimum Required Bicycle Parking Spaces		
Use	Specific Uses	Required # of Spaces
Residential Categories		
Household Living	Multifamily <u>with auto parking</u>	<u>1 per vehicle space</u> 2, or 1 per 20 units, whichever is more
<u>Household Living</u>	<u>Multifamily without auto parking</u>	<u>1 per bedroom</u>
<u>Household or Group Living</u>	<u>Elderly / disabled housing</u>	<u>2, or 1 per 10 units</u>
Commercial Categories		
Retail Sales And Service		2 per primary use or 1 per 10 vehicle spaces, whichever is greater
Office		2 per building or 1 per 10 vehicle spaces, whichever is greater
Industrial Uses		1 per 10 vehicle spaces, or per CU review
Institutional Categories		
Community Service		2, or as required by City
Parks (active recreation areas only)		8, or as required by City
Schools	Grades 2-5	2 per classroom, or per CU review
	Grades 6-12	2 per 10 vehicle spaces, or per CU review
Religious Institutions and Places of Worship		1 per 10 vehicle spaces, or per CU review

Staff Comment:
Increases bike parking requirement for multi-family developments

- B. **Exemptions.** This Section does not apply to single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses.
- C. **Location and Design.** At least 20 percent of the required bicycle parking spaces shall be no farther from a primary building entrance than the distance from that entrance to the closest vehicle space, or 100 feet, whichever is less. Covered bicycle parking shall be incorporated wherever practical into building design (e.g., under eaves or stairwells). When allowed within a public right-of-way, bicycle parking should be coordinated with the design of street furniture, as applicable. The area devoted to bicycle parking must be hard surfaced. Where bicycle parking is provided in racks, the rack must be designed so that the bicycle frame and one wheel can be locked to a rigid portion of the rack with a U-shaped shackle lock, the rack must support the bicycle at two points, including the frame, and the rack must be securely anchored with tamper-resistant hardware.

Staff Comment:
Establishes dimensional standards for bicycle parking.
Borrows heavily from Corvallis

Bicycle parking spaces shall comply with the following dimensions:

1. Perpendicular or diagonal spaces shall be at least 6 feet long and 2 feet wide, with an overhead clearance of at least 7 feet.
2. Bicycle lockers shall be at least 4 feet high, 6 feet long, and 2 feet wide.

except wedge-shaped lockers, which shall be at least 3 feet wide at the widest end.

3. All bicycle parking spaces shall have a 5 foot access aisle.

4. Required bicycle parking spaces shall hold the bicycle with both wheels on the ground. Parking spaces in excess of the required amount may be elevated or wall mounted.

- D. Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- E. Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking.
- F. Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- G. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Chapter 3.1, Access and Circulation).
- H. Resident Parking.** Parking required in association with a residential use shall be provided outside the residential unit, and shall be at ground level unless a ramp no less than 2 feet in width or an elevator with a minimum depth of 6 feet is easily accessible to an approved bicycle parking area. If bicycle parking is provided on upper floors, the number of spaces provided shall be proportionate to the number of dwellings on that floor. Required parking shall be provided within
1. A lockable garage;
 2. A lockable room serving multiple dwelling units with racks complying with the design standards

 3. A lockable room serving only one dwelling unit;
 4. A lockable bicycle enclosure; or
 5. A bicycle locker.

Staff Comment:
Establishes dimensional standards for bicycle parking.
Borrows heavily from Corvallis

SECTION 15:

3.4.015 Transportation Standards

- A. Development Standards and Criteria.** The following standards are implement the City of Dallas Transportation System Plan of October 2009 as amended. Projects shall be required to meet the current standards in effect at the time an application is filed.
- 1. Adequate Public Facilities.** No development shall be approved unless adequate transportation facilities are available or where it is demonstrated how improvements can and will be constructed and operational concurrent with the proposed development, as required by this Code If existing improvements leading to or serving the site are inadequate to handle anticipated loads, improvements are to be constructed and operational prior to the issuance of building permits or in conjunction with construction of the approved lots or parcels pursuant to financial assurance for the improvements or a written agreement with the City prior to final plat approval. All street links or intersections serving the proposed development shall meet the traffic operations standards over a 10-year horizon, as follows:

Table 3.4.010A Traffic Operations Performance Standards within Dallas

Facility Type	Speed Limit	Maximum Volume/Capacity Ratio
OR 223; within STA or CBD zone		0.95*
OR 223; outside STA	Less than 45 MPH	0.85*
OR 223; outside STA	45 MPH or greater	0.80*
City Streets	Less than 45 MPH	0.85
City Streets	45 MPH or greater	0.80

* Note: Maximum Volume/Capacity Ratios for OR 223 per the current Oregon Highway Plan, Table 6.

2. **Amendments Significantly Affecting Transportation Facilities.**

Amendments to the Comprehensive Plan, or a land use regulation of the Development Code, or a Land Use District (zoning map designation) that significantly affect an existing or planned transportation facility shall assure that allowed land uses are consistent with the function, capacity and performance standards of the facility identified in the Transportation System Plan and shall demonstrate compliance with the Transportation Planning Rule (TPR) under Oregon Administrative Rule 660-012-0060

3. **Street Improvements.** Streets within and adjacent to a development shall be improved in accordance with [Map 7-1 of](#) the City of Dallas Transportation System Plan and with the provisions of this Chapter. Development of new streets, including sidewalks, curbs, gutters, bicycle lanes, vehicle travel lanes, traffic control devices, and park strips, and additional right-of-way or street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Chapter; and all public streets shall be dedicated to the applicable road authority upon the City Engineer’s acceptance of said improvements;

4. **Access Improvements.** All new streets, and driveways connecting to streets, shall be paved; driveways and driveway aprons shall be improved as required under Section 3.4.030 and subject to approval by the City Engineer.

