

MINUTES

1 **1. CALL TO ORDER**

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

3
4 **2. ROLL CALL**

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

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

9
10 **3. APPROVAL OF MINUTES**

11 Mr. Swanson presented the minutes of the regular meeting of March 12th, 2024.

12 Ms. Kowash made a motion to approve the minutes with a change to Section 8 reflecting Mr. Banford
13 as Chair Pro Tem. Mr. Spofford seconded the motion. The motion passed unanimously.

14
15 **4. PUBLIC COMMENT (3 minutes per person)**

16 There were none.

17
18 **5. PUBLIC HEARING – A**

19 **CUP 24-01 Carson Commons – Polk Community Development Corporation (PolkCDC)**

20 Mr. Swanson opened the public hearing at 7:07 p.m. He introduced the agenda item, the rules for
21 public testimony, and the quasi-judicial proceedings to follow. No ex-parte contact or conflicts of
22 interest were declared.

23
24 **STAFF REPORT**

25 Mr. Ballew read from the staff report and summarized the application and the criteria for approval.
26 Staff recommends that CUP 24-01 be approved as written with conditions.

27
28 Mr. Ballew walked through the 7 Non-Attainment Criteria slide in detail.

29 Ms. Kowash noted that she would prefer more parking as opposed to wider sidewalks. She stated
30 her preference against requiring a Variance. She also requested that staff explain the “Build-to
31 Line” requirement in more detail and shared the justification for requiring widened sidewalks as
32 opposed to a more costly pedestrian plaza.

33
34 **APPLICANT PRESENTATION**

35 **Rita Grady, Kimberly Lyell – Polk Community Development Corporation**

36 **Kevin Ruhland, Amanda Donofrio – BDA Architecture & Planning, P.C.**

37 **Matthew Osborne – Locke Engineers, Inc.**

38 Ms. Grady, as the Executive Director for PolkCDC introduced her team, and architectural and
39 engineering staff. She shared a brief history of PolkCDC and the types of projects they are
40 committed to and have successfully funded in the past. She shared her a profile of the population
41 segment this project is intended to serve. She discussed the funding and site constraints which led to
42 the proposed design.

43
44 Mr. Ruhland and Ms. Donofrio with BDA Architecture provided a detailed walkthrough of the site
45 design including parking, sidewalks, entrance & egress, easements, the slope of the lot, and the
46 build-to line. He provided additional perspective on the design constraints and the need for so many
47 exceptions. Special emphasis was given to discussing how the design is intended to preclude

48 building a pedestrian canopy in an Oregon Department of Transportation (ODOT) easement.

49 Mr. Swanson opened the floor to questions by commissioners.

51 Mr. Groh asked about the max building height for the zone and the proposed height of the building.

52 Mr. Ruhland confirmed it was under the 35ft max building height.

53
54 Mr. Swanson asked if they were being required by ODOT to not build a pedestrian shelter in their
55 easement. Ms. Donofrio stated that they are under no special requirement.

56 Mr. Swanson asked about the parking deficiency and what are the factors preventing an additional 3
57 spaces installed on that lot. Ms. Donofrio listed the size and density of the lot, as well as the
58 requirement to remove on street parking per the Polk County Fire Marshal, due to the building's
59 height.

60 Mr. Groh asked about bicycle parking requirements. Mr. Ballew stated that the City Council chose
61 not to adopt proposed changes to the development code in regards to bicycle parking while also
62 noting that the applicant is exceeding the current standard by providing a covered, heated, and
63 secured bicycle shelter on site.

64 Ms. Newell asked about the reasoning behind a single 2 bedroom unit. Mr. Ruhland explained that
65 it was to extend over the bicycle storage room.

66
67 **PUBLIC TESTIMONY**

68 **Michelle Stacey - 424 SW Rose Avenue, Dallas, OR 97338**

69 Ms. Stacey shared her concern with the location of the bench and pedestrian entry on Ellendale
70 Avenue creating a congregation spot and encouraging pick up and drop off which would constitute
71 a potential hazard on that street. She is also concerned about the inclusion of the proposed EV
72 charging stations.

73
74 **REBUTTAL**

75 Mr. Ruhland replied that the Ellendale building entrance and EV Charging Stations are both legal
76 requirements.

77
78 Mr. Swanson closed the Public Hearing at 8:12 p.m.

79
80 **DELIBERATIONS**

81 The commission discussed the proposal, site restrictions, easement concerns, and zoning
82 limitations. They discussed Condition 2: "The sidewalk along Ellendale shall be widened to at least
83 10 feet for the length of the property frontage, and appropriate public easement or right-of-way
84 dedication shall be provided." Mr. Groh noted that because this project no longer meets the
85 definition of mixed-use and is residential only, the requirement for a widened sidewalk would no
86 longer apply. Staff concurred with the interpretation. Mr. Swanson stated his support for the
87 project, with the removal of Condition 2: referencing the need for additional housing to serve this
88 demographic.

