



AGENDA
City of Dallas Planning Commission
TUESDAY, September 13, 2022 - 7:00 p.m.
City Hall Council Chambers
187 SE Court Street

- Planning Commission**
- President
David Shein
- Vice President
John Swanson
- Commissioner
Carol Kowash
- Commissioner
Andy Groh
- Commissioner
Tory Banford
- Commissioner
John Schulte
- Commissioner
Rich Spofford
- Staff**
- City Attorney
Lane Shetterly
- Planner
Chase Ballew
- Recording Secretary
Vacant
1. CALL TO ORDER
 2. ROLL CALL
 3. APPROVAL OF MINUTES - Regular meeting of August 9, 2022
 4. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please.)
 5. PUBLIC HEARINGS
 - A) CUP-22-03: Playground Cover at Faith School
APPLICANT: Chris Barker, Valley Life Center
 - B) MP-22-03: Highland Gleanns 2
APPLICANT: Meadows Investments
 6. OTHER BUSINESS
None
 7. COMMISSIONER COMMENTS
 8. STAFF COMMENTS
 9. ADJOURN

Next meeting will be 10/11/2022.

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 people with disabilities. Any requests for accommodation should be made at least 48 hours before the meeting to the Economic and Community Development Department, 503-831-3565 or TDD 503-623-7355.

For questions or comments on the agenda, contact: Chase Ballew at 503.831.3572 or chase.ballew@dallasor.gov.

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City of Dallas Planning Commission

In Person

187 SE Court Street, Dallas, OR

August 9, 2022 - 7:00 p.m.

1 **MINUTES**

2 President David Shein called the meeting to order at 7:01 p.m.

3

4 **ROLL CALL**

5 Commissioners Present: David Shein, Tory Banford, Andy Groh, John Schulte, Rich Spofford

6 Absent/Excused: Carol Kowash, John Swanson

7 Staff Present: City Attorney, Lane Shetterly; Planner, Chase Ballew; and Laurie
8 Roberts as Recording Secretary.

9

10 **APPROVAL OF MINUTES**

11 Mr. Shein presented the minutes of the regular meeting of July 14, 2022. Commissioner Groh
12 made a motion to approve the minutes as presented. Commissioner Shulte seconded the motion.
13 The motion passed unanimously.

14

15 **PUBLIC COMMENTS**

16 There were none.

17

18 **PUBLIC HEARING**

19 **VAR 22-04: 902 SE Greenbriar Ave**

20 **APPLICANT: Junior Updike**

21 **Variance to Setbacks**

22

23 Mr. Shein opened the hearing at 7:05 pm. He read the statement about State Land Use Issue
24 Criteria contained in 2.5.1, and advised that the decision is final unless appealed.

25

26 David Shein asked if any commissioner had a conflict, ex-parte or site visit. None were declared.

27

28 **STAFF REPORT**

29 Chase Ballew reviewed the staff report and explained the owners/applicants propose a setback
30 variance to construct an accessory structure adjacent to the residence at 902 SE Greenbriar Ave.

31 He noted the required setback is 3' and the structure is constructed less than one foot from the side
32 property line, and within the 7' utility easement along the back property line, as shown in the
33 photos included in the staff report. He confirmed that there are 3 detached structures, and all are 3'
34 from the rear property line and are over the 7' utility easement.

35

36 Attorney Lane Shetterly advised that the criteria must be considered as if the structure was not
37 already built.

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42 **COMMISSIONERS QUESTIONS**

43 Andy Groh asked if the other buildings were being considered as well, and confirmed that it is
44 public utility easement. He asked which utilities the applicant would be required to get permission
45 from. Chase Ballew noted the memorandum from Public Works division doesn't go into that
46 detail, however, it is quite possible all utilities would need to be notified.

47
48 Andy Groh asked if the structures are up against each other, would that make them attached and
49 require a permit. Chase Ballew stated all the structures are self-supporting and under 200 sf, which
50 does not require a permit.

51
52 Attorney Lane Shetterly advised the subject of this application is only the boat shed.

53
54 Andy Groh asked about building permits. Lane Shetterly confirmed that is not applicable as part of
55 this request.

56
57 **APPLICANT PRESENTATION**

58 Junior Updike, 902 SE Greenbiar Ave, explained the structure is freestanding and not attached to
59 the other structures and it is 28" from the fence, and that the neighbor owns the fence and has no
60 objections. He stated the structure can barely been seen, looks nice and was done professionally.
61 He also noted the utilities have been along the entire street and never worked on.

62
63 Patricia Smith, 910 SE Greenbriar Ave, confirmed that the fence is hers and that Mr. Updike got
64 permission from her. She shared she thinks the structure looks lovely, and it is not attached or
65 hurting her property. She voiced concerns that the neighbor and other houses have the same set up
66 with their structures and asked why this is one is being considered and complained about. She
67 demanded that if Mr. Updike has to pay or take something down, everybody else should have to
68 pay and take theirs down.

69
70 **TESTIMONY**

71 There was none.

72
73 **REBUTTAL**

74 There was none.

75
76 **FINAL COMMENTS**

77 Andy Groh stated his only issue is the easement. Lane Shetterly explained that is in the condition
78 of approval that the applicant must contact all utilities with rights.

79
80 Mr. Shein closed the hearing at 7:22pm.

81
82 **DELIBERATIONS:**

83 Andy Groh moved to approve the application with the three recommended conditions stated in the
84 staff report. John Schulte seconded the motion. A roll call vote was taken and the motion passed
85 unanimously.

86
87 **PUBLIC HEARING**

88 **LA 22-01: Development Code Updates**

89 **APPLICANT: City of Dallas**

90 Mr. Shein opened the hearing at 7:28 pm

91
92 There was a handout presented earlier and added to the staff report.

93
94 David Shein explained this is a recommendation to the Council and the record stays open.

95
96 **STAFF REPORT/ APPLICANT PRESENTATION**

97 Chase Ballew reviewed the staff report.

98
99 **COMMISSIONERS**

100 David Shein asked about inconsistencies and information on Page 3. Chase Ballew confirmed
101 there are inconsistencies and items added and removed, which he noted individually. Lane
102 Shetterly pointed out that the green shows the new text, and red shows the deleted, and comments
103 are also red in the margin.

104
105 Andy Groh asked for clarification on Page 4 for what would be acceptable in low density and
106 medium density, such as half-way houses and jails. Chase Ballew noted it is a judgement call and
107 that is why input is encouraged by the public and the Commissioners.

108
109 **TESTIMONY**

110 Lee Brennan, Engineer, PDG, 200 Hawthorne Ave SE, Suite A-100, Salem, provided a written
111 letter of testimony, which was given to the Commissioners and made available to the public. He
112 stated he did not know about the prior workshop and asked why it was not open to the public,
113 contractors, the development community, and shareholders. He explained what his clients would
114 prefer in the RL zone. He requested, since he did not get a notice, they be allowed to have input
115 into Code changes, and that the record be kept open for more input prior to it going to the City
116 Council. In response to a question by Andy Groh, discussion was held and confirmed that there
117 are other code changes to be considered, and there are other opportunities for all affected to
118 provide input.

119
120 Sarah Orr, 392 SE Ironwood Ave, Dallas, stated that she is a realtor and explained her concerns
121 about short notice and needing more time to review, and that amendments to the Code need input
122 from those most affected. She questioned the recent Polk County project at the bank site. She
123 identified on page 8 that hospitals, medical, etc, were not in the RL zone, and an inconsistency in
124 conditional uses such as in the RL zone where parking lots, incarceration facilities and medical are
125 being allowed. She requested a more collaborative approach prior to going to City Council.

126
127 Cheri Jacobson, 456 NW Reed Ln, advised she is a realtor with Home Smart in Dallas and stated
128 concerns that she did not hear about this until the last minute and would like to have known
129 sooner. She questioned the addition of things such as pathway illumination, and asked for an
130 understanding of what that means, and shared concerns about expenses and illuminated pathways.
131 She advised that a client purchases property based on what is allowed by the Code, and if it gets
132 changed later, that takes value away from the owner. She noted she needs more time to review
133 items and communicate with others in her profession.

134
135 Andy Groh asked Ms. Jacobson how she found out about the hearing. She explained she was
136 contacted by a past councilor. Notice procedures were reviewed and Chase Ballew added that, for
137 Code amendments, advance notice is also required to the State Division of State Lands.

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David Shein asked if there was any callers in the phone queue. There were none.

As advised by Lane Shetterly, David Shein reviewed the options available to keep the record open due to the comments that some people stated they were surprised, or the Commission could vote to send or not to send to the Council, which would be another month until Council meets. Lane Shetterly advised that City Council preference is that it would be better resolved through the Planning Commission. John Schulte asked what would be different if the record was kept open leading to discussion about what is proper notice for broad items and confirming that individual notices do not get mailed out. Concerns were shared about having another month could lead to more changes and would possibly be a free for all, suggesting a more formal opportunity for testimony.

REBUTTAL

There was none.

David Shein announced the record would be held open until September 13th at 7:00pm.

Mr. Shein closed the hearing at 8:00 pm.

DELIBERATION

Chase Ballew requested that if there are any changes the Commissioners want to address, they could contact him. Several Commissioners agreed the open record would allow the Commission more time to review the details but did not want to change the staff report prior to the next hearing.

OTHER BUSINESS

David Shein asked Commissioners for suggestions about training and briefed on the Commission’s process and policy, and that the Council actually sets the laws. Discussion was held and they expressed interest in an hour long session and agreed to continue planning at the next meeting.

Andy Groh asked if new commissioners needed to be sworn in.

Lane Shetterly advised it is a formality, which can be conducted at the next meeting.

Meeting adjourned at 8:05 pm.

APPROVED

President

Date

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**

MEETING DATE: SEPTEMBER 13, 2022
REPORT DATE: SEPTEMBER 6, 2022
TOPIC: PLAYGROUND COVER AT FAITH SCHOOL AT VALLEY LIFE CENTER -
#CUP-21-04

Application Type: Conditional Use
Property Owner: Assembly of God of Dallas
Applicant: Chris Barker, Valley Life Center
Location: 1795 SE Miller Avenue

RECOMMENDED ACTION

Approval with Conditions

BACKGROUND INFORMATION

Zoning: RL – Residential Low Density
Comprehensive Plan: Residential
Floodplain: No Floodplain
Adjacent Land Uses: One and Two-Family Residences, Vacant Land

PROJECT OVERVIEW

The applicant’s request is to construct an 18 foot tall, 5,000 square foot (50’x100’) prefabricated metal cover over the existing playground for the school/church. Accessory structures over 15 feet tall require a conditional use permit. Schools and Churches are a conditional use within the Residential Low Density zone and their sites and operations require a conditional use permit.

APPROVAL CRITERIA:

DDC.4.4.040.A – Conditional Use Permit Approval Criteria.
DDC.4.2.060.A – Site Design Review Approval Criteria.

Staff refer to and incorporate the applicant’s written narrative for supportive findings in response to the above mentioned criteria. These criteria are further identified in this report with specific findings by staff.

CONDITIONAL USE CRITERIA

Applicable approval criteria are contained in Dallas Development Code section 4.4.040.A.

Criterion:

DDC.4.4.040.A.1. – The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety and aesthetic considerations

Finding:

As stated in the applicant's narrative, the proposed cover structure will provide rain protection to the existing playground. Once installed, 46% of the site will be covered in buildings or impervious pavements, allowing space for landscaping and/or future expansion. Should additional capacity be required in the future to accommodate the use, the RL zone allows a 50% lot coverage.

Criterion:

DDC.4.4.040.A.2. – The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval.

Finding:

The applicant's narrative does not specify any potential negative impacts, staff have not identified any negative impacts, and as of the date of this report there are no letters of testimony stating concerns over potential impacts.

Criterion:

DDC.4.4.040.A.3. – All required public facilities have adequate capacity to serve the proposal.

Finding:

The existing development is already served by public facilities, including water, sewer, and storm drainage with adequate capacity to support the operations on the site.

The playground cover is not expected to increase the need for water, sewer, or streets. Storm drainage may be required for the added impervious surface, to be reviewed as part of the structural building permit, however nearby storm mains have adequate capacity for this purpose.

SITE DESIGN REVIEW CRITERIA

The Site Design Review approval criteria shall be met. The Planning Official may waive the application requirements for Site Design Review upon determining that the Conditional Use Permit application provides sufficient information to evaluate the proposal.

Criterion:

DDC.4.2.060.A.1 – The application is complete, as determined in accordance with chapter 4.1 – Types of Applications and Section 4.2.050.

Finding:

The application was determined to be complete, and the Planning Official waived further application requirements for Site Design Review upon finding that the materials supplied with the conditional use application provides sufficient information to evaluate the proposal.

Criterion:

DDC.4.2.060.A.2 – The application complies with provisions of the underlying Land Use District (Article 2), including building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other applicable provisions.

Finding:

Article 2 identifies schools, churches, and accessory structures over 15 feet in height as requiring conditional use permits. The RL zone specifies a maximum lot coverage of 50%, and staff finds that after construction the lot coverage will be 46%, so that standard is met. A minimum 10 foot setback from adjacent RL zoned properties is required; staff finds the proposed building meets that requirement. The proposed building exceeds the 15 foot height limit for accessory structures; taller structures (up to 20 feet high) are allowed with a conditional use permit.

Criterion:

DDC.4.2.060.A.3 – The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, non-conforming uses and development.

Finding:

No non-conforming development was identified which would be affected by this proposal.

Criterion:

DDC.4.2.060.A.4 – The proposal complies with all of the design standards in Article 3.

Finding:

Chapter 3.1) DDC.3.1.030 – Pedestrian Access and Circulation requires that all developments provide a continuous pedestrian system within the development site, and the proposal includes installation of a new six-foot-wide walkway connecting the covered playground to the school classroom buildings in conformance with this section.

Criterion:

DDC.4.2.060.A.5 – Existing conditions of approval required as part of a prior land use decision, including land divisions, conditional use permits, or other approval, shall be met.

Finding:

Prior condition of approval required site design review for any future changes to the exterior of the building and property. Site design review is included with conditional use permit review, so this criterion is satisfied.

RECOMMENDED ACTION

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

RECOMMENDED CONDITIONS OF APPROVAL

- 1) The applicant shall obtain all required building permits and receive final inspection from the Dallas Building Department.
- 2) Final construction plans shall show the walkway connecting the playground to the classroom buildings. Design of the walkway shall comply with the standards of DDC.3.1.030, which includes being ADA compliant, 6 feet in paved width, and raised 6 inches above vehicle areas.

RECOMMENDED MOTION:

I move to approve the Conditional Use Permit with the conditions stated in the staff report.

EXHIBITS

- Notice of Public Hearing
- Applicant's Site Plan
- Applicant's Narrative

CITY OF DALLAS
NOTICE OF PUBLIC HEARING

Valley Life Center - Conditional Use Permit #CUP-22-03

PROPERTY LOCATION: 1795 SE Miller Avenue

APPLICANT: Chris Barker – Valley Life Center.

NATURE OF REQUEST: Construct an 18-foot-tall, 5,000 square foot pre-fabricated metal structure to function as a cover over the existing playground for the school/church.

APPLICABLE CRITERIA: DDC Chapter 4.4.040.A – Conditional Uses

HEARING DATE / TIME: 7:00 p.m. Tuesday, September 13, 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 this request. 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 decision makers 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 during 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 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.

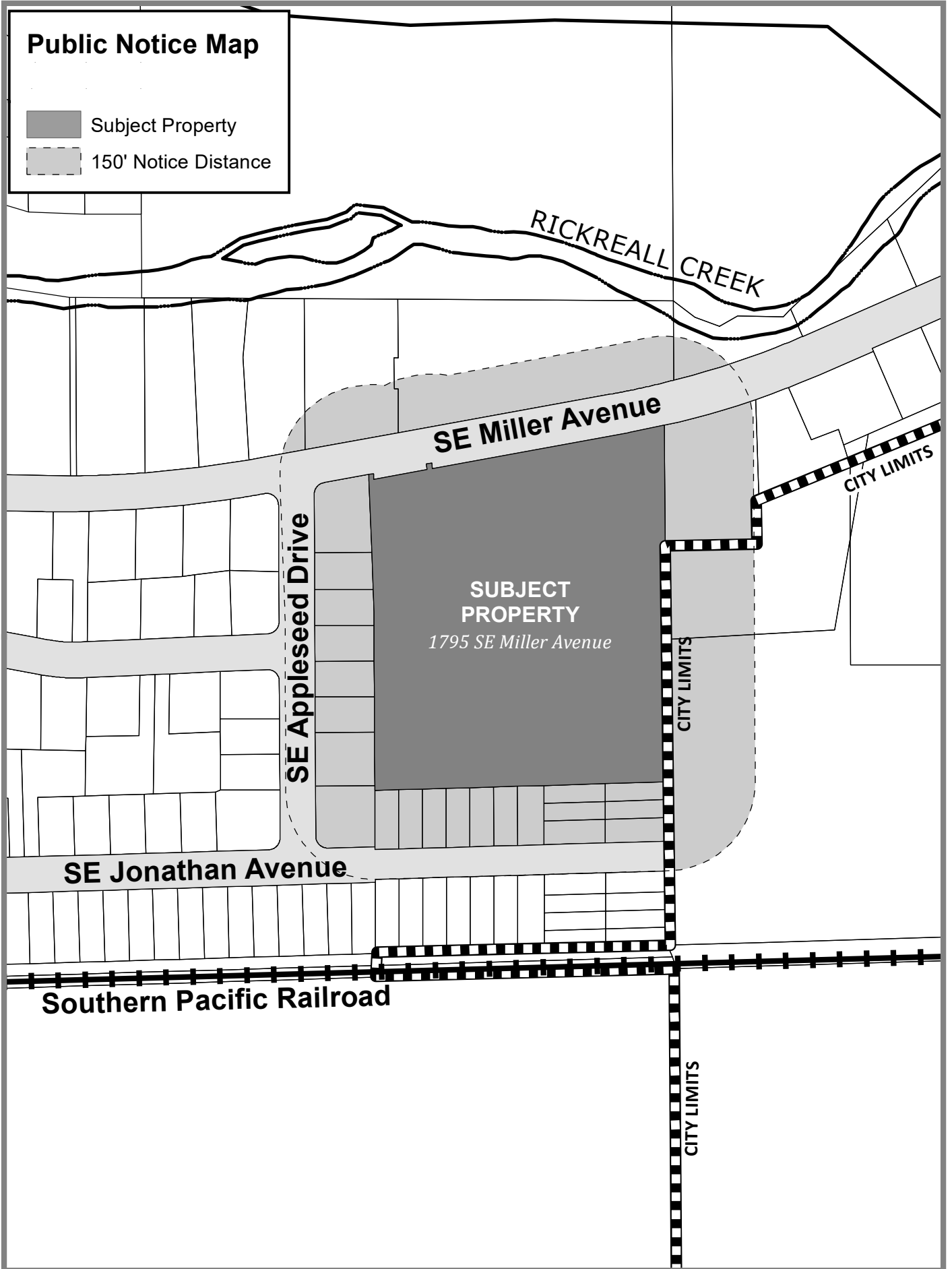
Dated: August 31, 2022

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.

Public Notice Map

-  Subject Property
-  150' Notice Distance





Conditional Use Permit Application
Dallas Planning Department
Development Code Type III Review

Official Use Only:

File No.: _____
 Date: _____
 Fee: \$ 1,000 PAID

There are certain uses, which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as "Conditional Uses." The purpose of a conditional use permit is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met. An application for a new conditional use permit is processed as a Type III procedure (DDC 4.1.010). Modifications to approved or existing conditional uses shall be processed in accordance with DDC Chapter 4.6 – Modifications. A pre-application conference is required before a conditional use permit application is submitted.

Please return a completed 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): Chris Barker
 Mailing Address: 1795 SE Miller Ave. Dallas, OR 97338
 Email: Chris@valleylifecenter.com Phone Number: 503-623-4116 Cell Number: 503-871-1311

Section 2 – Property Owner Information (If not applicant)

Property Owner(s): Valley Life Center
 Mailing Address: 1795 SE Miller Ave. Dallas, OR 97338
 Email: Same Phone Number: same Cell Number: same

Section 3 – Project Description

Please describe your project: Covered Play Area: 50' x 100'
Pre-engineered steel Building, concrete slab on grade, 16' high - 18' at Peak
 Site Address: 1795 SE Miller Ave Total Land Area: 6.36 acres
 Assessor Map/Taxlot No. 7.5. 34DB 01200 Zoning: RM
 Present Use of Property: Blacktop and some field

Section 4 – Application Submittal Information

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

- Completed application form;
- Required fee;
- Written narrative that addresses the relevant criteria found in DDC Section 4.4.040 (see also Section 6, page 3);
- Existing site conditions map;
- Preliminary grading plan;
- A copy of all existing and proposed restrictions or covenants;
- Drawings of all proposed signs;

Section 5 – Signatures Required

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge:

PROPERTY OWNER(S):

Valley Life Center

Date: 8-19-22

APPLICANT(S)

Chris Barker

Date: 8-19-22

_____ Date: _____

_____ Date: _____

Section 6 – Application Review Criteria

Approval Criteria. An application for a Conditional Use Permit 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.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.

The Site Design Review approval criteria (DDC Section 4.2.060) shall also be met. The Planning Official may waive the application requirements for Site Design Review upon determining that the Conditional Use Permit application provides sufficient information to evaluate the proposal.

Additional criteria and requirements apply for Wireless Communication Facilities (see DDC Chapter 3.5) and Drive-up/Drive-through uses (See DDC Section 2.3.100).