B. **Guarantee.** The City may accept a future improvement guarantee (e.g., owner agrees not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;
2. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
3. The improvement would be in conflict with an adopted capital improvement plan; or
4. The improvement is associated with an approved land partition and the proposed land partition does not create any new streets.

C. **Creation of Rights-of-Way for Streets and Related Purposes.** Streets shall be created through the approval and recording of a final subdivision or partition plat;

Staff Comment:
Adds specific reference.
Non-specific references to TSP or Comp. Plan may be unenforceable.
LUBA: *Oster v. Silvertown*

except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Dallas Transportation System Plan, and the deeded right-of-way and improvements conform to the standards of this Code.

D. **Creation of Access Easements.** The City may approve an access easement connecting to a public street only when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code Section 10.207.

E. **Street Location, Width, and Grade.** Except as noted below, the location, width and grade of all streets shall conform to the Transportation System Plan, or an approved street plan or subdivision plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets. Where the location of a street is not shown on an adopted City street plan, the location of streets in a development shall provide for the reasonable continuation and connection of existing streets to adjacent developable properties, conforming to the street standards of this Chapter.

F. **Minimum Rights-of-Way and Street Sections.** Street rights-of-way and improvements shall be the widths in Table ~~3.4.015~~ ~~3.4.010~~. Variances to street design standards are subject to review ~~and approval~~ by the City Engineer. Where a range of width is indicated, the width shall be the preferred improvement in the range unless unique and specific conditions exist as determined ~~by the City Engineer based upon~~ through the variance process of Chapter 5.1, upon consideration of the following factors:

1. Transportation policies of the Transportation System Plan;
2. Anticipated traffic generation;
3. On-street parking needs;
4. Sidewalk and bikeway requirements, including the extension of and connection to existing sidewalks;
5. Requirements for placement of utilities;
6. Street lighting;
7. Minimize drainage, slope, and sensitive lands impacts;
8. Street tree location, as provided in Chapter 3.2;
9. Protection of significant vegetation, as provided in Chapter 3.2;
10. Safety, comfort, and convenience of motorists, bicyclists, and pedestrians;
11. Placement of street furnishings (e.g., benches, lighting, bus shelters, etc.), as applicable;
12. Access needs for emergency vehicles and for emergency evacuation; and
13. Transition between different street widths (i.e., existing streets and new streets).

Table ~~3.4.015.F~~ ~~3.4.010F~~- Minimum Typical Street, Sidewalk and Bikeway Standards

Table ~~3.4.015.F~~ ~~3.4.010F~~ specifies typical street, sidewalk and bikeway right-of-way, paving and design standards. These standards are based on the functional classification of the Dallas Transportation System Plan, Map 7-1. The street right-of-way and improvement standards minimize the amount of pavement and ROW required for each street classification consistent with the operational needs for each facility, including requirements for pedestrians, bicyclists and public utilities.

Staff Comment:
Corrects section number

Staff Comment:
Determinations by staff may not be clear and objective as required by ORS 197.307(4)

Staff Comment:
Corrects section number

Staff Comment:
Adds specific reference. Non-specific references to TSP or Comp. Plan may be unenforceable. LUBA: *Oster v. Silverton*

Table 3.4.010F: Minimum Typical Street, Sidewalk and Bikeway Standards—Continued

Facility	R O W	Tra vel La nes	Median Types	Bi ke La nes	Sidewalks	On-Street Parking	Plan ting Strip	S ped	Util ity Area
Major Arterial									
Criteria	90 -1 00 '	Min. of 2 @ 12'	14' Two-Way Left Turn Lane (TWLTL)	6' both sides	6' both sides	Allowed in CBD	Min. of 4' both	30 - 45 M P H	0'-15' both sides
Preferred	100'	4 @ 12'	14' Two-Way Left Turn Lane (TWLTL)	6' both sides	6' both	Allowed in CBD	6' both sides	30 - 45 M P H	1' both sides
Minor Arterial									
Criteria	80 - 90 '	2 @ 12'	14' Two-Way Left Turn Lane (optional)	6' both sides	6' both sides	Allowed in CBD	Min. of 4' both sides	25 - 45 M P H	3' to 17' both sides
Preferred (2)	80'	2 @ 12'	14' Two-Way Left Turn Lane (TWLTL)	6' both sides	6' both sides	Allowed in CBD	6' both sides	25 - 45 M P H	3' both sides
Major Collector									
Criteria	70 - 80 '	2 @ 12'	12' to 14' TWLTL (optional but not with parking)	6' both sides(1)	6' both sides	8' both sides (optional but not with TWLTL)	5' both sides	25 - 40 M P H	0'-5'
Preferred (2)	74'	2 @ 12'	14' Two-Way Left Turn Lane (TWLTL)	6' both sides	6' both sides	None	5' both sides	25 - 40 M P H	1' both sides

Minor Collector									
Criteria	60'-70'	2 @ 12'	None	5' both sides(1)	5' both sides	8' both sides	Min. of 4' both	20'-35' MPH	0'-6', both
Preferred (2)	70'	2 @ 12'	None	5' both sides	5' both sides	8' both sides	4' both sides	20'-35' MPH	1' both sides
Local									
Criteria	50'-55'	30' travelway	None	None	5' both sides	Allowed	4' both sides	20'-35' MPH	2'-6', both sides
Alternative (4)	40'	20' travelway	None	None	5' one side	None; Alley access	4' both sides	20'-35' MPH	2'-6', both
Optional (2)	60'	32'-36' travelway	None	None	5' both sides	Allowed	None	20'-35' MPH	4'-7', both sides
Cul-de-Sac									
Street	50'	30' travelway	None	None	5' both sides	Allowed	None	20 MPH	5' both sides
Bulb	50' radius	40' radius paved	None	None	5' around	Allowed	None	20 MPH	10' around
Alley									
	16'				None except			20'	

