



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: February 09, 2016

Jurisdiction: City of Dallas

Local file no.: LA 15-01

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/05/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 48 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
 File No.: 003-15 {23985}
 Received: 2/5/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Dallas

Local file no.: **LA 15-01**

Date of adoption: 1/19/16

Date sent: 2/5/2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 8/26/15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Definition of modular home modified slightly.

Local contact (name and title): Suzanne Dufner, Planner

Phone: (503) 831-3572

E-mail: suzanne.dufner@dallasor.gov

Street address: 187 SE Court St

City: Dallas

Zip: 97338-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

N/a

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Sections 2.2.100.C.1.e, 2.2.100.C.2, 2.2.120, 2.6.040.F, 3.2.050.A, 3.4.010, 3.6.070.B, 4.1.050.D, 4.2.060, 4.2.080.D.2, 4.3.040, 4.3.070, 4.3.140, 4.5.030 and 6.1.030 and Tables 2.2.020, 2.2.030, and 4.1.010 of the Dallas Development Code

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 1794

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

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

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

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

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

THE CITY OF DALLAS DOES ORDAIN AS FOLLOWS:

Section 1. Those amendments to Sections 2.2.100.C.1.e, 2.2.100.C.2, 2.2.120, 2.6.040.F, 3.2.050.A, 3.4.010, 3.6.070.B, 4.1.030, 4.1.050.D, 4.2.060, 4.2.080.D.2, 4.3.040, 4.3.070, 4.3.140, 4.5.030 and 6.1.030 and Tables 2.2.020, 2.2.030, and 4.1.010 of the Dallas Development Code, as set forth on Exhibit A, attached hereto and by reference incorporated herein, are hereby adopted and approved.

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

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

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



BRIAN W. DALTON, MAYOR

ATTEST:



RONALD W. FOGGIN,
CITY MANAGER

APPROVED AS TO FORM:



LANE P. SHETTERLY,
CITY ATTORNEY

EXHIBIT A

2015 Dallas Development Code Update

Code Amendments

December 15, 2015

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

1. **Modular Home Definition** (Chapter 6.1)

Modular Home. A dwelling unit constructed in accordance with the standards set forth in the International Residential Code (IRC) and local codes applicable to site-built homes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. The configuration of a modular home may consist of, but is not limited to, two sections transported to the site in a manner similar to a manufactured home, or a series of panels or room sections transported on a truck and erected or joined together on the site.

2. **Modular Home Allowed Zones** (Chapter 2.2, Table 2.2.020)

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>	RL	RM	RH	
Residential Categories				
<i>Household Living</i>				
Single Family-not attached	P	P	P	
Accessory Dwelling	S	S	S	Section 2.2.120A
Duplex (2 dwellings sharing a common wall on one lot) - One duplex on a corner lot - One duplex on an interior lot	S S N	S S S	S S S	Section 2.2.120B

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
	RL	RM	RH	
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>				
Single Family Attached (2 or more common-wall single family dwellings), each on its own lot	N	S	S	Section 2.2.120B
Cottage Cluster (2-4 single family dwellings on one lot, oriented to an alley or common green, and each containing less than 1,200 square feet of floor area)	S	S	S	Section 2.2.120H
Manufactured Home on a Lot	S	S	N	Section 2.2.120F
Manufactured Dwelling Park - Equal to or less than 3 acres - Greater than 3 acres	N N	S N	S S	Chapter 2.9
<u>Modular Home on a Lot</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>Section 2.2.120M</u>
Multifamily (3 or more dwellings on lot); includes Senior Housing, some types of Assisted Living and Single Room Occupancy Uses, but not Group Living)	N	S	S	Section 2.2.120H
Zero Lot Line Courtyard Housing (not common wall)	N	S	S	Section 2.2.120J

3. Modular Home Special Use Standards (2.2.120M)

M. Modular Homes on Individual Lots. **Modular homes are permitted on individual lots, subject to all of the following design standards. Exceptions: 1) The standards below do not apply to units that lawfully existed within the City prior to [effective date of code]; except that when a unit is removed and/or relocated to another lot or parcel, then its replacement shall conform to the standards listed below.**