Section 7 – Review and Approval

Official Use Only:

Approved Denied Reason for Denial: _____

Address Modification Required: Yes No

If yes, Add Remove _____
(Address)

Staff Signature: _____

Date: _____



Applicant: Valley Life Center

Chris A. Barker

1795 SE Miller Avenue

Dallas, Oregon 97338

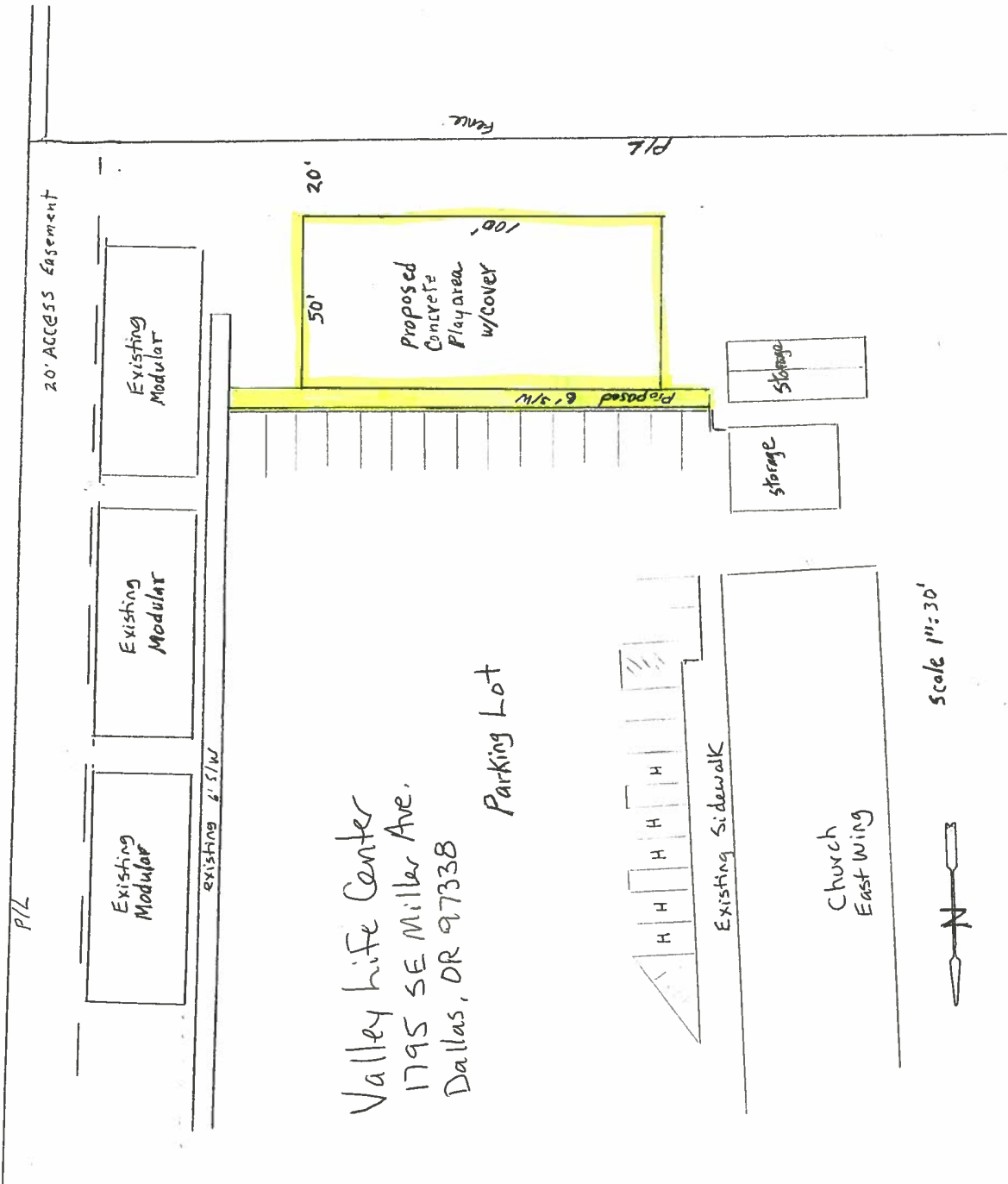
(503) 623-4116

Cell (503) 871-1311

Conditional Use Narrative

August 19, 2022

Valley Life Center is applying for a conditional use permit for the property located at 1795 SE Miller Avenue, Dallas, Oregon. Valley Life Center is an Assembly of God Church that has resided at its current address since 1976. The church has served the Dallas community for more than 80 years. Its programs and facilities provide a place for education, religious training, and many different community events. Faith Christian School merged with Valley Life Center Church in 2021 and now occupies the same property at 1795 SE Miller Avenue in Dallas, Oregon. Faith Christian School is a private school, registered with the Oregon Department of Education, which has served the Dallas community for 40 years. In an effort to provide a covered play space for the approximately 180 students (Preschool through 8th grade), in inclement weather, we are proposing to place a Pre-engineered steel building (50' x 100') south of the main parking lot. This area currently serves as a play area with no protection from rain. The ground is now a combination of asphalt and field. The building will not have sides or be enclosed and will include spread footings and concrete slab on grade. At its center peak it will be 18' sloping down to 16'. Additionally, we will be adding a 6' sidewalk w/curbing that extends east and west from the current Modular buildings to the existing garage. This will separate the covered play area from the existing main parking lot (north and south). It will provide another safe passage for children between modulars, playground and main church building. Gutters will be included and run off will be drained to existing storm drain in parking lot.



Valley Life Center
 1795 SE Miller Ave.
 Dallas, DR 97338

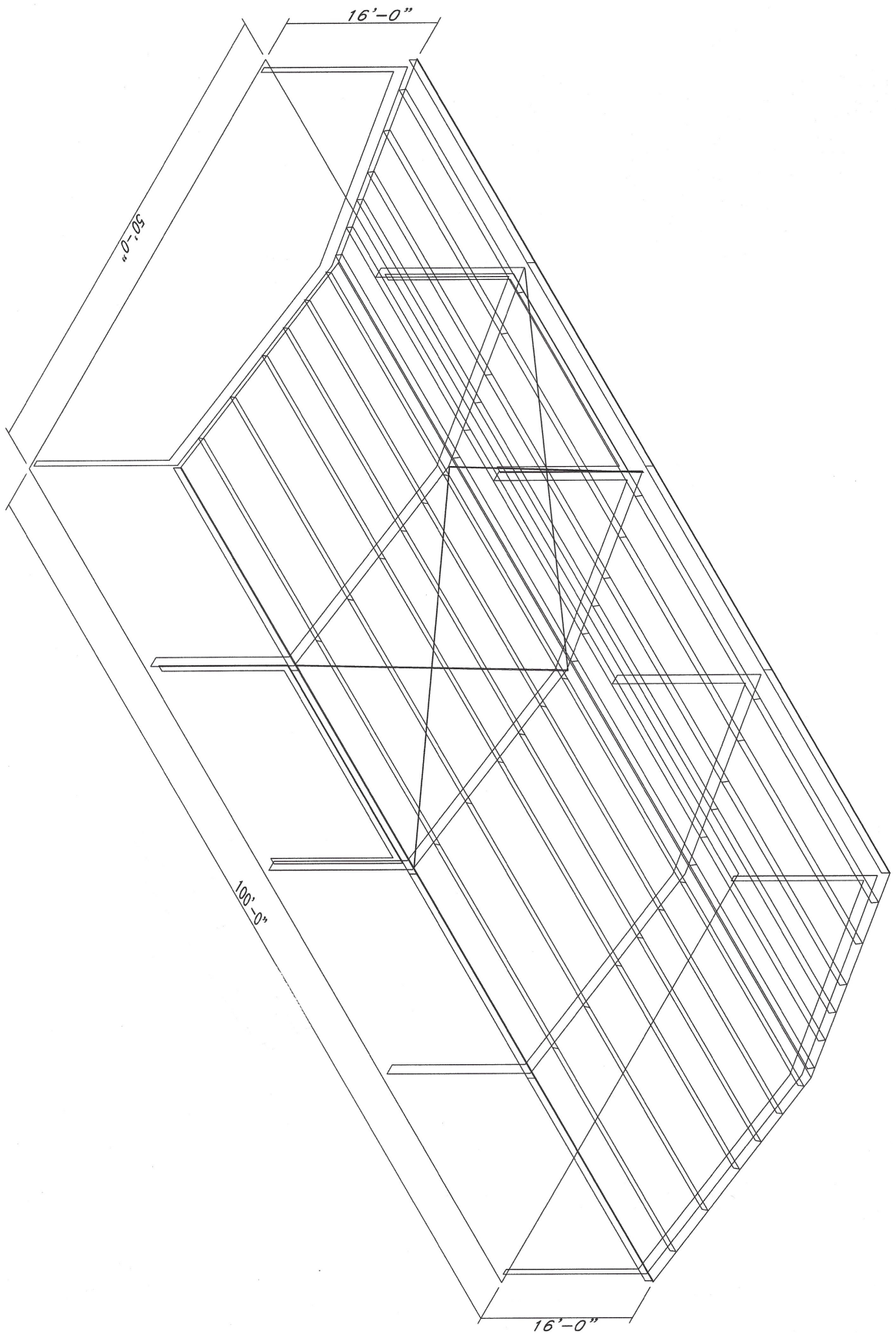
Parking Lot

Existing Sidewalk

Church East Wing

Scale 1" = 30'

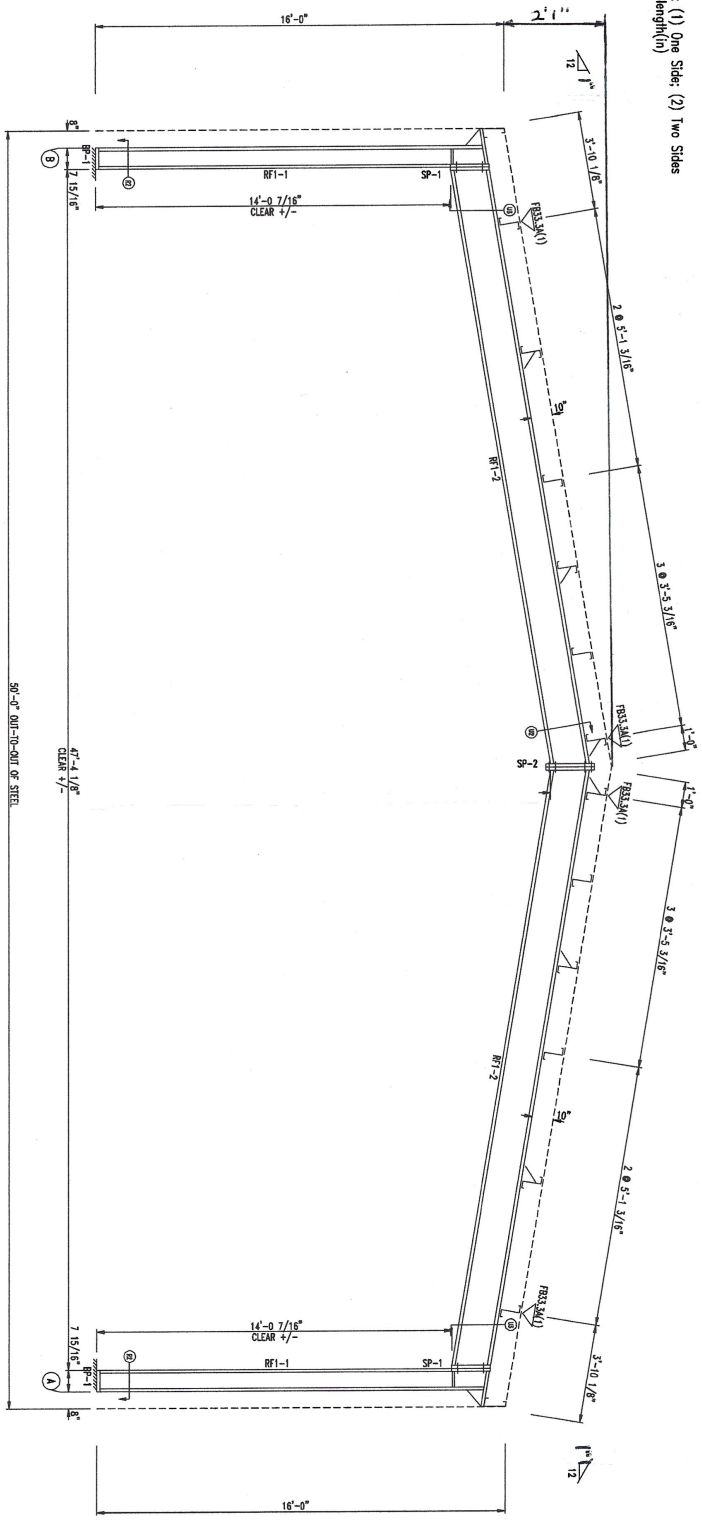




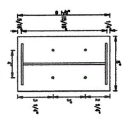
SPUCE PLATE & BOLT TABLE									
Work	Qty	Bot	Int	Type	Dia	Length	Width	Thick	Length
SP-1	2	2	0	A325	0.750	2.25	7"	1/2"	1'-4"
SP-2	4	4	0	A325	0.625	2.25	7"	5/8"	2'-0"

BASE PLATE TABLE			
Col	Plate Size	Thick	Length
BP-1	8"	1/2"	8 1/2"

▽ FLANGE BRACES: (1) One Side; (2) Two Sides
 FBX3(A) 1/2" x height(h)(n)
 A - FBX1/8"



RIGID FRAME ELEVATION: FRAME LINE



PROPOSED BUILDING FOR:
Faith Christian School
 Dallas, OR 97338

SCALE VERIFICATION
 N.T.S.

SALES REP: Ryan Northrup
 Amwell, OR 97335
 DRAWN BY: 7/31/22
 DATE: 7/31/22
 REVISIONS: 0 7/31/22

ISSUED FOR: CHECKED DATE
 SHEETWORK
 SET
 DESIGN REVIEW
 CHECKOUT
 CONSTRUCTION

RIGID FRAME ELEVATION
R1

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**

MEETING DATE: SEPTEMBER 13, 2022
REPORT DATE: AUGUST 25, 2022
TOPIC: HIGHLAND GLEANNs 2 - #MP-22-02

Application Type: Detailed Development Plan & Preliminary Subdivision
Owner: Meadows Investment, LLC
Applicant: Meadows Investments LLC
Location: Barberry Mixed Use Master Plan Node

RECOMMENDED ACTION

Staff recommends the Planning Commission approve the application with conditions.

BACKGROUND INFORMATION

City Zoning Map: RM – Medium-Density Residential
RH – High-Density Residential
CN – Neighborhood Commercial
Barberry Node Mixed Use Master Plan Overlay Zone

Comprehensive Plan Map : Barberry Node Overlay

Floodplain: No Floodplain

Development Site Size: 12 Acres

Adjacent Land Uses: Single-Family Residential, Radio Broadcast Tower

Prior Land Use History See Appendix

PROJECT OVERVIEW

Establish a detailed development plan within the Barberry Node Mixed Use Master Plan overlay zone to include lots for 27 single-family detached dwellings, 86 single-family attached (townhome) dwellings, and 60 apartments. Proposal includes reconfiguration of the area designated for neighborhood commercial, and exceptions to roadway standards.

APPROVAL CRITERIA

DDC.4.5.090 - Detailed Development Plan Criteria
DDC.4.3.070 - Land Division Preliminary Plat Criteria.

Staff refer to and incorporate the applicant’s written narrative for findings in response to the above mentioned criteria. These criteria are further identified in this report with specific findings. Upon review, staff have found certain standards in which the proposal does not satisfy and for which conditions of approval are proposed, as follows:

DETAILED DEVELOPMENT PLAN

CRITERION:

DDC.4.5.090. City approval of the detailed development plan shall be based upon a finding that the final plan conforms to the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, as provided in Section 4.5.080, those applications shall additionally be subject to the applicable approval criteria in Article 4. Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds that the modification(s) is/are consistent with the criteria in A-H, below. Changes exceeding those in subsections A-H, below, must be reviewed as major modifications under Chapter 4.6.

- a) Increased residential densities (overall or reallocated between development phases) by no more than ten (10) percent over that which is approved, provided such increase conforms to the Comprehensive Plan and underlying Land Use District;*
- b) Increase in lot coverage or impervious surface (overall or reallocated between development phases) by no more than ten (10) percent over that which is approved;*
- c) Reduction in open space or landscaping by no more than ten (10) percent over that which is approved;*
- d) Increase in overall automobile parking spaces by ten (10) percent over that which is approved;*
- e) Land use. No change in land use shall be permitted without a major modification to the Master Plan Development (Concept Plan) approval;*
- f) Proposals to add or increase lot coverage within an environmentally sensitive areas (sensitive lands) or areas subject to a potential hazard shall require a major modification to the concept plan;*
- g) Major changes in the location or configuration of proposed lots, blocks, buildings, streets, parking lots, utility easements, landscaping or other site improvements shall require a Major Modification pursuant to Chapter 4.6. "Major" in this subsection means by more than twenty (20) percent for setbacks, or more than twenty (20) feet in the alignment or placement of the features listed herein; and*
- h) Other substantial modifications not allowed as Minor Modifications in A-G, above, shall require approval of a major modification, in conformance with Chapter 4.6.*

FINDING:

Below are relevant conditions of past Detailed Development Plan approval (case file MP 14-01)

Condition of Approval 12 from Detailed Development Plan #MP-14-01 requires that the Applicant, or future developer, of the CN and RH zoned lands shall submit Type III detailed development plan for review and approval prior to development of these areas.

Condition of Approval 3 from Detailed Development Plan #MP-14-01 requires that the Applicant to enter into an Infrastructure Agreement, section 2.1.2 of which states that:

"Construction of the improvement of the Ellendale and Barberrly intersection shall the responsibility of the Developer. City will contribute 10 percent of the total intersection project cost, which shall be payable to the Developer or may be applied directly to the cost of construction at the time of construction. Construction of the Ellendale and Barberrly Intersection must be completed concurrent with development within the portions of the Property zoned Commercial and Residential High Density. Specific conditions related to the construction of the Ellendale and Barberrly Intersection, such as timing and possible phasing of the improvements, shall be addressed through the Detailed Development Plan review process"

Staff note that the plans provided do not depict the extension of Barberrly Avenue and completion of the Ellendale and Barberrly intersection concurrent with this development. The applicant has stated they will provide as a deferred submittal proposed conditions on the future timing/phasing of the improvement. With such condition, this criterion may be satisfied.

LAND DIVISION PRELIMINARY PLAT

CRITERION:

DDC.4.3.070.A.1. - The proposed preliminary plat complies with the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;

FINDING:

Article 3 (Design Standards) Findings:

The applicant's description of the project as a "Minor Project" is incorrect. The project involves a Land Division and Master Planned Development, which constitutes this proposed project as a "Major Project," as described in DDC 3.0.020.A, such that the standards applicable to a Major Project must be met.

Chapter 3.1 provides standards regarding **access and circulation**. Staff note that the number of street access points for multi-family developments "shall be minimized" (DDC.3.1.020.G) and driveways are limited to 32 feet in width (DDC.2.2.100.C.1.e), standards with which the continuous driveway approaches proposed for the apartment garages are not consistent.

Chapter 3.3 provides standards regarding **parking** for automobiles and bicycles, and is required for "Major Projects." Required parking for single-family dwellings (attached or detached) is 2 vehicle stalls, to be evaluated at the time of building permit review. Required parking for multi-family uses is based on the number of bedrooms, and is to be evaluated as part of the site design review process for the multi-family site, to be considered at a future date.

Chapter 3.4 provides design standards that apply to **public facilities**, including transportation, sanitary sewer, water service, and storm drainage improvements. Engineering plans must be submitted to the City for review and approval before construction.

Regarding **Streets and Transportation Facilities**, a traffic impact analysis is required where development increases travel by 300 average daily trips or more. The applicant has stated that this site is included in the 2014 Traffic Impact Analysis for the Barberry Node, and that updated analysis is being performed in conjunction with ODOT permitting, that therefore a separate TIA should not be required with this application.

The applicant has proposed streets which do not conform to the standards of Chapter 3.4. The detailed development master plan process under DDC.4.5.040 allows the Planning Commission to approve modifications or adjustments to the standards in Article 2 and/or Article 3 without the need for variances upon finding that all of the following criteria are met:

- a) *Comprehensive Plan. The modification or adjustment is consistent with the policies of the Comprehensive Plan, and equally or better meets the intent of the Development Code section(s) to be modified, as compared to a project that strictly conforms to code standards.*

- b) *Public Benefit. The modification or adjustment shall result in an overall net benefit to the public through low-impact development (i.e., project exceeds the minimum standards of Section 2.2.090), greater variety of housing, greater affordability in housing, more open space or more usable open space, greater protection of natural features, greater protection of scenic views or vistas, avoidance of natural hazards (e.g., geological hazards, streams, or other drainageways), exemplary architecture, and/or improved transportation planning in new development. In evaluating this criterion, the Planning Commission shall consider whether the proposal on balance exceeds the City's minimum requirements.*
- c) *Public improvement standards and engineering design criteria shall not be modified without variance to such standards approved by the City Engineer. The City may grant such variances concurrently with the master planned development;*
- d) *Residential densities shall not exceed the density allowed under the applicable land use district in Article 2. Where the land use district allows a density bonus subject to Section 2.2.090, the total number of dwelling units shall not exceed the maximum density allowed by the district; and*
- e) *Industrial and commercial uses, if not otherwise allowed in a Residential District, shall not be allowed in a Residential District master plan.*

Planning staff do not believe that the public benefit has been sufficiently demonstrated, and recommend a condition of approval that the streets be constructed to criteria standard, however the Planning Commission should evaluate the proposed modifications on the merits specific to this application, for which the code specifically allows modification but which the applicant has the burden of proof of justifying. While exceptions have been granted in prior phases, Staff disagree with the applicant's assertion that prior approval of modified street sections elsewhere also apply to this proposal, as follows.

The previously approved modified design of Barberry Avenue, approved in 2017 in file #MOD-17-04, was explicitly requested and approved only for that portion of Barberry Avenue between Academy Street and Hankel Street (terminating on the south side of Hankel Street). Staff are generally supportive of the extension north of Hankel of the multi-use path in-lieu of the northbound bike lane, but have concerns about the possible need for turn lanes in the high-density residential and commercial areas, which the applicant states a willingness to accommodate, but does not specify where such lanes would be provided.

The previously approved modified design of Hankel Street, approved in 2020 in file #MOD-18-01, was approved only on the site of the former drive-in theater. This approval was specifically because the modification of the master plan to develop the drive-in theater for residential use made apparent the need for a through street, but the authority of the City to require a standard width collector at a location not depicted on the Dallas Transportation System Plan was ambiguous, an ambiguity that does not exist elsewhere on Hankel.

The previously approved modified design of local streets, approved in 2020 in file MP-20-02, was specifically approved on the site of Highland Gleanns 1, and the record does not indicate this was intended to be binding on future phases for which no plans had been submitted.

Planning staff do not support the proposed half-street abutting the radio tower property, designated SE Boysenberry Avenue in applicant's plans. There is nothing in Code allowing half-street development, and where exceptions have been allowed in the past it was abutting sites with near-term development potential; in this case, there is nothing in the record to indicate that the radio tower property will be redeveloped anytime in the foreseeable future. Therefore, if the development is approved by the Planning Commission, a recommended condition of approval should require this section to be constructed as a local street with 30 feet curb-to-curb, and 5 foot sidewalk and landscape strip on the south side. The additional 4,000 square feet of pavement this requires, which would be presumed to accommodate an additional 28 on-street parking spaces, can be found to be roughly proportionate to the impact of 173 new dwellings, being 23 square feet of pavement per dwelling.

CRITERION:

DDC.4.3.070.A.7. - If any part of the site is located within an Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

FINDING:

2.6.040.A. - Land Uses.

The majority of the development site is proposed for single-family detached dwellings and single-family attached dwellings (townhomes). The Barberry Mixed Use Node Land Use Allocation table, which specifies the approximate number of acres and dwellings to be constructed within the node, specifies that there are to be 320 dwelling units of "Multiple Family Residential."

Chapter 6.1 defines multifamily housing, also known as Multi-Dwelling Development, as being "a grouping of individual structures where each structure contains one or more dwelling units, and the land underneath the structures is not divided into separate lots..." In the examples given, multi-family development is three or more dwellings on a single property, thus duplexes and townhomes on individual lots do not qualify as multi-family.

The Applicant is responsible for development of 75% of the multi-family land within the Barberry Node, which would therefore be expected to accommodate at least 240 multi-family dwelling units. The proposal includes only 60 multi-family units, and does not demonstrate how the remaining multi-family land under the applicant's control will accommodate the difference. The applicant has proposed that a condition of approval impose a development agreement binding on the undeveloped land requiring the development of such multi-family units with future phases.

2.6.040.C. - Multi-Family Residential.

The master plan is required to reserve at least 10% of the multiple-family area for active recreational play areas. This 10% is "in addition to" meeting setback, buffering, and lot coverage standards of the underlying zone. No play areas are shown in the plans.

The applicant has proposed that instead of individual play areas with each development, that the active recreational play areas be consolidated into a single publically accessible site serving the entire high-density area, to be constructed as part of a future phase. DDC.2.2.120.H.3.e enables the decision-making body to grant an exception to the common open space requirement for multi-

family projects containing fewer than 24 dwellings which are located within 1,320 feet for a public park, or if a park is not developed, to accept improvements to park land comparable to the on-site requirement.

With the proposed conditions of approval, this criterion may be satisfied.

CRITERION:

DDC.4.3.070.B.2. - Setbacks shall be as required by the applicable land use district (Article 2).

FINDING:

The applicant has requested a master plan adjustment to the front-yard and side-yard setbacks within the development. As the master plan approval has ability to supersede the base zoning, this criterion logically does not apply for those items approved for adjustment. Per the applicant's site plan and narrative, it appears all remaining setbacks not subject to adjustment can be met. Therefore this criterion is satisfied.

CONCLUSION:

With the recommended conditions of approval the application may be found to meet the criteria

RECOMMENDED MOTION:

I move to approve the Detailed Development Plan and Preliminary Subdivision plan for Highland Gleanns 2, case file MP 22-02, with the conditions stated in the staff report.

