

MINUTES

1 **1. CALL TO ORDER**

2 President John Swanson presiding, called the meeting to order at 7:03 p.m.
3

4 **2. ROLL CALL**

5 **Commissioners Present:** John Swanson, Rich Spofford, John Schulte, Mary Newell,
6 Tory Banford, Andy Groh

7 **Not in Attendance:** Carol Kowash

8 **Staff Present:** Chase Ballew, City Planner; Tom Gilson, Public Works Supervisor; Troy Skinner,
9 Building Official; Benjamin Curry, Recorder
10

11 **3. ELECTION OF OFFICERS**

12 Mr. Swanson opened the floor to nominations.

13 Mr. Banford made a motion to retain President John Swanson, and Vice President Andy Groh for
14 the 2024 calendar year. Mr. Spofford seconded the motion. The motion passed unanimously.
15

16 **4. APPROVAL OF MINUTES**

17 Mr. Swanson presented the minutes of the regular meeting of December 12th, 2023.

18 Ms. Newell made a motion to amend the minutes to reflect Troy Skinner as present for the December
19 12th, 2023 meeting under 2. Roll Call. Mr. Schulte seconded the motion. The motion passed
20 unanimously.

21 Mr. Swanson made a motion to approve the minutes as amended. Mr. Banford seconded the motion.
22 The motion passed unanimously.
23

24 **5. PUBLIC COMMENT (3 minutes per person)**

25 There were none.
26

27 **6. PUBLIC HEARING – A**

28 **Conditional Use Permit #CUP-23-12 Short-term Rental – 1110 Levens Street**

29 Mr. Swanson opened the public hearing at 7:13 p.m. He introduced the agenda item, the rules for
30 public testimony, and the quasi-judicial proceedings to follow. No other ex-parte contact or
31 conflicts of interest were declared.
32

33 **STAFF REPORT**

34 Mr. Ballew read from the staff report and summarized the application and the criteria for approval.
35 Staff recommendation is that Conditional Use Permit #CUP-23-12 be granted with criteria of
36 approval, noting that the site does not have adequate on-site parking for the required use, and if
37 approved, an additional public hearing and approval of a Variance would be required.
38

39 **APPLICANT PRESENTATION**

40 Naomi Smith – 4315 Smith Lane, Falls City, OR 97344

41 Ms. Smith addressed what precipitated the need for a variance and said she was ready to submit as
42 soon as possible. She addressed the other listed criteria of approval and thanked city staff for their
43 helpfulness.
44

45 **PUBLIC TESTIMONY**

46 There was none.
47

48 **REBUTTAL**

49 No rebuttal was provided due to lack of opposing testimony.
50 Mr. Swanson closed the Public Hearing at 7:29 p.m.
51

52 **DELIBERATIONS**

53 Ms. Newell made a motion to approve Conditional Use Permit #CUP-23-12 with conditions of
54 approval as written in the staff report, Mr. Groh seconded the motion. The motion was passed
55 unanimously with Mr. Swanson, Mr. Spofford, Mr. Schulte, Ms. Newell, Mr. Groh, and Mr.
56 Banford voting in favor.
57

58 **PUBLIC HEARING – B**

59 **SUB#23-03 Miller Avenue Subdivision – Noble Built Homes, LLC**

60 Mr. Swanson opened the public hearing at 7:33p.m. He introduced the agenda item, the rules for
61 public testimony, and the Type III quasi-judicial proceedings to follow. Ms. Newell declared that
62 she owns property adjacent to the proposed subdivision but has no bias for or against the proposal.
63

64 **STAFF REPORT**

65 Mr. Ballew read from the staff report summarizing the application and the criteria for approval
66 utilizing a PowerPoint slide deck. Staff recommendation is that SUB#23-03 be approved as written
67 with conditions of approval.

68 The commission asked questions of staff and discussed the following topics:

- 69 • Private common areas
- 70 • Sidewalk reimbursement and requirements
- 71 • Shared driveway restrictions
- 72 • Fire apparatus access
- 73 • Driveway length and garage placement
- 74

75 **APPLICANT PRESENTATION**

76 **Kim Johnson & Owen Von Flue – 7 Oaks Engineering**

77 Ms. Johnson and Mr. Von Flue, referencing the submitted plans and prior meetings with city staff,
78 addressed the topics discussed in detail and reiterated their willingness to modify the plan to meet
79 the city and community’s highest priorities for the area given the irregularities of the lot and
80 inherent difficulty in accommodating the riparian zone, hillside, and creek.
81

82 **PUBLIC TESTIMONY**

83 **Kevin Minahan – 1389 SE Miller Ave, Dallas, OR 97338**

84 Mr. Minahan has occupied the home across the street for 12 years. He is concerned the
85 development would increase traffic flow through an already bad intersection and about the lack of
86 parking.
87

88 **REBUTTAL**

89 Mr. Von Flue highlighted that the compromises presented in the plan were arrived at after a lengthy
90 discussion and design process and that this option seemed to be the best approach to meeting the
91 most criteria. Ms. Johnson added that staff had communicated that the intersection would meet the
92 minimum required spacing. Mr. Ballew confirmed and added that a traffic impact analysis would
93 also not be required due to not meeting the threshold of 300 daily trips. He also discussed the fire
94 code, safety requirements, and comments from the Fire Marshall on fire apparatus access.