1. **Floor and Lot Area.** **The modular home shall have an enclosed floor area of not less than the following:**
 - a. **Lot area 4,000 square feet or less in size – 600 square feet,**
 - b. **Lot area 4,001 – 5,000 square feet in size – 800 square feet,**
 - c. **Lot area 5,001 square feet or larger – 1,000 square feet.**

2. **Residential Building Materials.** The modular home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences. For purposes of this subsection, horizontal wood, vinyl, or similar wood-appearance siding is considered “superior” to metal siding and roofing;

3. **Garages and Carports.** If the majority of single family dwellings within 200 feet of the proposed modular home and abutting the same street as the proposed modular home have a garage or carport, the modular home shall have a garage or carport. Modular home garages and carports shall be constructed of materials like those used on the proposed dwelling.

4. Vacation Rentals Allowed Zones (Chapter 2.2, Table 2.2.020)

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts

<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
	RL	RM	RH	
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>				
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM’s, similar uses/facilities)	N	N	CU+S	Section 2.3.100
Bed and Breakfast Inn	CU+S	CU+S	CU+S	Section 2.2.120C
Educational Services, Commercial (e.g., tutoring or similar services); not a home occupation	N	CU+S	CU+S	Limited to 1,200 square feet of floor area
Entertainment, Major Event	N	N	N	
Home Occupation	S	S	S	Per standards of Section 2.2.120E and procedures in Chapter 4.9.

Table 2.2.020– Land Uses and Building Types Allowed in Residential Districts				
<i>Land Uses and Building Types</i>	<i>Land Use Districts</i>			<i>Special Use Provisions</i>
	RL	RM	RH	
<i>(Uses & building types in Chapter 1.3; definitions in Chapter 6.1)</i>				
Office, not a home occupation; fully enclosed in primary and/or accessory building	N	CU+S	CU+S	Limited to 1,200 square feet of floor area
Outdoor Recreation, Commercial	N	N	N	
Quick Vehicle Servicing or Vehicle Repair	N	N	N	
Recreational Vehicle Park	N	N	N	
Retail Sales and Service, excluding Eating and Drinking Establishments as primary use	N	N	N	
Self-Service Storage, when not accessory to a permitted use	N	N	CU	
Short-Term Vacation Rental, primary dwelling or accessory dwelling; not a recreational vehicle or mobile home	<u>CU+S</u>	<u>CU+S</u>	<u>CU+S</u>	Section 2.2.120I

5. Vacation Rental Standards (2.2.120.I)

- I. **Short-Term Vacation Rentals.** Subject to subsection (3), below, where short-term vacation rentals are allowed, they shall conform to all of the following criteria:
1. Vacation rentals allowed under this subsection are those with twenty eight (28) or fewer days continuous occupancy by the same tenant.
 2. A Conditional Use Permit is required;
 - a. The vacation rental unit shall provide two (2) off-street parking spaces (not in addition to those otherwise required for a single family dwelling;
 - b. All required parking shall be provided on the same lot as the vacation home rental unit;
 - c. All vacation home rentals shall have a maximum occupancy of one person per 200 square feet or not more than 16 people, whichever is more restrictive; and
 - d. ~~Signage shall be limited to four (4) square feet per sign face, not to exceed a total~~

of eight (8) square feet of sign area.

d.e. All other requirements of the code as applicable to single family dwellings shall apply.

e.f. The property owner must provide receptacles for the deposit of garbage and subscribe to a solid waste collection service for the vacation rental dwelling.

f. All vacation rentals are subject to the Transient Lodging Tax (Dallas City Code Chapter 7).

g. The property owner shall designate a local representative who permanently resides within the Dallas Urban Growth Boundary or a licensed property management company with a physically staffed office within ten (10) vehicular miles of the Dallas Urban Growth Boundary. The owner may be the designated representative where the owner resides in the Dallas Urban Growth Boundary. The local representative must be authorized by the owner of the dwelling to respond to the tenant and neighborhood questions or concerns. The local representative shall serve as the initial contact person if there are questions or complaints regarding the operation of the dwelling for vacation rental purposes. The local representative must respond to complaints in a timely manner to ensure the dwelling complies with the standards for vacation rental dwellings and other city ordinances pertaining to noise, disturbances, nuisances, as well as state laws pertaining to the consumption of alcohol, or the use of illegal drugs.