RECOMMENDED CONDITIONS

Should the Planning Commission decide to approve the application(s), city staff recommend the following conditions:

- 1) The project shall be completed in accordance with the general criteria, plans and specifications, documents, and all other information presented to/or modified by the Planning Commission.
- 2) The final plat shall be submitted within 2 years of the date of this order or this approval shall lapse, unless extended pursuant to DDC.4.3.050.D.
- 3) Detailed Development Plan approval shall expire if the final plat is not filed within three (3) years from the date of approval. The City shall grant an extension upon written request by the Applicant and payment of the required fee provided the criteria found in DDC 4.5.070.C are met.
- 4) Prior to Construction Plan Approval:**
 - a) The Applicant shall submit detailed construction plans for review and approval by the Engineering Services Department, per DDC.3.4.070. This shall also include all necessary permit applications and studies as required. Plans submitted to the city for this permit are to demonstrate compliance with the Dallas Specifications and Oregon Supplemental Specifications and City of Dallas Standard Drawings.
 - b) No work on the site shall commence until all permits and approvals have been secured from the Engineering Department, except for work allowed under separate permits.
 - c) The Applicant shall obtain applicable state and federal permits for the development, including but not limited to a National Pollutant Discharge Elimination System (NPDES) 1200c permit for construction activity (e.g. clearing, grading, excavation).

- d) The construction plans shall include the location of street trees, consistent with DDC.3.2.040.
- e) The construction plans shall show the full length of SE Boysenberry Avenue to have a curb to curb paved width of 30 feet, with a 5 foot sidewalk and landscape strip on the south side.
- f) The construction plans shall show the remaining local streets developed to criteria width with a 50 foot right-of-way.

5) Prior to Final Plat Approval:

- a) The Applicant shall submit a final plat for approval by the Planning Director within two (2) years of this order.
- b) The Applicant shall provide a two-year warranty bond valid for 15% of the total cost of public improvements, per DDC.3.4.090.G.
- c) All public improvements shall be installed as approved by the Engineering Department, except those improvements the City at its discretion allows to be deferred, provided that the Applicant sign a deferred improvement agreement and provide a performance bond of 110% of the cost of the deferred improvements, per DDC.3.4.090.
- d) All grants of easement and rights of way shall be shown on the final plat.
- e) City approved street names, including the appropriate street name prefixes, shall be shown on the final plat.
- f) A final draft of the CC&Rs shall be submitted for review. Such CC&R's shall demonstrate provisions for ongoing maintenance of required street trees installed on private property, for ongoing maintenance of private open space, if any, and the homeowner's responsibility to maintain adjacent vegetated stormwater facilities, if any.
- g) A development agreement shall be recorded against the remainder parcel guaranteeing future development of the applicant's proportionate share of the remaining unbuilt multi-family units, and dedication and improvement of common active recreational play areas and open space equal to 10% of the multi-family area.

6) Prior to Building Permit Approval for each lot:

- a) The Applicant shall record the final subdivision plat at the Polk County Assessor's Office within 60 days of signature by the City, and provide the City a reduced-size copy of the recorded plat.
- b) The Developer / Home Builder shall provide a final soils engineering report for City review and approval. The report shall include, but is not limited to, the location and depth of fill by lot, a compaction report, and a soil expansive index rating for the development. If the soils report has an expansive index rating over 20 or soil bearing under 1500 PSF, then the lot shall have a specific evaluation report regarding soil issues and engineered solutions for the foundation systems.
- c) A site survey establishing building location shall be required before approval to place concrete for building foundations if property pins are not in place at the time of residential construction (e.g. post-monumentation).
- d) The Applicant shall comply with all applicable Building and Fire Code requirements.

EXHIBITS:

- 01 - Notice of Public Hearing
- 02 - Applicant's Plans
- 03 - Applicant's Narrative

APPENDIX: PRIOR LAND USE HISTORY

Below is a short summary of actions (shown in chronological order by year) that pertain to the subject property. The subject property is recognized as part of the Barberry Node Master Plan.

- 1998 – Barberry Mixed Use Master Plan Node established in Dallas Comprehensive Plan
- 1999 – Barberry Node concept plan adopted.
- 2010 – Citywide Rezoning (Ordinance #1711). Site changed to RL- Residential Low Density with Barberry Node overlay
- 2014 – Planning Commission approves applicant’s Detailed Development Plan #MP-14-01, which shows area north of Hankel Street as RH – High Density Residential and CN – Neighborhood Commercial.
- 2016 – Infrastructure Agreement signed identifying public improvements, including requirement that Barberry Avenue be extended to Ellendale prior to development in the RH and CN areas.
- 2017 – Planning Director approves #MOD-17-04, modifying street layout, eliminating alleys south of Salmonberry, and modifying the width and design of Barberry Avenue south of Hankel. (SUBJECT PROPERTY NOT INCLUDED IN THIS ACTION)
- 2017 – Settlement Agreement signed by City Manager, city zoning map changed to show Drive-In site as RH – High Density Residential and RM – Medium Density Residential. (SUBJECT PROPERTY NOT INCLUDED IN THIS ACTION)
- 2018 – Planning Director approves #MOD-18-01 for residential development of south half of former Drive-In site, including modifying width and design of SE Hankel on the Drive-In site. (SUBJECT PROPERTY NOT INCLUDED IN THIS ACTION)
- 2020 – Planning Commission approves Highland Gleanns 1, file #MP-20-01, on the north half of the former Drive-In site, including modifying width and design of Mulberry Street.
- 2022 – Highland Gleanns 2 application received.

CITY OF DALLAS
NOTICE OF PUBLIC HEARING
Detailed Development Plan #MP-22-03

PROPERTY LOCATION: Vacant land north of the terminus of SE Barberry Avenue (see map on reverse)

APPLICANT: Meadows Investment LLC

NATURE OF REQUEST: Establish a detailed development plan within the Barberry Node Mixed Use Master Plan overlay zone to include lots for 27 single-family detached dwellings, 86 single-family attached (rowhouse) dwellings, and 60 apartments. Proposal includes exceptions to roadway standards.

APPLICABLE CRITERIA: DDC Chapter 4.5 – Master Planned Developments
DDC Chapter 4.3 – Land Divisions

HEARING DATE / TIME: 7:00 p.m. Tuesday, September 13, 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 request for the master plan approval specified 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 decision makers 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 during 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 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.



Dated: August 31, 2022

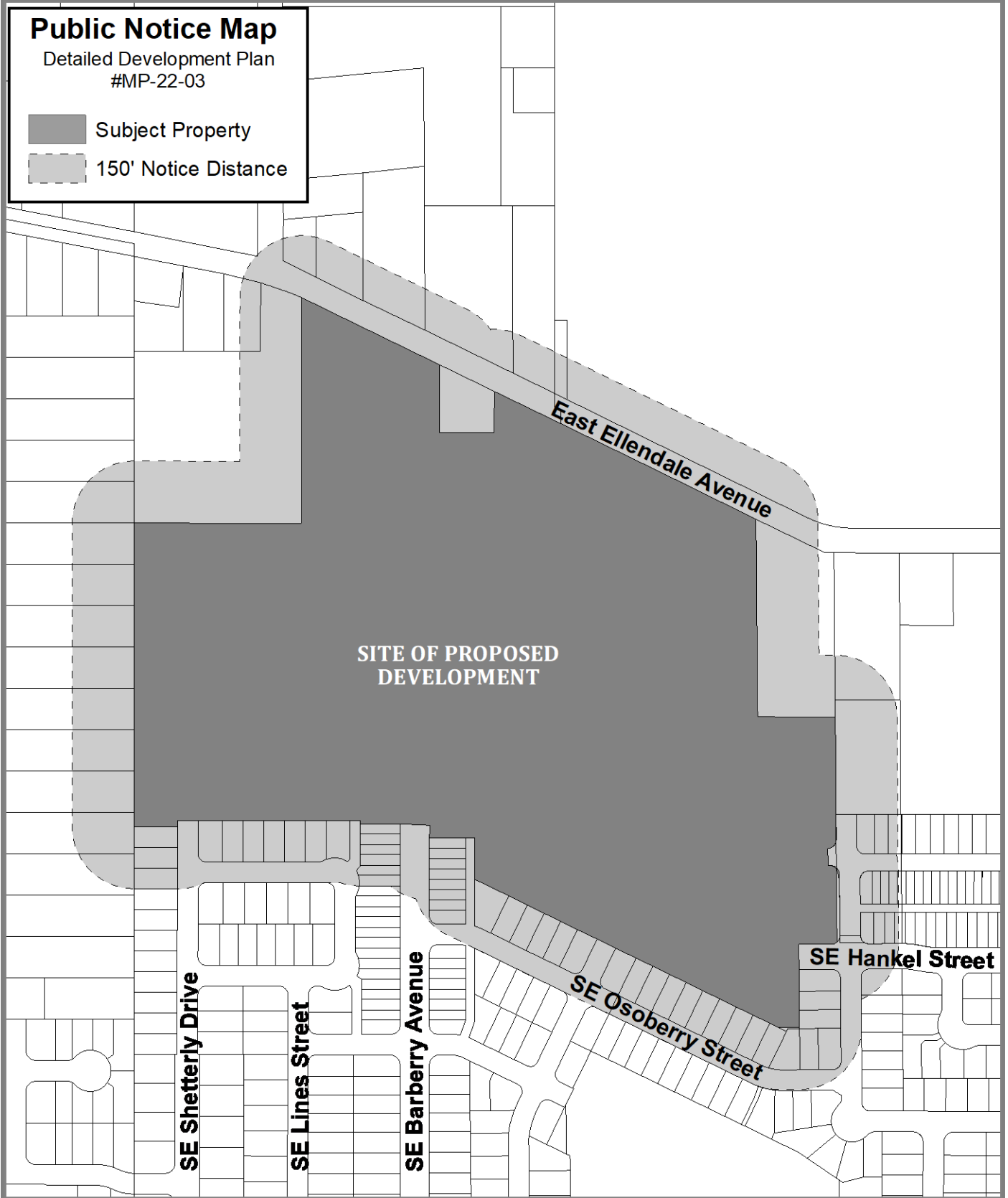
NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER, ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

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.

Public Notice Map

Detailed Development Plan
#MP-22-03

-  Subject Property
-  150' Notice Distance



ENGINEERING SERVICES DEPARTMENT COMMENTS
Land Use Application Technical Notes

File Number: **MP-22-03**

Date: **07 September 2022**

Person Commenting: **Tom Gilson**

The Engineering Services Division of the Dallas Public Works Department has reviewed the proposed modified street design for Highland Gleanns 2, and has identified no concerns with the proposed modifications, including half-street improvements and elimination of planter strips.

The proposed street improvements (pavement and sidewalks) will accommodate projected traffic, and the city utilities and street trees ordinarily installed within the right-of-way will be accommodated in easements of sufficient size on the private property.

To accommodate fire apparatus access, streets less than the standard 30 foot paved width will be designated as no parking zones.



**Master Plan Detailed Development Plan
Dallas Planning Department
Development Code Type III**

Official Use Only:
 File No.: _____
 Date: _____
 Fee: _____ PAID

The second step in the Master Planned Development review and approvals process is the approval of a DETAILED DEVELOPMENT PLAN. The Detailed Development Plan is reviewed using the Type III procedure to ensure substantial compliance with the approved Master Planned Development Concept Plan. Review of a Detailed Development Plan may be combined with the Master Planned Development Concept Plan or preliminary subdivision plat/site design review applications (Dallas Development Code (DDC) Chapter 4.5). NOTE: A Pre-Application Conference is required before an application is submitted. To request approval for a Detailed Development Plan, please complete this application form and return it with attachments to the Dallas Planning Department, City Hall, Second Floor, 187 SE Court Street, Dallas, Oregon 97338.

Section 1 – Applicant Information

Name(s): MEADOWS INVESTMENT, LLC
 Mailing Address: P.O. Box 968, Dallas, OR 97338
 Email: DON JAMES → donj@fregllc.com
 Phone Number: 503-623-5373 Cell Number: Don James 503-539-5778

Section 2 – Property Owner Information

Property Owner(s): SAME
 Mailing Address: _____
 Email: _____
 Phone Number: _____ Cell Number: _____

Section 3 – Project Description

Please describe your project:
114-lot residential subdivision with single-family detached, single family-attached, and multi-family residential units
 Site Address: 7.5.27C - Tax Lots 201, 100, 6400, 6500 Total Land Area: 12.18
 Assessor Map/Taxlot No. → Zoning: RM, RH, CN
 Mixed Use Node: Barberry
 Present Use of Property: Grass Hay Production

Section 4 – Application Submittal Information

Please submit one electronic copy (pdf format preferred) and one paper copy of the information listed below. All items must be submitted unless waived by the Planning Official.

- Completed application form
- Application fee
- Narrative report or letter documenting compliance with the applicable approval criteria contained in DDC Section 4.5.090.



Highland Gleanns, Phase 2
Planned Development
Type I Residential Subdivision
and
Type III Master Plan Detailed
Development Plan
Applications

Prepared For

Meadows Investment, LLC
P.O. Box 968
Dallas, OR 97338

*Submitted
July 2022*

PROJECT INFORMATION SUMMARY

- Purpose of Application: The Applicant is submitting this Highland Gleanns Phase 2 Subdivision Application and a Master Plan Detailed Development Plan application for a master plan development consisting of 114-lot residential subdivision with single-family detached, single family attached, and multi-family residential units in conformance with the overall Barberry Node Master Plan.
- Subject of Application: This development is comprised of Assessor's Map 7.5.27C -Tax Lot 201 and portions of Tax Lots 100, 6400, and 6500.
- Zoning: The property is currently zoned Residential Medium Density (RM), Residential High Density (RH), and Neighborhood Commercial (CN).
- Property Owner: Meadows Investment, LLC
- Applicant: Meadows Investment, LLC
- Applicant's Representative:

Project Delivery Group, LLC – 200 Hawthorne Ave SE ▪ Salem, OR 97301

- Contact: Lee N. Brennan, PE ▪ (503) 364-4004 ▪ leeb@pdgnw.com
- Contact: Mark B. Ferris, RLAE ▪ (503) 939-3723 ▪ markf@pdgnw.com

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Exhibits:

Exhibit A – Lot Layout

Exhibit B – Site Plan

Exhibit C – Preliminary Utility Plan

Exhibit D – Proposed Collector Street Cross Sections – Barberry Avenue and Hankel Street

Exhibit E – Proposed Local Street and Alley Cross-Sections

I. SUBJECT OF APPLICATION:

The Applicant is proposing to develop Highland Glenns Phase 2 - a master planned development consisting of a 114-lot residential subdivision consisting of single-family detached, single-family attached, and multi-family units in conformance with the overall Barberry Node Master Plan. This narrative is prepared for a Type I Subdivision and a Type III Master Plan Detailed Development Plan Applications for Highland Glenns Phase 2.

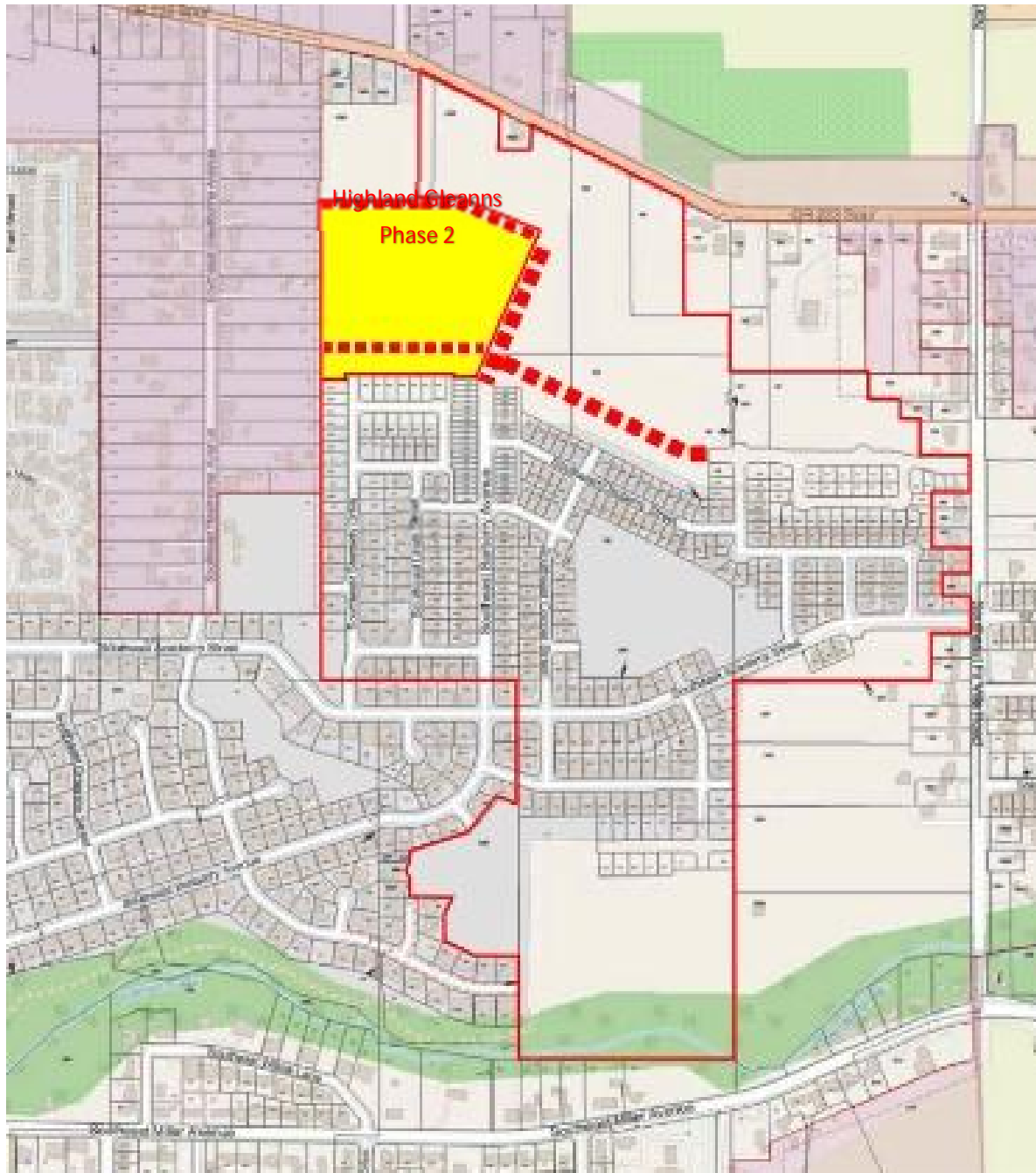


Figure 1: Location Map within the Applicant's Portion of the Barberry Node

II. BACKGROUND INFORMATION:

The property is currently vacant and comprises an area of approximately 12.18 acres (8.54 net acres). The property has historically been farmed, and the topography is relatively flat, draining northwest to southeast with an average slope of approximately 3%. The property is predominately covered with planted grasses and weedy forbs with no trees on the site.

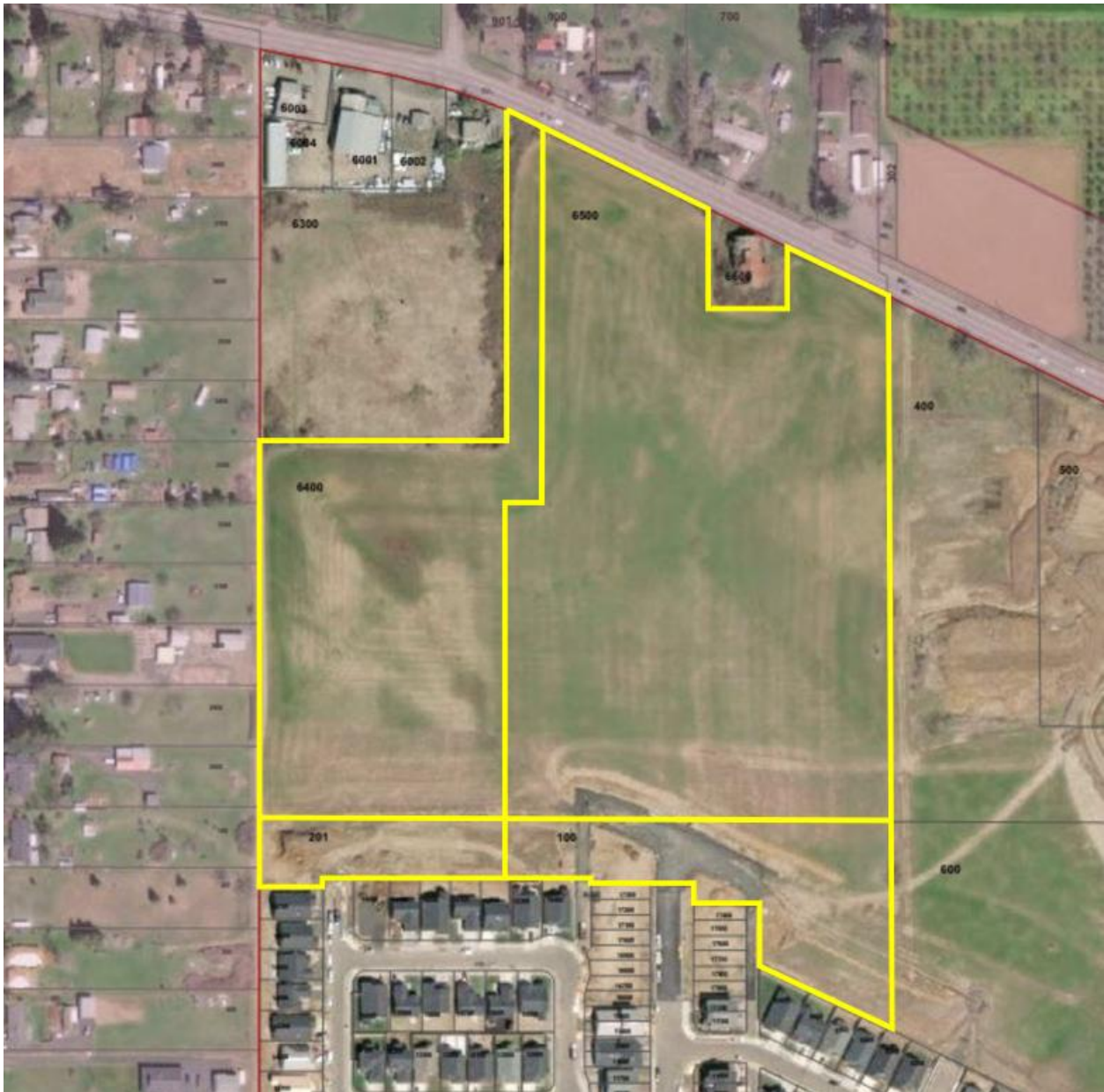


Figure 2: Existing Conditions (Polk County GIS)

The proposed Highland Gleanns Phase 2 development is comprised of Polk County Assessor's Map 7.5.27C - Tax Lot 201 and portions of Tax Lots 100, 6400, and 6500.

