



**City of Dallas  
Planning Commission  
Council Chambers - City Hall  
December 9, 2014 - 7:00 p.m.**

**MINUTES**

1 **CALL TO ORDER**

2 President Chuck Lerwick called the meeting to order at 7:00 p.m.

3 **ROLL CALL**

4 Commissioners Present: Chuck Lerwick, Chris Castelli, Carol Kowash, Les Oehler, Marc Pazina,  
5 David Shein, and Robert Wilson.

6 Staff present: City Attorney Lane Shetterly, Community Development Director Jason  
7 Locke, Planner Suzanne Dufner, and Recording Secretary Patti Senger.

8 **APPROVAL OF MINUTES**

9 President Chuck Lerwick presented the minutes of the regular meeting of November 12, 2014.  
10 Commissioner Bob Wilson made a motion to approve the minutes as presented and Commissioner  
11 Chris Castelli seconded the motion. The motion passed unanimously.

12 **PUBLIC COMMENT**

13 President Chuck Lerwick explained the rules for making public comment. There were no public  
14 comments.

15 **PUBLIC HEARING**

16 **MPA14-01: Detailed Development Plan approval for a portion of the Barberry Mixed Use Node**  
17 **Applicant: Meadows Investment Corporation**

18 President Lerwick opened the continuance of the official Public Hearing for MPA14-01 Detailed  
19 Development Plan approval for a portion of the Barberry Mixed Use Node at 7:02 p.m. He asked  
20 if any members of the Planning Commission needed to declare ex parte contact or a conflict of  
21 interest. There were no declarations. President Lerwick reviewed the procedures for a public  
22 hearing.

23 **STAFF REPORT:**

24 City Planner Suzanne Dufner presented the staff report. She explained the applicant, Meadows  
25 Investment Corporation, had control and ownership of the majority of the property in the Barberry  
26 Node and the application was for a portion of the Barberry Node and indicated the specific location on  
27 the map. The proposal included a mixture of land uses with parks, open space, future school land, and  
28 403 low and medium density lots, plus land for future commercial and multifamily development.

29 Commissioner Carol Kowash arrived at 7:05 p.m.

30 Ms. Dufner discussed the criteria used for the application from Dallas Development Code (DDC) 2.6.030  
31 and DDC 2.6.040 and the key findings listed in the staff report. She discussed storm water impacts, parks  
32 and schools, and commercial and residential land designations.

33 Ms. Dufner concluded by stating that staff recommended approval of the application of the detailed  
34 development plan for a portion of the Barberry Mixed Use Node with the 15 conditions.

35 Commissioner David Shein asked if state laws governed land uses within the Node and Lane Shetterly  
36 explained local codes governed the land use designations. Commissioner Shein asked if there was  
37 maneuverability as to percentages for each type of use and Ms. Dufner pointed out the intent of the  
38 Node was to provide a mixture of uses and there was some discretion within the required standards.

39 Commissioner Kowash asked about the 20 acres set aside for a middle school addressed in the Code and  
40 how it would be designated if a school did not come in. Ms. Dufner stated the land could go to another  
41 use and a school could be placed in another area of the node. Commissioner Kowash asked about the  
42 wetland delineation and Ms. Dufner reported staff anticipated a decision by the end of the month and  
43 indicated if the wetlands went to parks it would be credited as open space.

#### 44 APPLICANT PRESENTATION

45 Paul Trahan, 1116 SE Barberry, Dallas, Oregon stated he was with Trahan Consulting and formerly with  
46 the Fife Group. He stated the project began in 2004 and provided maps of the original design. He  
47 reported that the Barberry Node had a total of 230 acres; he noted the applicant owned or controlled  
48 162 of those acres or 70%. He discussed parks and open spaces, and reported their proportionate share  
49 was 12.7 acres, of which they had previously donated 10.9 acres, and 1.8 acres remained with this  
50 application. He explained the top priority for open space in the area was the Rickreall Creek Trail System  
51 (RCTS).

52 Mr. Trahan discussed that in previous development, the land was donated for the RCTS and the City was  
53 the applicant and they were the co-applicants for the wetland mitigation projects.

54 Mr. Trahan showed images of a design with a “boulevard” look, with traffic separated by a median,  
55 planting strips, and sidewalks that were paved similar to the RCTS to be used by pedestrians, golf carts,  
56 and bikes. The neighborhood commercial area was proposed in the Conceptual Plan with a campus  
57 approach, green vegetation, and separation of the sidewalk from the street. He showed an image of a  
58 neighborhood village in Wilsonville with similar design characteristics.

