

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**



MEETING DATE: AUGUST 11, 2020
REPORT DATE: AUGUST 4, 2020
TOPIC: SUN RISE MEADOWS - #SUB-20-02

Application Type: Subdivision
Owner: David Kerns Construction
Applicant: David Kerns Construction
Location: NE Fern & NE Evergreen - Taxlot 7.5.28AC #4700

RECOMMENDED ACTION

Approval with Conditions

BACKGROUND INFORMATION

Zoning: RL – Residential Low-Density
Comprehensive Plan Map: Residential
Floodplain: No Floodplain
Lot Size: 6.72 Acres
Adjacent Land Uses: Single-Family Residential; Exclusive Farm Use (outside UGB)
Prior Land Use Approvals: “Polk Station Phase 2” Subdivision, 2015 (Partially Constructed)
Transportation System Plan Amendment, 2015 (Approved, Ord 1773)
“Polk Station Phase 2” Planned Unit Dev. 2007 (Expired)
“Polk Station Est. 1 of 3” Conditional Use. 2006 (Constructed)
“Polk Station Estates” Planned Unit Dev. 2000

PROJECT OVERVIEW

Develop a 20 lot residential subdivision with open space tract. As noted above, this property has received numerous prior approvals, the most recent being 2015, a three-phase approval of which only one phase was completed. Staff observe the present subdivision application to be similar to the 2015 proposal, with noticeable changes to accommodate delineated wetlands.

APPROVAL CRITERIA:

4.3.070 - Land Division Preliminary Plat 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, as follows:

LAND DIVISION PRELIMINARY PLAT

The applicant proposes to divide the property into 20 lots intended for residential dwellings. Land divisions are subject to the approval criteria of Dallas Development Code section 4.3.070.

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.

FINDING:

Article 2 (Land Use District) Findings: The underlying RL Residential Low Density zoning district standards for newly created subdivisions are addressed in the application. Below is a summary list of development standards in Dallas Development Code section 2.2, applicable to RL zoned properties.

DDC.2.2.030.B. - Minimum Lot Size: In the RL zone the minimum average lot size is 5,000 square feet. With lot size averaging, lots may be reduced to 80% of that standard (4,000 square feet) provided that there are larger lots to offset them, such that the average of all lots is at least 5,000 square feet. The average lot size for the proposal is 7,462 square feet, and no lot is less than 4,000 square feet, so this standard is met.

DDC.2.2.030.C. - Minimum Lot Dimensions: In the RL zone the minimum lot width is 50 feet and the minimum depth is 75 feet. All lots are equal to or greater than those dimensions, therefore the lot dimension standard is met.

2.2.050A - Density: Minimum and maximum residential density for the RL Zoning District is 4 – 7 dwelling units per net acre. The development site has 5.72 net acres after subtracting right-of-way, resulting in a density of 3.5 dwellings per net acre, which is below the minimum allowable density range. However, staff notes that there is a significant open space / wetlands tract associated with the project, and if the open space is excluded the resulting density is 5.84 dwellings per net acre, which is within the allowable range.

2.2.030.F. - Minimum Open Space Area: The applicant is required to provide 6% of the gross area of the subdivision as open space. The applicant proposes an open space tract of 100,760 square feet (2.31 acres), which is greater than 6%. The applicant's narrative states this is to be owned and maintained by a homeowner's association. Staff notes that the previously approved and partially constructed Polk Station Phase 2 deferred required open space, proposed for this same location, to time of future development, however it is not clear from the applicant's narrative if residents of this prior phase will have legal access to the open space. Staff notes that the Dallas Development Code does not contain any minimum design standards for required open space beyond the minimum gross area.

2.2.080 - Housing Variety Standards: Subdivisions of 20 or more lots are required to score at least 12 points towards the Housing Variety Standards, which are earned by having a mix of lot sizes (option 1), and/or by reserving lots for small houses (option 2), and/or by reserving lots for low-

income housing (option 3). The maximum points for any single option is 9, so multiple options are required to achieve the 12 points.

The applicant proposes to have five lots (25% of lots) be smaller than 20% of the median lot size, (option 1 - 'lot size variety'), thereby scoring 6 points. The applicant proposes to achieve the remaining points by reserving four lots (20% of lots) for 'small housing types,' (option 2) scoring the remaining 6 points. Staff recommends a condition of approval requiring the applicant to record CC&R's or deed restrictions so that future owners of the four lots are aware of the dwelling size restriction.

