

MINUTES

1 **1. CALL TO ORDER**

2 President John Swanson presiding, called the meeting to order at 7:01 p.m.

3
4 **2. ROLL CALL**

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

7 **Not in Attendance:** Carol Kowash, Rich Spofford

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

10
11 **3. APPROVAL OF MINUTES**

12 Mr. Swanson presented the minutes of the regular meeting of January 9th, 2024.

13 Mr. Banford made a motion to approve the minutes as amended. Ms. Newell seconded the motion.
14 The motion passed unanimously.

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

17 There were none.

18
19 **5. PUBLIC HEARING – A**

20 **VAR 24-03 / SUB 23-03 River Wild Subdivision – Noble Built Homes, LLC**

21 Mr. Swanson opened the public hearing at 7:06 p.m. He introduced the agenda item, the rules for
22 public testimony, and the quasi-judicial proceedings to follow. No other ex-parte contact or
23 conflicts of interest were declared. He summarized the discussion regarding the initial subdivision
24 application and the applicant’s decision to request concurrent approval of a variance.

25
26 **STAFF REPORT**

27 Mr. Ballew read from the staff report and summarized the application and the criteria for approval.
28 Staff recommends that VAR 24-03 and SUB 23-03 be approved as written with conditions.

29
30 **APPLICANT PRESENTATION**

31 **Owen Von Flue & Kim Johnson – Owner/Developer & 7 Oaks Engineering**

32 Mr. Von Flue addressed the need for a variance and noted for the record that the driveway is
33 required to be owned by the lot farthest away from Miller Road and it will have 26ft of frontage and
34 the code specifies that lots with frontage are not included in the count. He noted that a key to the
35 variance is making sure the request is consistent with the intent of the code and his team is
36 interpreting the provision to ensuring adequate fire apparatus access to the surrounding properties,
37 and referenced prior comments from the Fire Marshall during the development review phase of the
38 project. Mr. Von Flue also addressed the mislabeling of “top of bank” on the original application
39 and noted the labeling had been removed. He did however point out that the proposed area is
40 clearly outside of the riparian zone, and while he believes obtaining proper permits through the
41 Department of State Lands (DSL) would be achievable, it would increase the cost and induce
42 further delays on the project which was a concern.

43
44 **PUBLIC TESTIMONY**

45 There was none.

46
47 **REBUTTAL**

48 No rebuttal was provided due to lack of opposing testimony.
49 Mr. Swanson closed the Public Hearing at 7:27 p.m.

50
51 **DELIBERATIONS**

52 Mr. Swanson reiterated that this application is for a variance to be concurrently approved along
53 with the original subdivision application. Mr. Banford commented on potential clarification of the
54 language in condition F. Mr. Groh suggested changing the language in section 3)c. regarding
55 applicable state and federal permitting to emphasize that applicants submit said permits to the city.
56 Mr. Swanson opened the floor to a motion.

57
58 Ms. Newell made a motion to approve VAR 24-03 and SUB 23-03 with conditions of approval as
59 written in the staff report, Mr. Groh seconded the motion. The motion was passed unanimously
60 with Mr. Swanson, Mr. Schulte, Ms. Newell, Mr. Groh, and Mr. Banford voting in favor.

61
62 **PUBLIC HEARING – B**

63 **CPA#23-01 & ZC#23-02 Clow Corner Comprehensive Plan Amendment – Ken Perkins**

64 Mr. Swanson opened the public hearing at 7:37 p.m. He introduced the agenda item, the rules for
65 public testimony, and the quasi-judicial proceedings to follow.

66
67 **STAFF REPORT**

68 Mr. Ballew read from the staff report summarizing the application and the criteria for approval
69 utilizing a PowerPoint slide deck. Staff recommendation is that CPA#23-01 & ZC#23-02 be
70 recommended to City Council for approval as written with conditions of approval.

71
72 **APPLICANT PRESENTATION**

73 **Fred Evander – 746 SE Shelton Street, Dallas, Oregon 97338 representing Ken Perkins**

74 Mr. Evander referenced the prior public hearing at the December 5, 2024 Planning Commission
75 meeting and summarized the application. He shared that they have dedicated 35 feet on the East end
76 of the site for a future road, but that the road is contingent on development to the North to connect
77 to. Mr. Evander stated that the criteria for approval are all addressed in the proposal. He noted that
78 this site is directly to the East of a residential neighborhood, and that Mr. Perkins believes that this
79 neighborhood would be better served by being adjacent to another residential zone as opposed to
80 industrial land. He also emphasized the current surplus of industrial land within the community and
81 the deficit of medium density residential and strongly encouraged the commission to approve the
82 application a second time.