Staff Comment:
Links to new footnote

Residential	(3)	1 @ 16'	None	None	in Mixed Use Nodes	None	None	M P H	None
Commercial	20'	1 @ 20'	None	None	None except in Mixed Use Nodes	None	None	20 M P H	None
Ped/Bike Connections									
<u>Creek Trail</u>									
Ped/Bike Connection	6' to <u>Minimum 12' wide</u> paved multi-use path with landscaping. Includes a <u>minimum of 20'</u> of ROW.								
<u>Mid-Block Access way</u>	<u>Minimum 6' wide paved multi-use path with landscaping. Includes a minimum of 10' of ROW. (3)</u>								

Staff Comment:
Clarifies inconsistent code standards

- (1) Include bike lanes, except as noted in the Transportation System Plan, page 7-15 and Figure 7-9.
- (2) The city may require this street if it is located in a high density residential, industrial, or commercially zoned area, or where the street will carry more than 1500 vehicle trips per day
- (3) The city may require a wider ~~alley~~ width where fire apparatus access is determined necessary
- (4) The city may allow this street where no driveways are accessed from the street. Site access must be from alleys or cross streets

Staff Comment:
Codifies past practice and clarifies when the alternate street standard is allowed

- G. **Subdivision Street Connectivity.** All subdivisions including those within Master Planned Developments, shall conform to all the following access and circulation design standards:
1. Connectivity to Abutting Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshall, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
 2. When Abutting an Arterial Street. Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with Section 3.1.2. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.
 3. Continuation of Streets. Planned streets shall connect with surrounding streets, and shall be reasonably direct to permit the convenient movement of traffic between residential neighborhoods, and to facilitate emergency access and

evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below. To avoid or minimize through traffic on local streets, appropriate design and traffic control and traffic calming measures may be required, as provided in subsection H below. Such traffic calming measures are the preferred means of discouraging through traffic, and discontinuous streets as a traffic calming measure shall not be permitted.

4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, all subdivisions and site developments of more than two (2) acres requiring the extension of public streets shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway) Note that street spacing less than the maximum may be required in order to facilitate orderly development of the street system, see also section 3.4.010.I. – Extension of Streets, Sidewalks, and Bikeways:
 - a. Residential Districts, except as otherwise required by an applicable overlay zone or Master Plan (Article 2): Minimum of 100-foot block length and maximum of 600-foot length; maximum 1,400 feet block perimeter measured from the right-of-way edge;
 - b. Central Business District (CBD) Conform to existing platted blocks;
 - c. Commercial General (CG) and Commercial Neighborhood (CN) Districts: Minimum of 100-foot length and maximum of 600 foot length; maximum 1,400 foot perimeter;
 - d. Not applicable to the Parks and Open Space (POS) District or Wetland Riparian (/WR) Overlay.
 - e. Not applicable within Industrial Districts except where required by a Master Plan.
5. Accessway Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable, an accessway shall be provided at or near the middle of a block in lieu of the street connection. The City may also require developers to provide an accessway where the creation of a cul-de-sac or dead-end street is unavoidable and the accessway would connect the ends of the street to another street or public access way. Such access ways shall conform to all of the following standards, which may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists:
 - a. Accessways shall be no less than ten (10) feet wide and contain a minimum six (6) foot wide paved walkway surface within a right-of-way or easement allowing public access; where emergency vehicle access is required, the access way shall be no less than twenty (20) feet wide and contain an all-weather driving surface with the required weight-bearing capacity;
 - b. If the streets within the subdivision or neighborhood are illuminated, all access ways in the subdivision shall be lighted. Accessway lighting shall provide at least 2-foot candle of illumination of the walkway surface;
 - c. A right-of-way or public access easement provided in accordance with subsection b that is less than ten (10) feet wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;
 - d. All public walkways shall conform to applicable ADA requirements (exception allowed for hillsides); and

- e. The City may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles, or to screen the accessway for the privacy of adjoining residents.

H. Traffic Signals and Traffic Calming Features.

1. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Federal Highway Administration approved guidelines, including but not limited to: Highway Capacity Manual and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.
2. When an intersection meets or is projected to meet traffic signal warrants, the City may accept alternative mitigation, such as a traffic roundabout, in lieu of a traffic signal, if approved by the City Engineer and applicable road authority.
3. The City may require the installation of traffic calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving surfaces to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

I. Extension of Streets, Sidewalks, and Bikeways.

1. Where a subdivision is proposed adjacent to other developable land, a future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other divisible parcels within 600 feet surrounding and adjacent to the proposed subdivision. The street plan is not binding; rather it is intended to show potential future street extensions with future development and ensure that the proposed development does not preclude future street connections to adjacent development land.
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-i, below:
 - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 - b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - c. Temporary street ends shall provide turnarounds constructed to Oregon Fire Code standards for streets over 150 feet in length. See also, Section 3.1.020.I
 - d. Wheelchair ramps and other facilities shall be provided as required by the Americans with Disabilities Act (ADA). The lower lip of the wheelchair ramp shall be flush with the roadway surface.
 - e. Mailboxes and utility cabinets shall not infringe on public sidewalks or access ways.
 - f. Bikeways shall be designed and constructed consistent with the design standards in the "Oregon Bicycle and Pedestrian Plan: Design

Standards and Guidelines,” and AASHTO’s “Guide for the Development of Bicycle Facilities,” as applicable.