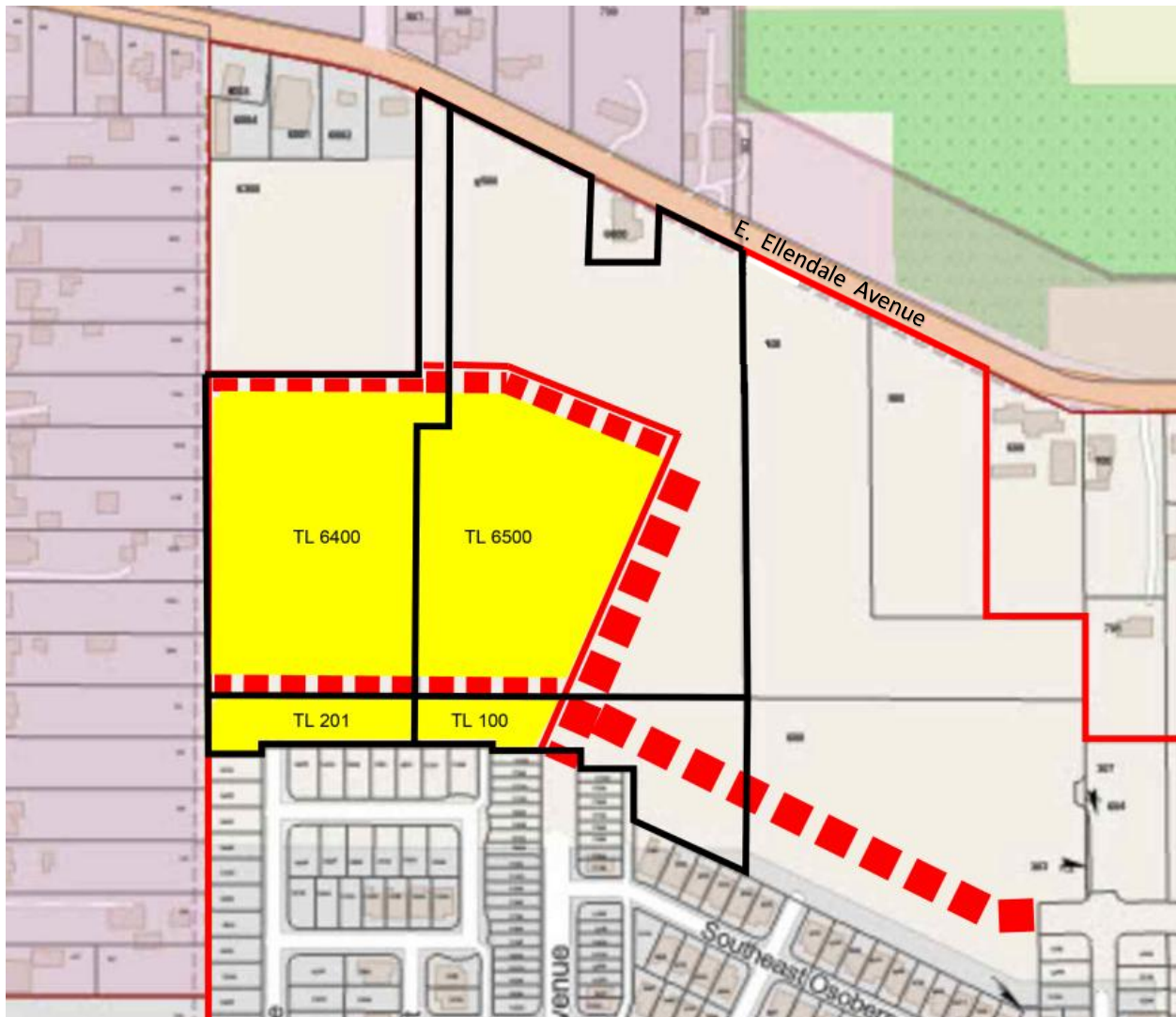


Figure 3: Polk County Assessor's Map (Polk County GIS)

No traffic issues or intersection service level failures have been identified at the major intersections associated with the Barberrry Node. The Applicant is currently in the process of working with the Oregon Department of Transportation (ODOT) and the City on addressing the improvement and signalization of the future connection of Barberrry Avenue with East Ellendale Avenue (State Highway 223). It is anticipated that this will be a two-year process in obtaining the required reviews, approvals, and permits to facilitate initial development of the intersection. The CN parcel development will likely not occur until the signalized intersection details and improvements are worked out and approved with the City and ODOT. Subsequent applications, review, and approvals will be needed in the future for development of the Applicants reserved parcel areas within the CN Zoning District.

With development of the Applicant's portion of the Barberrry Node, infrastructure (i.e., streets, water, sanitary sewer, storm drainage, power, cable, etc.) development has been proceeding north from Academy Street and will continue to progress in a northerly fashion up to eventual connection with the infrastructure in the E. Ellendale Avenue utility corridor. As illustrated on the Preliminary Utility Plan provided on Exhibit C, and as reviewed and discussed with City Public Works Engineering staff, there are

existing adequate public infrastructure and utility facilities available to serve this proposed development, with connection as illustrated on the preliminary utilities plan.

There are no railroad tracks or railroad crossings in proximity to the Project or that would be significantly affected by the development of the proposed Project.

There are no navigable waters or other identified waters (wetlands, vernal pools, etc.) of the U.S. or State within the proposed Project area. A wetland fill-removal permit will not be required. An Oregon Department of Environmental Quality (ODEQ) 1200 C Construction permit is already in effect for the Applicant's projects within the Barberry Node; a suitable erosion and sediment control plan will be developed and implemented for the Highland Gleanns Phase 2 development.

The Project area is not with a mapped FEMA area of special flood hazard (i.e., floodplain, floodway, etc.).

A. Overall Zoning:

Portions of the properties comprising the Highland Gleanns Phase 2 development are split into three districts on the City of Dallas zoning map – Residential Medium Density (RM), Residential High Density (RH), and Commercial Neighborhood (CN). The proposed Highland Gleanns Phase 2 development is also part of the larger Mater Planned Barberry Mixed Use Node. The Master Plan designation is an overlay zone that applies over the base land use districts of Article 2 and allows a wider range of land uses than would be allowed by the base districts alone. Overall density calculations are provided later in this application.

In regards to the CN zoning area within the Barberry Node pertaining to the land the Applicant controls, with the Applicant's purchase of Taxlot 500 (identified as "1725" on the City's zoning Map), the proposed Highland Gleanns 2 subdivision development, and the conceptual layout of the remaining areas of development with the Applicant's portion of the Barberry Node, the Applicant has reserved the required amount of lands for CN zoning development. At the time of the approval of the MI Barberry Node master plan, MI did not have ownership of Taxlot 500, which has split zoning between CN/RH (see Figure 4 below). The Taxlot 500 parcel totals 3.1 acres and approximately 1.4 acres are CN, and 1.7 acres are RH zoned land as illustrated on the City's zoning map.

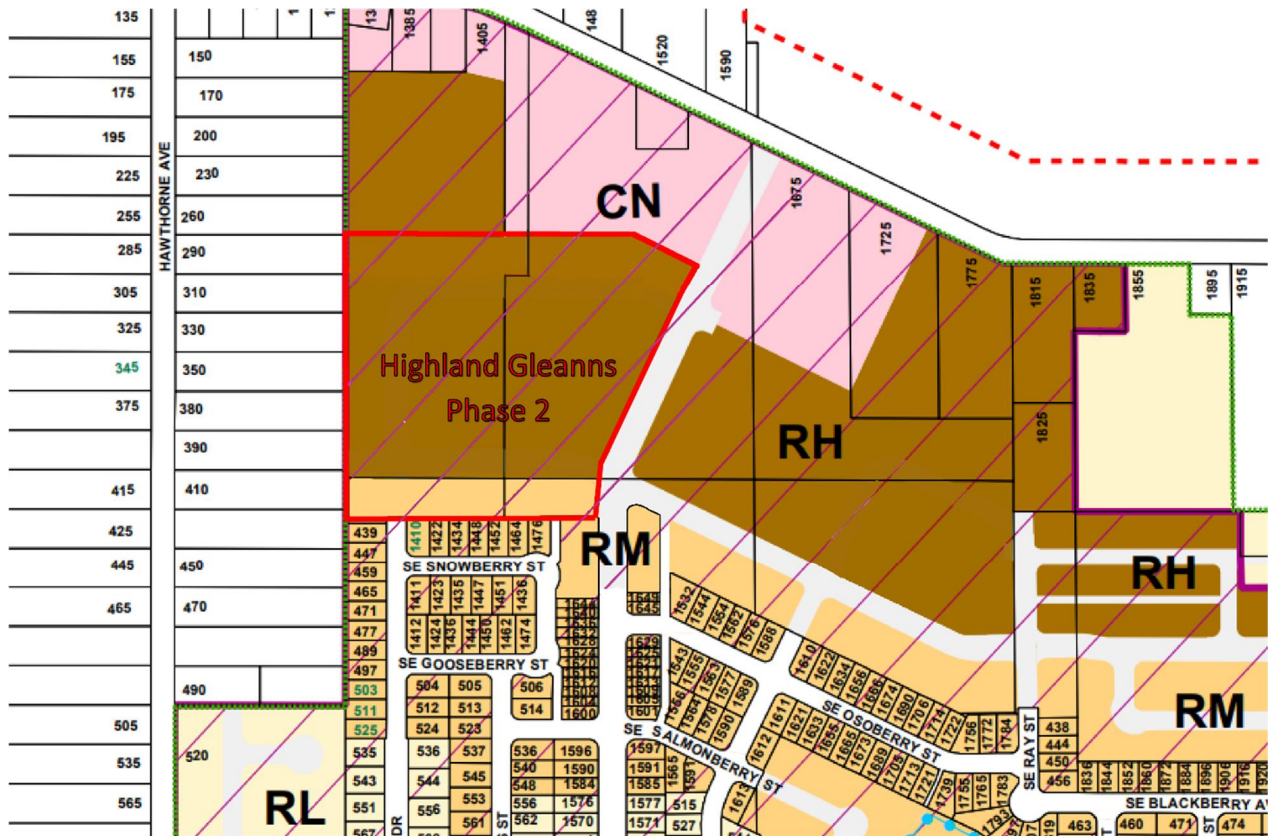


Figure 4: Current City Zoning

With approval of the MI master plan for the Applicant's portion of the Barberrry Node, the Applicant was responsible to reserve 10 gross acres for CN zoning district. With the Applicant's purchase of Taxlot 500, this would make the Applicant's portion of CN zoning district property total 11.4 (10 + 1.4) gross acres. As generally illustrated in Figure 5 below, with conceptual layout of the remaining RH zoning district land, all of Taxlot 500 would become CN zoned land, and the CN land under the Applicant's ownership now totals approximately 11.6 gross acres, being generally located between the Southerly right-of-way of E. Ellendale Avenue and the conceptual centerline alignment extension of Boysenberry Street to the Applicant's westerly and easterly property lines. Thus, the current conceptual layout (in particular to Highland Gleanns 2 development) meets the requirements for the reservation of the required amount of CN zoning district lands for future development.

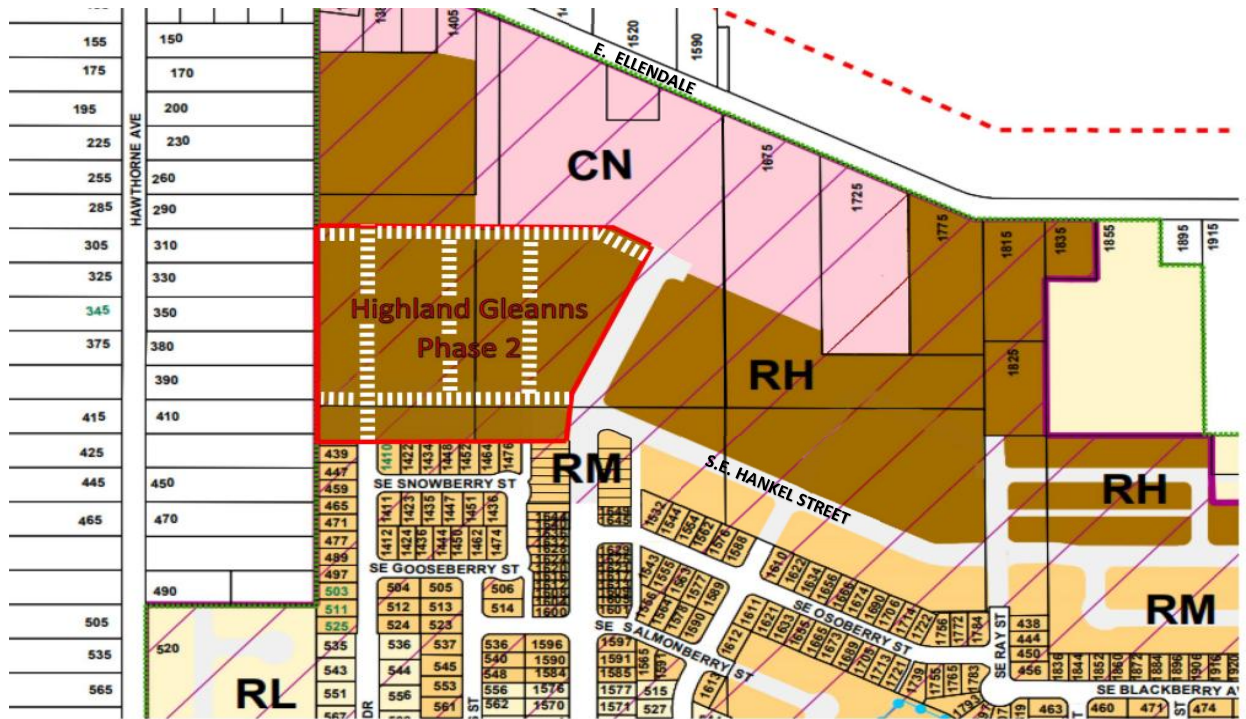


Figure 5: Proposed Zoning Modification

III. APPLICANT'S REQUEST:

The Applicant is requesting through a combined review and approval process for a Type I Subdivision and a Type III Master Plan Detailed Development Plan for Highland Gleanns Phase 2 which consists of a 114-lot residential subdivision: 11 single-family detached lots and 4 single-family attached lots within the RM zoning district on 1.42 net acres; 16 single-family detached lots, 82 single-family attached lots, and one 60-unit multi-family lot (apartments: 5 buildings with 12 units each, 3 stories) within the RH zoning district on 7.12 net acres. The Preliminary Site Plan provided in Figure 6 below and in Exhibits B and C provide the preliminary lot layout and site plan for the proposed Highland Gleanns Phase 2 development.



Figure 6: Preliminary Site Plan

The conceptual layout for the multi-family lot development (Lot 112) illustrates the general layout of the buildings (including 12 garage units), parking/vehicle access areas, open space/play areas, and walkways on the multi-family lot, as illustrated on the subject exhibits. The multi-family development concept plan has been provided with these applications so that there can be a general consensus between City staff, the Planning Commission, and the Applicant regarding building orientation, parking, and vehicle access placement in review of lot and street configuration within the Highland Gleanns 2 subdivision development as proposed. Final building orientation and elevations for the multi-family development on Lot 112 will be submitted under a future separate application for Site Design review and approval.

The Highland Gleanns, Phase 2 residential subdivision is made up of several different housing types for both the single-family detached and single-family attached type lots. The single-family detached houses south of Hankel Street will be on larger lots and will be in similar to design, layout, and size as the homes in the other phases of The Gleanns at Barberry. The smaller sized single-family detached lots north of Hankel Street provide a different product with a different price range, similar to what is being developed in Highland Gleanns.

For the single-family attached lots, there are 5 different lot sizes/orientation/configuration that are proposed that will be developed with differing residence sizes and price ranges accordingly. The multi-family development on Lot 112 has been conceptually laid out as apartments ranging in size from 1 to 3-bedroom units. For density calculations, a 2-bedroom unit was utilized.

IV. CONFORMANCE WITH DEVELOPMENT STANDARDS (APPLICABLE SECTIONS)

A. Article 2 – Land Use Districts

1. Section 2.2.010 Purpose and Applicability

Residential Districts:

Residential Medium. The Residential Medium (RM) district accommodates detached single-family homes on small lots and small-scale multi-family housing, such as duplexes and townhomes, at densities between 6 and 12 dwelling units per acre under the base development standards of the district, and up to 16 dwelling units per acre where Low-Impact Development Incentives are met. Parks, schools, and other civic and institutional uses are also allowed.

Residential High. The Residential High (RH) district accommodates a mix of housing types at densities between 10 and 40 dwelling units per acre. Parks, schools, and other civic and institutional uses are also allowed.

2. Section 2.2.030 General Development Standards

Table 2.2.030 – Development Standards for Residential Districts

Applicant's Response:

Lot Sizes: The minimum average lot areas

RM: Single Family non-attached	Standard	HG 2
Average Lot:	4,000 sf	4,619 sf
Minimum Standard (80%):	3,200 sf	4,201 sf
RM: Single Family attached (interior lot)	Standard	HG 2
Average Lot:	2,000 sf	2,500 sf
Minimum Standard (80%):	1,600 sf	2,426 sf
RM: Single Family attached (corner lot)	Standard	HG 2
Average Lot:	2,500 sf	3,517 sf
Minimum Standard (80%):	2,000 sf	3,517 sf
RH: Single Family non-attached	Standard	HG 2
Average Lot:	3,000 sf	3,217 sf
Minimum Standard (80%):	2,400 sf	2,863 sf
RH: Single Family attached (interior lot)	Standard	HG 2
Average Lot:	1,500 sf	2,028 sf
Minimum Standard (80%):	1,200 sf	1,680 sf

RH: Single Family attached (corner lot)	Standard	HG 2
Average Lot:	2,000 sf	2,767 sf
Minimum Standard (80%):	1,600 sf	2,166 sf
RH: Multi-Family	Standard	HG 2
Minimum Lot:	7,000 sf	83,332 sf

Lot Width/Depth: The minimum lot width/depth lengths:

Housing Type	Standard	HG 2
RM: Single Family non-attached:	40/60 ft	40.0/97.9 ft
RM: Single Family attached (interior):	20/30 ft	24.0/97.4 ft
RM: Single Family attached (corner):	25/37 ft	29.0/106.5 ft
RH: Single Family non-attached:	30/45 ft	31.0/80.0 ft
RH: Single Family attached (interior):	15/22 ft	20.0/80.0 ft
RH: Single Family attached (corner):	20/30 ft	27.3/80.0 ft

Building Heights: Building heights will not exceed the maximums or will not be exceeded by no more than ten (10) percent greater than these standards and will be illustrated on the building permit applications.

Lot Coverage and Open Space: The lot coverage (area of impervious surfaces) standards for the RM and RH zones and the applicable minimum open space requirements for residence development will be met or will not be exceeded (lot coverage) or decreased (open space) by no more than ten (10) percent from these standards and will be summarized and illustrated on the building permit applications.

Minimum Setbacks: The minimum building setbacks are as illustrated on Exhibit B Site Plan, with the exclusion of the garage set-back, which will be a minimum of 20 feet as measured from the garage door to the right-of-way, unless a variance is requested and granted. Pertaining to the side and front yard setbacks to a collector street, the Applicant is requesting that these setbacks be adjusted through a Chapter 4.5 Master Planned Development adjustment. The Applicant is requesting that the standard side- and front-yard setback from S.E. Barberrry Avenue (major collector) and S.E. Hankel Street (minor collector) be modified from 20-feet to 12-feet for non-garage setbacks. This setback modification would be a continuation of what was approved for Highland Gleanns Phase 1, Orchard Gleanns Phases 2 and 4 and The Gleanns at Barberrry (TGAB) Phase 8 developments. This setback reduction is to allow the primary residential structure and porches to be closer to the sidewalks for more pedestrian friendly interaction, matching the existing development along Barberrry Avenue and Hankel Street. This reduced setback from the collector streets will (2.2.040):

1. Maintain fire protection, security, building maintenance, sunlight, and air circulation and allow enough space for a private front yard;
2. Does not diminish street visibility from dwellings for public safety and neighborhood security;
3. Maintains compatibility between the proposed residences and existing residences along these two streets;
4. Does not increase the visual presence of vehicle storage areas or garages along the public street; and

5. Does not result in residential densities that exceed those of the zoning district or comprehensive plan.

3. Section 2.2.050 Housing Density

1. The total number of dwelling units in single family subdivisions is calculated by multiplying the total parcel or lot area in acres (including fractions to 0.01) after subtracting required right-of-way by the applicable density standard of the zone. The result is the allowable number of dwelling units, subject to compliance with applicable development standards.
2. The total number of dwelling units allowed in mixed housing developments (i.e., those that contain units other than single family dwellings) is calculated in the same manner as under subsection 'A', except that dwelling units have the following values with respect to calculating the actual density of a development proposal:
 1. Group Living: 0.25 dwelling unit per full-time resident
 2. Apartment: 0.50 dwelling unit per 1-bedroom apartment; 0.75 dwelling unit per 2-bedroom apartment; 1.0 dwelling unit per 3-bedroom or larger apartment
 3. Duplex: 2 dwelling units per duplex
 4. Single Family: 1 dwelling unit per single family dwelling (attached or non-attached)
 5. Accessory Dwelling: 0.50 dwelling unit per accessory dwelling
 6. Other Dwelling Types: Determined by Community Development Director through Type II Code Interpretation (Section 4.8) based on data and comparison to listed housing types
3. Areas reserved for private access, stormwater treatment, and open space are counted for the purpose of calculating allowable density.
4. Areas conveyed or dedicated to the public for stormwater treatment or open space, exclusive of public street rights-of-way, are counted for the purpose of calculating allowable density.

Applicant's Response: As stated previously, the Highland Gleanns Phase 2 development proposes 11 single-family detached lots and 4 single-family attached lots within the RM zoning district on 1.42 net acres; in the RH zoning district: 16 single-family detached lots, 82 single-family attached lots, and one 60-unit (assume 2-bedroom apartments) multi-family lot within the RH zoning district on 7.12 net acres.

Density Calculations:

- RM: 11 single-family (detached) + 4 single-family (attached) = 15 residential dwelling units divided by 1.42 net acres = density of 10.6 residential dwelling units/acre (RDUs/ac). Standard = 6 to 12 RDUs/ac. Barberrry Node Goal = 7 RDUs/ac
- RH: 16 single-family (detached) + 82 single-family (attached) + 1 multi-family apartment (60 each 2-bedroom units = 60 x .75 = 45 residential dwelling units) totals 143 RDUs, divided by 7.12 net acres = 20.1 RDUs/ac. Standard = 10 to 40 RDU/ac. Barberrry Node Goal = 16 RDUs/ac.

As noted above, the proposed densities are within the allowable ranges for the RM and RH zoning districts, respectively, and meet the goals for the Barberrry Mixed Use Node as listed in Table 2.6.040.

As summarized above, the proposed lots for the Highland Gleanns 2 residential subdivision within the Barberry Mixed-Use Node meet the requirements of the DDC's development standards for residential districts, with the adjustment to front and side-yard setbacks from Barberry Avenue and Hankel Street from 20 feet to 12 feet. Thus, the requirements of this Article are met.

B. Article 3 – Community Design Standards

1. 3.0.020 Design Standards - Applicability

The standards in Article 3 are applied based on whether a project is classified as a *Major Project* or a *Minor Project*. In addition, each chapter of Article 3 contains "applicability directions." Applicants must demonstrate compliance with the applicable provisions of this Development Code.

Minor Project. Minor projects are small developments and land use actions that require only Land Use Review or Conditional Use approval where no Site Design Review is required. Applicants must comply with the Development Code, including but not limited to the following as applicable:

1. Access and Circulation (Chapter 3.1)
2. Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
3. Parking and Loading (Chapter 3.3)
4. Signs (Chapter 3.6)
5. Surface Water Management (Chapter 3.7)
6. Outdoor Lighting (Chapter 3.7)

Applicant's Response: As proposed, Highland Gleanns Phase 2 is a Minor Project with the reviewing process being a Type I procedure as stated in Section 4.5.030(b-3). Provided below is a narrative which address all applicable sections of Chapter 3.

2. Chapter 3.1 – Access & Circulation

3.1.010 Purpose

The purpose of this Chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. Section 3.1.020 provides standards for vehicular access and circulation. Section 3.1.030 provides standards for pedestrian access and circulation. Standards for streets and other transportation system improvements are provided in Section 3.4.010.

3.1.020 Vehicular Access & Circulation

1. Intent and Purpose. The intent of this Section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section applies to all public streets within the City of Dallas, and to all properties that abut these roadways. This Section implements the transportation policies of the City of Dallas Transportation System Plan (City TSP).

Applicant's Response: The Applicant's proposal continues the overall Barberrry Node Street patterns both through and adjacent to the subject property, which provide for safe and orderly circulation of pedestrians, bicycles, and vehicles through the proposed development and the Barberrry Node.

Barberrry Avenue: On Figure 7-1 of the City's TSP (see Figure 7 below), the section of Barberrry Avenue through the Barberrry Node is designated as a major collector street. As was approved with Orchard Gleanns, Phase 4 and TGAB Phases 9 and 11 developments, a modified major collector street section has been implemented for Barberrry Avenue consisting of a 71-foot right-of-way and which is intended to be extended to E. Ellendale Avenue, with some potential widening for turn-lane configurations up by the intersection with E. Ellendale Avenue.