Article 3 (Design Standards) Findings: Chapter 3.1 and 3.2 and 3.4 are applicable to residential subdivisions.

Chapter 3.1 provides standards regarding **access and circulation**. Each residential lot only contains one street access, and the driveways appear to meet spacing standards of DDC.3.1.020.F.2.

Chapter 3.2 provides standards regarding **landscaping, street trees and fences and walls**. The applicant has provided a tree plan mapping the locations of trees greater than six inches in trunk diameter; all 14 trees identified are proposed to remain. Planting of street trees is required, but may be deferred until final inspection of completed dwellings to avoid construction damage, as allowed under DDC.3.2.040. A recommended condition of approval is for the street tree locations to be shown on the infrastructure plans, to minimize potential utility conflicts. No fences or walls are proposed as part of the subdivision.

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**, the Applicant will dedicate right-of-way and construct roadway improvements extending NE Fern and NE Evergreen through the property to form a loop.

A Traffic Impact Analysis was not provided, as the proposed 20 lots will generate less than the 300 Average Daily Trips threshold for requiring a traffic impact analysis under DDC.4.1.090.A.3.

Street connectivity and block length standards under DDC.3.4.015.G specify a maximum block length of 600 feet, and requires streets to be stubbed to adjacent unplanted land. The proposed street extensions form a loop within the development and do not extend to the boundary of the development. Staff notes that the wetlands to the east may reasonably preclude further street extension in that direction, in conformance with the standards of DDC.3.4.015.J.3. The applicant states that the TSP amendment in 2015 eliminated the need for a street connection to Kings Valley Highway to the south and unplatted land to the north; After review of the 2015 TSP amendment documents, staff notes that the amendment removed the identified collector street through the subject property, but that the adopting ordinance does not explicitly waive the street connectivity and spacing standards for local streets. That being said, with wetlands, the urban growth boundary,

and a significant change in grade, there may be reason for the planning commission to find street connections to be impracticable.

When street connections are found to be impracticable, DDC.3.4.015.G.5 requires a pedestrian/bicycle accessway to be provided in lieu of a street connection. The applicant has already proposed an accessway to the south connecting the development to Kings Valley Highway. Staff recommends that a condition of approval be to require an accessway to the east (between lots 6 and 7) connecting the development to the open space, and an accessway to the north (between lot 10 and tract 'A'). As the north accessway abuts unplatted land, it may be appropriate to defer construction of this accessway until such time as the property to the north redevelops.

Kings Valley Highway is classified as a Major Arterial, and is also a state highway. At the time of publication of this report staff have yet to receive comments from ODOT. The Dallas Development Code's criteria standard for a Major Arterial requires curb, sidewalk, bike lane, and a center turn lane. Staff observe these improvements to Kings Valley Highway adjacent to the proposed residential lots, however the applicant has not proposed these improvements adjacent to the Tract A open space. Staff notes that the improvements along Tract A do not, in and of themselves, improve safety or capacity, and the adjacent Urban Growth Boundary makes it unlikely the improvements would be extended in the foreseeable future. Therefore, it may be appropriate to record a future improvement guarantee (e.g. waiver of remonstrance) such that the owners of Tract A shall pay for the abutting improvements at such future time as may be appropriate. A recommended condition of approval is that the applicant construct full half-street improvements adjacent to Tract A, or record a future improvement guarantee for the improvements.

Regarding **Storm Drainage, Sanitary Sewer and Water Service**, there are existing public utilities adjacent to and within the site (installed as part of a prior development effort) with adequate capacity to serve the development.

CRITERION:

DDC.4.3.070.A.2. - The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

FINDING:

The proposed name for this subdivision is Sunrise Meadows. Staff believes the application can meet this criterion, subject to review and approval by the County Surveyor.

CRITERION:

DDC.4.3.070.A.3. - The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

FINDING:

Refer to page 3 and 4 for discussion of street connectivity standards and street improvement standards.

CRITERION:

DDC.4.3.070.A.4. - All proposed private common areas and improvements (e.g. homeowner association property) are identified on the preliminary plat;

FINDING:

According to the applicant's narrative, Tract A is proposed for private open space to be owned and maintained by a homeowners association. Therefore this criterion is satisfied.

