



AGENDA
City of Dallas
Planning Commission
Tuesday, March 12, 2024 - 7:00 p.m.
City Hall Council Chambers
187 SE Court Street

**Planning
Commission**

President
John Swanson

Vice President
Andy Groh

Commissioner
Carol Kowash

Commissioner
Tory Banford

Commissioner
John Schulte

Commissioner
Rich Spofford

Commissioner
Mary Newell

Staff

City Attorney
Lane Shetterly

City Planner
Chase Ballew

Recording Secretary
Benjamin Curry

1. CALL TO ORDER
2. ROLL CALL
3. APPROVAL OF MINUTES - Regular meeting of February 13, 2024
4. PUBLIC COMMENT – This is an opportunity for citizens to speak to items not on the agenda (3 minutes per person please.)
5. PUBLIC HEARINGS
VAR 24-04 Parking variance for short-term rental – Naomi & Joshua Smith
Parking variance for short-term rental at 1110 Levens Street
7. COMMISSIONER COMMENTS
8. STAFF COMMENTS
9. ADJOURN

Next meeting will be 04/09/2024

To Join In Person: 187 SE Court Street, Dallas, OR 97338

To Watch Online: www.dallasor.gov/community/page/dallasyoutube

To Participate Virtually: Call +1 253 215 8782 - Meeting ID: 213 855 0622

If you are watching online and want to submit a comment either in the public comment period or during the Public Hearing comment period, you must telephone: +1 253 215 8782
Meeting ID: 213 855 0622

If you are unable to access the meeting by telephone or by computer, please contact the Administration Department (503-831-3502) at least 48 hours in advance to request alternative accommodation.

Dallas City Hall is accessible to all people with disabilities. Any requests for accommodation should be made at least 48 hours before the meeting to the Economic and Community Development Department, 503-831-3565 or TDD 503-623-7355.

For questions or comments on the agenda, contact: Chase Ballew at 503.831.3570 or chase.ballew@dallasor.gov.

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.
15

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 13th, 2024, 7:00 p.m.
143

144 **APPROVED**

145 _____
146 John Swanson, Planning Commission President

Date

**CITY OF DALLAS
PLANNING COMMISSION
STAFF REPORT**

MEETING DATE: March 12, 2024
REPORT DATE: March 1, 2024
TOPIC: VAR-24-04

APPLICATION TYPE: Class-B Variance
OWNER / APPLICANT: Naomi & Joshua Smith
LOCATION: 1110 SW Levens Street

RECOMMENDED ACTION

Approval of the Variance.

BACKGROUND INFORMATION

Current Zoning: (RM) Medium Density Residential
Comprehensive Plan Map: Residential
Floodplain: No Floodplain
Lot Size: 0.11 Acres
Adjacent Land Uses: Single-Family Residential;
Prior Land Use Approvals: CUP-23-12 (Vacation Rental) Approved (2024)

PROJECT OVERVIEW

The Planning Commission approved a conditional use permit to allow the existing residential structure to be used as a short-term vacation rental, with the condition that the applicant obtain a variance to account for the substandard driveway depth. The special use standards require short-term vacation rentals to have two parking spaces, and uniquely among all land use categories, these parking spaces must be on the same lot. However, the existing driveway on the site only has sufficient depth for a single vehicle, and the configuration of the lot does not allow the driveway to be expanded, thus necessitating a variance.

APPROVAL CRITERIA:

5.1.040 – Class-B Variance.

CRITERION DDC.5.1.040.B.1:

The variance is necessary because the subject Code provision does not account for special or unique circumstances of the subject site, existing development patterns, or adjacent uses.

FINDING:

Staff concur with the applicant’s statement, and find that the placement of the existing development on the site constitute a special or unique circumstances which make development in full conformance with the code impractical. This standard is satisfied.

CRITERION DDC.5.1.040.B.2:

The variance is the minimum necessary to address the special or unique physical circumstances referenced above [under subsection B.1].

FINDING:

The variance is limited to the specific requirement for Short-Term Vacation Rentals (DDC.2.2.120.I) which have a higher standard for parking than other uses allowed in residential zones. This standard is satisfied.