- g. Temporary dead-end streets (not cul de sacs) that may be extended in the future shall have a right-of-way and pavement width that will conform to City standards when extended, and shall be posted as streets to be extended in the future.
- h. Where topographical requirement necessitate either cuts or fills for proper grading of the streets, additional easements or rights of way shall be required to allow all cut and fill slopes to be within the easements or right-of-way. The Director of Public Works shall determine the required extra width.

J. Street Alignment, Radii, and Connections.

- 1. The creation of new streets making "T" intersections at collectors and arterials shall provide for intersection spacing of not less than 300 feet, as measured from the centerlines of the offset streets.
- 2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where the City Engineer approves closer spacing due to topographic constraints or as necessary to provide a traffic calming feature, such as an open space, roundabout, or similar amenity. This standard applies to four-way and three-way (off-set) intersections.
- 3. All local and collector streets that stub into a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if it falls within the Geological Hazards Overlay or it contains a stream or other natural drainageway. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
- 4. Proposed streets or street extensions shall be located to allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.
- 5. In order to promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to block length standards in Section 3.1.020.

Staff Comment:
Corrects section number

K. Sidewalks, Planter Strips, Bicycle Lanes. As provided under Section 3.4.015.D, ~~3.4.010D~~, the City may require the improvement and/or extension of sidewalks, planter strips, and bicycle lanes with new Major Projects, in conformance with the standards in Table 3.4.015, ~~3.4.010~~, pursuant to Map 7-9 of the City of Dallas Transportation System Plan and/or the requirements of any other applicable roadway authority. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner. Planter strips of the width specified in Table 3.4.015.F shall be installed between the curb and sidewalk except in the following locations:

Staff Comment:
Adds specific reference.
Non-specific references to TSP or Comp. Plan may be unenforceable.
LUBA: *Oster v. Silverton*

- 1. In the Central Business District
- 2. Crossings of waterways and wetlands
- 3. Hillsides with slopes steeper than 15%
- 4. Infill developments or sidewalk replacements of 100 feet or less in length.
- 5. Where the existing right-of-way is not wide enough to include a planter strip, and additional right-of-way dedication is disproportionate to the development

Staff Comment:
Sets parkstrip with offset sidewalk as default street standard, with exceptions

L. **Intersection Angles.** Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where the City Engineer approves closer spacing due to topographic constraints or as necessary to provide a traffic calming feature, such as an open space, roundabout, or similar amenity.

M. **Existing Rights-of-Way.** Whenever existing rights-of-way adjacent to a proposed development are less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provisions of Section 3.4.015. ~~3.4.010.~~

Staff Comment:
Corrects section number

N. **Cul-de-sacs.** Streets shall be planned to continue to and through abutting properties, consistent with the connectivity standards in Section 3.4.015.G. ~~3.4100G.~~ A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. For example, the City Engineer may approve a cul-de-sac where a street extension would otherwise exceed allowable street grades or negatively impact a natural drainageway or jurisdictional wetland . When cul-de-sacs are allowed, all of the following shall be met:

Staff Comment:
Corrects section number

1. The cul-de-sac shall not exceed a length of 600 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;
2. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Oregon Fire Code. Circular turnarounds shall have a radius of no less than 40 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement); except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and
3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle accessway connection between it an adjacent streets access ways, parks, or other right-of-way. Such accessways shall conform to Section 3.1.040.

O. **Grades and Curves.**

1. Grades. Street grades shall not exceed the following:

Arterials: 10%
Collectors: 12%
Other streets: 12%

2. Landings. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.
3. Curves. Centerline curve radii shall not be less than the following:

Arterials: 700 feet
Major collectors: 500 feet
Minor collectors: 350 feet
Other streets: 100 feet

4. Exceptions. The City Engineer may approve steeper grades for short street segments, provided the street grade does not exceed 15% for a distance greater than 250 feet. The City Engineer may approve sharper curves where existing development patterns or environmental constraints preclude the stated radius, upon finding that:
 - a. It is not feasible to realign the improved street within the right-of-way;
and

- b. The proposed curve is not less than 50% of the stated radius; and
 - c. That adequate speed control measures are implemented.
- P. **Curbs, Curb Cuts, Ramps, and Driveway Approaches.** Concrete curbs, curb cuts, wheelchair ramps, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified in Chapter 3.1, Access and Circulation.
- Q. **Streets Adjacent to Railroad Right-of-Way.** When a transportation improvement is proposed within 300 feet of a public railroad crossing, or a modification is proposed to an existing public crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Article 4. Private crossing improvements are subject to review and licensing by the rail service provider.
- R. **Development Adjoining Arterial Streets.** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access from through traffic and minimize traffic conflicts. (See also, the access requirements under Section 3.1.020.) The development design shall include one or more of the following, as required by the City based on multimodal safety, compatibility between the roadway and adjacent residential uses, maintenance and aesthetic considerations:
1. A parallel access street (frontage road) along the arterial with a landscape median with raised curbs of not less than ten (10) feet in width separating the two streets;
 2. Deep lots (120 feet or greater) abutting the arterial or major collector to provide adequate arterial buffering with access taken from the subordinate street;
 3. Screen planting within a non-access reservation (e.g., public easement or tract) of not less than five (5) feet in width at the rear or side property line along the arterial; or
 4. Other treatment approved by the City Engineer that is consistent with the purpose of this Chapter;
- S. **Alleys, Public or Private.** Alleys shall conform to the standards in Table [3.4.015](#). ~~3.4.010~~. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than 12 feet and allow access to utilities, as applicable.
- T. **Private Streets and Gated Streets.** Private streets, including gated drives serving more than two (2) dwellings (i.e., where a gate limits access to a development from a public street), are not permitted.
- U. **Street Names.** No new street name shall be used which will duplicate or be confused with the names of existing streets in Dallas or vicinity. Street names, signs, and numbers shall conform to the provisions of Dallas City Code 8.000 to 8.045.
- V. **Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.
- W. **Street Signs.** The city, county, or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- X. **Mail Boxes.** Mail box locations shall be as approved by the United States Postal Service.
- Y. **Street Light Standards.** Street lights shall be installed in accordance with City standards. At a minimum street lights shall be installed at street intersections; additional street lights or lighting of pedestrian access ways may be required by the City to provide for public safety and welfare.