89
90 Mr. Banford made a motion to approve CUP 24-01 as presented with the removal of Condition 2,
91 Ms. Kowash seconded the motion. The motion passed unanimously with Mr. Swanson, Mr.
92 Schulte, Ms. Newell, Mr. Groh, Ms. Kowash, Mr. Spofford, and Mr. Banford voting in favor.

93
94 **6. PUBLIC HEARING – B**

95 **SUB 24-01 Oakdale Estates – Steve Bennett Construction**

96 Mr. Swanson opened the public hearing at 8:29 p.m. He introduced the agenda item, the rules for
97 public testimony, and the quasi-judicial proceedings to follow. No ex-parte contact or conflicts of
98 interest were declared.

101 **STAFF REPORT**

102 Mr. Ballew read from the staff report and summarized the application and the criteria for approval.
103 Staff recommends that SUB 24-01 be approved with conditions as written. He discussed the
104 requirement to provide open space and how two of the lots will impact the area.
105

106 **APPLICANT PRESENTATION**

107 **Jed Bennett – Steve Bennett Construction 6578 SE Congressional Court, Salem, OR 97306**

108 Mr. Bennett summarized the project, its history, the number of lots, and phasing to date.
109

110 He walked through the challenges regarding the requirement to provide open space as well as the
111 design and economic constraints imposed by the area. He shared how imposing the requirement of
112 an HOA to manage the open space as private property would create additional costs for residents
113 and would negatively impact the surrounding neighborhoods. He stated that they are prepared to
114 comply with the requirement under protest.
115

116 He discussed the development agreement between Steve Bennett Construction and the City of
117 Dallas and its impact on the decision making process. He presented a display board with an
118 illustrated phasing plan and walked through the development phasing.
119

120 Mr. Bennett also addressed condition 3.f requesting that it be modified to read “the applicant will
121 revise phasing to three phases in a size and configuration with approval by staff.”
122

123 **PUBLIC TESTIMONY**

124 **Henry Kopitzke – 1634 SW Ellis Street, Dallas, OR 97338**

125 Mr. Kopitzke shared his perception that the city is going back on its agreement to provide open space
126 for the subdivision. He claims he would not have purchased his property had he been made aware
127 that an HOA would be required to enforce it. He also shared his concern with the one way on Cherry
128 Street not being wide enough to accommodate additional traffic.
129

130 **Sean Stacey – 424 SW Rose Avenue, Dallas, OR 97338**

131 Mr. Stacey shared his disappointment with the lack of open space noting it was a consideration when
132 purchasing their property.
133

134 **REBUTTAL**

135 Mr. Bennett agreed in his rebuttal with the testimony offered, stating that the idea of a fenced off
136 space of private property being inaccessible to nearby residents is a real concern.
137

138 Mr. Swanson closed the Public Hearing at 9:15 p.m.
139

140 **DELIBERATIONS**

141 The commission discussed the constraints and the aforementioned Development Agreement. The
142 City Attorney advised on the purview of the commission and potential land-use decisions based on
143 the application submitted. Mr. Groh shared historical context on parks and open spaces near
144 subdivision developments.
145

146 Mr. Groh made a motion to approve SUB 24-01 with conditions of approval as written in the staff
147 report with the modification to Condition 3.f to read “Phase boundaries shall be amended such that
148 the project is developed in four phases, in size and configuration as approved by city staff.” Mr.
149 Banford seconded the motion. The motion was passed unanimously with Mr. Swanson, Mr.
150 Spofford, Mr. Schulte, Ms. Newell, Mr. Groh, Ms. Kowash, and Mr. Banford voting in favor.
151

152 **7. COMMISSIONER COMMENTS**

153 Ms. Kowash discussed the importance of impartiality and avoiding ex-parte contact. Mr. Schulte

154 initiated a brief discussion with the commission and City Attorney on the city's supply of housing,
155 historical build out, infrastructure, short term vacation rentals, and state laws regarding potential
156 development supply.
157

158 **8. STAFF COMMENTS**

159 Mr. Ballew provided additional context from the Development Code in regards to building
160 residential buildings within a commercial zone. He also thanked the commission for their diligence
161 and thoughtful discussions in managing competing priorities in a democratic way.
162

163 **9. ADJOURN**

164 Mr. Swanson adjourned the meeting at 9:36 p.m. Next meeting: May 14th, 2024, 7:00 p.m.
165

166 **APPROVED**

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168 _____
John Swanson, Planning Commission President

5.14.24

Date