59 Commissioner Shein asked about the changes in design from the original concept and Mr. Trahan  
60 explained the design evolved with changes and what has been adopted in the Transportation System  
61 Plan (TSP).

62 Don James, 12775 Westview Drive, Salem, Oregon, stated that he was with Fowler Real Estate Group,  
63 and emphasized the submitted development plan application was in compliance with the  
64 Comprehensive Plan. He stated the RCTS was a bonafide amenity enjoyed by many and was an  
65 important part of the larger project, and that it helped with house sales. He mentioned the challenges

66 with a large project requiring multiple years from start to finish. He pointed out the Master Plan benefit  
67 of single family residential multiple lot sizes and commercial development. He stated their desire to  
68 increase options for future homeowners with multiple product lines and incremental land development  
69 phasing to make project feasible.

70 Commissioner Marc Pazina asked about market indicators and spec homes. Mr. James stated they used  
71 various indicators and spec homes were necessary for potential buyers to look at. Commissioner Pazina  
72 asked about pricing and Mr. James explained pricing was based on market conditions and they currently  
73 sold from the upper \$190,000 to \$400,000. Commissioner Kowash asked about anticipated growth rate  
74 in the next three years and Mr. James stated the current average was 25 to 30 houses annually.  
75 Commissioner Kowash pointed out that the population growth had been 9% over a ten year period.

76 Mark Shipman, 250 Church Street, Suite 200, Salem, Oregon 97301, stated he was a land use attorney  
77 with Saalfeld Griggs and was representing the applicant. He said he agreed with the staff report and  
78 recommended approval with modified conditions. He discussed Condition No. 4 in the staff report that  
79 required the developer of the Residential High Density (RH) and the Commercial Neighborhood (CN) to  
80 fully improve the intersection at E. Ellendale Avenue and SW Barberry Avenue. He pointed out that  
81 Condition No. 4 duplicated Condition No. 3, and that the land use law required rough proportionality or  
82 it could be considered an unconstitutional takings, and that it created ambiguity about what prevailed,  
83 the DDC or the infrastructure agreement. He suggested putting that portion into the infrastructure  
84 agreement.

85 Mr. Shipman noted that Condition No. 12 pertained to the open space argument of quality versus  
86 quantity and that it was broad and general. He had similar concerns with Condition No. 12 as with  
87 Condition No. 4 and inferred it could be deemed to impose unconstitutional conditions on the applicant  
88 and it obligated them to obtain permits that the City should obtain. He noted it was a joint effort in the  
89 past, which allowed for quick and smooth construction of the Rickreall Creek Trail.

90 Mr. Shipman asked for modification of Condition No. 13 to change it from a ten-year option to six-  
91 month option to enter into an agreement with the City of School District. He noted the property was  
92 intended for a school but it was zoned for single family or multi-family and explained that if the market  
93 picked up they applicant should not have the option to work out an agreement quickly. He pointed out  
94 the school district was not in a position to acquire the property with their funding going back into  
95 facilities. He summarized that they agreed with the conditions in the staff report and asked that  
96 modifications be made to Conditions No. 4, 12, and 13.

97 Commissioner David Shein asked about running afoul of state land use law. Mr. Shipman explained that  
98 it was based on the St. Johns Water District case that came out of the Supreme Court in 2012, which set  
99 important standards. City Attorney Lane Shetterly clarified it was not Oregon law, but Constitutional  
100 Law.

101 Commissioner Castelli asked if staff had reviewed the requested modifications and it was noted they  
102 had. Commissioner Kowash asked about the RCTS as open space. Commissioner Castelli asked about  
103 constructions costs of the trail and Mr. James indicated it was hard to predict at this time.

104 PERSONS SPEAKING FOR OR AGAINST

105 Steve Jackson, 997 SE Gleann Craig, Dallas, Oregon, stated his concern was about storm runoff and  
106 drainage, stating that his property was downhill from the subject property, which was currently in a near  
107 flood condition. He stated with the ground being saturated and the addition of 320 homes, he was  
108 worried that dry wells or French drains would not be sufficient. He reported that a model Fowler home  
109 was listed for sale with four inches of water that they were using two to three sump pumps to get it out.  
110 He stated his back yard was currently saturated and when there was melting snow the streets flooded.  
111 He discussed the downside of the RCTS and indicated there were kids using drugs on it, and the trail  
112 ended in the neighborhood putting those kids onto the City sidewalks and into the neighborhood.