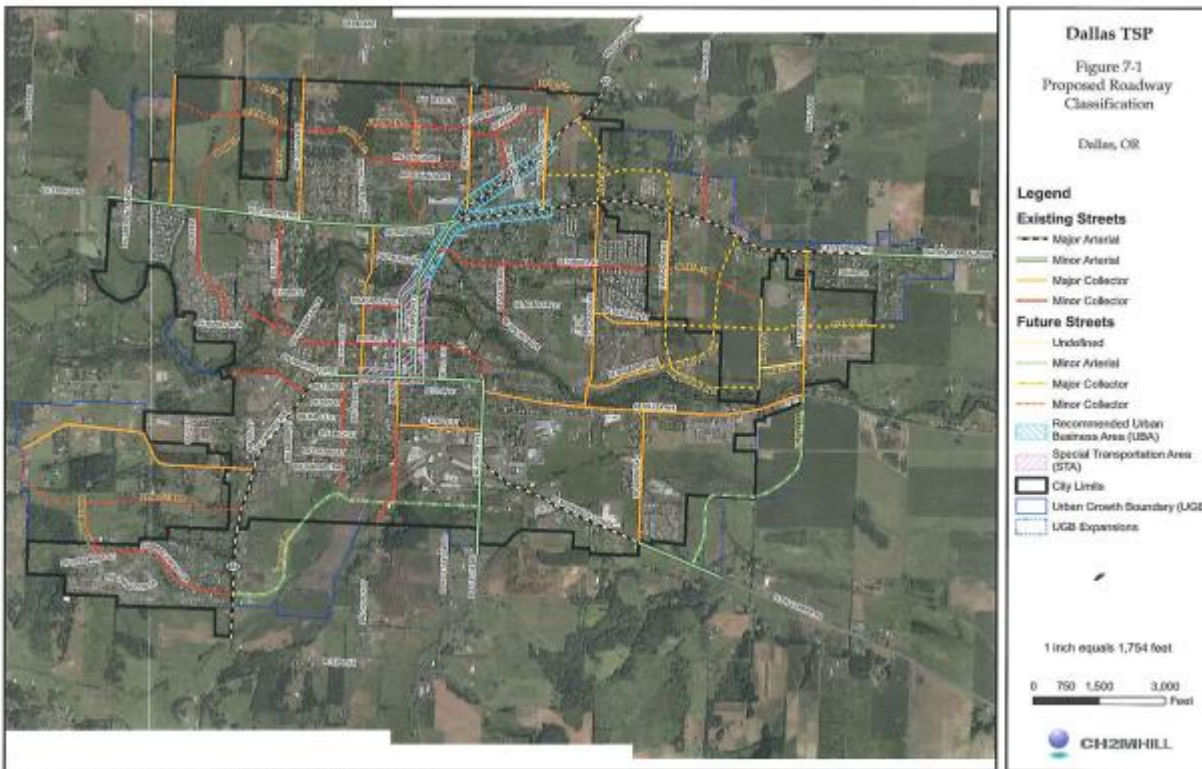


Figure 7: City TSP Major Street Designations

A comparison of the City standard collector street cross-section (illustrated in City Detail RD002, Figure 8 below) and the Applicant's proposed major collector section (illustrated in Figure 9 and Exhibit D) for Barberrry Avenue is as follows:

The City standard right-of-way for a major collector is normally 74-feet. This includes the following:

- A 14-foot two-way left turn lane or raised median
- Two 12-foot travel lanes
- Two 6-foot bike lanes (which includes the gutter section of the curb)
- No parking strips
- Two 5-foot planters (4.5-foot width available for planting)
- Two 6-foot sidewalks
- 1-foot additional buffer for property pin placement

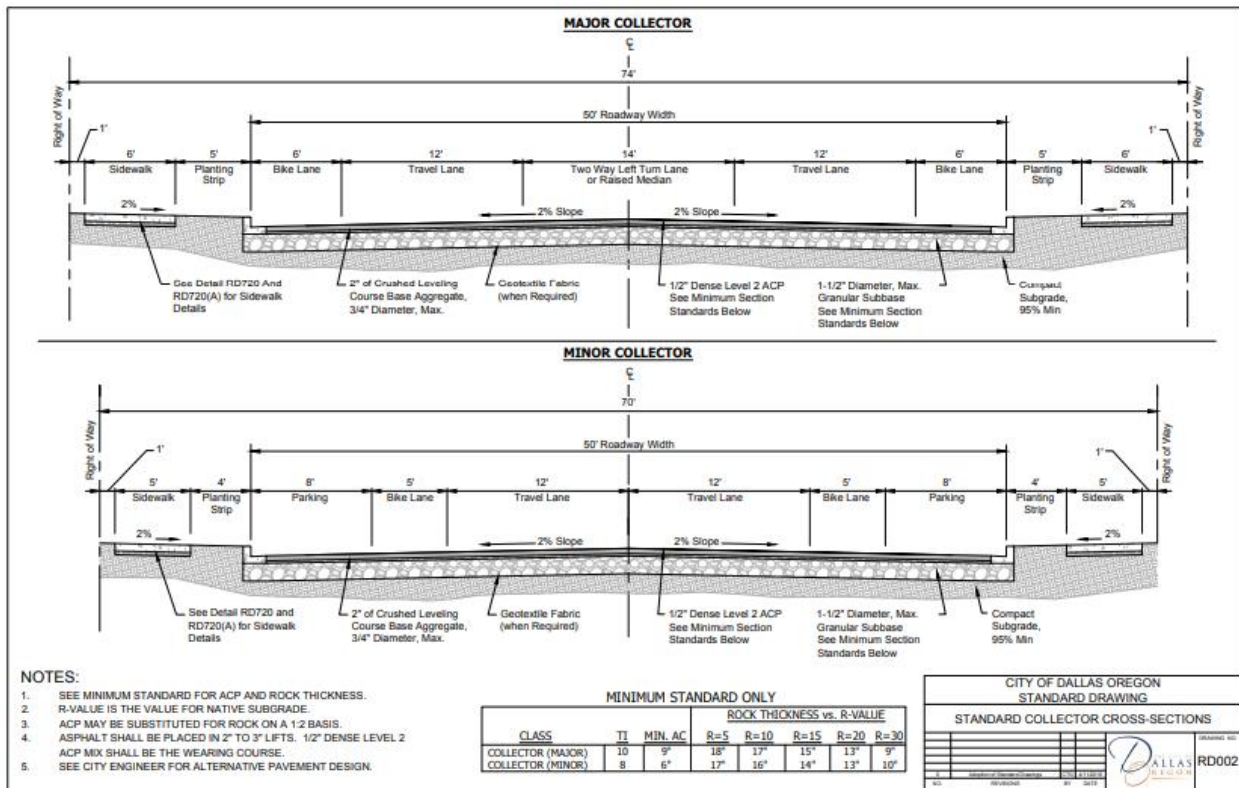
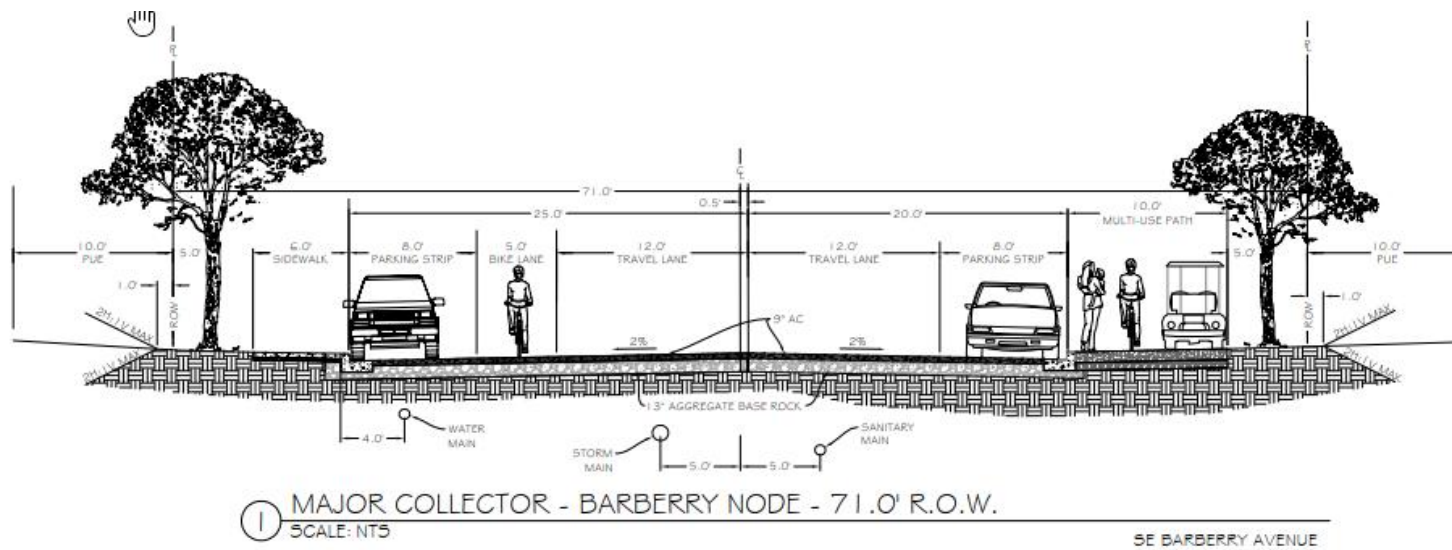


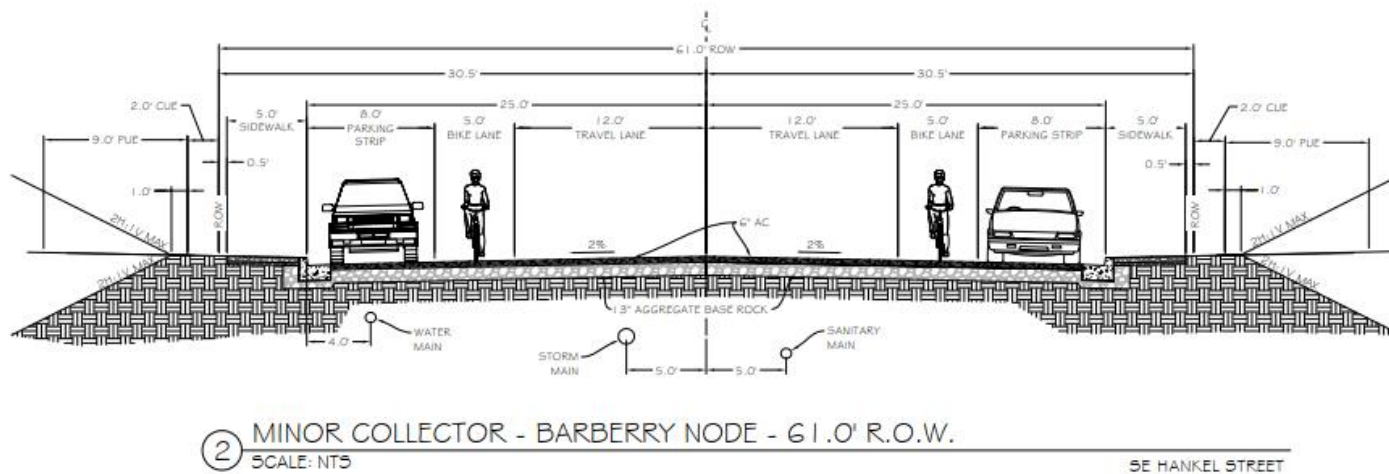
Figure 8: City Collector Street Standard

The Applicant's proposed street section for Barberrry Avenue is located within a 71-foot-wide right-of-way which includes the following:

- Two- 12-foot travel lane
- A 5-foot bike lane on the westerly side
- Two 8-foot parking strips
- A 6-foot-wide curb-tight sidewalk on the westerly side
- A 10-foot-wide curb-tight multi-use path (pedestrians, bikes, and golf carts) on the easterly side.
- Two 5-foot planter strips



SE BARBERRY AVENUE



SE HANKEL STREET

Figure 9: Proposed Barberry Node Collector Street Standards

Hankel Street: Designated as both a local street and a minor collector street in the City's TSP, the Development of Hankel Street provides an east-west connection between Fir Villa Road through the subject property and ultimately will have future connection to Hawthorne Avenue. As per the City's TSP, Figure 7-1, (Figure 10 below) Hankel Street was originally designated as a local street between S.E. Ray Street and S.E. Fir Villa. As part of the development of TGAB 8, to provide a better and more direct major street connection to Fir Villa Road, a wider, modified minor collector street was developed in lieu of the local street section to provide a higher capacity, more direct route to Fir Villa Road in lieu of directing traffic down Ray Street, through Blackberry Avenue, Wiens Street and onto Academy Street as per the City's TSP.

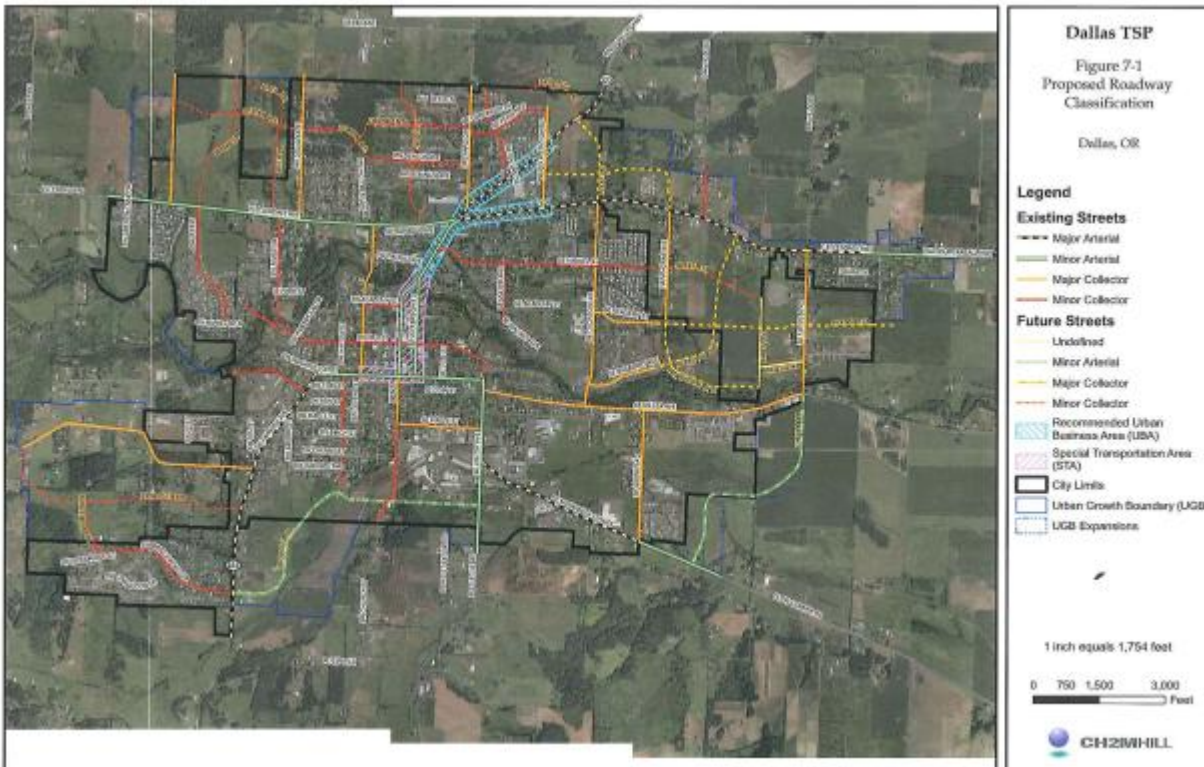


Figure 10: City TSP Major Street Designations

It is the Applicant's and our understanding that as part of the agreement with the City to build the subject section of Hankel Street through the TGAB 8 development and connection to Fir Villa Road, (i.e., constructing a minor collector street section larger than a local street section for this subject section), that this 61-foot-wide section would become the adopted section for the minor collector street section to be utilized west of Ray Street extending to a future connection with Hawthorne Avenue to the west of the Barberry Node development as per the City TSP, which is why this section was utilized in the constructed section of Hankel Street in the portion of the TGAB 8 development that is West of Ray Street. Thus, it is the Applicant's understanding that City staff and the Planning Commission designated that this revised section would be used for the remaining portion of Hankel Street that is designated as a future minor collector on the City's TSP with a future connection with Hawthorne Avenue.

As illustrated in Figure 8 above, the City standard right-of-way for a minor collector is 70-feet. As stated above, the Applicant's proposed street cross-section provides for a 61-foot right-of-way. The difference between the two is one of practicality – specifically, the elimination of the planter strip and installation of

curb-tight sidewalks. A 3.5-foot planter strip is very problematic as tree roots (even “street friendly” trees with root guards) eventually lift and break up the adjacent sidewalk. Additionally, we have all experienced problems stepping out of our cars onto landscaped areas composed of rock, bark, grass, and/or bushes to navigate to the adjacent sidewalk. Parking next to a hardscape surface is a much better and safer alternative. A 2.0-foot-wide City utility easement (CUE) is provided adjacent to the Hankel Street right-of-way to accommodate installation of City above ground utilities (i.e., fire hydrants, water meters, lateral cleanouts, etc.).

Residential Local Street in RH zoning District, Barberry Node (Shetterly Drive [North of Hankel Street], Kitzmiller Drive, “Street A” and Boysenberry Avenue not adjacent to Taxlot 1600): In order to accommodate the density requirements for the RH zone and to create an attractive and cost-effective product, the Applicant is proposing to continue utilizing the 41-foot local street section utilized in Highland Gleanns for use in the RH zoning district of the Barberry Node as opposed to the current 50-foot local street section.

The City standard for a local street is illustrated in City Detail RD003, Figure 11 below, and the Applicant’s proposed local street standard for RH Zoning District within the Barberry Node, is illustrated in Figure 12 below, and in Detail 1 on Exhibit E.

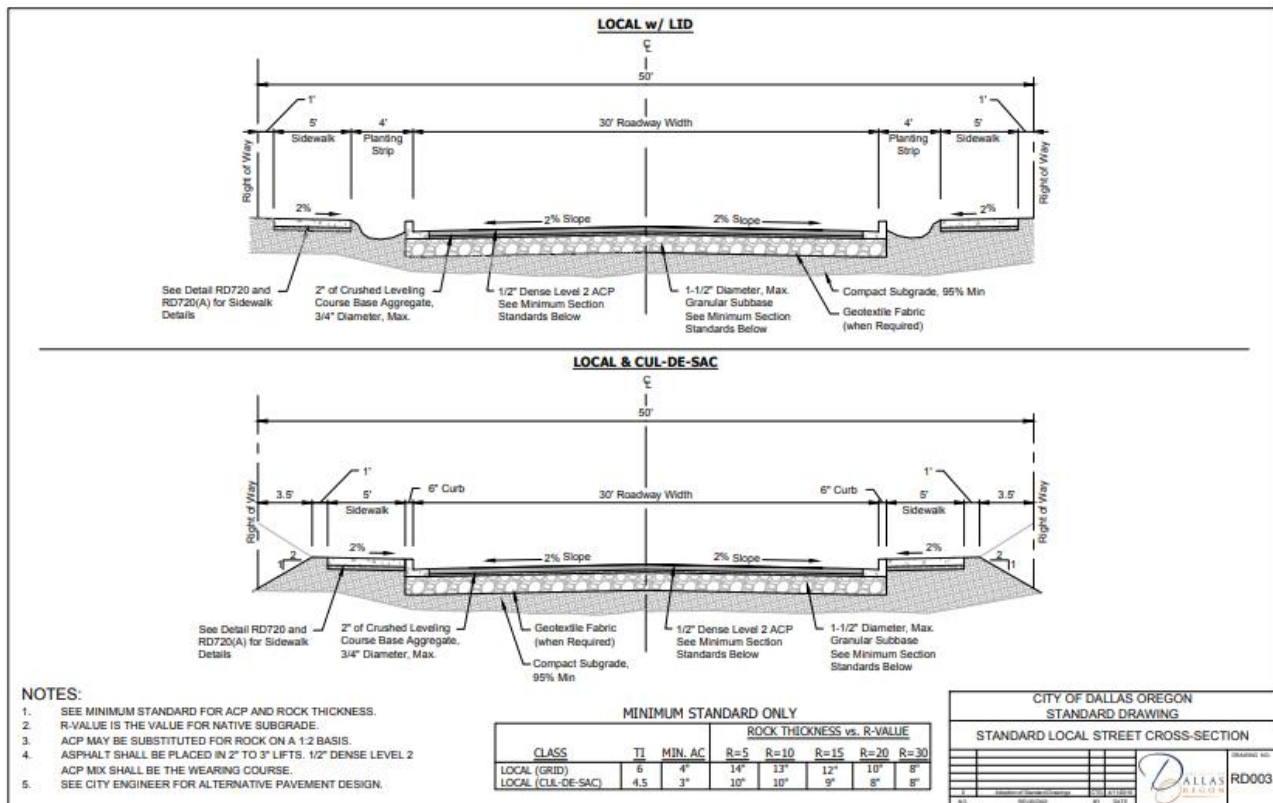


Figure 11: City Local Street Standard Section

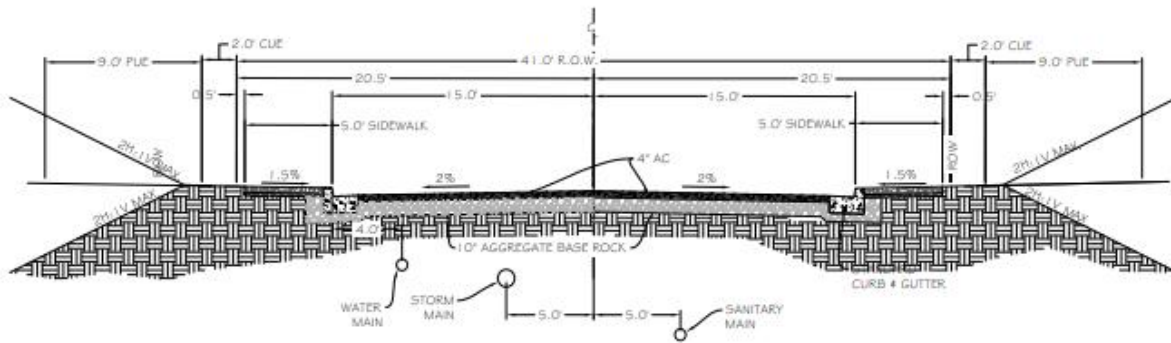


Figure 12: Proposed Residential Local Street Section for RH Zoning District within the Barberrry Node.

The 30-foot-wide curb to curb width of the proposed Barberrry Node RH zoning district local street remains the same as the City's local street standard. The City's "Local Street" standard has 4.5 feet behind the curb-tight sidewalk which we are proposing to reduce to 0.5-foot width with a 2.0-foot-wide CUE provided adjacent to the proposed local street right-of-way to accommodate installation of City above ground utilities (i.e., fire hydrants, water meters, lateral clean-outs, etc.). The City "Local w/ LID" standard section has the same issues with a 3.5-foot-wide planting strip as discussed above for the City minor collector street standard for Hankel Street above: too narrow for tree or really any landscape development and would prefer to have the proposed hardscape (sidewalk) adjacent to the curb for better ingress/egress from vehicles parked along the curb.

Residential Local Street in RH zoning District, Barberrry Node (Boysenberry Avenue adjacent to Taxlot 6300): This proposed local street runs essentially east – west and borders the northern portion of the proposed Highland Gleanns Phase 2 development and Tax Lot 6300. The Applicant is proposing a half-street section adjacent to Tax Lot 6300 which would consist of a 20-foot drivable surface (18.5 feet of AC, 1.5 feet of concrete gutter) which is equal to a "half street section plus five feet" and a 2.5-foot gravel shoulder, within a 28-foot-wide right-of-way. There would be no parking allowed on either side of the street. The Applicant attempted to acquire property for the development of the other "half-street" of Boysenberry Avenue from Taxlot 6300 (owned by Valley Broadcasting Associates, LLC), but they indicated that it would not be feasible due to the number of buried cables in the ground to service the radio tower on the parcel. The proposed cross-section for this section of Boysenberry Avenue adjoining Taxlot 6300 (to the north) is provided in Figure 13 below and on Detail 2 of Exhibit E.