Staff Comment:
Corrects section number

- Z. **Street Cross-Sections.** The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than one (1) year from the commencement of initial construction of the development.

SECTION 16:

3.4.020 Public Use Areas

A. Dedication of Public Use Areas.

1. Where a proposed open space, park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City ~~shall~~ **may** require the public dedication or reservation of this area on the final plat for the subdivision. ~~provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.~~
2. The City may purchase or accept voluntary dedication or reservation of areas within the subdivision that are suitable for the development of parks and other public uses; however, the City is under no obligation to accept such areas offered for dedication or sale.
3. Alternatively, the City may impose conditions of approval providing for reservation and ongoing ownership, improvement and maintenance of open space areas (e.g., through Master Plan Development approvals under Chapter 4.5), including payment of property taxes for said property, by a private entity such as a homeowners association.
4. Public use areas to be dedicated or reserved are identified in the following plans:
 - a. Dallas Comprehensive Plan (Map 1)
 - b. Dallas Parks Master Plan (Map 7-1)
 - c. Dallas Transportation System Plan (Map 7-9)
 - d. Concept master plans adopted under Chapter 4.5 for a mixed use node overlay zone designated on the city zoning map

Staff Comment:
Terms like "may", "roughly," and "practicable" may not be clear and objective as required by ORS 197.307(4)

Staff Comment:
Adds specific reference. Non-specific references to TSP or Comp. Plan may be unenforceable. LUBA: *Oster v. Silvertown*

- B. **System Development Charge Credit.** Dedication of land to the City for public use areas, voluntary or otherwise, may be eligible as a credit toward required system development charges for parks pursuant to Dallas City Code Sections 4.620 through 4.655.

SECTION 17:

4.3.020 General Requirements

- A. **Subdivision and Partition Approval Through Two-step Process.** Applications for subdivision or partition approval shall be processed by means of a preliminary plat

evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
 2. The final plat must include all conditions of approval of the preliminary plat.
- B. **Compliance With Oregon Revised Statutes (ORS) Chapter 92.** All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.
- C. **Future Re-division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:
1. Potential future lot division(s), consistent with the density and minimum lot size standards of Article 2;
 2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;
 3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.
- D. **Lot Size Averaging.** The size of any lot intended for Single Family House or Duplex may be averaged to allow lots less than the minimum lot size in Residential districts, pursuant to Section 2.2.030, or through approval of a Master Planned Development under Chapter 4.5.
- E. **Temporary Sales Office.** A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 4.9.010, Temporary Uses.
- F. **Minimize Flood Damage.** All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program, State building code requirements, including elevating structures above the base flood elevation, and the City of Dallas Flood Plain Ordinance. The applicant shall be responsible for obtaining floodplain development permit from the NFIP and local jurisdiction.
- G. **Determination of Base Flood Elevation.** Where a development site consists of five (5) or more acres or 50 or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation it shall be prepared by a qualified professional as part of the land division application.
- H. **Need for Adequate Utilities.** All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.
- I. **Need for Adequate Drainage.** All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.
- J. **Floodplain, Park, and Open Space Dedications.** ~~Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the~~

~~Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or as may be required for stormwater management. Where land filling and/or development is allowed within or adjacent to a regulatory flood plain, riparian corridor, or other area identified for park, open space, or bicycle/pedestrian trail use in an adopted plan as listed in Section 3.4.020.A.4, then the City may require the dedication of open land area for a greenway and/or trail adjoining or within the flood plain. This dedicated area shall extend at least 20 feet upland from the delineated top of bank, the purpose of which is to provide a flat area for the construction of a multi-use pathway.~~

Staff Comment:
Terms like "may",
"roughly," and
"practicable" may not be
clear and objective as
required by
ORS 197.307(4)

SECTION 18:

3.1.030 Pedestrian Access And Circulation

- A. **Site Layout and Design.** To provide safe, direct, and convenient pedestrian circulation, all developments, except single-family and duplex dwellings shall provide a continuous pedestrian system within the development site that connects to the public right-of-way, regardless of whether a public sidewalk currently exists. The pedestrian system shall be based on the standards in subsections 1-4, below:
1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, if any, and to existing or planned off-site adjacent trails, public parks, and open space areas ~~to the greatest extent practicable~~. The developer ~~may~~shall also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 3.1.020, Vehicular Access and Circulation, and Section 3.4.010, Transportation Standards.
 2. Safe, Direct, and Convenient. Walkways within developments shall provide safe, ~~reasonably~~ direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 - a. ~~Reasonably d~~Direct. A route that does not deviate ~~unnecessarily~~ from a straight line or a route that does not involve a significant amount of out-of-direction travel for ~~likely~~ users.
 - b. Safe and convenient. Routes that provide a smooth and consistent surface, which are illuminated, reasonably free from tripping hazards, standing water, and low-hanging obstacles and ~~provide a reasonably~~ forming a direct route of travel between destinations.
 - c. "Primary entrance" is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance, as applicable.
 3. Connections Within Development. Connections within developments shall be provided as