95 Mr. Swanson closed the Public Hearing at 8:34 p.m.
96

97 **DELIBERATIONS**

98 Mr. Groh made a motion for a continuance with further deliberations at a future Planning
99 Commission meeting in tandem with the application for a Variance. Mr. Banford seconded the
100 motion. The motion was passed unanimously with Mr. Swanson, Mr. Spofford, Mr. Schulte, Ms.

101 Newell, Mr. Groh, and Mr. Banford voting in favor.
102

103 **PUBLIC HEARING – C**

104 **SUB#21-07 Creekside 3 Subdivision Modification, David Radke**

105 Mr. Swanson opened the public hearing at 8:37 p.m. He introduced the agenda item, the rules for
106 public testimony, and the Type III quasi-judicial proceedings to follow. No ex-parte contact or
107 conflicts of interest were declared.
108

109 **STAFF REPORT**

110 Mr. Ballew read from the staff report summarizing the application and the criteria for approval
111 utilizing a PowerPoint slide deck. Staff recommendation is that SUB#21-07 be recommended to
112 City Council for approval. He identified the key change in definition of the word “development”
113 since the time the initial application was processed which has since become more restrictive,
114 disallowing the development of minor structures like fences and outbuildings.
115

116 **APPLICANT PRESENTATION**

117 **David Radke – 471 Oregon Falls Drive, Dallas, OR 97338**

118 Mr. Radke discussed the initial plan and vision for the lots and how the change in definition
119 dramatically impacts the usability and marketability of the properties by prohibiting the
120 construction of pole barns, agricultural structures, and basic fencing to delineate lots. He discussed
121 the efforts to get the houses out of the flood plain and how the wording of the definition eliminates
122 the possibility for any additional developments on the remainder of the lots.
123

124 **PUBLIC TESTIMONY**

125 **Jim Edward Pike – 1647 SW Hazel Street, Dallas, OR 97338**

126 Mr. Pike noted in his testimony that the term “outbuilding” is not defined and asked for
127 clarification. He asked about accessibility and shared a video of flooding from the site. He asked
128 how we can approve developments in this area when this type of flooding is a common occurrence.
129

130 **Stephen Mannenbach – 15380 Ellendale Road W, Dallas, OR 97338**

131 Mr. Mannenbach shared his concern about structures built in the path of flood generating velocity
132 as the flood waters usually flow from Mr. Radke’s property onto his. He asked that there be
133 guidelines on the type of fencing allowed to be built in those areas such that they allow water pass
134 through. Mr. Mannenbach provided a sheet of potential fencing options.
135

136 **Cliff Merritt – 398 SW Applegate Trail Drive, Dallas, OR 97338**

137 Mr. Merith shared his concern with potential buyers seeing the floodplain area as buildable, but
138 without knowledge of the potential for flooding in those low areas. He also raised the concern of
139 chemicals or other substances being stored in outbuildings that could potentially be released during
140 a flood event and washing into Rickreall Creek.
141

142 **Elizabeth Miller – 411 SW Oregon Falls Drive, Dallas, OR 97338**

143 Ms. Miller asked that if approved, future developments would need to go through the floodplain
144 approvals process. The commission confirmed that they would. She asked the commission to
145 strongly consider the issue of flooding in their final decision.
146

147 **George Boyce – 1515 SW Hazel Street, Dallas, OR 97338**

148 Mr. Boice shared his concern with having livestock in the floodplain area due to wet conditions
149 causing mud and potential animal waste flowing into Rickreall Creek.
150

151 **REBUTTAL**

152 Mr. Radke noted that the bowl and the pipe that goes under the walkway has been in there since
153 2000 and that the bowl is a working design and not the issue at question. Mr. Radke referenced

154 prior conversations with City staff and clarified the shared understanding of how the rules should be
155 interpreted. Mr. Ballew confirmed that this proposal is to change the CC&Rs to allow
156 developments that would need to follow the floodplain approvals permit process.
157 Mr. Swanson closed the Public Hearing at 9:29 p.m.

158
159 **DELIBERATIONS**

160 The commission found that if approved, the application would constitute permitting all future
161 proposed developments on the lots in question to follow the same approvals process as other
162 developments within a floodplain area, subject to floodplain development permits.

163 Mr. Schulte made a motion to approve SUB#21-07 as written. Mr. Groh seconded the motion. The
164 motion passed unanimously with Mr. Groh, Mr. Spofford, Ms. Newell, Mr. Swanson, Mr. Banford,
165 and Mr. Schulte voting in favor.

166
167 **7. COMMISSIONER COMMENTS**

168 There were none.


169
170 **8. STAFF COMMENTS**

171 There were none.

172
173 **9. ADJOURN**

174 Mr. Swanson adjourned the meeting at 9:43 p.m. Next meeting: February 13th, 2024, 7:00 p.m.

175
176 **APPROVED**

177 
178 _____
John Swanson, Planning Commission President

2/13/24

Date