

MINUTES

1 **1. CALL TO ORDER**

2 President John Swanson presiding, called the meeting to order at 7:02 p.m.

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4 **2. ROLL CALL**

5 **Commissioners Present:** Andy Groh, Rich Spofford, John Schulte, Mary Newell, John Swanson, Tory Banford  
6 **Not in Attendance:** Carol Kowash

7 **Staff Present:** Chase Ballew, City Planner; Charlie Mitchell, Economic & Community Development Director;  
8 Tom Gilson, Public Works Supervisor; Benjamin Curry, Recorder  
9 **Healthy Sustainable Communities:** Jon Legarza, Nikki Hart-Brinkley, Matt Brinkley

10  
11 **3. APPROVAL OF MINUTES**

12 Mr. Swanson presented the minutes of the regular meeting of September 12, 2023. Mr. Schulte made a motion  
13 to approve the minutes as written. Mr. Spofford seconded the motion. The motion passed unanimously.

14 Mr. Swanson presented the minutes of the regular meeting of October 10, 2023. Mr. Schulte made a motion to  
15 approve the minutes as written. Mr. Spofford seconded the motion. The motion passed unanimously.

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17 **4. PUBLIC COMMENT (3 minutes per person)**

18 There were none.

19  
20 **5. La Creole Node Master Plan Update Presentation - Agenda item #6**

21 Mr. Swanson, at the recommendation of staff, moved agenda item #6 ahead of the scheduled public hearings.

22 Mr. Swanson introduced the agenda item to be discussed, the Type IV land-use proceedings to follow, and  
23 the consulting team providing the presentation. Staff recommendation is to recommend the proposed for La  
24 Creole Node Conceptual Plan #4 to City Council for approval.

25  
26 **Healthy Sustainable Communities - Jon Legarza, Nikki Hart-Brinkley, Matt Brinkley**

27 Mr. Legarza and his team provided a presentation via Zoom utilizing a PowerPoint slide deck. His team  
28 walked through the history and progress of the La Creole Node master plan redesign work, the public  
29 engagement process, technical advisory committee findings, and facilitated a Q/A session with the  
30 commissioners.

31  
32 **DELIBERATIONS**

33 Ms. Newell questioned the location and mix of low-density residential zoning. Mr. Groh discussed pedestrian  
34 walkways and the plan for acquisition and development of the designated park areas. Mr. Schulte raised the  
35 issue of the strategic role of the Planning Commission and the sufficiency of public feedback in the proposed  
36 concept map. Mr. Swanson noted this redesign work being a refinement of a 20 year planning process and  
37 highlighted the work by staff and the consulting team to solicit public feedback.

38  
39 Mr. Banford made a motion to recommend La Creole Node Conceptual Plan #4, to City Council for  
40 acceptance. Mr. Groh seconded the motion. The motion passed by split vote with Mr. Spofford, Mr. Banford,  
41 Ms. Newell, Mr. Swanson, and Mr. Groh voting in favor with Mr. Schulte voting in opposition.

42  
43 **6. PUBLIC HEARING - A**

44 **Conditional Use Permit #CUP-23-10 Tim Sampont/Tim's Garage - 188 Washington Street**

45 Mr. Swanson opened the public hearing at 7:45 p.m. He introduced the agenda item, the rules for public  
46 testimony, and the quasi-judicial proceedings to follow. Mr. Banford acknowledged that he is a member of  
47 the Urban Renewal District Advisory Committee and has heard about this issue. He does not believe it will  
48 impact his ability to participate on this issue. No other ex-parte contact or conflicts of interest were declared.

49  
50 **STAFF REPORT**

51 Mr. Ballew read from the staff report and summarized the application and the criteria for approval. Staff  
52 recommendation is that Conditional Use Permit CUP-23-10 be granted.  
53

54 The commission discussed with staff the driveway locations, easements, future development challenges for  
55 the lot, ODOT regulations for major arterials, the addition and design of the site-obscurer fence, and past  
56 enforcement of the current non-compliant use.  
57

58 **APPLICANT PRESENTATION**

59 No presentation provided.  
60

61 **PUBLIC TESTIMONY**

62 **Dallas Downtown Association (DDA) – Board Chair, Brian Dalton**

63 DDA Board Chair Brian Dalton read from a prepared statement and shared the DDA’s strong support for small  
64 businesses, the further development and revitalization of downtown, and support for the application along with  
65 a recommendation of additional conditions for approval. (Amendment A)  
66

67 **Brian Dalton – 1635 Bridlewood Court Dallas, Oregon 97338**

68 Mr. Dalton, representing himself, shared the following statement: “My family moved to Dallas in 1899 and we  
69 have owned at least five buildings in town, one of which is on the National Register. In this case, I am in full  
70 support of the DDA’s position and ask that you adopt it. Thank you.”  
71

