



City of Dallas
Planning Commission
Council Chambers - City Hall
September 14, 2010 - 7:00 p.m.

MINUTES

CALL TO ORDER

President Chuck Lerwick called the meeting to order at 7:02 p.m.

ROLL CALL

Commissioners Present: Chuck Lerwick, Carol Kowash, Dave Pederson
Doris Stefani, Murray Stewart and Robert Wilson

Commissioners Absent: Carrie Mendell

Staff present: Teresa Ozias Partner to City Attorney Lane Shetterly, Community Development Director Jason Locke, Planner John Swanson and Recording Secretary Kris Pierce.

APPROVAL OF MINUTES

Chuck Lerwick presented the minutes of the regular meeting of June 8, 2010, Doris Stefani made a motion to approve the minutes as presented. Carol Kowash seconded the motion. The motion passed unanimously.

PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda
(3 minutes per person please.)

None

PUBLIC HEARINGS

None

OTHER BUSINESS

A) Development Code Issue Discussion

Jason Locke presented to the Commission issues for discussion since adoption of the new Development Code by the Council that became effective January 22, 2010. He explained that if we had issues we would bring those issues to the Commission and that is the intent of the **discussion** tonight.

Jason Locke further explained that both he and John Swanson have had an opportunity to work with the recently adopted Development Code and an opportunity to apply it to a variety of situations and with that offered Mr. Swanson a chance to talk about his experiences in working with the new Development Code.

John Swanson explained that he has had an opportunity to work with the different people from the community i.e. property owners, realtors, and commercial property owners and can report that it has gone pretty smoothly considering that it is very different in the way that it is laid out from what we had before. Mr. Swanson further explained that is one of the things we heard from the stake holders is that we need a clearer path to approval. We are trying to streamline the process and make it a more thorough process than the previous code allowed us. It has given me an opportunity to relearn the code based on the "Model Code" which is what Scott Siegel, our consultant, gave us. It tells you what the permitted uses are and the exceptions and where to find them. So as a person who is proposing development or thinking of development is going to get a clear picture of what they are getting into before they start spending time and money on it. It is our goal to lead the customers, property owner and/or our citizens through the process.

Mr. Swanson explained we are doing fairly well with the new code. We have not heard too much complaining other than it is different. He explained, it is different, yes; it is more complicated than before in some ways, yes, but it also provides more flexibility, so it is a tradeoff. We can help people get to where they want to go within the confines of the Code which we are all bound to but overall it has gone fairly well.

Mr. Locke continued reporting that overall he feels that it has gone fairly well too and that a couple of projects have been through the new code process; one of which is a new building downtown which they have preliminarily ran through a pretty exhaustive set of standards for commercial development and discovered that it works just like it is supposed to. He explained, you get the right type of building design and all of the things that were really never spelled out instead of anomalous things being built that were not suitable for their locations that were particularly in downtown. It allows for suitable building. The whole Code is focused on building and ensuring quality neighborhoods.

Mr. Locke also discussed that there are a couple of issues that need to be addressed in the new code and have supplied the Commission with a handout entitled Dallas Development Code – Issues for discussion since adoption of new Code Jan. 2010.

Issues:

Typos – Mr. Locke stated that the typos will be corrected for clarification of the Development Code.

Driveway Approaches – Mr. Locke explained to the Commission that the driveway approaches, the apron as it attaches to the street, as you look around town the driveway aprons tend to be very wide so when we adopted the new code; it states that all driveway aprons are going to be 20 feet wide. That still gives you 4-5 feet on either side for the wings, but the actual access is going to be 20 feet wide. We have discovered that there are some issues with that. There are some valid issues and there are a few reasons why we did that, number:

1. Ensure the City maintained access control;
2. Ensure there was adequate on-street parking; and
3. This goes hand-in-hand with lot coverage and impervious surface.

Mr. Locke further explained these driveways are basically shedding all of their water into the City storm drain system. All of this water is untreated and goes into the creek. That practice is definitely on its way out given the new water quality standards. When the lot coverage was redone it has since been working well since we offered more flexibility and the impervious surface is just an example. The City is only counting water that drains into the City's system. He gave the example of prior to the new Code if a homeowner had a 20X20 concrete back patio that drained off into the grass it was not counted as impervious surface. The driveway width issue is part habitual and part "we want to do what we want" on the part of the builders and that doesn't necessarily coincide with the City and public interest.

Mr. Locke explained what we are planning trying to do, with the Commission's ok, is trying to alleviate some of these issues, but keep our interest intact as well. He stated that our thought is to try to tie it to a percentage of the lot frontage. This gives people some flexibility. We are going to start seeing in new development lots that are 40-50 feet wide and so tying the driveway width to a percentage and/or absolute number based off of the frontage gives people some

flexibility. Mr. Locke explained that we do not want to take the worst case scenario and accommodate that, we want to accommodate parking for residents.