6. Residential Driveway Approaches (2.2.100.C.1.e)

e. Driveway Approaches. Driveways shall not exceed the following widths (not including wings):

<i>Lot frontage</i>	<i>Driveway width</i>
<55'	<u>22'</u>
56'-70'	<u>26'</u>
>70'	<u>32'</u>

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

7. **Central Business District (CBD) and Commercial Neighborhood (CN) Signs (3.6.070.B)**

B. Central Business District (CBD) and Neighborhood Commercial (CN) Zones. Signs in the CBD and CN zones may be directly or indirectly lit. Each building or multi-tenant complex may have any combination of wall sign, monument sign, canopy sign, hanging sign, projecting sign, or freestanding sign not to exceed, in total, two (2) square feet for each foot of lot frontage on a street. In the case of two frontages, the larger frontage will be used to compute total sign size. **Each site or multi-tenant complex is allowed one (1) permanent pylon sign not to exceed 75 square feet in area for a single-faced sign, 150 square feet in area for a double-faced sign, and twenty-four (24) feet in height.** Window signs are permitted, provided they shall not exceed 50 percent of the total window area per window and shall not be counted toward the allowable total sign area.

8. **Phased Approvals (4.2.080.D.2)**

D. **Phased Development.** Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.
2. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 5 years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
 - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.3.110. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;
 - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and

- d. A request to phase a project may be approved after Site Design Review approval as a modification to the approved plan, pursuant Chapter 4.6.

9. Residential Accessory Structure Height and Setbacks on Corner Lots (2.2.020 and 2.2.030)

<i>Land Uses and Building Types</i> (Uses & building types in Chapter 1.3; definitions in Chapter 6.1)	<i>Land Use Districts</i>		
	RL	RM	RH
Accessory Structures, total of all accessory structures on site	P	P	P
-Not taller than 15 ft. and not longer than 50% of length of primary building footprint.			
-Taller than 15 ft. or longer than 50% of length of primary of building footprint.	CU	CU	CU

<i>Standard</i> General Development Standards may be adjusted through Chapter 4.5 Master Planned Development.	<i>Land Use Districts</i>		
	RL	RM	RH
Front/Street Side Yard, Accessory Structures			
	Where an accessory structure is visible from a street, it shall be setback behind the front/side building elevation adjacent to the subject street. <u>The street side yard setback for an accessory structure may be reduced to 5 ft, if the structure is screened with a 6 ft high sight-obscuring fence, wall or hedge.</u>		

10. Miscellaneous Code Revisions

A. Residential Districts, Section 2.2.030 – Development Standards, Building/Structure Height

Except Fences, Garden Walls and Other Building Structures are subject to Section **3.2.050**, Fences and Walls.

B. Residential Districts, Section 2.2.100.C.2 – Building Design Standards, Front/Street Façade Variation

b. *Standards.* No two directly adjacent or opposite dwelling units may possess the same front or street-facing elevation. This standard is met when front or street-facing elevations differ from one another by at least 5 of the 8 following elements:

- 1) Mix of Materials – Different mix of materials in compliance with subsection 2e below.
- 2) Articulation – Different offsets or articulation of front building elevation in compliance with subsection 3 below.

**C. Mixed Use Master Plan Districts, Section 2.6.040 – Development Standards –
Barberry Mixed Use Node**

F. **Phasing.** Development within the Barberry Mixed Use Node shall occur from the southeast (the west end of SE Barberry Avenue) towards the north and west, in phases. Commercial development in the north-central area depends upon connecting SE Barberry Avenue through to E Ellendale Avenue, and extending SE Academy Street through to SE Fir Villa Road. Sites must be identified for parks, consistent with the Comprehensive Plan, before this area is rezoned.

D. Landscaping, Street Trees, Fences and Walls, Section 3.2.050

A. **General Requirements.** All fences and walls shall comply with the height limitations of the respective land use district (Article 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. When required through one of these types of approvals, no further land use review is required. If not part of a prior land use approval, new fences and walls require Land Use Review (Type I) approval; if greater than **seven (7) feet** in height, a building permit is also required. (See also, Section 3.2.030 for screening requirements.)