72 **Leroy Murray - 17409 Brown Road, Dallas, Oregon 97338**

73 Mr. Murray proffered testimony via phone as the property owner of the lot under discussion. He was asked by  
74 Mr. Groh if they were monitoring the contamination levels on the property. He said no, but that he had records  
75 of the prior environmental clean-up. He claimed to be in contact with a staff member from ODOT and was told  
76 that due to a future walkway development, he would be able to keep both driveways.  
77

78 **REBUTTAL**

79 No rebuttal was provided as the applicant was not present.  
80 Mr. Swanson closed the Public Hearing at 8:14 p.m.  
81

82 **DELIBERATIONS**

83 Mr. Swanson acknowledged the need for street trees and landscaping. He highlighted the potential  
84 conflicts with the objectives of the DDA and appreciated the statement of positive support with the  
85 suggested additional criteria for approval.

86 Mr. Groh identified the proposed driveway locations as a concern, noting ODOT regulations  
87 regarding major arterials, as well as safety concerns with a blind exit on Church Street so close to  
88 the Washington Street intersection.

89 Ms. Newell inquired about the possibility of relocating the driveway to the East side of the  
90 proposed storage lot abutting the main business operation. Mr. Gilson, representing Public Works,  
91 identified the technical challenges associated with the grading on the East lot face.

92 Mr. Banford voiced his support for local businesses but also acknowledged that a storage lot is not  
93 the highest and best use of prime downtown commercial land, referencing the large amount of  
94 available industrial land outside the central business district.

95 Mr. Swanson shared that it is good practice to not make a non-conforming use more non-  
96 conforming and he believes this proposal would do that. He is in favor of a motion for denial and  
97 recommended that City Staff work with the applicant to propose an alternative solution that  
98 addresses the concerns that were raised.  
99

100 Ms. Newell made a motion to deny #CUP-23-10. The motion was withdrawn at the advice of  
101 Counsel on the basis of the need to identify the criterion for denial.  
102

103 Mr. Groh made a motion to deny Conditional Use Permit #CUP-23-10 due to not meeting the  
104 following three standards. Specifically, the Planning Commission finds that:

- 105 • Site access is inadequate, as the driveway does not meet the spacing standard required by  
106 DDC.3.1.020.F.

- Visibility is inadequate as the proposed fence and gate does not provide the intersection vision clearance required by DDC.3.1.020.N.
- Safety is inadequate, as operations of the site will require use of the state highway to move inoperative vehicles back and forth between the storage lot and the repair bays.

Mr. Swanson stated the noticing requirements of the land-use decision and the process for appeal.

## 7. PUBLIC HEARING - B

### **ZC#23-01 Polk Community Development Corp – 520 SE Hankel Street**

Mr. Swanson opened the public hearing at 8:35 p.m. He introduced the agenda item, the rules for public testimony, and the Type IV land-use proceedings to follow. No ex-parte contact or conflicts of interest were declared.

### **STAFF REPORT**

Mr. Ballew read from the staff report summarizing the application and the criteria for approval utilizing a PowerPoint slide deck. Staff recommendation is that Zoning Map Amendment ZC#23-01 be recommended to City Council for approval. He noted that the office of Planning Official has the authority to expand the rezoning to include 498 Hankel Street in alignment with the orderly expansion of the City.

Mr. Groh asked about a discrepancy on the proposed maps. Mr. Ballew confirmed it was a pre-existing map and that the final district will be in accordance with standard district mapping provisions. Mr. Groh also highlighted the proposed continuation of Pine Street, from East to West. Mr. Ballew noted that the continuation of Hankel Street is part of a larger development plan for that area.

### **APPLICANT PRESENTATION**

No presentation provided.

### **REBUTTAL**

No rebuttal was provided due to lack of opposing testimony.

Mr. Swanson closed the Public Hearing at 8:47 p.m.

### **DELIBERATIONS**

Mr. Swanson noted the need for additional residential housing in Dallas and his support for the proposed Zone Change, highlighting that the continuity of Pine Street will further enable Hankel Street to develop.

Mr. Banford made a motion to recommend Zone Change ZC#23-01, as written, to City Council for approval. Mr. Schulte seconded the motion. The motion passed unanimously with Mr. Spofford, Mr. Banford, Ms. Newell, Mr. Swanson, Mr. Schulte and Mr. Groh voting in favor.

## 8. **COMMISSIONER COMMENTS**

Mr. Schulte shared a desire to set time aside at a future Planning Commission meeting to discuss public engagement and citizen involvement in the strategic planning decision making process.

## 9. **STAFF COMMENTS**

Mr. Ballew provided his perspective as the City Planner on the La Creole Node Master Plan update, noting that the survey data had identified a deficit of available commercially zoned land and that this plan is formulated to address the deficit.

## 10. **ADJOURN**

Mr. Swanson adjourned the meeting at 8:55 p.m. Next meeting: December 12th, 2023, 7:00 p.m.

**APPROVED:**

  
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John Swanson, Planning Commission President

12-12-23  
Date