CRITERION DDC.5.1.040.B.3:

The variance conforms to the provisions [for Variance to Vehicular Access and Circulation Standards].

1. *There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement.*
2. *There are no other alternative access points on the street in question or from another street.*
3. *The access separation requirements cannot be met.*
4. *The request is the minimum variance required to provide adequate access.*
5. *The approved access or access approved with conditions will result in a safe access.*
6. *The vision clearance requirements of Chapter 3.1 will be met.*
7. *Variances for street access deviations shall be subject to review & approval by the road authority.*

FINDING:

Due to the configuration of this and abutting properties it does not appear that another driveway arrangement would be feasible while still meeting applicable standards. This standard is satisfied.

CRITERION DDC.5.1.040.B.4:

The variance does not conflict with other applicable City policies or regulations.

FINDING:

City staff could not identify any conflicting policies or regulations. This standard is satisfied.

CRITERION DDC.5.1.040.B.5:

The variance will result in no foreseeable harm to adjacent property owners or the public.

FINDING:

Staff were unable to identify any foreseeable harm to adjacent property owners or the public as a result of the variance. Specifically, staff note that all other uses are specifically allowed to count on-street parking towards the required minimum, so the use of on-street parking for short-term vacation rental will not be expected to decrease the availability of street parking beyond that already allowed by right for the existing residential use. This standard is satisfied.

RECOMMENDED ACTION

Staff recommends that the variance application be approved.

RECOMMENDED MOTION:

I move to approve the variance application.

EXHIBITS:

1. Application and Written Variance Narrative
2. Notice of Public Hearing

Official Use Only:

File No.: VAR 24-04

Date: 1/29/24

Fee: \$700 PAID

Variance Application

Dallas Planning Department

Development Code Class B, Type III Review

A Class B, Type III Variance is a discretionary review conducted by the Planning Commission with a public hearing. A variance is a request to modify development standards that are not otherwise permitted elsewhere in the Dallas Development Code as exceptions to code standards. The variance procedure provides flexibility to recognize varied geographic and other complexities of land development, while maintaining the purpose and intent of the Development Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with other codes. A pre-application conference is required before an application is submitted. To request a Class B Variance, please return this application form with attachments, and the required fee to the Dallas Planning Department, Dallas City Hall, Second Floor, 187 SE Court Street, Dallas, Oregon 97338.

Section 1 – Applicant Information

Name(s): Joshua and Naomi Smith
 Mailing Address: 4315 Smith Lane, Falls City, OR 97344
 Email: heritagehomesandproperties@gmail.com Phone Number: 503-983-6663 Cell Number: _____

Section 2 – Property Owner Information (If not applicant)

Property Owner(s): Heritage Homes and Properties, LLC / Joshua + Naomi Smith
 Mailing Address: - Same -
 Email: _____ Phone Number: _____ Cell Number: _____

Section 3 – Project Description

Please describe your project: Short-term rental
- application for variance for parking modification
 Site Address: 1110 Levens Street Total Land Area: 4800 sqft
 Assessor Map/Taxlot No. 07532-DA-09500 Zoning: RMD
 Present Use of Property: Residential Dwelling

Section 4 – Application Submittal Information

Please submit one electronic copy (PDF format preferred) and one paper copy of the information listed below.

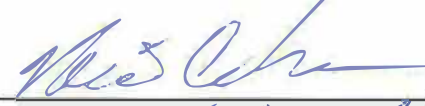
- Application Form.
- Application Fee.
- Property Deed and all existing and proposed restrictions or covenants, including those for access control.
- Narrative that addresses the relevant criteria in sufficient detail for review and decision-making (see Section 6, page 3).
- Traffic Impact Analysis when required, shall be prepared in accordance with the road authority's requirements. See Section 4.1.090, and Section 3.4.010 for relevant standards.