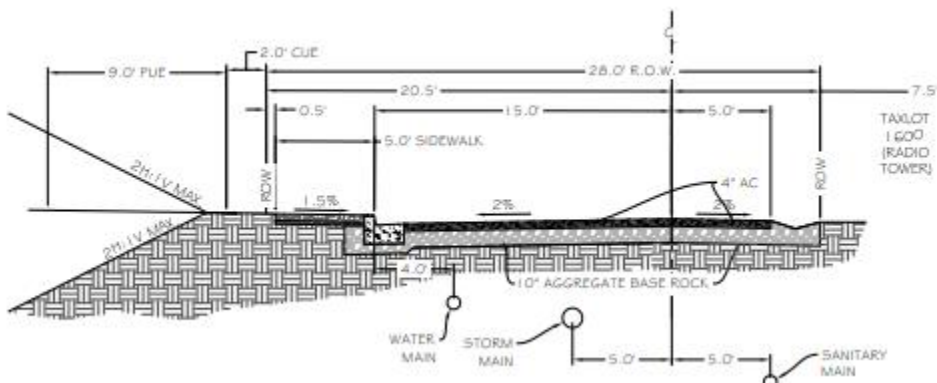


Figure 13: Proposed Boysenberry Avenue Local "1/2-Street Section" Adjacent to Taxlot 6300

Local Street (Coffeeberry Lane): At the pre-application meeting, City staff requested the Applicant consider making a “street” connection between Kitzmiller Drive and “Street A” in lieu of utilizing an alley connection (with driveway approaches) that was originally proposed. City staff requested a sidewalk for pedestrian connection between the two streets. Due to the “alley” garage nature of the back of Lots 88 to 95, the Applicant did not want to allow for parking on the street, nor development of a sidewalk adjoining the garage side of the street. So this Application is proposing a modified local street section for Coffeeberry Lane that has a 20-foot-wide drivable section, with a mountable curb and gutter section on the southerly side of the street, and a reverse curb and gutter section, resulting in a continuous cross-slope to the drivable section; a 5-foot-wide sidewalk section is provided, resulting in a 26 foot wide right-of-way. The proposed street section for Coffeeberry Lane is as illustrated in Figure 14 below and on Detail 4 on Exhibit E.

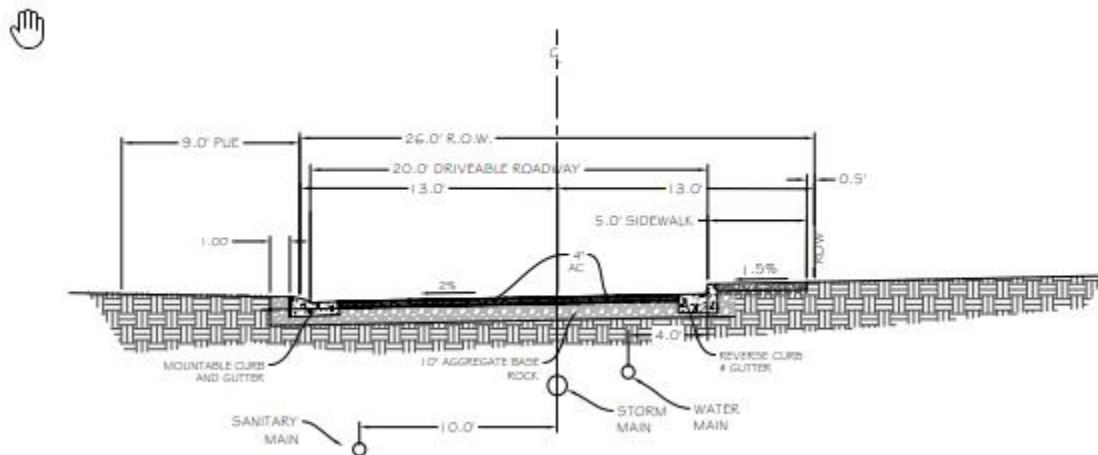


Figure 14: Proposed Coffeeberry Lane Street Section

Alleys: As shown on the Preliminary Site Plan, alleys will serve the garage access/off-street parking needs for the proposed attached residential units. As illustrated on Details 5, 6, and 7 of Exhibit E, the alleys are designed to provide a 20-foot-wide drivable surface (i.e., curb-to-curb) within a 21- or 24-foot right-of-way depending on their location and the adjoining use. Alleys will be constructed of A/C pavements with mountable curbs, mountable curbs and gutters, and/or straight curbs and gutter, as applicable.

Fire Equipment Access / Turning Movements: The proposed street and lot layout for Highland Gleanns 2 has been designed to accommodate fire truck turning movements in at least one direction into and out of each alley and/or street. This is illustrated on Exhibit B with a “fire access T” illustrated at each intersection. Fire truck access into, though, and out of the conceptual multi-family development layout has also been provided through the access driveway and parking areas.

Access to Apartment Garages: As conceptually portrayed on the layout of the multi-family lot, 12 single-car garages with adjoining driveways have been provided for the proposed multi-family development on Lot 112. This was to provide more readily available vehicle access to the garages from a street, where the opposing side of the street lacks any garages, and thus making available more open space/play area, and less hardscape surface (only needed for vehicle access) on the multi-family lot. The Applicant would request City staff and Planning Commission comments and input regarding this type of conceptual “garage and driveway” development on Lot 112 as part of the future proposed development of the lot.

3.1.090 – Pedestrian Access & Circulation:

Applicant's Response: The pedestrian walkway system serving Highland Gleanns Phase 2 extends throughout the development, along the frontage of each lot and either connects directly or stubs to adjoining properties. These walkways provide safe, direct, and convenient connections between future homes and streets. The walkways are, to the extent practicable, in straight lines and do not involve out-of-direction travel for pedestrians. Regarding the conceptual multi-family development on Lot 112, the pedestrian walkways connect, to the extent practicable, all building entrances, parking areas, open space/play areas, and to the adjoining streets. The overall topography of the proposed development is relatively flat, and no exceptions are anticipated to be needed to meet ADA access requirements.

3. Chapter 3.2 – Landscaping, Street Trees, Fences & Walls

3.2.010 Purpose

The purpose of Chapter 3.2 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for the design, installation, and maintenance of landscaping, street trees, fences, and walls; and for alterations to the same. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces. Likewise, proper maintenance of landscape features is necessary to protect the public health and safety.

Applicant's Response: As stated previously, the existing development area is predominantly covered with grasses and weedy forbs and there are no trees on the site. There is, essentially, no vegetation worth preserving. Each of the single-family and multi-family portions of the proposed development will comply with the landscape requirements of DDC Chapter 3.2.010(B). The developer will provide "street trees" (being planted on the lots in the areas of the local and minor collector streets) throughout the development as required. Since this is a Type 1 review application for the residential subdivision, site design is not required; Chapter 3.2.030 is not applicable.

4. Chapter 3.3 – Parking & Loading

3.3.010 Purpose

The purpose of this Chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community.

This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

3.3.020 Applicability

All developments subject to site design review (Chapter 4.2), including development of parking facilities, shall comply with the provisions of this Chapter.

Applicant’s Response: Since this is a Type 1 review application and site design is not required, Chapter 3.3.030 is not applicable. However, it should be noted that parking requirements for the proposed conceptual multi-family development have been met, assuming a 60-unit, 2 bedroom per unit development.

5. Chapter 3.4 – Public Facilities

3.4.010 Purpose and Applicability

Purpose. The purpose of this Chapter is to provide planning and general design standards for public and private transportation facilities and utilities. Streets serve both transportation and infrastructure needs and are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for functional, attractive, and safe streets that can accommodate underground utilities and traffic from planned growth and provide a range of transportation options, including options for driving, walking, and bicycling. This Chapter implements the policies of the City of Dallas Comprehensive Plan and Transportation System Plan.

Applicant’s Response: The City of Dallas Comprehensive Plan and TSP establishes specific policies for the development of public services and essential infrastructure within the Barberry Node. The Applicant has provided preliminary plans that address the design of attractive, safe streets and the provision for water distribution and storm drain and sanitary sewer collection and conveyance to serve the proposed Highland Gleans Phase 2 development in accordance with the Comprehensive Plan, TSP, and City development standards. Please refer to the Preliminary Site Plan and Grading and Utility Plan, provided in Exhibits B and C, respectively.

One of the main goals of the City’s TSP is to develop a balanced and safe transportation system that minimizes community disruption and promotes the economic and energy-efficient movement of goods and people around and through the community. Key policies include:

- The major street network should function so that the livability of neighborhoods is preserved and enhanced.
- The proposed Highland Gleans 2 continues to incorporate the collector street system of the City TSP to ensure efficient vehicle maneuverability through the Barberry Node to the City’s arterial street system.

- A system of bicycle and pedestrian facilities is fully integrated within the proposed Highland Gleanns, Phase 2 development. The design of the Barberry Node and the phases developed within the node, including Highland Gleanns Phase 2, provide a hierarchy in the street networks and integrate both bicycle and pedestrian facilities into the overall transportation system in keeping with the goals of the City's TSP.

The applicable sections of Chapter 3, as they pertain to the proposed Highland Gleanns, Phase 2 development, with the modified street sections as proposed, have been met.

C. Article 4 – Administration of Land Use and Development

1. Chapter 4.1 Types of Review Procedures

4.1.010 Purpose and Applicability of Review Procedures

Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 4.1.010 provides a key for determining the review procedure and the decision-making body for particular approvals.

4.1.020 Type I Procedure (Administrative)

1. Application Requirements.

1. Application Forms. Type I applications shall be made on forms provided by the City Planning Official.
2. Application Requirements. Type I applications shall:
 1. Include the information requested on the application form;
 2. Address the criteria in sufficient detail for review and action; and
 3. Be filed with the required fee.

2. Administrative Decision Requirements. The City Planning Official's decision shall be based on the applicable approval criteria, including applicable requirements of any road authority. Based on the criteria and the facts contained in the application, the City Planning Official shall approve or deny the requested permit or action. A written record of the decision (e.g., letter or permit stamped as approved) shall be provided to the applicant and kept on file at City Hall.

3. Final Decision. A Type I decision is the final decision of the City. It cannot be appealed to City officials. If the decision is contested by the applicant or other aggrieved party, it is not appealable as a land use decision but may be referred to the City Council as a separate Code Interpretation request, as provided under Chapter 4.8; in which case all required forms and fees shall be filed in accordance with Chapter 4.8.

4. Effective Date. A Type I decision is final on the date it is made.

Applicant's Response: Included within this application is the application form supplied by City staff. The Applicant understands that administrative decision requirements, final decision procedures, and that the decision is final on the date that it is made. Additionally, the Applicant has provided this narrative addressing the information requested on the application with sufficient detail to enable staff to develop findings. The required fee is also included. Thus, this requirement is met.

4.1.090 Traffic Impact Analysis

The purpose of this section of the code is to assist in determining which road authorities participate in land use decisions, and to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Analysis; and who is qualified to prepare the analysis.

When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. The current version of the Institute of Transportation Engineers *Trip Generation Manual* shall be used as a source for estimating development-generated traffic. A TIA shall be required when a land use application involves one or more of the following actions:

1. A change in zoning or a plan amendment designation; or
 2. Any proposed development or land use action that a road authority states may have operational or safety concerns along its facility(ies); or
 3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or
 4. An increase in peak hour traffic volume of a particular turning movement to and from an arterial street, including State highways, by 20 percent or more; or
 5. An increase in use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day; or
 6. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or
 7. A change in internal traffic patterns that may cause safety problems, such as back up onto a street or greater potential for traffic accidents.
2. Traffic Impact Analysis Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer in accordance with the requirements of the road authority. If the road authority is the Oregon Department of Transportation (ODOT), the applicant shall consult ODOT's regional development review planner and OAR 734-051-180.

Applicant's Response: As part of the original master plan development review and approval process of the Applicant's portion of the Barberry Node, all traffic assessment and impact analyses were performed, with an

update being performed in 2020. As part of the intersection analysis and permitting associated with the future connection of Barberry Avenue with E. Ellendale Avenue, updated and revised TIA and signal warrant analyses are being performed and will be reviewed and approved with representatives from ODOT and the City. Thus, this requirement is met.

2. Chapter 4.3 Land Divisions and Property Line Adjustments

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. Single family detached residential lot size 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 a 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 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.

Applicant's Response: Highland Gleanns Phase 2 as designed complies with Oregon Revised Statutes, Chapter 92.

The Applicant's proposal is to develop a mix of single-family detached, single-family attached, and multi-family apartment residential dwelling units. A future redivision plan is not required in this case since the proposed lots are less than 200 percent of the minimum lot size allowed by the underlying RH zone. As previously stated, the proposed densities are within the permitted density ranges of the applicable RM and RH zoning districts, and meet the density goals set for the Barberry Node Overlay Zone, summarized in Table 2.6.040.

This development will not have a temporary sales office and Section 4.3.020(E) does not apply. As shown on the Preliminary Utility Plan of Exhibit C, utilities have been designed and extended throughout the proposed development. There are no FEMA areas of special flood hazard in or in close proximity to the Project; the related sections of this Chapter pertaining to flood hazard mitigation do not apply. The stormwater detention facilities will be sized appropriately and will have the capacity to accommodate surface water runoff generated by the development, with peak flow rates limited to estimated peak pre-development flow rates.

The Applicant's portion of the Barberry Node as a whole complies with the parks and open space requirements of the City of Dallas; over 20 acres of parks and open space have either been dedicated or have been designated for development/reservation as parks or open space.

Thus, the requirements of this section are met.

3. Chapter 4.5 Master Planned Developments

4.5.090 Master Planned Development - Detailed Development Plan Criteria

City approval of the detailed development plan shall be based upon a finding that the final plan conforms to the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, as provided in Section 4.5.080, those applications shall additionally be subject to the applicable approval criteria in Article 4. Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds that the modification(s) is/are consistent with the criteria in A-H, below. Changes exceeding those in subsections A-H, below, must be reviewed as major modifications under Chapter 4.6.

- A. Increased residential densities (overall or reallocated between development phases) by no more than ten (10) percent over that which is approved, provided such increase conforms to the Comprehensive Plan and underlying Land Use District;

Applicant's Response: As summarized above, proposed residential densities:

- RM: 11 single-family (detached) + 4 single-family (attached) = 15 residential dwelling units divided by 1.42 net acres = density of 10.6 residential dwelling units/acre (RDUs/ac). Standard = 6 to 12 RDUs/ac. Barberry Node Goal = 7 RDUs/ac
- RH: 16 single-family (detached) + 82 single-family (attached) + 1 multi-family apartment (60 each 2-bedroom units = 60 x .75 = 45 residential dwelling units) totals 143 RDUs divided by 7.12 net acres = 20.1 RDUs/ac. Standard = 10 to 40 RDU/ac. Barberry Node Goal = 16 RDUs/ac.

As noted above, the proposed densities are within the allowable ranges for the RM and RH zoning districts, respectively, and meet the goals for the Barberry Mixed Use Node as listed in Table 2.6.040. Thus, criterion DDC 4.5.090.A is met.

- B. Increase in lot coverage or impervious surface (overall or reallocated between development phases) by no more than ten (10) percent over that which is approved;

Applicant's Response: The lot coverage (area of impervious surfaces) standards for the RM and RH zones will be met or will not be exceeded by no more than ten (10) percent from these standards and will be summarized and illustrated on the building permit applications to be submitted. Thus, criterion DDC 4.5.090.B is met.

- C. Reduction in open space or landscaping by no more than ten (10) percent over that which is approved;

Applicant's Response: The applicable minimum open space requirements for residence development will be met or will not be decreased by no more than ten (10) percent from these standards and will be summarized and illustrated on the building permit applications. Thus, criterion DDC 4.5.090.C is met.

- D. Increase in overall automobile parking spaces by ten (10) percent over that which is approved;

Applicant's Response: As proposed, the Highland Gleanns Phase 2 development does not increase the overall number of parking spaces by 10 percent over that which is approved and/or required under the DDC. For the proposed multi-family parcel, the conceptual vehicle parking layout combined with on-street parking and the parking associated with garages that connect to Street A do not exceed by ten (10) percent the overall number of automobile parking spaces permitted for the conceptually planned multi-family development on Lot 112. Thus, criterion DDC 4.5.090.D is met.

- E. Land use. No change in land use shall be permitted without a major modification to the Master Plan Development (Concept Plan) approval;

Applicant's Response: As proposed, the Highland Gleanns Phase 2 development does not propose a major modification to the approved Barberry Node Master Plan. Thus, criterion DDC 4.5.090.E is met.

- F. Proposals to add or increase lot coverage within an environmentally sensitive areas (sensitive lands) or areas subject to a potential hazard shall require a major modification to the concept plan;

Applicant's Response: There are no identified sensitive lands or areas of potential flood or geotechnical hazards located within or adjoining to the proposed Highland Gleanns, Phase 2 development. Thus, criterion DDC 4.5.090F does not apply.

- G. Major changes in the location or configuration of proposed lots, blocks, buildings, streets, parking lots, utility easements, landscaping or other site improvements shall require a Major Modification pursuant to Chapter 4.6. "Major" in this subsection means by more than twenty (20) percent for setbacks, or more than twenty (20) feet in the alignment or placement of the features listed herein; and

Applicant's Response: As proposed, the Highland Gleanns Phase 2 development does not propose any "Major" changes or configuration of streets, lots, blocks, utility easements, or other improvements. Thus, criterion DDC 4.5.090.G does not apply.

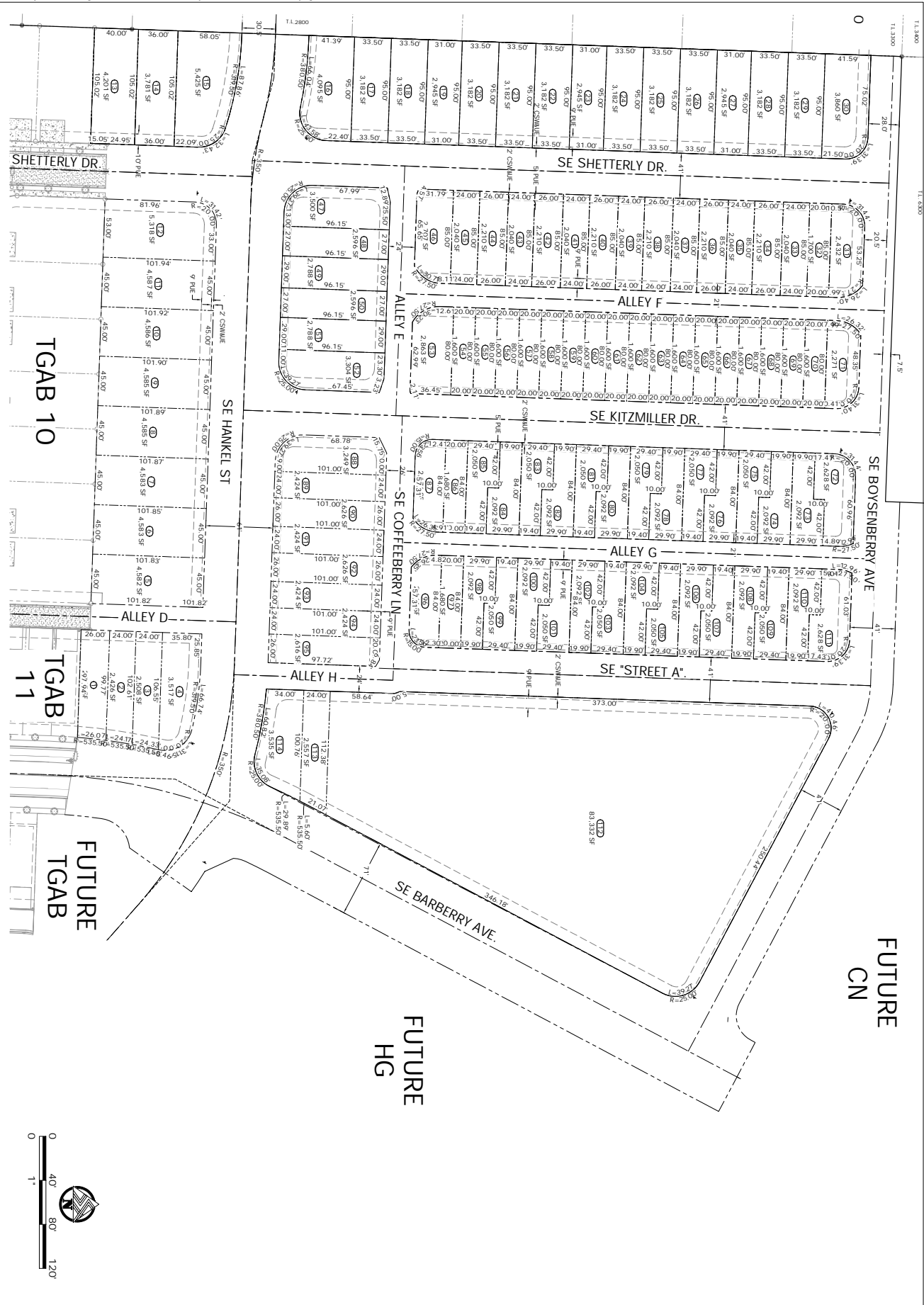
- H. Other substantial modifications not allowed as Minor Modifications in A-G, above, shall require approval of a major modification, in conformance with Chapter 4.6.

Applicant's Response: No other substantial modifications to the City's comprehensive plan, the DDC, or the zoning map are being proposed as part of the development of Highland Gleanns, Phase 2. Thus, criterion DDC 4.5.090.H is met.

V. APPLICANT'S SUMMARY

The Applicant, Meadows Investments, LLC, appreciates the City staff's and Planning Commission's review and consideration of their applications for the proposed 114-lot single- and multi-family Highland Gleanns Phase 2 residential development within the Barberry Node, as submitted. The proposed Highland Gleanns subdivision provides for a variety of housing types at varying price ranges, promotes livability by offering different housing types, and contributes to the development of the Barberry Node as a complete and very livable neighborhood.

The Applicant requests the City Planning Commission's Approval or Approval with Conditions of the applications submitted and look forward to continuing to work with City staff towards the successful development of Highland Gleanns Phase 2, and the other remaining parcels located within the Applicant's portion of the Barberry Node.