E. Public Facilities, Section 3.4.010 – Transportation Standards

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

I. Extension of Streets, Sidewalks, and Bikeways.

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

N. Cul-de-sacs.

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

F. Summary of Approvals by Type of Review Procedures, Table 4.1.010

Approvals	Review Procedures	Applicable Regulations
Temporary Use Permit (includes Temporary Medical Hardship Dwelling)	Type <u>I</u> /II/III	Chapter 4.9, Chapter 2.2

G. Type II Procedure (Administrative) – Section 4.1.030

~~A. **Pre Application Conference.** A pre-application conference is required for Type II reviews. Pre-application conference requirements and procedures are in Section 4.1.060.~~

H. Type IV Procedure (Legislative) – Section 4.1.050

D. Notice of Hearing.

2. Notification requirements. Notice of public hearings for the request shall be given by the City Planning Official in the following manner:
- d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least **thirty-five (35) days** before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.

I. Site Design Review Approval Criteria; Adjustments – Section 4.2.060

A. **Approval Criteria.** An application for Site Design Review shall be approved if the proposal meets all of the following criteria. The City decision making body may, in approving the application may impose reasonable conditions of approval, consistent with the applicable criteria:

4. The proposal complies with all of the Design Standards in Article 3:

e. Chapter 3.6 - Signs.

f. ~~Chapter 3.6 – Other Standards.~~

J. Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes – Section 4.3.040

C. **Flag lots.** Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) may serve no more than **four (4)** dwelling units, including accessory dwellings and dwellings on individual lots, ~~unless Oregon Fire Code (OFC) standards are met for more units. When OFC standards are met, the maximum number of dwellings shall be four (4).~~

D. **Driveway and lane width.** The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is twenty (20) feet, except as required by the **Oregon** Fire Code.

E. **Easement and improvement of drive lane.** The property owner shall record a **minimum** 20-foot easement benefitting all properties that are to receive vehicle access. **A wider access easement may be required in accordance with the Oregon Fire Code or for utility and maintenance purposes.** The drive lane shall be improved with an all weather surface approved by the City. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

F. **Maximum drive lane length.** The maximum drive lane length is subject to requirements of the **Oregon** Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.

K. Approval Criteria: Preliminary Plat – Section 4.3.070

B. **Layout and Design of Streets, Blocks and Lots.** All proposed blocks (i.e., one

or more lots bound by public streets), lots and parcels conform to the specific requirements below:

5. In conformance with the **Oregon** Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 3.1- Access and Circulation.

L. Property Line Adjustments – Section 4.3.140

B. Approval Process.

2. Time limit on approval. The property line adjustment approval shall be effective for a period of **six (6) months** from the date of approval, during which time it must be recorded.

D. Recording Property Line Adjustments

1. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Polk County within **six (6) months** of approval (or the decision expires), and submit a copy of the recorded survey map to the City, to be filed with the approved application.

- E. **Extension.** The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed six (6) months provided that:

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

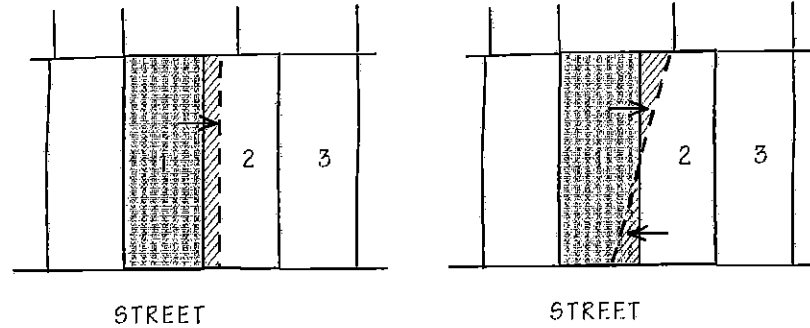
B. Approval Process.

2. The detailed development plan shall be reviewed using the **Type III** procedure in Section 4.1.040, to ensure substantial compliance with the approved concept plan.
3. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type I procedure, as governed by Section **4.1.020**.