- Proposed Site Plan. The site plan shall contain the following information:
 - The proposed development site, including boundaries, dimensions, and gross area;
 - Features identified on the existing site analysis maps that are proposed to remain on the site;
 - Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
 - The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
 - The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
 - The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
 - The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
 - Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
 - Loading and service areas for waste disposal, loading and delivery;
 - Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
 - Location, type, and height of outdoor lighting;
 - Location of mail boxes, if known;
 - Name and address of project designer, if applicable;
 - Locations of bus stops and other public or private transportation facilities;
 - Locations, sizes, and types of signs
- Architectural drawings. Architectural drawings showing one or all of the following shall be required for new commercial, commercial/residential, industrial and multifamily buildings, and major remodels of the same:
 - Building elevations (as determined by the City Planning Official) with building height and width dimensions;
 - Building materials, colors and type;
 - The name of the architect or designer.
- Landscape plan. Where a landscape plan is required, it shall show the following:
 - The location and height of existing and proposed fences, buffering or screening materials;
 - The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
 - The location, size, and species of the existing and proposed plant materials (at time of planting);
 - Existing and proposed building and pavement outlines;
 - Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation) and anticipated planting schedule;
 - Other information as deemed appropriate by the City Planning Official. An arborist's report may be required for sites with mature trees that are protected under Chapter 3.2. Landscape, Street Trees, Fences and Walls of this Code.
- Other information determined by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

Section 5 – Signatures Required

I hereby certify the statements contained herein, along with the evidence submitted, are in all respects true and correct to the best of my knowledge:

PROPERTY OWNER(S)

Property Owner's Signature:  Date: 01-29-2024

Property Owner's Signature:  Date: 0-29-2024

APPLICANT(S)

Applicant's Signature:  Date: 01-29-2024

Applicant's Signature:  Date: 01-29-2024

Section 6 – Application Review Criteria

Approval Criteria. A Class B Variance may be approved only upon finding it meets all of the following criteria:

1. The variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses.
2. The variance is the minimum necessary to address the special or unique physical circumstances referenced in subsection 5.1.040B (1).
3. The variance conforms to the provisions of subsections 5.1.040C through 5.1.040G, as applicable.
4. The variance does not conflict with other applicable City policies or other applicable regulations.
5. The variance will result in no foreseeable harm to adjacent property owners or the public.

The City decision making body may, in approving the application may impose reasonable conditions of approval, consistent with the applicable criteria.

Note: Compliance with other City codes and requirements, though not applicable land use criteria, may be required prior to issuance of building permits.

1110 SW Levens Street, Dallas, OR 97338

Proposal to rent home as short-term rental.

Application for Class B Variance

While under previous review for use as a short-term rental, our home located at 1110 Levens Street was found to have insufficient on-site parking. The current driveway has only one parking space of the required dimensions rather than the two spaces required according to Section 3.3.030 Automobile Parking Standards fig.G. of the Development Code. As seen in the drawing attached with this application, the situation of the house comparative to the street does not allow an easy or feasible solution to resolve this situation. The maximum occupancy of the rental is set at 5 guests, per the standards according to the size of the house, and we do not expect a significant impact on traffic in the neighborhood. The house is situated on a corner lot, providing adequate on street parking for the minimal number of potential vehicles which will be parked on site. Due to the characteristics and situation of the site we ask that the Planning Commission consider granting us this variance.

The variance is necessary because the subject Code provision requiring two on site parking spaces does not account for the physical limits of the proximity of the house situation comparative to the sidewalk and street. While there is one on-site parking space, the property does not provide the required space necessary for the specified 18 foot depth for the full width of two parking spaces.

The variance will result in no foreseeable harm to adjacent property owners or to the public.

Thank you for your consideration.