NO.	REASON FOR ISSUANCE	DESCRIPTION	DATE	BY	SHEET NO.	PROPOSED LOT LAYOUT

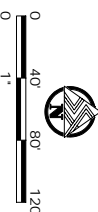
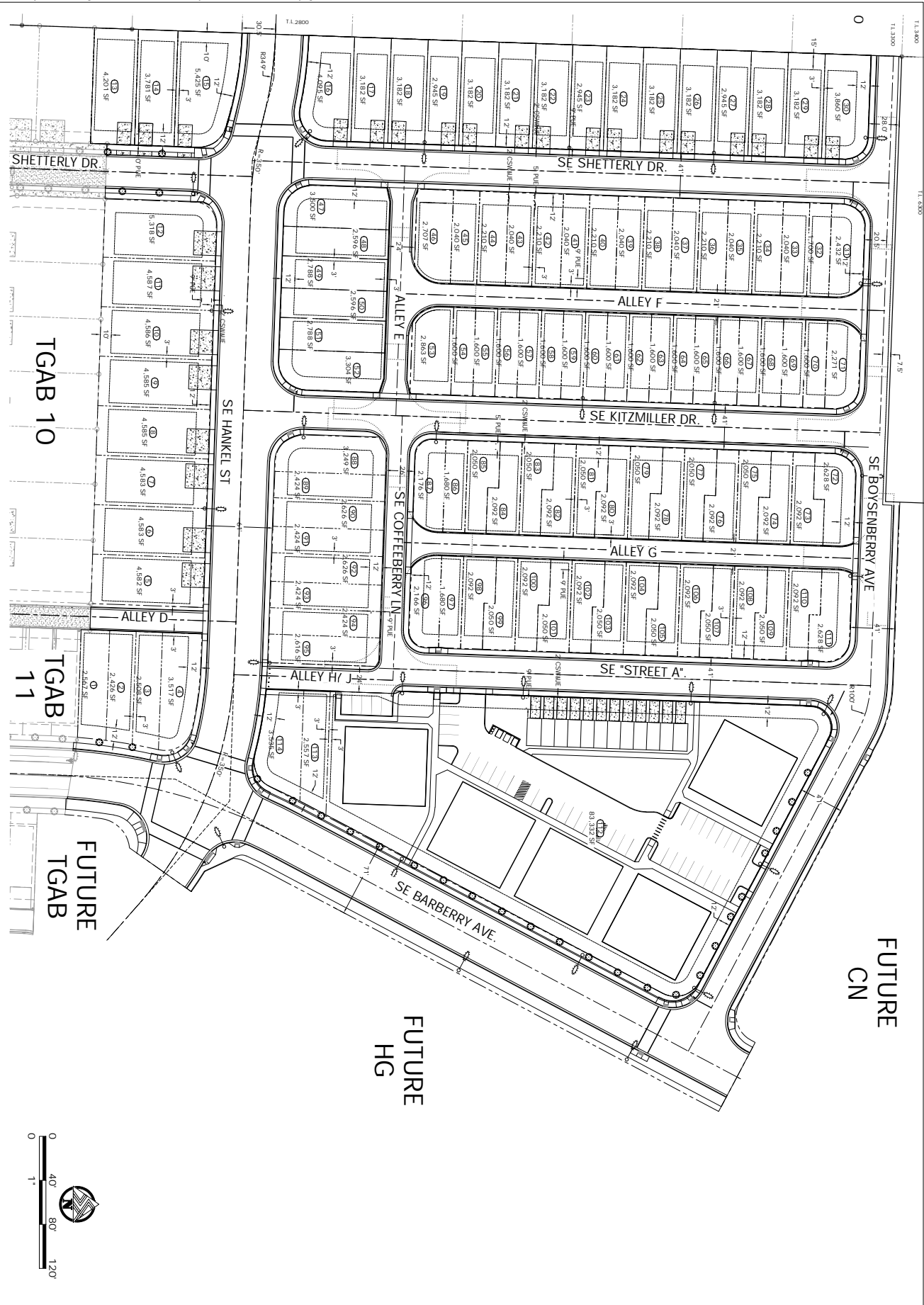
MEADOWS INVESTMENT, LLC
HIGHLAND GLEANN 2
 DALLAS, OREGON

CIVIL ENGINEERS
 LAND SURVEYORS
 PROJECT MANAGERS
 PLANNERS
 www.dgpp.com

DATE SIGNED: _____

PROFESSIONAL SEAL: _____

REGISTERED PROFESSIONAL ENGINEER
 CIVIL ENGINEERING
 STATE OF OREGON
 NO. _____



NO.	REASON FOR ISSUANCE	DATE	BY

MEADOWS INVESTMENT, LLC
HIGHLAND GLEANN 2

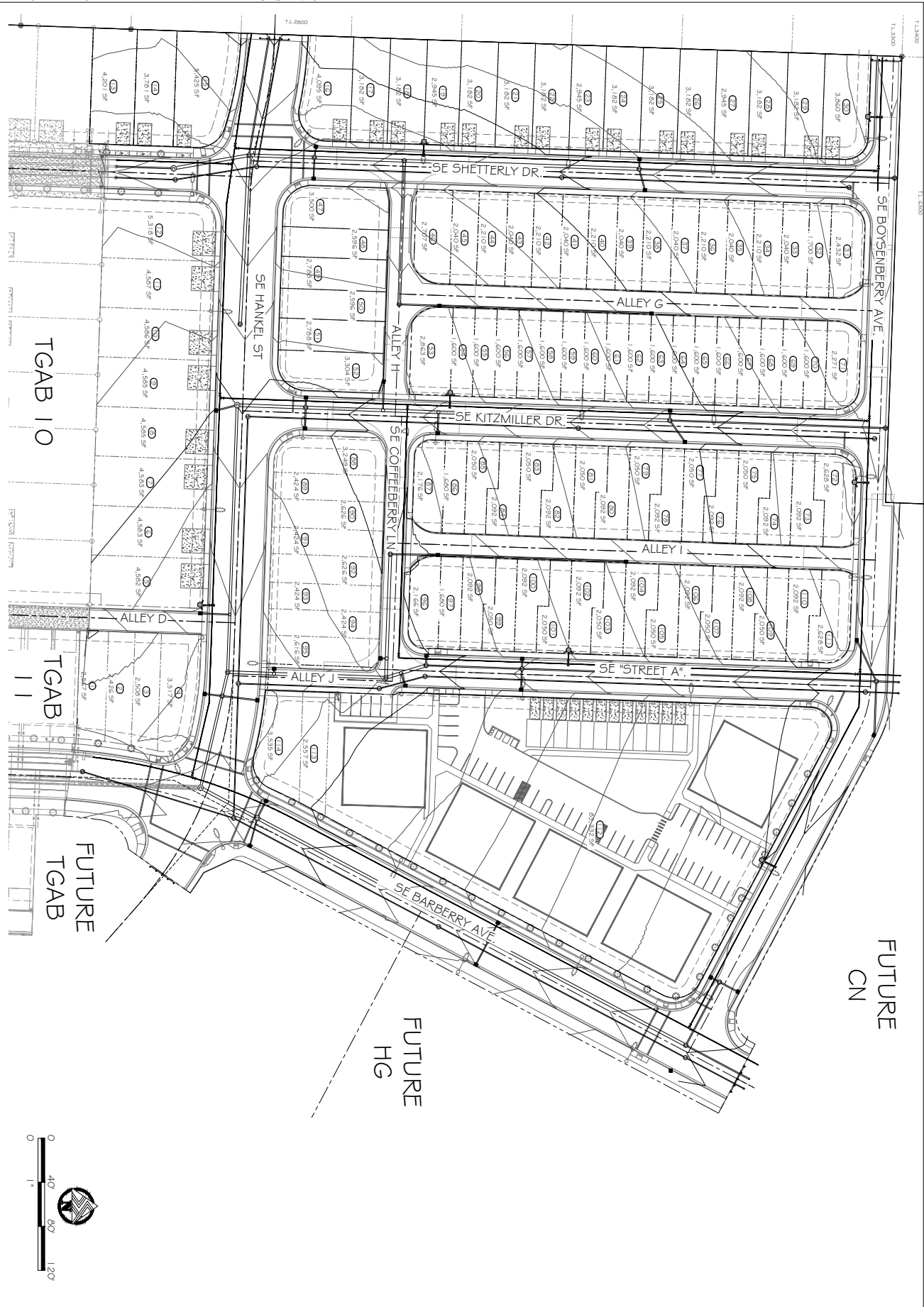
DALLAS, OREGON

CIVIL ENGINEERS
 LAND SURVEYORS
 PROJECT MANAGERS
 PLANNERS
 www.rjgpa.com

REGISTERED PROFESSIONAL ENGINEER
 STATE OF OREGON
 NO. 12345
 JAMES R. JOHNSON
 (503) 555-1234

DATE ENDED:

PROPOSED
 SITE PLAN
 EXHIBIT B



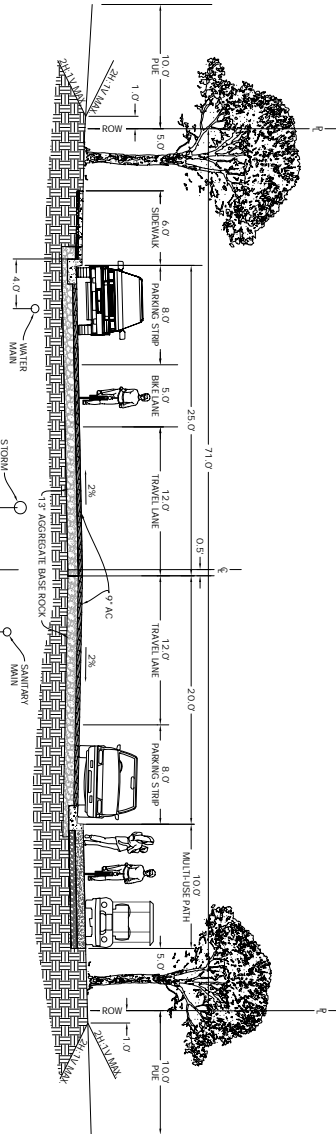
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MEADOWS INVESTMENT, LLC
HIGHLAND GLEANN 2
 DALLAS, OREGON

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 LAND SURVEYORS
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 PLANNERS
 www.pgsurvey.com

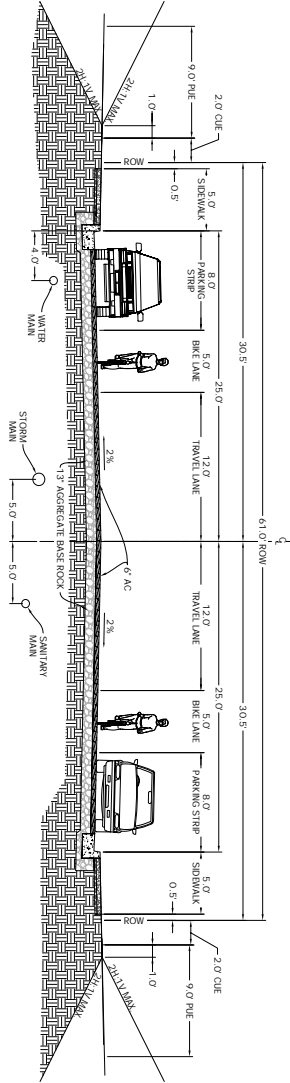
PG&S
 12/31/2023

PRELIMINARY
 UTILITY PLAN
 EXHIBIT C



1 MAJOR COLLECTOR - BARBERRY NODE - 71.0' R.O.W.
SCALE: NTS

SE BARBERRY AVENUE



2 MINOR COLLECTOR - BARBERRY NODE - 61.0' R.O.W.
SCALE: NTS

SE HANKEL STREET

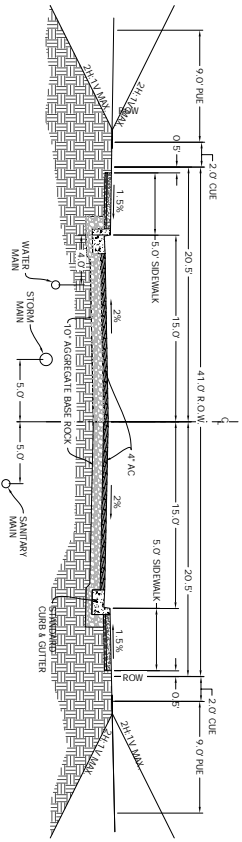
CIVIL ENGINEERS
LAND SURVEYORS
PROJECT MANAGERS
PLANNERS
www.pjpp.com

PRELIMINARY ENGINEERING
STAMP
NO. 12345
DATE ISSUED: 07/05/2022

MEADOWS INVESTMENT, LLC
HIGHLAND GLEANNs
PHASE 2
DALLAS, OREGON

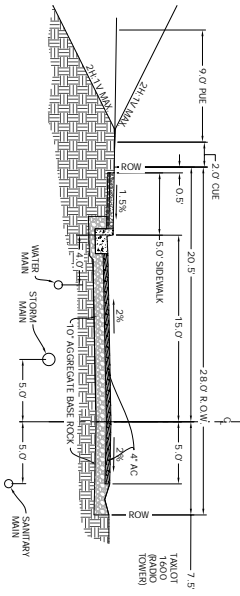
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PROPOSED COLLECTOR STREET SECTIONS
EXHIBIT D



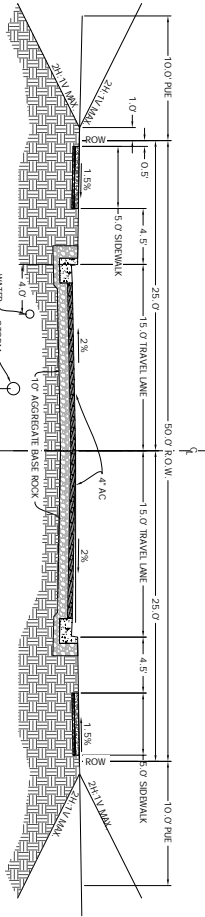
1 LOCAL STREET - BARBERRY NODE RH ZONING DISTRICT - 41' R.O.W.
SCALE: NTS

SE SHETTERLY DRIVE
SE KITZMILLER DRIVE
SE 'A' STREET
SE BOYSENBERRY AVENUE



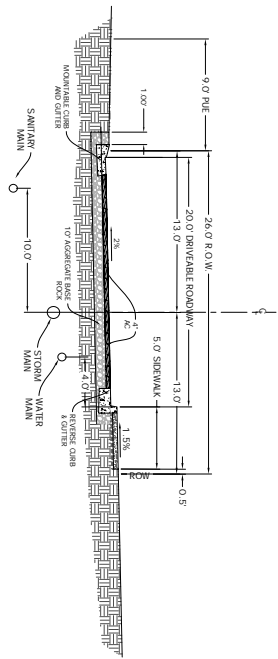
2 LOCAL STREET - NO L.S. ON SOUTH SIDE - 1/2 street + 7.5 feet - 28' R.O.W.
SCALE: NTS

SE BOYSENBERRY AVENUE (ALONG RADIO STATION PROPERTY TO NORTH)



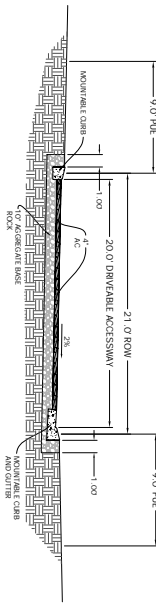
3 LOCAL STREET SECTION - BARBERRY NODE RL 7 RM ZONING DISTRICTS - 50' ROW
SCALE: NTS

SE SHETTERLY (SOUTH OF SE HAWKEL ST)



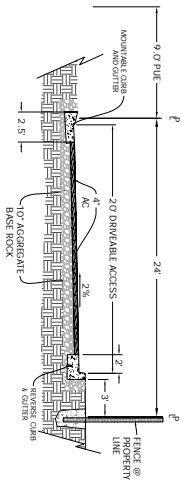
4 LOCAL STREET, NO PARKING, SIDEWALK ONE SIDE ONLY, NO L.S. - 30' R.O.W.
SCALE: NTS

SE COFFEYBERRY LANE



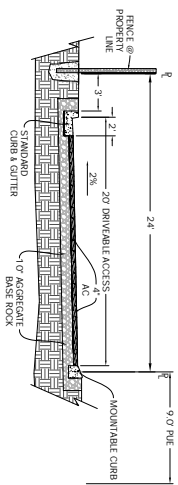
5 ALLEY 21.0' R.O.W.
SCALE: NTS

ALLEY G
ALLEY I



6 ALLEY 24.0' R.O.W.
SCALE: NTS

ALLEY H



7 ALLEY 24.0' R.O.W.
SCALE: NTS

ALLEY J

MEADOWS INVESTMENT, LLC

HIGHLAND GLEANNS 2

DALLAS, OREGON

CIVIL ENGINEERS
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PLANNERS

www.rpgrp.com

PROFESSIONAL SEAL

REGISTERED PROFESSIONAL ENGINEER
STATE OF OREGON
NO. 121007
EXPIRES 12/31/2023

DATE SCALED:

SHEET NO.	TITLE	REASON FOR ISSUANCE		DATE	BY
		DESCRIPTION	DESCRIPTION		

PROPOSED LOCAL STREET AND ALLEY SECTIONS

EXHIBIT E

Highland Gleanns 2 Staff Report

Lee Brennan <Leeb@pdgnw.com>

Thu, Sep 8, 2022 at 2:06 PM

To: CHASE BALLEW <chase.ballew@dallasor.gov>, TOM GILSON <TOM.GILSON@dallasor.gov>, Brian Latta <brian.latta@dallasor.gov>

Cc: "James, Don" <donj@fregllc.com>

Hi Chase, Tom, and Brian.

Thanks for meeting with us last Tuesday to try and work out the issues noted in the staff report, and work cooperatively with us towards a solution that works for everyone. It is our goal to work with City staff so that we can get the City's support of the proposed Highland Gleanns 2 development and not to recommend denial.

Attached is our written response to the staff report, and the associated proposed conditions of approval pertaining to the issues of concern raised. We would be happy to meet at any time before the Planning Commission meeting if you feel that some issues still need some work to resolve any remaining concerns so that the Highland Gleans 2 development can be successful at obtaining approval from the City's Planning Commission.

Also attached is a marked-up cross-section of Boysenberry Ave along the radio station property on Detail 2 of Exhibit E. I will get you a revised Exhibit E showing the changes by the end of the day.

Thanks again.

Respectfully,

Lee

Lee Brennan | PE

PROJECT DELIVERY GROUP, LLC

| 503-364-4004 | 541-282-7930 (Cell) |

| 200 Hawthorne Ave. SE, Suite A-100 Salem, OR 97301 to 8/31/22 |

| 7938 Crosby Road NE, Woodburn, OR 97001 after 8/31/22 |

www.PDGNW.com

From: CHASE BALLEW <chase.ballew@dallasor.gov>

Sent: Tuesday, September 6, 2022 9:53 AM

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2 attachments



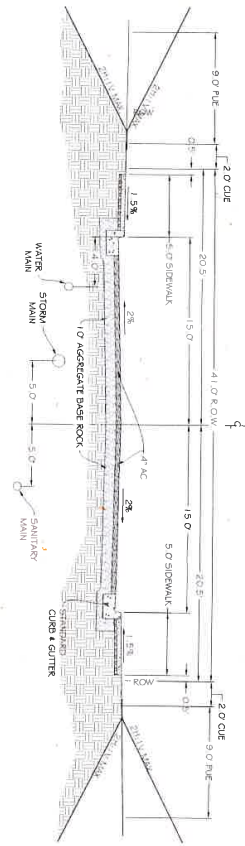
Staff Report - Applicant's Response and Proposed Conditions of Approval-20220908 .docx

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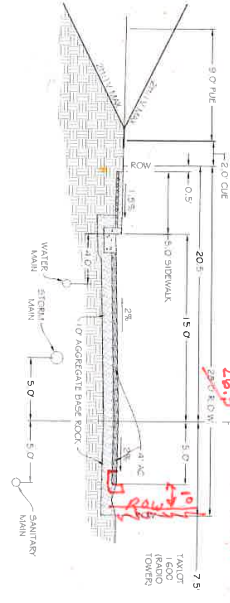
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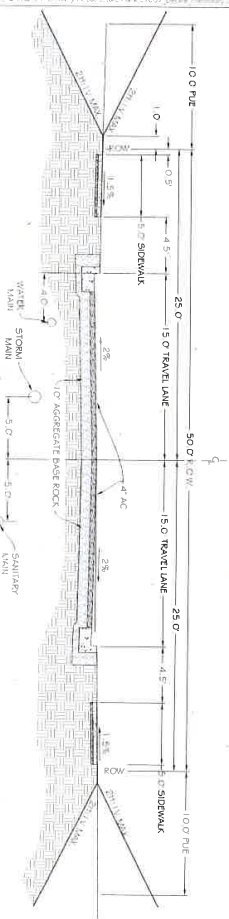
1 LOCAL STREET - BARBERRY NODE RH ZONING DISTRICT - 41' R.O.W.
SCALE: NTS

SE SHETTERLY DRIVE
SE KITZMILLER DRIVE
SE 7A STREET
SE BOYSENBERRY AVENUE



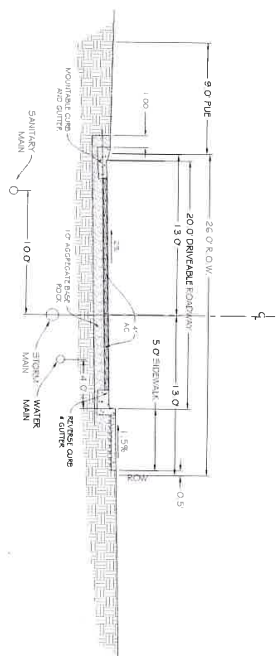
2 LOCAL STREET - NO L.S. ON SOUTH SIDE - 1/2 street + 7.5 feet - 28' R.O.W.
SCALE: NTS

SE BOYSENBERRY AVENUE (ALONG RADIO STATION FRONT TO NORTH)



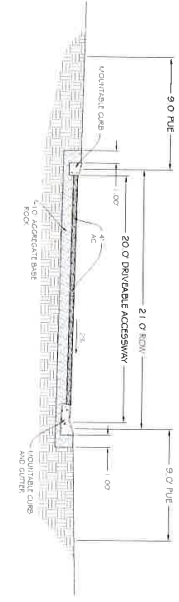
3 LOCAL STREET SECTION - BARBERRY NODE RL 7 RM ZONING DISTRICTS - 50' ROW
SCALE: NTS

SE SHETTERLY (SOUTH OF SE THANNEL ST)



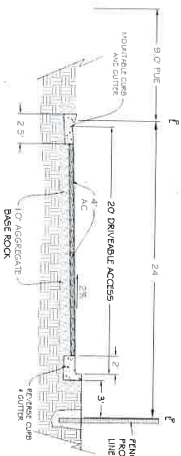
4 LOCAL STREET, NO PARKING, SIDEWALK ONE SIDE ONLY, NO L.S. - 30' R.O.W.
SCALE: NTS

SE CONFEEBERRY LAINE



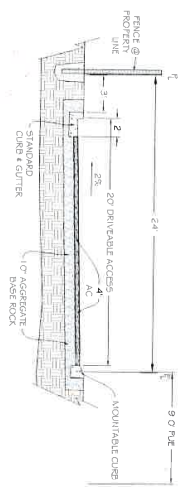
5 ALLEY 21.0' R.O.W.
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ALLEY G
ALLEY I



6 ALLEY 24.0' R.O.W.
SCALE: NTS

ALLEY H



7 ALLEY 24.0' R.O.W.
SCALE: NTS

ALLEY J

MEADOWS INVESTMENT, LLC
HIGHLAND GLEANN 2
DALLAS, OREGON

DATE PLOTTED: 7/26/2012 12:56:27 PM

 CHAD W. MEADOWS
 REGISTERED PROFESSIONAL ENGINEER
 LICENSE NO. 12817223
 STATE OF OREGON
 CIVIL ENGINEER
 PROJECT MANAGER
 PLANNERS
 www.pfm.com

NO.	DESCRIPTION	REASON FOR ISSUANCE	DATE	BY

PROPOSED LOCAL STREET AND ALLEY SECTIONS
EXHIBIT E

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**

MEETING DATE: SEPTEMBER 13, 2022
REPORT DATE: AUGUST 25, 2022, DRAFT DATED 9/02/2022; APPLICANT’S RESPONSE DATED 9/08/2022
TOPIC: HIGHLAND GLEANNs 2 - #MP-22-02

Application Type: Detailed Development Plan & Preliminary Subdivision
Owner: Meadows Investment, LLC
Applicant: Meadows Investments LLC
Location: Barberry Mixed Use Master Plan Node

RECOMMENDED ACTION

Staff recommends the Planning Commission deny the application. – Would like to see if this can be changed to “recommend with conditional approval”

BACKGROUND INFORMATION

City Zoning Map: **RM – Medium-Density Residential**
RH – High-Density Residential
CN – Neighborhood Commercial
Barberry Node Mixed Use Master Plan Overlay Zone

Comprehensive Plan Map : Barberry Node Overlay

Floodplain: **No Floodplain**

Development Site Size: 12 Acres

Adjacent Land Uses: **Single-Family Residential, Radio Broadcast Tower**

Prior Land Use History **See Appendix**

PROJECT OVERVIEW

Establish a detailed development plan within the Barberry Node Mixed Use Master Plan overlay zone to include lots for 27 single-family detached dwellings, 86 single-family attached (townhome) dwellings, and 60 apartments. Proposal includes reconfiguration of the area designated for neighborhood commercial, and exceptions to roadway standards.

APPROVAL CRITERIA

DDC.4.5.090 - Detailed Development Plan Criteria
DDC.4.3.070 - Land Division Preliminary Plat Criteria.

Staff refer to and incorporate the applicant’s written narrative for findings in response to the above mentioned criteria. These criteria are further identified in this report with specific findings.

Upon review, staff have found certain standards in which the proposal does not follow City standards and is requesting a variance ~~satisfy~~, as follows:

DETAILED DEVELOPMENT PLAN

CRITERION:

DDC.4.5.090. City approval of the detailed development plan shall be based upon a finding that the final plan conforms to the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, as provided in Section 4.5.080, those applications shall additionally be subject to the applicable approval criteria in Article 4. Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds that the modification(s) is/are consistent with the criteria in A-H, below. Changes exceeding those in subsections A-H, below, must be reviewed as major modifications under Chapter 4.6.