N. Definitions – Section 6.1.030

Property Line Adjustment. The relocation or elimination of all or a portion of the common property line between abutting properties that does create an additional lot or parcel, pursuant to Chapter 4.3. See Figure.

Property Line Adjustment



/////// Exchange Parcel

Lot 1 may assume a portion of Lot 2 through a Property Line Adjustment Review.

Lot 1 may assume a portion of Lot 2 and Lot 2 may assume a portion of Lot 1 through one Property Line Adjustment Review.

EXHIBIT B



Community Development Department

Memo

To: Mayor and City Council
From: Suzanne Dufner, Planner
Date: November 16, 2015
Re: Development Code Update Public Hearing

On November 2, 2015, the City Council held a work session to review a series of amendments to the Dallas Development Code recommended for adoption by the Planning Commission (see attached). The proposed amendments address both substantive and housekeeping corrections such as, conflicting code sections and outdated code references. The substantive issues addressed in the proposed amendments include standards for: modular homes, vacation rentals, residential driveway approaches, signs in the CBD/CN zone, phased development approvals, flag lots, and accessory structures.

Proposed language to add to the Development Code is shown in **bold underline**. Text shown in ~~strike-out~~ is proposed for deletion.

A summary of the proposed changes and why they are being proposed is provided as follows:

1. **Modular Homes** – It was brought to the City's attention through a developer's interest in placing a modular "tiny home" on a lot that the current Development Code does not specify whether modular homes are permitted uses in Residential Districts. The proposed Code amendments would define modular homes and add them to the list of special uses allowed in Residential Districts, subject to meeting certain standards.

At the November 2, 2015 Council work session, the Council discussed amending the special use standards for modular homes and manufactured homes (DDC 2.2.120.F.3) to delete standards regarding the color of residential building materials.

2. **Vacation Rental Standards** – Recent tourism development efforts through the Polk County Rural Tourism Studio, reveal a lack in the quantity and variety of overnight accommodations for visitors to the area. Vacation rentals are becoming a popular alternative for visitors seeking overnight accommodations. Currently the Dallas Development Code includes standards for vacation rentals; however, it does not permit short term vacation rentals in any Residential (R) District. The proposed amendments would allow vacation rentals in R Districts upon receiving conditional use permit approval and meeting certain standards that are intended to minimize any impacts to the surrounding neighborhood.
3. **Residential Driveway Approaches**- The City has received multiple requests from home builders and home owners to allow wider driveways that would better accommodate off-street parking and maneuvering. The proposed code amendment increases the allowable driveway width by two (2) to four (4) feet based on the width of the lot.
4. **Central Business District (CBD)/Commercial Neighborhood (CN) Signs** – Currently the Development Code is silent on what the allowable height is for freestanding (pole) signs in the CBG and CN Districts. The proposed amendments include a maximum sign height of 24 feet that is consistent with most existing signs in the CBD.
5. **Phased Approvals** – The City has received several requests to allow longer approval periods for phased developments. Currently the Development Code requires all phases to be completed in two (2) years. If the development has not been completed in two (2) years the approval will lapse and the Developer must reapply. Given the complexity of larger projects, the proposed amendments would extend the approval period for phased projects from two (2) to five (5) years.
6. **Residential Accessory Structure Height and Setbacks** – Currently there is a discrepancy between the maximum height allowed for an accessory structure. Table 2.2.020 states the maximum height is 14 feet, while Table 2.2.030 states the maximum height is 15 feet. The proposed amendments would resolve this discrepancy by changing Table 2.2.020 to match the maximum height of 15 feet found in Table 2.2.030.

In addition, the City has received several requests to place accessory structures within the side yard area on corner lots. Currently the Development Code requires accessory structures to be setback behind the side of the building. The proposed amendments would allow accessory structures to be placed five (5) feet from a street side property line provided they are screened with a six (6) foot tall sight obscuring fence, wall or hedge.