113 Vicki Logan, 705 SE Fir Villa Road, Dallas, Oregon, stated she owned 5.5 acres adjacent to the subject  
114 property and her concern was the ability of the rain gardens to mitigate the water overflow. She was  
115 concerned about high water impeding access to her own property, damage to her crops, and erosion.  
116 She explained she had researched rain gardens and the studies showed a high did not function properly,  
117 and there was not a homeowners association to maintain them. She passed out information supporting  
118 her findings about the rain gardens and summarized her concern about potential damage to properties  
119 outside of the subdivision.

120 Eli Boylan, 1554 Greening Drive, Dallas, Oregon, stated he was from Boylan Homes and had worked with  
121 Fowler on several pervious phases and acknowledged the efforts that went into a proposal this size. He  
122 discussed how the proposal impacted an adjacent property along where SE Shetterly Street would  
123 continue. The proposed larger properties along SE Barberry Lane would change that street to an alley  
124 and affect the usability of the adjacent parcel and by limiting street access. He explained they had not  
125 made an agreement with the adjacent property owner and asked that the surrounding properties be  
126 considered with the application.

127 Nick Logan, 705 SE Fir Villa Road, Dallas, Oregon, announced his concern about the size and number of  
128 homes proposed was similar to Jonathas Landing. He stated there was not enough parking for visitors or  
129 enough room for kids to play at that location. He said that it was not a good environment and zero lot-  
130 lines were a mistake. He summarized that the purpose of neighborhoods was for our children.

131 Cindy Barko, 1316 SE Barberry Avenue, Dallas, Oregon, reported stated that she was proud of her  
132 neighborhood, likes the lifestyle there, and that she paid a lot of taxes. She reported her concern that  
133 higher density and multifamily units that were not owner occupied would change the neighborhood and  
134 she asked what the plan was to maintain the integrity of the nice neighborhood.

135 REBUTTAL

136 Matthew Hendrick, 1619 Kenard Street NW, Salem, Oregon, stated he was a Senior Engineer at Project  
137 Delivery Group, and has been involved with the draining system at River Gleann, Phase 1. He explained

138 the design of rain gardens was to collect and filter water and channel it to a storm pipe; they slowed  
139 down the peak flow when there was a sudden deluge of rain. He noted it required maintenance, which  
140 should be addressed by the neighborhood covenants, conditions, and restrictions (CCRs). Commissioner  
141 Shein asked about what could be expected with the development regarding drainage and Mr. Hendrick  
142 explained the intention was to mimic nature as much as possible. He explained they took into account  
143 building footprints, used engineering software design ratios, and perk testing of the soil to ensure a solid  
144 design to prevent flooding and hold back erosion.

145 President Lerwick asked if rain gardens ever plugged up and Mr. Hendrick talked about the soil mixture  
146 and how it improved the longevity and maintenance would be required approximately every seven  
147 years. Commissioner Les Oehler asked who would do that maintenance and what it entailed. Mr.  
148 Hendrick answered that the homeowner's association would maintain them and it usually included  
149 replacing the first six inches of the soil mixture. Commissioner Kowash asked if these would last as long  
150 as the rain gardens in Portland and Salem and Mr. Hendrick stated he had never seen one fail.

151 Mr. James addressed the RCTS and noted because it was a popular it produced lots of foot traffic which  
152 was a good thing in regards to misuse. He said and expanding the trail would alleviate the dead-end  
153 situation.

154 Mr. James stated that the number of lots was significantly under the allowable units per acres in the  
155 master plan and comprehensive plan and was in conformance with the Urban Growth Boundary.

156 Mr. James indicated they would look at the road concept behind SE Shetterly Street and explained they  
157 had been working on it for nine months and the alley road concept was the way they could provide  
158 access to the lots not allowed to have access of the collectors.

159 Mr. James stated he was unsure how to address the question about maintaining integrity of  
160 communities that were not owner occupied. Commissioner Shein asked about medium, high, and low  
161 density in the development code and if there was freedom to only do low density. Mr. Shetterly noted  
162 the strategy was for mixed housing types that respond to different market points and housing needs.