- a) Increased residential densities (overall or reallocated between development phases) by no more than ten (10) percent over that which is approved, provided such increase conforms to the Comprehensive Plan and underlying Land Use District;*
- b) Increase in lot coverage or impervious surface (overall or reallocated between development phases) by no more than ten (10) percent over that which is approved;*
- c) Reduction in open space or landscaping by no more than ten (10) percent over that which is approved;*
- d) Increase in overall automobile parking spaces by ten (10) percent over that which is approved;*
- e) Land use. No change in land use shall be permitted without a major modification to the Master Plan Development (Concept Plan) approval;*
- f) Proposals to add or increase lot coverage within an environmentally sensitive areas (sensitive lands) or areas subject to a potential hazard shall require a major modification to the concept plan;*
- g) Major changes in the location or configuration of proposed lots, blocks, buildings, streets, parking lots, utility easements, landscaping or other site improvements shall require a Major Modification pursuant to Chapter 4.6. "Major" in this subsection means by more than twenty (20) percent for setbacks, or more than twenty (20) feet in the alignment or placement of the features listed herein; and*
- h) Other substantial modifications not allowed as Minor Modifications in A-G, above, shall require approval of a major modification, in conformance with Chapter 4.6.*

FINDING:

The Applicant has met the requirements of subsections A-H above. Below are relevant conditions of past Detailed Development Plan approval (case file MP 14-01)

Condition of Approval 12 from Detailed Development Plan #MP-14-01 requires that the Applicant, or future developer, of the CN and RH zoned lands shall submit Type III detailed development plan for review and approval prior to development of these areas.

The Applicant has submitted a Detailed Development Plan only for what they are labeling as Highland Gleanns 2, which is the westerly section of the RH zoned properties that are under the Applicant's ownership. The Applicant has stated that they do not wish to submit a detailed development plan for the remaining portions of the RH zoned properties as market conditions

will dictate what type of housing products will be developed in the remaining portion of the RH zoned properties.

Condition of Approval 3 from Detailed Development Plan #MP-14-01 requires that the Applicant to enter into an Infrastructure Agreement, section 2.1.2 of which requires that the construction of the Ellendale and Barberry intersection must be completed concurrent with development within the portions of the Property zoned Commercial and Residential High Density.

Staff note that the plans provided do not depict the extension of Barberry Avenue and completion of the Ellendale and Barberry intersection concurrent with this development. ~~Therefore the application does not comply with the conditions of approval and this criterion is not satisfied.~~ Recently completed traffic studies in the area of the Barberry Node do not indicate that the acceptable levels of service are being exceeded on any of the affected major intersections associated with Barberry Node's Development. The Applicant also noted that storm drain infrastructure needs to be extended up to the intersection to facilitate its development, which would not be part of the proposed Highland Gleanns 2 development. The Applicant is currently working with a traffic consultant and ODOT on this subject intersection and they anticipate that this will be an approximate 2- to 3-year process, before a permit is issued by ODOT for the intersection's development. A condition of approval has been added to address the development of the Ellendale and Barberry Avenues intersection with respect to further development of the CN and RH zoned lands.

LAND DIVISION PRELIMINARY PLAT

CRITERION:

DDC.4.3.070.A.1. - The proposed preliminary plat complies with the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Districts) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;

FINDING:

Article 3 (Design Standards) Findings:

The applicant's description of the project as a "Minor Project" is incorrect. The project involves a Land Division and Master Planned Development, which constitutes this proposed project as a "Major Project," as described in DDC 3.0.020.A, such that the standards applicable to a Major Project must be met.

Chapter 3.1 provides standards regarding **access and circulation**. Staff note that the number of street access points for multi-family developments "shall be minimized" (DDC.3.1.020.G) and driveways are limited to 32 feet in width (DDC.2.2.100.C.1.e), standards with which the continuous driveway approaches proposed for the apartment garages are not consistent. The Applicant noted that the conceptual inclusion of garages and their conceptual orientation off of "Street A" was to allow the Planning Commission to provide input and conceptual review of this idea to see if it's something that would be acceptable to the City for the apartment portion of the proposed development, which will be reviewed under the site design review process. Since these accesses would only be to the garages and not the apartment buildings themselves, and in the review of the street and alleys, and the modifications to the lots and accessways to facilitate fire apparatus access up and down the alleys, the Applicant indicates that the proposed subdivision has complied with the requirements of Chapter 3.1.

Chapter 3.3 provides standards regarding **parking** for automobiles and bicycles, and is required for "Major Projects." Required parking for single-family dwellings (attached or detached) is 2 vehicle stalls, to be evaluated at the time of building permit review. Required parking for multi-family uses is based on the number of bedrooms, and is to be evaluated as part of the site design review process for the multi-family site, to be considered at a future date.

Applicant states that the parking requirements of Chapter 3.3 will be met with single-family detached and attached residential dwellings and the apartment portion of the Highland Gleanns 2 development.

Chapter 3.4 provides design standards that apply to **public facilities**, including transportation, sanitary sewer, water service, and storm drainage improvements. As per typical developments, ~~E~~ngineering plans must be submitted to the City for review and approval before construction.

Regarding **Streets and Transportation Facilities**, a traffic impact analysis is required where development increases travel by 300 average daily trips or more. The applicant has stated that this site is included in the 2014 Traffic Impact Analysis for the Barberrry Node, and that updated analysis is being performed in conjunction with ODOT permitting, that therefore a separate TIA should not be required with this application.

The applicant has proposed streets which do not conform to the standards of Chapter 3.4. These proposed modifications should be evaluated on the merits specific to this application, for which the applicant has the burden of proof of justifying. Staff disagree with the applicant's assertion that prior approval of modified street sections elsewhere also apply to this proposal.

Barberrry Avenue-Major Collector

The previously approved modified design of Barberrry Avenue, approved in 2017 in file #MOD-17-04, was explicitly requested and approved only for that portion of Barberrry Avenue between Academy Street and Hankel Street (terminating on the south side of Hankel Street). Staff are generally supportive of the extension north of Hankel of the multi-use path in-lieu of the northbound bike lane, but have concerns about the possible need for turn lanes in the high-density residential and commercial areas, which the applicant states a willingness to accommodate, but does not specify where such lanes would be provided.

Barberrry Ave: The Applicant's proposed modified street section for Barberrry Ave is illustrated on the Applicant's Exhibit D, Detail 1. Public works has approved this modified street cross-section for Barberrry Avenue.

This modified section is a continuation of the previously approved modified Barberrry Avenue cross-section constructed north of Academy Street which accommodates the two 12-foot travel lanes, and the 5-foot bike lanes section of the City's standard section, with the easterly bike lane being provided as part of the 10-foot wide muti-use path that is on the easterly side of the proposed section, adjoining the back of the curb and gutter section. Two 8-foot-wide parking lanes have been provided (each adjacent to the curb and gutter section) in lieu of the 14-foot-wide centered double left turn lane of the City standard. Applicant indicated and Public Works concurred that one or both of the parking strips can be removed to provide for any needed turn lane development.

To accommodate potential additional paved width required for lane configurations at affected street intersections, a proposed condition of approval would include language that the easterly side of the proposed extension of Barberrry Ave. to be completed as part of Highland Gleanns 2, would only extend the paving to the future projection of the easterly curb and gutter line and the curb and gutter and muti-use path section development would be

constructed with the planned development of the property adjoining the east side of the proposed Barberrry Ave. extension. The traffic study analyses now being performed by the Applicant as part of the development and approval of the Barberrry and Ellendale Ave. intersection needs to include the evaluation of traffic flows, turning movements, and lane configuration needed for the intersections of Ellendale and Barberrry Avenues; Hankel St. and Barberrry Avenue (currently designed as a 4-way stop); Boysenberrry and Barberrry Avenues; and the neighborhood commercial properties accessways off of Barberrry Avenue at full-build out of the Applicant's portion of the Barberrry Node.

Hankel Street-Minor Collector

The previously approved modified design of Hankel Street, approved in 2020 in file #MOD-18-01, was approved only on the site of the former drive-in theater. This approval was specifically because the modification of the master plan to develop the drive-in theater for residential use made apparent the need for a through street, but the authority of the City to require a standard width collector at a location not depicted on the Dallas Transportation System Plan was ambiguous, an ambiguity that does not exist elsewhere on Hankel.

The previously approved modified design of local streets, approved in 2020 in file MP-20-02, was specifically approved on the site of Highland Gleanns 1, and the record does not indicate this was intended to be binding on future phases for which no plans had been submitted.

The Applicant's proposed modified street section for Hankel Street is illustrated on the Applicant's Exhibit D, Detail 2. This modified section has the same roadway width (50 feet) and lane configuration as the City standard; the only difference is the placement of the sidewalk abutting the back of the curb and the removal of the 3.5-foot-wide planter strip. The right-of-way width behind the sidewalk is reduced from 1 foot to 0.5 feet. A 2.0-foot-wide City utility easement (CUE) is provided for placement of City utilities (storm drain and sanitary sewer lateral clean-outs, fire hydrants, water air-vacuum relief valves and enclosures, etc.) adjacent to the right-of-way, and the public utility easement outside of the City CUE. Public works has approved this modified street cross-section for Hankel Street. The Applicant request the Planning Commission's approval for utilization of this modified section for the remaining portions of Hankel Street with the Barberrry Node.

Local Street – Shetterly Drive, Kitzmiller Drive, Street A, and Boysenberrry Street (not adjoining Radio Station Property).

The Applicant's modified street section for the local street is the same as the one utilized in Highland Gleanns 1, and is illustrated on Detail 1 of Exhibit E. The modified street section has the same curb-to-curb paved width and cross-section as the City standard; it has the sidewalks adjoining the back of curb which matches the City standard "local street" which is typically utilized in other subdivisions in the City without a "LID" and reduces the right-of-way area behind the sidewalk to 0.5 feet. It provides the same 2-foot-wide CUE for City facilities as the modified section of Hankel Street described above being located outside of and adjacent to the right-of-way, with the PUE separate and behind the CUE. The Applicant

has indicated they need this reduced right-of-way width for the local streets to obtain the depth of housing needed and to get housing densities up, which is the goal of the RH zoned development areas. It removes the 3.5-foot-wide landscape strip between the back of the curb and sidewalk and provides a hardscape surface for vehicle passengers to step out onto instead of vegetation. It is the Applicant's experience and knowledge that a 3.5-foot-wide landscape strip is not adequate for mature street tree development without significant upheaval of the adjoining sidewalk section, inconsideration of the root barrier that is typically placed on the curb and gutter side of the landscape strip to protect the integrity of the curb and gutter and street section.

For planning purposes, the Applicant would request that he Planning Commission approve this modified street cross-section for the local street development within the remaining RH zoned lands within the Barberrry Node.

Boysenberry Street Adjacent to Radio Tower/Station.

Staff do not support the proposed half-street abutting the radio tower property, designated SE Boysenberry Avenue in applicant's plans. There is nothing in Code allowing half-street development, and where exceptions have been allowed in the past it was abutting sites with near-term development potential; in this case, there is nothing in the record to indicate that the radio tower property will be redeveloped anytime in the foreseeable future. Therefore, if the development is approved by the Planning Commission, a condition of approval should require this section to be constructed as a local street with 30 feet curb-to-curb, and 5-foot sidewalk and landscape strip on the south side. The additional 4,000 square feet of pavement this requires, which would be presumed to accommodate an additional 28 on-street parking spaces, can be found to be roughly proportionate to the impact of 173 new dwellings, being 23 square feet of pavement per dwelling.

The Applicant proposed a "half-street +7.5 feet", which the "half-street" resembles the other proposed modified local street cross-section and which provides a 20-foot-wide paved vehicle roadway and a 2.5-foot-wide ditch, with no parking allowed. The proposed section is illustrated on the Applicant's Detail 2, Exhibit E. To provide a more "complete" street section, in lieu of the 2.5-foot-wide ditch, a curb and gutter section would be provided such that there is a 20-foot-wide drivable surface between curbs, and 0.5 feet behind the northerly curb for property pin placement, with an overall right-of-way width of 26.5. This will aide in trying to keep the centerline alignment of Boysenberry Ave. such that the two taxlots to the west of the property can be potentially successfully redeveloped, with the centerline being placed as close as feasible to the lot lines that separates these two taxlots (Taxlots 3300 and 3400).

Coffeeberry Street

At the pre-application meeting, City staff requested the Applicant consider making a "street" connection between Kitzmiller Drive and "Street A" in lieu of utilizing an alley connection (with driveway approaches) that was originally proposed. City staff requested a sidewalk for pedestrian connection between the two streets. Due to the "alley" garage nature of the back of Lots 88 to 95, the Applicant does not want to allow for parking on the street, nor

development of a sidewalk adjoining the garage side of the street. This Application is proposing a modified local street section for Coffeeberry Lane that has a 20-foot-wide drivable section, with a mountable curb and gutter section on the southerly side of the street, and a reverse curb and gutter section, resulting in a continuous cross-slope to the drivable section; a 5-foot-wide sidewalk section is provided, resulting in a 26-foot-wide right-of-way. The proposed street section for Coffeeberry Lane is as illustrated on Detail 4 on Exhibit E.

Staff conclude that the relevant standards are not met and therefore the criterion is not satisfied.

The Applicant considers that the Planning Commission can find that the relevant standards and criterion are met with the proposed modified street sections and associated proposed conditions of approval discussed in the section above and listed below. Public Works has stated that they have no issues with the modified street sections as proposed.

CRITERION:

DDC.4.3.070.A.7. - If any part of the site is located within an Overlay Zone, or previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.

FINDING:

2.6.040.A. - Land Uses.

The majority of the development site is proposed for single-family detached dwellings and single-family attached dwellings (townhomes). The Barberry Mixed Use Node Land Use Allocation table, which specifies the approximate number of acres and dwellings to be constructed within the node, specifies that there are to be 320 dwelling units of “Multiple Family Residential.”

Chapter 6.1 defines multifamily housing, also known as Multi-Dwelling Development, as being “a grouping of individual structures where each structure contains **one** or more dwelling units, and the land underneath the structures is not divided into separate lots...” In the examples given, multi-family development is three or more dwellings on a single property, thus duplexes and townhomes on individual lots do not qualify as multi-family. _

The Applicant disagrees with this interpretation. A duplex, townhouse, condominium, and even a single-family dwelling meets the definition of a “Multi-Dwelling” as stated currently in the City’s Development Code.

The Applicant is responsible for development of 75% of the multi-family land within the Barberry Node, which would therefore be expected to accommodate at least 240 multi-family dwelling units. The proposal includes only 60 multi-family units, and does not demonstrate how the remaining multi-family land under the applicant’s control will be able to accommodate the difference.

The Applicant disagrees with City staff's interpretation of what was intended for the RH zoned land under the Applicant's control within the Barberrry Node; the associated approved master plan intended that the RH zoned land was to be more of a mix of housing varieties, and not just "apartments". The Applicant is aware of the City's lack of apartment rental availability. As part of the development of Highland Gleanns 1, the Applicant is proposing to construct either a 16 or 20-unit apartment complex. As part of this Application for Highland Gleanns Phase 2, the Applicant is proposing "conceptually" the development of a 60-unit apartment complex. The Applicant is proposing that as a condition of approval for the proposed Highland Gleanns Phase 2 development currently under the Planning Commission's consideration that as part of the development of the remaining portions of the RH zoned property within the Applicant's control, that a total of 240 multi-family (which consist of duplexes, condominiums, or apartments) be developed throughout the entire RH zoned properties within the area of the Barberrry Node that the Applicant controls (i.e., including Highland Gleanns 1 and 2)

2.6.040.C. - Multi-Family Residential.

The master plan is required to reserve at least 10% of the multiple-family area for active recreational play areas. This 10% is "in addition to" meeting setback, buffering, and lot coverage standards of the underlying zone. No play areas are shown in the plans.

Staff conclude that the relevant standards are not met and therefore the criterion is not satisfied.

The Applicant disagrees with City staff that that 10% active recreational play areas are not provided in the multi-family areas (which includes the areas within the building setbacks, and the large open space area between the conceptually laid out garages and parking lot areas), if we were only discussing the conceptually laid out apartment area on Lot 112. The Applicant realizes that the other lots of the proposed Highland Gleanns do not offer a large open recreational area (even in light of the front- and side- yard areas of these lots will likely satisfy the 10% space requirement).

As part of the Development of the Highland Gleanns 1 development, the Applicant approached the City for development of a park consisting of a pickle ball court and a large open space grassed play area adjoining the apartment complex area of the development. After the second round of design modifications, The City subsequently decided that since the conceptual park was not part of the City's Parks Master Plan, that the City was not interested in developing a public park in Highland Gleanns 1. This seems to contradict what is intended by the City's Development Code as discussed by City staff above.

The Applicant is proposing that as a condition of approval for the Highland Gleanns 2 development as presented by the Applicant, that the Applicant be required as part of the development of the remaining portions of the RH lands within The Barberrry Node under the Applicant's control, that if a City Park Master Plan revision can be obtained, that a 1.5 gross acre area be reserved for development of a large public park area for recreational play. This would likely be a public park that would be developed after the collection of the majority of City Park SDCs from the development of the dwellings within the RH zoned areas of the Barberrry Node.

CRITERION:

DDC.4.3.070.B.2. - Setbacks shall be as required by the applicable land use district (Article 2).

FINDING:

The applicant has requested a master plan adjustment to the front- and side-yard setbacks within the development. As the master plan approval has ability to supersede the base zoning, this criterion logically does not apply for those items approved for adjustment. Per the applicant's site plan and narrative, it appears all remaining setbacks not subject to adjustment can be met. Therefore this criterion is satisfied.

The Applicant requests clarification that the reduced side- and front yard setbacks (excluding garage setbacks) from the collector streets are approved to be reduced from 20 to 12 feet. The Applicant requests that the Planning Commission granting of the set-back variance would also apply to the remaining portions of the RH zoned property within the Barberry Node.

CONCLUSION:

Staff conclude the application does not conform with the following approval criteria:

- Requirements of the Infrastructure Agreement,
- The driveway and street design standards of Article 3, and,
- The multi-family requirements of the Barberry Mixed-Use Node in Chapter 2.6.

The Applicant considers that the Planning Commission can find that the relevant standards and criterion are met with the proposed modified street sections and associated proposed conditions of approval discussed in the section above and listed below.

RECOMMENDED MOTION:

I move to deny the Detailed Development Plan and Preliminary Subdivision plan for Highland Gleanns 2, case file MP 22-02.

The Applicant requests approval of the Detailed Development Plan and Preliminary Subdivision Plan for Highland Gleanns 2, case file MP 22-02, with the lot layout, proposed modified street cross-sections, and the proposed conditions of approval listed below.

RECOMMENDED CONDITIONS

Should the Planning Commission decide to approve the application(s), city staff recommend the following conditions:

- 1) The project shall be completed in accordance with the general criteria, plans and specifications, documents, and all other information presented to/or modified by the Planning Commission.
- 2) The final plat shall be submitted within 2 years of the date of this order or this approval shall lapse, unless extended pursuant to DDC.4.3.050.D.
- 3) Detailed Development Plan approval shall expire if the final plat is not filed within three (3) years from the date of approval. The City shall grant an extension upon written request by the Applicant and payment of the required fee provided the criteria found in DDC 4.5.070.C are met.
- 4) The extension of Barberry Avenue north of the intersection of Barberry and Boysenberry Avenue and development of an intersection connection with Ellendale (which may be phased as approved by ODOT and the City) must be completed prior to issuance of a certificate of occupancy for any development within the CN zoned lands.
- 5) The easterly side of the proposed extension of Barberry Ave. to be completed as part of Highland Gleanns 2, would only extend the paving to the future projection of the easterly curb and gutter line of the proposed modified street section for Barberry Avenue and the curb and gutter and multi-use path section development would be constructed with the planned development of the property adjoining the east side of the proposed Barberry Ave. extension. This allows for potential paved roadway widening if additional turning lanes are warranted with future development and the findings of the traffic study analyses work.
- 6) The traffic study analyses now being performed by the Applicant as part of the development and approval of the Barberry and Ellendale Ave. intersection needs to include the evaluation of traffic flows, turning movements, and lane configuration needed for the intersections of Ellendale and Barberry Avenues; Hankel St. and Barberry Avenue (currently designed as a 4-way stop); Boysenberry and Barberry Avenues; and the neighborhood commercial properties accessways off of Barberry Avenue at full-build out of the Applicant's portion of the Barberry Node.
- 7) The Applicant shall develop a minimum of 240 multi-family dwellings (which consist of duplexes, condominiums, or apartments) that are to be developed throughout the entire RH zoned properties within the area of the Barberry Node that the Applicant controls (i.e., including Highland Gleanns 1 and 2).
- 8) The Applicant shall as part of the development of the remaining portions of the RH lands within The Barberry Node under the Applicant's control, reserve a 1.5 gross acre area for development of a large public park area for recreational play. This park land reservation would only be required if the City Parks Master Plan can be amended to include the development of the park area reserved as a City public park area for active recreational play, with development to occur with 5 years of the reservation of the park land as recorded on the applicable plat map filed. This park would be developed after the collection of the majority of City Park SDCs from the development of the dwellings within the RH zoned areas of the Barberry Node. If the City chooses not to amend the City Parks Master Plan or fails to develop the reserved park area within the timeframe established, then the land will be returned to the Applicant for development that is allowed within the RH zoning district.

4) Prior to Construction Plan Approval:

- a) The Applicant shall submit detailed construction plans for review and approval by the Engineering Services Department, per DDC.3.4.070. This shall also include all necessary permit applications and studies as required. Plans submitted to the city for this permit are to demonstrate compliance with the Dallas Specifications and Oregon Supplemental Specifications and City of Dallas Standard Drawings.
- b) No work on the site shall commence until all permits and approvals have been secured from the Engineering Department, except for work allowed under separate permits.
- c) The Applicant shall obtain applicable state and federal permits for the development, including but not limited to a National Pollutant Discharge Elimination System (NPDES) 1200c permit for construction activity (e.g. clearing, grading, excavation).
- d) The construction plans shall include the location of street trees, consistent with DDC.3.2.040-~~2~~.
- e) The construction plans shall show the full length of SE Boysenberry Avenue to have a ~~curb-~~ ~~to curb~~ curb-to-curb paved width of ~~320~~ feet, with a 5 foot sidewalk ~~and landscape strip~~ on the south side, and no-parking allowed on either side of the street.

5) Prior to Final Plat Approval:

- a) The Applicant shall submit a final plat for approval by the Planning Director within two (2) years of this order.
- b) The Applicant shall provide a two-year warranty bond valid for 15% of the total cost of public improvements, per DDC.3.4.090.G.
- c) All public improvements shall be installed as approved by the Engineering Department, except those improvements the City at its discretion allows to be deferred, provided that the Applicant sign a deferred improvement agreement and provide a performance bond of 110% of the cost of the deferred improvements, per DDC.3.4.090.
- d) All grants of easement and rights of way shall be shown on the final plat.
- e) City approved street names, including the appropriate street name prefixes, shall be shown on the final plat.
- f) A final draft of the CC&Rs shall be submitted for review. Such CC&R's shall demonstrate provisions for ongoing maintenance of required street trees installed on private property, for ongoing maintenance of private open space, if any, and the homeowner's responsibility to maintain adjacent vegetated stormwater facilities, if any.
- g)

6) Prior to Building Permit Approval for each lot:

- a) The Applicant shall record the final subdivision plat at the Polk County Assessor's Office within 60 days of signature by the City, and provide the City a reduced-size copy of the recorded plat.
- b) The Developer / Home Builder shall provide a final soils engineering report for City review and approval. The report shall include, but is not limited to, the location and depth of fill

by lot, a compaction report, and a soil expansive index rating for the development. If the soils report has an expansive index rating over 20 or soil bearing under 1500 PSF, then the lot shall have a specific evaluation report regarding soil issues and engineered solutions for the foundation systems.

- c) A site survey establishing building location shall be required before approval to place concrete for building foundations if property pins are not in place at the time of residential construction (e.g. post-monumentation).
- d) The Applicant shall comply with all applicable Building and Fire Code requirements.

EXHIBITS:

01 - Notice of Public Hearing

02 - Applicant's Plans

03 - Applicant's Narrative