Commissioner Dave Pederson requested clarification on what the City should be concerned with in the newly adopted Development Code regarding driveway approaches.

He explained that the City wanted to accommodate 95% of things people want to do and thought that the City could come to some kind of reasonable accommodation for everyone. We need to clean-up the language in this section and clarify to state that “if your lot is X amount of feet wide, your driveway can be only X amount of feet wide.”

Mr. Locke explained another issue that came up is density bonuses and/or meeting the standards for Smart Growth, one of the terms that we left out in terms of how you can get one of those density bonuses is using the Earth Advantage Certification process. We did not specifically mention it in the code language, but since it is used fairly extensively in the Pacific Northwest, we wanted to ensure that it was clearly spelled out in that section of the Development Code.

Another issue Mr. Locke explained was that Mixed-Use was used on the Commercial Zone table headers and should be changed to Commercial instead of Mixed-Use in the table headers. That correction will be made to the table.

Mr. Locke explained yet another issue that has recently come up has to do with property line adjustments. He further explained that the way we currently have it laid out in the current Development Code is that a property line adjustment cannot create another lot nor reduce the number of lots. What we didn't have in there and what we should have in there by ORS 92 “Property line adjustment” means relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel. Mr. Locke further explained that this has come up when the City has tried to cleanup messy situations where landowners have tried to use land consolidation. We need to clean this language up so that the Property Line Adjustment Language was specific to the Statute. We do however process Lot Consolidation and Property Line Adjustment the same way but the overriding issue is that it is not going to create an additional parcel or lot.

Commissioner Lerwick asked staff if the City provided property line adjustments to create another lot.

Mr. Locke responded no, you have to partition the lot in order to create another lot. Mr. Locke further responded that he and Mr. Swanson will continue to further go through the Development Code and prepare some actual Amendments to the Development Code to look at by the next meeting and if those are suitable, schedule the Public Hearing process by the Planning Commission and subsequently by the Council. We should have this wrapped up and adopted by January 2011.

Mr. Locke further reported that the City still has not had an opportunity to test some of the Development Code but in the next month or so we will have a large subdivision coming up. This will allow a “test” of the subdivision requirements such as lot size averaging, mix of lot size, mix of house size, among other things that were built into the City Development Code. We have explained what our expectations are to the Developers and we will see how they address it. Mr. Swanson reported to our advantage we have had a warm-up on it with two small subdivisions, but we have not had a big one yet with twenty or more lots and we have done a wireless tower under the new Development Code.

Commissioner Lerwick asked staff if this is going to be another subdivision that just sits.

Mr. Locke reported that the new subdivision is one of the previously approved subdivisions (Faith Farms Subdivision) that is adjacent to the mobile home park on Oregon Trail and the City had to expire four previously approved subdivisions. They all had the opportunity to ask for a 1 year extension which the old code did not provide for and no one acted on them so now they are null and void.

Commissioner Lerwick asked the question if the Subdivision will butt-up against the creek.

Mr. Locke reported that the subdivision will but-up against the Southside of the Rickreall Creek and the developer has started putting in some improvements already. They also have put in their part of the Rickreall Creek Trail System.

Commissioner Stewart asked what the pluses and minuses are regarding wider driveways.

Commissioner Pederson asked why we would care if someone has a circular driveway.

Mr. Locke reported that the City only allows one access per lot.

Commissioner Pederson requested the Mr. Locke give a report of the Rickreall Creek Trail System (RCTS).

Staff Locke reported the Rickreall Creek Trail System has been in the City's comprehensive plan and transportation plan for over 40 years. There is one section that is developed and that is the section between Levens and Main and it is a multi-use path that ranges from 10-12 feet wide. The City recently got a grant to build a section of the trail starting on Hawthorne just past Barberry running eastward to the terminus at the Gleann Craig subdivision. The City got a grant through the State Parks for \$250K-\$260K to construct that portion of trail and it is on public property. It is publicly owned property, property that was dedicated as part of a subdivision. There were a number of people that opposed the building of the trail in "their backyard." The City held an Open House because there was some inaccurate information being disseminated. The City has been planning to move forward with the Trail.

President Chuck Lerwick commented that the comment was "spending their taxpayer money on a useless road that didn't need to be put in." They did not realize it was a grant or that we were going to build a trail system along the creek to enjoy the beauty of the creek and everything instead of in their backyard. There were so many people that were so misled and the Open House was so well done.

COMMISSIONER COMMENTS

None

STAFF COMMENTS

Mr. Locke is going to look at the code to see if we are going to need to elect a new President next meeting.

The Meeting was adjourned at 8:05 p.m.

APPROVED:

President

Date