7. **Residential Building/Structure Height - Section 2.2.030** – The proposed change corrects a mislabeled Section reference.
8. **Residential Building Design Standards/Façade Variation – Section 2.2.100.C.2** – The proposed change corrects a mislabeled Section reference.
9. **Barberry Node Development Standards – Section 2.6.040** – The proposed change corrects a mislabeled street name reference.
10. **Fences and Walls – Section 3.2.050** – The proposed change references the new fence height that requires a building permit per the current Building Code (7 feet).
11. **Public Facilities – Section 3.4.010** – The proposed change references the current name of the Uniform Fire Code (Oregon Fire Code).
12. **Review Procedures – Table 4.1.010** - The proposed change corrects a conflict with Section 2.2.120.K.1.g, which refers to temporary medical hardship dwellings as a Type I land use review.
13. **Type II Procedure – Section 4.1.030** – The proposed change eliminates the need for a pre-application conference for a Type II (staff level) land use review.
14. **Type IV Procedure – Section 4.1.050** – The proposed change updates the notice period to the State Department of Land Conservation and Development to the current minimum requirement of 35 days.
15. **Site Design Review – Section 4.2.060** – The proposed change corrects an incorrect Chapter reference.
16. **Flag Lots – Section 4.3.040.C, E** – The proposed change requires all flag lot accessways to meet Oregon Fire Code requirements, and authorizes the Fire Official to require a wider access easement to meet Fire Code or other utility and maintenance purposes.
17. **Property Line – Section 4.3.140** – The proposed change eliminates a discrepancy in the length of time allowed to record a property line adjustment.

Subsection 4.3.140.B.2 currently references a period of one (1) year to record a property line adjustment, while Subsection 4.3.140.D.1 references a period of 60 days. The proposed change would allow the applicant six (6) months to record the property line adjustment with an additional six (6) month extension if they are unable to record the property line adjustment during the initial six (6) month approval period.

18. **Master Plan Development Review Process – Section 4.5.030** – The proposed change corrects a code discrepancy with Section 4.5.080 that requires a detailed development plan to be reviewed using the Type III land use review procedure.
19. **Definitions – Section 6.1.030** – The property line adjustment definition has been updated to match the definition given in Oregon Revised Statutes (ORS) Chapter 92.

The attached packet contains the final draft code amendments as recommended by the Planning Commission (first item) upon holding a public hearing on the proposed amendments on October 13, 2015. The additional information includes minutes from the October 13th Planning Commission meeting, the public hearing notices, and a public comment letter.



Community Development Department

Memo

To: Mayor and City Council
From: Suzanne Dufner, Planner
Date: November 16, 2015
Re: Development Code Update Public Hearing

On November 2, 2015, the City Council held a work session to review a series of amendments to the Dallas Development Code recommended for adoption by the Planning Commission (see attached). The proposed amendments address both substantive and housekeeping corrections such as, conflicting code sections and outdated code references. The substantive issues addressed in the proposed amendments include standards for: modular homes, vacation rentals, residential driveway approaches, signs in the CBD/CN zone, phased development approvals, flag lots, and accessory structures.

Proposed language to add to the Development Code is shown in **bold underline**. Text shown in ~~strike-out~~ is proposed for deletion.

A summary of the proposed changes and why they are being proposed is provided as follows:

1. **Modular Homes** – It was brought to the City’s attention through a developer’s interest in placing a modular “tiny home” on a lot that the current Development Code does not specify whether modular homes are permitted uses in Residential Districts. The proposed Code amendments would define modular homes and add them to the list of special uses allowed in Residential Districts, subject to meeting certain standards.

At the November 2, 2015 Council work session, the Council discussed amending the special use standards for modular homes and manufactured homes (DDC 2.2.120.F.3) to delete standards regarding the color of residential building materials.

2. **Vacation Rental Standards** – Recent tourism development efforts through the Polk County Rural Tourism Studio, reveal a lack in the quantity and variety of overnight accommodations for visitors to the area. Vacation rentals are becoming a popular alternative for visitors seeking overnight accommodations. Currently the Dallas Development Code includes standards for vacation rentals; however, it does not permit short term vacation rentals in any Residential (R) District. The proposed amendments would allow vacation rentals in R Districts upon receiving conditional use permit approval and meeting certain standards that are intended to minimize any impacts to the surrounding neighborhood.
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