Staff Comment:
Terms like "may",
"reasonably," and
"unnecesssarily"
may not be clear
and objective as
required by
ORS 197.307(4)

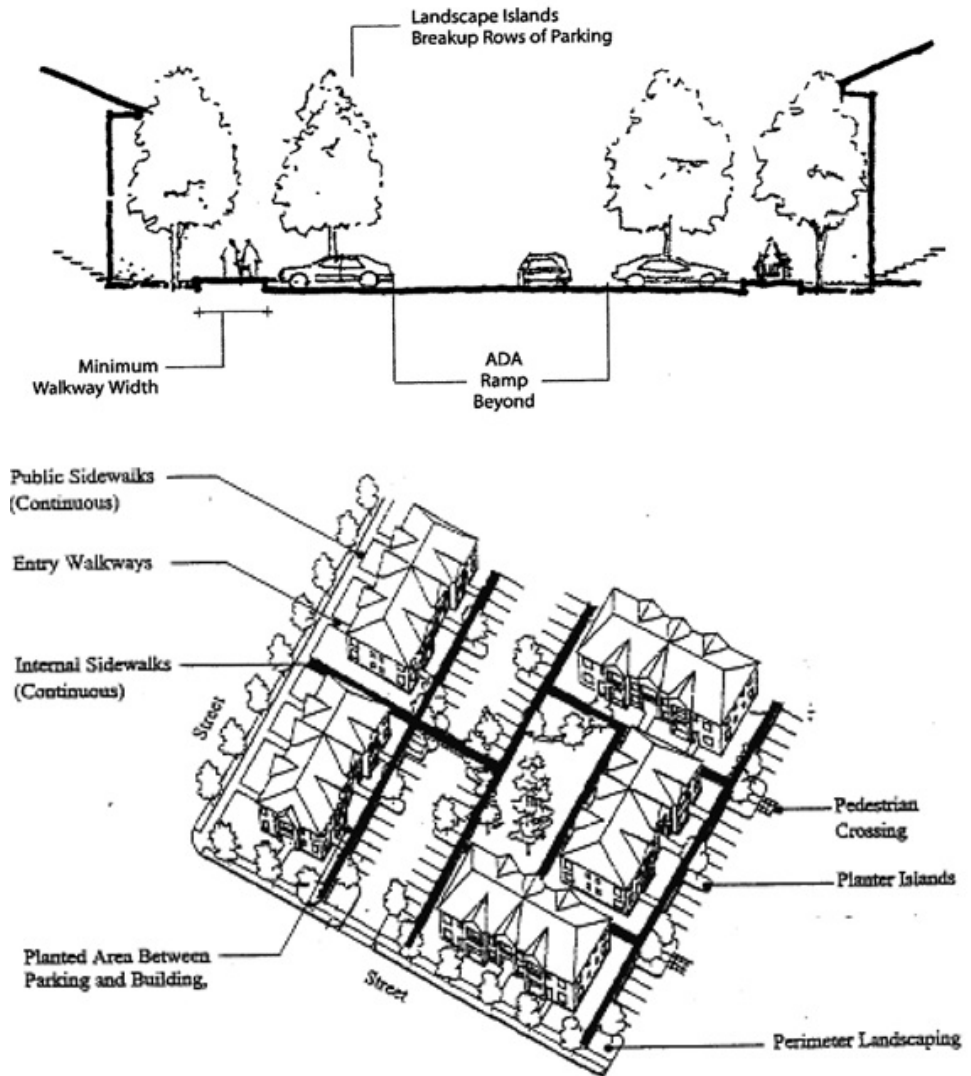
Staff Comment:
Provides clearer
standards

required in subsections a-c, below:

- a. Walkways shall connect all building entrances to one another ~~to the extent practicable~~, as generally shown in Figure 3.1.030A(1);
- b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses ~~to the site to the extent practicable~~. Topographic or existing development constraints may be cause for not making certain walkway connections, as generally shown in Figure 3.1.030A(1). Slopes over 50%, wetlands and natural drainage ways wider than 40 feet may be cause for not making certain walkway connections, if the cost of stairs, boardwalks or bridges would exceed one half of one percent (0.5%) of the project cost; and

Staff Comment:
Terms like "may",
"reasonably," and
"unnecesssarily"
may not be clear
and objective as
required by
ORS 197.307(4)

Figure 3.1.030A(1) Pedestrian Pathway System (Typical)



- c. Parking areas containing twenty four (24) or more parking spaces shall be broken up so that parking bays do not exceed twelve (12) contiguous parking spaces without a break. Parking areas may be broken up with landscape areas (per subsection 3.2.030.E), handicap-accessible walkways, plazas, streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk that is at least four (4) feet wide for residential projects and at least six (6) feet wide in all other projects, with 6-inch raised curbs, accessible curb ramps, street trees in planter strips or tree wells, and