163 Commissioner Pazina made a motion for the record to remain open for written testimony until  
164 December 23, 2014, at 5:00 p.m. and until December 30, 2014, at 5:00 p.m. for the applicant's rebuttal.  
165 It passed with a unanimous vote.

166 **PUBLIC HEARING**

167 **SPR14-01: Site Plan Review of new 63-Unit Multifamily Development with Community Center**  
168 **Applicant: Dallas Mennonite Retirement Community and Meadows Development**

169 President Lerwick opened the Public Hearing for SPR14-01: Site Plan Review of new 64-unit  
170 Multifamily Development with Community Center 9:05 p.m. He asked if any members of the  
171 Planning Commission needed to declare ex parte contact or a conflict of interest. Commissioner  
172 Wilson declared his wife was a director of the Dallas Retirement Community and after clarifying  
173 that she did not receive compensation for her role, Mr. Shetterly stated that did not qualify as a  
174 conflict of interest. Commissioner Shein stated his wife volunteered and had general

175 conversations about the upcoming project and Mr. Shetterly confirmed Commissioner Shein did  
176 not have ex parte contact. President Lerwick reviewed the procedures for a public hearing.

177 STAFF REPORT

178 Suzanne Dufner reviewed the staff report. She stated that the property owner was Dallas Mennonite  
179 Retirement Community and Meadows Development. They submitted an application to develop 63 new  
180 apartments, 66,000 square feet multi-family housing, and an 18,400 square foot Community Center with  
181 2,800 square feet of covered parking and provided a map and conceptual elevation drawings.

182 Ms. Dufner said it was a Type III decision and the decision criteria were from DDC 4.2.060(A). She stated  
183 they submitted a complete application, which complied with land use district requirements and design  
184 standards in DDC Article 3 and discussed the key findings in the staff report. She summarized that staff  
185 recommended approval of the application with the 10 conditions of approval.

186 Commissioner Shein asked about Condition No. 8 requiring a permit for a monument sign and Mr. Locke  
187 explained it was a reminder for the applicant and staff.

188 Commissioner Castelli asked about Condition No. 2 and if it lapsed if they would have to reapply and Ms.  
189 Dufner confirmed they would.

190 APPLICANT PRESENTATION

191 David Parrett, 377 NW Jasper Street, Dallas, Oregon, stated he was the Executive Director of the Dallas  
192 Retirement Village, and was working with Cynthia Schuster who was with LRS Architects. He stated that  
193 Ms. Dufner did a good job of identifying the scope of the project. He explained they had been a  
194 nonprofit since 1947 and they have all levels of service of care from independent to skilled nursing. He  
195 stated typically the balance for a retirement villages was more independent than healthcare related, and  
196 this would increase independent living and help them obtain that balance. They would add 73 units that  
197 ranged from 650 square feet two bedroom apartments to duplexes and small homes up to 1,600 square  
198 feet. They would also have a community center to accommodate the population increase.

199 Commissioner Shein asked about the timeline and Mr. Parrett stated they had about 75 couples indicate  
200 interest and it would be based on the market and would be implemented in phases with the sales  
201 process beginning in January. In answer to Commissioner Oehler's question, Mr. Parrott stated they  
202 would have seven different models averaging 1,100 square feet.

203 PERSONS SPEAKING FOR OR AGAINST

204 Paul Zastrow, 5690 Collins Road, Hood River, Oregon, stated he owned the property at 176 NW Lange  
205 Street, and asked that they put in a curb cut with the project. Mr. Locke indicated this was a  
206 conversation outside of the public hearing.

207 REBUTTAL

208 There was no rebuttal.

209

210 **COMMISSIONER QUESTIONS**

211 There were no commissioner questions.

212 President Lerwick closed the public hearing at 9:32 p.m.

213 **DISCUSSION BY COMMISSION**

214 Commissioner Shein moved to approve the application for a new 63-Unit Multifamily Development with  
215 a Community Center with the conditions in the staff report. It was duly seconded and passed  
216 unanimously.

217 Ms. Dufner stated written approval would be issued after the 12-day appeal period.

218 **OTHER BUSINESS**

219 Mr. Locke Jason presented the Planning Report and announced the next Planning Commission agenda  
220 would include a variance application, chapter one of the Comprehensive Plan, and the continuance of  
221 the Barberry application.

222 **COMMISSIONER COMMENTS**

223 There were none.

224 **STAFF COMMENTS**

225 There were none.

226 The meeting adjourned at 9:33 p.m.

**APPROVED:**

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President

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Date