



**City of Dallas
Planning Commission
Council Chambers - City Hall
July 14, 2009 - 7:00 p.m.**

CALL TO ORDER

President Lerwick called the meeting to order at 7:01 p.m.

ROLL CALL

Commissioners Present: Carol Kowash, Chuck Lerwick, Carrie Mendell, Murray Stewart, and Bob Wilson.

Absent: Dave Pederson and Doris Stefani.

Staff present: City Attorney Anthony James, Community Development Director Jason Locke, Planner John Swanson and Recording Secretary Laurie Roberts.

APPROVAL OF MINUTES

President Lerwick presented the minutes of the regular meeting of May 12, 2009. Commissioner Kowash moved to approve the minutes as presented. The motion passed unanimously.

PUBLIC COMMENT

President Lerwick called for any public comments not related to the agenda items. There was no one from the public present.

QUASI-JUDICIAL PUBLIC HEARINGS

Subdivision Application

A public hearing on the application of James C Webster and Teri L Webster, owners, for a 22-lot subdivision at Tax Lot 7.5.34C 700, in an RA-Residential Agriculture zone.

Commissioner Lewick declared that his employee, Kevin Friesen, is known to him. He stated he has not discussed the matter with him and he feels there is no conflict.

Swanson presented the staff report.

Jim Webster stated he and Terri Webster are present to answer questions.

Denise Friesen, 1076 SE Camellia, asked if when the Flamings purchased the property and if this plan is the original partitioning. Swanson explained that during the partition process the Flamings had to prove that the property could be subdivided and a conversion plan was required. The new owner/applicant is presenting a new plan. Ms. Friesen explained that the Flamings agreed that they would never subdivide. She stated she is concerned about how it will affect their properties on Camellia and if sidewalks will be required. Ms. Friesen presented information about the lots on the market and what is being done at this time. She stated she knows the applicant well and they build a quality product, however, she questioned if this is good for the community due to the number of lots on the market. She stated 7 have sold this year, with some have been on the market for over 300+ days. She asked about sewer in the area and if they are going to be able to hook their properties onto the system.

Locke explained the conversion plan was similar and was a few more lots with a similar street layout as

there weren't many options. This is less dense by 4 lots. Improvements have been discussed and staff is requiring that improvements be built up to Willow Lane, and carry the sidewalk to Camellia. There are 2 or more properties on Camellia that have signed Waiver of Remonstrances. He explained that at this time the applicant is not being required to fully improve Camellia. Due to the Code and TSP, and it would create a number of issues that residents would not be happy with. He confirmed the applicant would be putting in the sidewalks to Camellia. He explained there are issues with off site improvements. It means that when property is developed they sometimes have to waive the right to remonstrate against an LID depending on if its necessary as deemed by the Council. At some point in the future, the Camellia properties may be required to be improved. Regarding the supply of property, the City does not restrict the number of lots that may be available, it is the applicants risk to market and move the lots based on the number of available lots.

Ms. Friesen asked what the applicants time line to get the project done. This was deferred to the applicant's rebuttal.

Locke responded to the question about hooking into the sewer and they could talk to the applicant about the sewer lateral.

Jackie Neufeld, 1468 SE Miller Avenue, asked about any road improvements on Miller and the amount of traffic on Miller, there is deer hit and constant speeding even though the limit is 35. She would like that considered.

Locke responded that when the Miller Avenue improvements were done there were no sidewalks installed on the north side. The applicant will be required to put in the improvements on their frontage. There are bike lanes there and the TSP calls for pedestrian improvements in that area. It is also a Safe Routes to School area. Traffic on Miller Avenue has plenty of capacity and the speed limit is down to 35 mph. That is a major collector street and the intersection of Miller and LaCreole is a backup point and a traffic light or a round about may be installed to ease the problem. At peak hour, the highest hour of traffic, it is still operating below the levels for those improvements. Long range there will need to be improvements. He explained how those types of projects are funded by developers.

David Hill, 1588 Miller, asked about the sewer and explained the City had to put a pump in on the west side of his house and he is concerned that improvements will affect him. Locke explained that the flow will be engineered and public works determined there is more than adequate capacity in that area after recent improvements.

Mr. Hill asked if he is going to be required to put a sidewalk in. Locke explained that he would only be required if he wanted to make any development improvements on his property, which is required for all development. He added that eventually sidewalks would be required from Fir Villa to LaCreole on the north side of Miller.

Mr. Hill asked the applicant if they are going to install a fence along the east side of the property line.

Kevin Friesen, 1076 Camellia, asked about improvements on his lot on Willow where his access is to put his boat and camper storage and if he could get a driveway approach constructed.

Denise Friesen asked about the speed limit. Locke explained if its not posted it is 25 mph and they could put a sign up.

President called for rebuttal testimony.

Jim Webster responded that he agrees it isn't a good time but they are positive that things are going to turn around next spring. He stated Dallas is going to continue to grow and be connected to Salem. If

people say its not going to get better, they won't but he is positive. The time to build out something like this, all the roads curbs, etc. have to be done and it's a lengthy time period and he expects there will be three to four years before they are all sold, and should be to local builders, not a large group from Portland. In response to the concerns about the layout, the prior owners showed 26 and that configuration was not reasonable and they wanted larger lots for decent houses so they made the lots larger and may require CC&R's. They will start the project next spring. There is not problem with the Friesen's request for a driveway cut and they just need to show where. Any fence would be installed by whoever buys those lots and they are not going to put them in. Regarding the trees and a previous flyer, they are only going to take out the necessary trees to put in the improvements and the purchasers of the individual lots can keep or remove the trees. He added they have done several subdivisions and live here so plan to do it right.

President Lerwick called for questions by the Commissioners.

Lerwick asked about the fill in sidewalks and they are built when the houses are built. Locke stated the Code requires a certain time limit to have the sidewalks installed. The purchasers of the lots will put in the lots or the developers can install the sidewalks, as long as its done within two years. Lerwick asked if money is put in holding or how the City handles that. Locke explained Local Improvement Districts and the funding and there are various partnerships and flexibility of terms. He explained street and sidewalk improvements projects and that at some point all properties will be required to have sidewalks so expect to have them in at some time.

Kowash confirmed that the neighbors could negotiate with the developers to have their sewer connections installed. Locke stated they can work that out with the developers.

Kowash asked if fencing around subdivisions are ever required. Locke explained not with subdivisions but can sometimes be required around certain multi-family developments to buffer between certain uses. He explained the general fencing requirements.

Locke stated that a memo was presented to the Commission to add a condition _ and staff recommends adding that as a seventh condition.

The hearing was closed.

Commissioner Wilson moved to approve the application with the seven conditions recommended by the staff. The motion passed unanimously.

Lerwick stated the 10-day appeal period commences on the date notice is mailed to the participants.

OTHER BUSINESS

Due to scheduling issues, the Development Code study session is being proposed so further amendments can be completed. The commissioners requested that the work sessions be kept on time. Discussion was held about the items on the future agenda.

Locke explained that there is an upcoming Annexation application, which is a recommendation to the Council, and there will be a workshop.

Lerwick asked about the letters that were in the staff report and if the commission needs to address them. Locke explained they could be brought up if there was a concern, and they were all covered. They are part of the record. He stated the Final Order would cover all testimony. Discussion was held about hearing procedures and rules of the quorum.

Discussion was held about hearing procedures, testimony and the appeal rights and appeal process.

There being no further business the meeting was adjourned at 8: p.m.

APPROVED:

President

Date