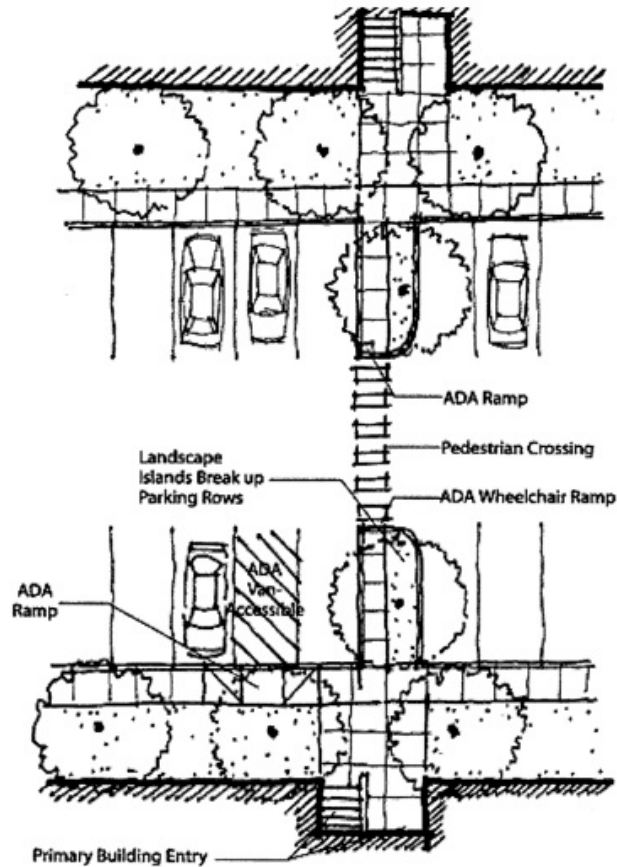
pedestrian-oriented lighting. See also, “shopping street” provisions in Section 2.2.060.D.

B. Walkway Design and Construction. Walkways, including those provided with access ways through a block, shall conform to all of the standards in subsections 1-4, below, as generally illustrated in Figure 3.1.030B:

1. Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or masonry bollards designed to withstand a vehicle’s impact, with adequate minimum spacing between them to protect pedestrians.
2. Crosswalks. Where a walkway crosses a parking area, driveway, or street (“crosswalk”), it shall be clearly marked with contrasting paving materials (*e.g.*, light-color concrete or pavers inlaid between asphalt), which may be part of a raised/hump crossing area. The reviewing body may approve painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crosswalks not exceeding 24 feet in length.
3. Walkway Width and Surface. Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, at least ~~four (4) feet wide in residential projects and at least~~ six (6) feet wide ~~in all other projects~~. Multi-use paths (*i.e.*, for bicycles and pedestrians) shall be concrete or asphalt, at least ~~10~~twelve (12) feet wide, or as required by the roadway authority or park district, as applicable.
4. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

Staff Comment:
Clarifies inconsistent
code standards

Figure 3.1.030B Pedestrian Walkway Detail



(Typical)

SECTION 19:

2.8.020 Applicability

This chapter applies to riparian corridors, including associated wetlands, as mapped on the City Zoning Map, based on Oregon Department of Fish & Wildlife maps of “fish-bearing streams” as defined in OAR Chapter 660, Division 23, or as mapped in the National Wetland Inventory, or ~~and~~ wetlands identified on the local wetland inventory.

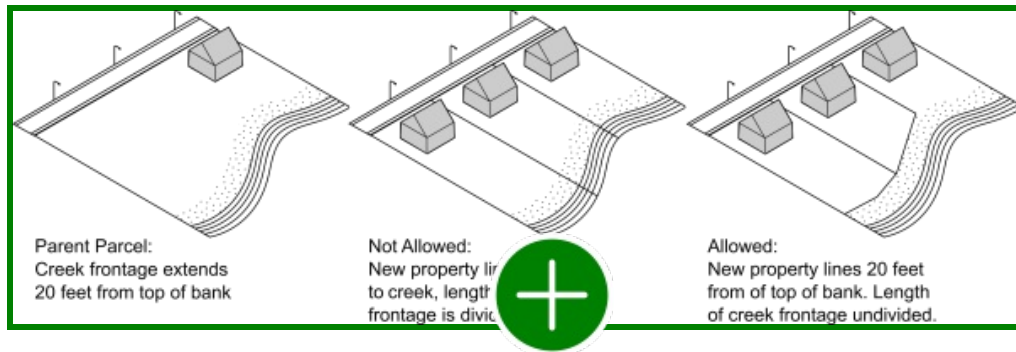
Staff Comment:

SECTION 20:

2.8.060 Land Divisions(*Added*)

Where a land division is proposed adjoining a riparian corridor, creek, or stream, the length of the property frontage along the waterbody shall not be reduced, and a creek frontage zone extending 20 feet upland from the top of bank shall remain undivided. Dedications of rights-of-way, such as for trails, roads, and bridges crossing the watercourse, do not count as divisions for the purposes of this section.

Staff Comment:
New standard, to help avoid fragmentation of ownership.



SECTION 21:

2.2.120.L Agricultural Uses In ~~RL-District~~ Residential Districts

Agricultural Uses in ~~RL~~ Residential Districts.

1. The following agricultural uses are permitted in ~~the RL~~ Residential Districts:
 - A. Gardens, accessory to residential use
 - B. Community Gardens
 - C. Raising of not more than five (5) chickens on a lot less than one acre in size, not more than ten (10) chickens on a lot greater than one acre in size – hens only – for personal, family or household use only, provided area is fenced and contains a chicken coop is setback at least ten (10) feet from any property line; no roosters allowed
 - D. Raising of up to ten (10) rabbits and similar small animals, excluding swine, which must be within a fenced area containing a hutch, coop, or pen setback at least ten feet from any property line
 - E. Raising of cattle, lamas, sheep, and similar livestock within a fenced area, with a minimum lot size of one (1) acre for the first animal and provided one-half acre for every additional head of livestock
 - F. A stand or hive of bees, so long as they are at least 20 feet from any property line.

2. The following agricultural uses are not allowed:
 - A. Raising of livestock or other animals for commercial purposes
 - B. Veterinary clinics, animal boarding, kennels and similar uses
 - C. Animal cemeteries, crematoria, and similar uses
 - D. Pigsties, slaughter houses, or tanneries.