CRITERION:

DDC.4.3.070.A.5. - Evidence that any required State and Federal permits have been obtained, or shall be obtained before approval of the final plat;

FINDING:

The applicant has submitted a copy of their application for DSL / Army Corps joint wetlands permit. Staff also notes that a National Pollutant Discharge Elimination System (MPDES) 1200c permit will be required for construction activities. A recommended condition of approval is that all outside agency permits be obtained before the city issues a grading permit. Therefore the criterion can be satisfied.

CRITERION:

DDC.4.3.070.A.6. - Evidence that improvements or conditions required by the City, road authority, Polk County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met;

FINDING:

This staff report and the final decision order identify the improvements and conditions that must be met and the time line for completing them. The proposed development can comply with this criterion.

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:

The site is not located within an Overlay Zone. This criterion does not apply.

CRITERION:

DDC.4.3.070.B.1. - All lots shall comply with the General Development Standards of the applicable land use district (Article 2), and the standards of Section 3.4.010.G – Street Connectivity and Formation of Blocks.

FINDING:

Refer to page 2 for discussion of how the application satisfies the standards of Article 2 and street connectivity standards.

CRITERION:

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

FINDING:

Staff concurs that the applicable setbacks can be met at the time of building permit review. Therefore this criterion is satisfied.

CRITERION:

DDC.4.3.070.B.3. - Each lot shall conform to the standards of Chapter 3.1 – Access and Circulation.

FINDING:

Proposed driveways are not shown on preliminary plans, and will be reviewed at the time of building permit / construction plan. Each residential lot is allowed only one street access, and the driveways will be required to meet the spacing standards of DDC.3.1.020.F.2. and DDC.2.2.100.C.1.g.

CRITERION:

DDC.4.3.070.B.4. - Landscape or other screening may be required to maintain privacy for abutting uses.

FINDING:

The applicant does not propose any privacy screening as part of the project. Areas where buffering or screening is or may be required by code are specified in DDC.2.2.030.E.3.

CRITERION:

DDC.4.3.070.B.5. - In conformance with the Oregon Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive.

FINDING:

Staff finds that no buildings will be located more than 150 from a public right-of-way, and that therefore this criterion does not apply.

CRITERION:

DDC.4.3.070.B.6. - Where a common drive is to be provided to serve more than one lot, a reciprocal easement for access and maintenance rights shall be recorded with the approved subdivision or partition plat.

FINDING:

No common drives are proposed, so this criterion does not apply.

CRITERION:

DDC.4.3.070.B.7. - All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

FINDING:

Staff concurs that engineering standards can feasibly be met. A recommended condition of approval is that the applicant shall submit detailed construction plans for review and approval by the Engineering Services Department, per DDC.3.4.070. With the proposed condition this criterion can be satisfied.

RECOMMENDED ACTION

Staff recommends that the Subdivision application be approved with 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) **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 as needed for the development, including but not limited to a National Pollutant Discharge Elimination System (NPDES) 1200c permit for construction activities (e.g. clearing, grading, excavation).
 - d) The construction plans shall include the location of street trees, consistent with DDC.3.2.040.
- 4) **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) The applicant shall construct full half-street improvements to Kings Valley Highway adjacent to the proposed residential lots, including curb and sidewalk. The applicant shall

obtain a right-of-way encroachment permit from the Oregon Department of Transportation prior to conducting work within the Kings Valley Highway right-of-way.

- e) The applicant construct full half-street improvements to Kings Valley Highway adjacent to Tract A, including curb and sidewalk, or shall record a future improvement guarantee for the improvements, subject to review and approval by the city attorney.
- f) An accessway shall be constructed between lots 6 and 7, connecting the development to the open space.
- g) All grants of easement and rights of way shall be shown on the final plat, including a public pedestrian easement between lot 10 and Tract A which connects Fern Avenue to the unplatted land to the north. Such pedestrian easement shall be subject to review and approval of the city attorney.
- h) City approved street names, including the appropriate street name prefixes, shall be shown on the final plat.
- i) The lots to be reserved for houses less than 1,600 square feet under the housing variety standards shall be so designated through either recorded CC&R's or deed restrictions for a period of 15 years so as to inform potential buyers of the restriction.
- j) A final draft of the CC&Rs shall be submitted for review and approval by the city attorney.

5) 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.

RECOMMENDED MOTION:

I move to approve the Subdivision application with the conditions stated in the staff report.

EXHIBITS:

Applicant's Written Narrative and Plans
Notice of Public Hearing