83
84 **PUBLIC TESTIMONY**

85 **Rozann Hegg – 1510 SE Anna Avenue, Dallas, Oregon 97338**

86 Ms. Hegg is concerned about the number of duplexes being proposed when the initial plan seemed
87 like a small number of single family homes. She is concerned about traffic flow on such a narrow
88 street with cars parked along the side. She would prefer to risk keeping the industrial traffic instead
89 of increasing the number of trips along this road with kids and dogs playing nearby.

90
91 **Ken Bartley 1520 Anna Avenue, Dallas, Oregon 97338**

92 Mr. Bartley commented that the street they live on has 25 homes, he is concerned about a large
93 increase in traffic from the number of proposed new homes and feels it will be a burden on the
94 street.

95
96 **REBUTTAL**

97 **Ken Perkins – 4925 Livermore Road, Dallas, Oregon 97338**

98 Mr. Perkins addressed the concerns that were raised by the members of the public. He shared that
99 he has had prior recorded community meetings with surrounding property owners to inform and
100 solicit feedback on the proposal. He stated that as a member of the community, he genuinely

101 believes that it would be best to have a residential zone empty out into that neighborhood as
102 opposed to industrial traffic. He shared his willingness to install a park that would serve the
103 surrounding homes, and referenced the letters of testimony in support of the proposal that were
104 received and spoke to his efforts to engage community members in the decision to move forward.
105 Mr. Evander also highlighted that the decision before the commission today was just for the
106 comprehensive plan amendment and zone change, and that any future subdivision would be subject
107 to a new review and approvals process and come before the Planning Commission at a future public
108 hearing.

109
110 Mr. Swanson closed the Public Hearing at 8:09 p.m.

111
112 **DELIBERATIONS**

113 Mr. Banford stated that he had previously voted in opposition to the application at the prior public
114 hearing as residential and industrial zones are generally not compatible and he's concerned about
115 eroding our industrial land base, however, there was a good case made in favor of the application
116 and he will be voting in support of the proposal.

117
118 Mr. Banford made a motion to approve CPA#23-01 & ZC#23-02 with conditions of approval as
119 written in the staff report, Mr. Schulte seconded the motion. The motion passed unanimously with
120 Mr. Swanson, Mr. Schulte, Ms. Newell, Mr. Groh, and Mr. Banford voting in favor.

121
122 **6. COMMISSIONER COMMENTS**

123 Mr. Schulte asked for an update on the proposed shelter on Holman Avenue. Mr. Shetterly provided
124 a status update on the application that was submitted through the HB 3395 Emergency Shelter
125 Siting Approval Process which is currently under review for completeness. The commission
126 discussed impartiality requirements and community involvement. Mr. Latta commented on
127 CPA#23-01 & ZC#23-02 sharing that he had spoken with the applicant Mr. Perkins and had asked
128 him to come back to ensure that the Zone Change approval he had received was based on the
129 current Comprehensive Plan policies and did not get denied further in the approvals process. Mr.
130 Latta also spoke on CUP#23-10 regarding City Council's decision on the proposed storage lot at
131 188 SW Washington Street. Mr. Banford asked about the status of the park on Fir Villa Rd. Mr.
132 Latta shared an update on the current review, potential funding, and timelines for the park as well as
133 an update on the Japanese Gardens project.

134
135 **7. STAFF COMMENTS**

136 Mr. Ballew provided an update on City Council's discussion and decision on the Development
137 Code Changes from February 23, 2024 and the topics that were removed for additional discussion.
138 He noted that the next step is for the city attorney to draft an ordinance for adoption by the City
139 Council.

140
141 **8. ADJOURN**

142 Mr. Swanson adjourned the meeting at 8:32 p.m. Next meeting: March 12th, 2024, 7:00 p.m.

143
144 **APPROVED**

145 
146 _____
John Swanson, Planning Commission President

5.14.24

Date