Staff Comment:
Possible option for regulating animal uses by zone. Would remove the animal nuances section for city code and incorporate into development code.

Staff Comment:
Animals in Residential Zones

- E. Unconfined livestock, small animals, or poultry which are allowed by their owner to run at large within the city
- F. Staking or picketing any domestic animal in or upon any of the streets, alleys, or public paces of the city, or staking or picketing an animal so that it may go or graze upon the property of another, unless with the consent of the owner or occupant of the other property

- 3. Agricultural uses may be subject to state and federal requirements. Property owners are responsible for complying with applicable regulations, including nuisance laws.
- 4. The council may exempt any person from the terms and provisions of this section, either in whole or in part, and may attach conditions to the exemption that the council considers reasonable under the circumstances.

SECTION 22:

Staff Comment:
Animals in
Commercial Zones

2.3.110 Agricultural Uses in Commercial Districts(*Added*)

Agricultural Uses in Commercial Districts.

- A. The following agricultural uses are permitted in Commercial Districts:
 - 1. Gardens, accessory to residential use
 - 2. Community Gardens
 - 3. Farm stands on private property with itinerant merchant permit
- B. The following agricultural uses are not allowed:
 - 1. Raising of chickens, small animals, cattle, lamas, sheep, or other livestock
 - 2. Animal cemeteries, crematoria, and similar uses
 - 3. Pigsties, slaughter houses, or tanneries.
 - 4. Unconfined livestock, small animals, or poultry which are allowed by their owner to run at large within the city
 - 5. Staking or picketing any domestic animal in or upon any of the streets, alleys, or public paces of the city, or staking or picketing an animal so that it may go or graze upon the property of another, unless with the consent of the owner or occupant of the other property
 - 6. Stands or hives of bees
- C. Agricultural uses may be subject to state and federal requirements. Property owners are responsible for complying with applicable regulations, including nuisance laws.
- D. The council may exempt any person from the terms and provisions of this section, either in whole or in part, and may attach conditions to the exemption that the council considers reasonable under the circumstances.

SECTION 23:

2.4.070.B Agriculture(*Added*)

Agricultural Uses in Industrial Districts.

A. The following agricultural uses are permitted in Industrial Districts:

1. Gardens, accessory to residential use
2. Community Gardens
3. Farm stands on private property with itinerant merchant permit
4. Raising of not more than five (5) chickens on a lot less than one acre in size, not more than ten (10) chickens on a lot greater than one acre in size – hens only – for personal, family or household use only, provided area is fenced and contains a chicken coop is setback at least ten (10) feet from any property line; no roosters allowed
5. Raising of up to ten (10) rabbits and similar small animals, excluding swine, for personal, family or household use only, within a fenced area containing a hutch, coop, or pen setback at least ten feet from any property line
6. Raising of cattle, lamas, sheep, and similar livestock within a fenced area, with a minimum lot size of one (1) acre for the first animal and provided one-half acre for every additional head of livestock
7. A stand or hive of bees, so long as they are at least 20 feet from any property line.

B. The following agricultural uses are not allowed:

1. Raising of chickens, small animals, cattle, lamas, sheep, or other livestock for commercial purposes
2. Animal cemeteries, crematoria, and similar uses
3. Pigsties, slaughter houses, or tanneries.
4. Unconfined livestock, small animals, or poultry which are allowed by their owner to run at large within the city
5. Staking or picketing any domestic animal in or upon any of the streets, alleys, or public paces of the city, or staking or picketing an animal so that it may go or graze upon the property of another, unless with the consent of the owner or occupant of the other property

C. Agricultural uses may be subject to state and federal requirements. Property owners are responsible for complying with applicable regulations, including nuisance laws.

D. The council may exempt any person from the terms and provisions of this section, either in whole or in part, and may attach conditions to the exemption that the council considers reasonable under the circumstances.

SECTION 24:

2.5.030 Allowed Uses

The following uses are allowed subject the applicable review procedures as indicated:

- A. Parks, Sports Fields, Courts, Community Centers, Playgrounds, Golf Courses (Permitted, Site Design Review)
- B. Uses Accessory to those under #1 (Permitted, Land Use Review)
- C. Major Public Facilities (Conditional Use Permit Review)
- D. One single-family dwelling for caretaker/watchman (Permitted, Land Use Review)
- E. Transportation facilities (operation, maintenance, preservation, and construction in accordance with applicable standards of the roadway authority) are Permitted; other Transportation Facilities require Conditional Use Permit and are subject to review and approval by the applicable road authority.

F. Agricultural Uses:

1. The following agricultural uses are permitted in Parks & Open Space Districts:
 - a. Community Gardens
2. The following agricultural uses are not allowed:
 - a. Raising of chickens, small animals, cattle, lamas, sheep, or other livestock
 - b. Animal cemeteries, crematoria, and similar uses
 - c. Pigsties, slaughter houses, or tanneries.
 - d. Unconfined livestock, small animals, or poultry which are allowed by their owner to run at large within the city
 - e. Staking or picketing any domestic animal in or upon any of the streets, alleys, or public paces of the city, or staking or picketing an animal so that it may go or graze upon the property of another, unless with the consent of the owner or occupant of the other property
 - f. Agricultural uses may be subject to state and federal requirements. Property owners are responsible for complying with applicable regulations, including nuisance laws. The council may exempt any person from the terms and provisions of this section, either in whole or in part, and may attach conditions to the exemption that the council considers reasonable under the circumstances.

Staff Comment:
Animals in
Park Zones