Joshua and Naomi Smith

heritagehomesandproperties@hotmail.com

503-983-6663

house

Property
Line/
fence

Porch

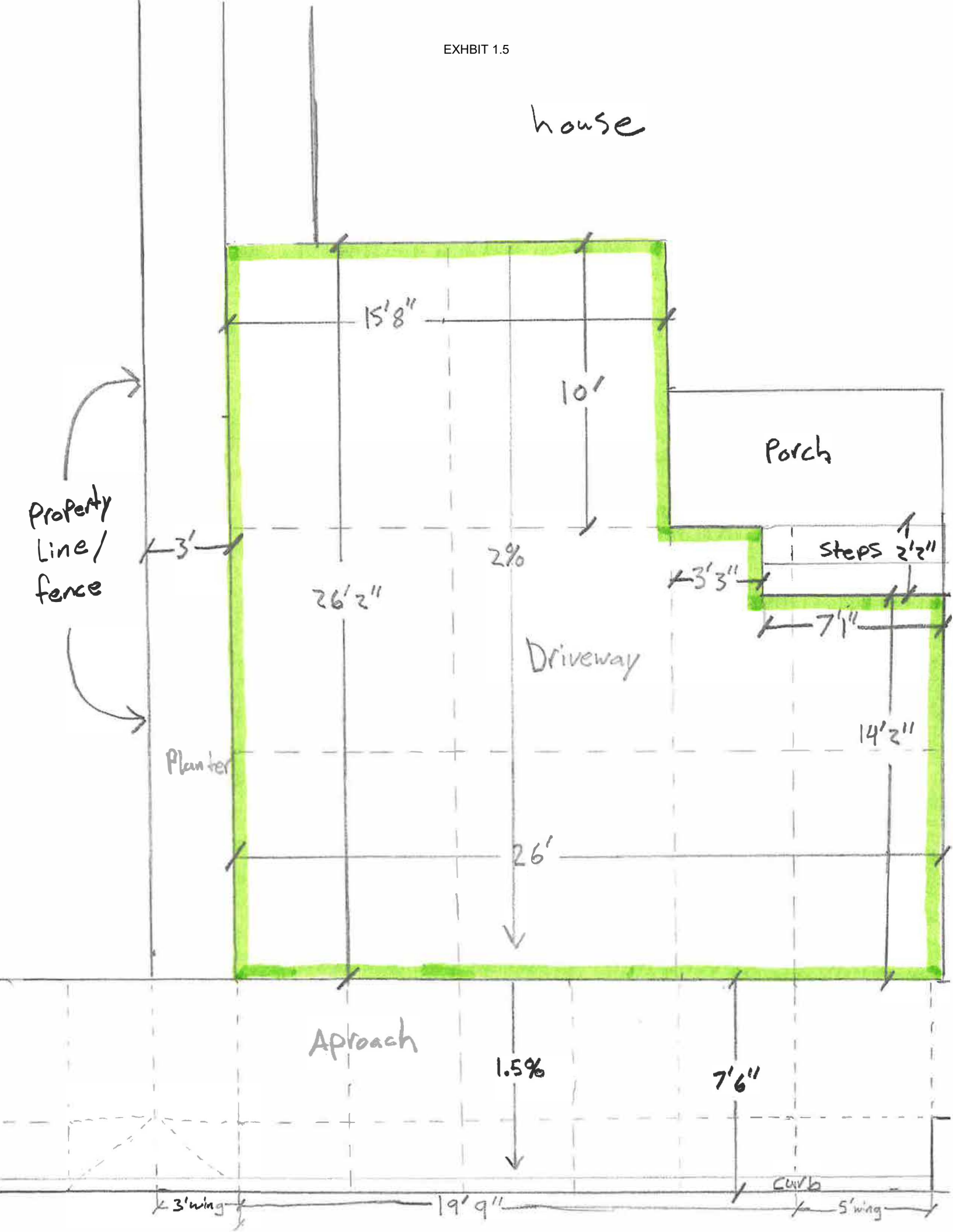
Steps 2'2"

Driveway

Planter

Approach

curb



3'

26'2"

2%

10'

15'8"

3'3"

7'1"

26'

14'2"

1.5%

7'6"

3' wing

19'9"

5' wing

CITY OF DALLAS
NOTICE OF PUBLIC HEARING

Conditional Use Permit #CUP-23-04
Variance #VAR-24-04

PROPERTY LOCATION: 1110 SW Levens Street

APPLICANT: Naomi & Joshua Smith

NATURE OF REQUEST: Establish a short-term vacation rental within the existing structure, with a variance to parking standards due to an existing driveway which does not meet the size standards.

APPROVAL CRITERIA: DDC Chapter 4.4 – Conditional Use Permits
DDC Chapter 5.1 - Variances

HEARING DATE / TIME: 7:00 p.m. Tuesday, March 12, 2024

HEARING LOCATION: **In Person:** Dallas City Hall, 187 SE Court Street, Dallas, Oregon
Telephone: +1 253 215 8782 Passcode: **213 855 0622**
Watch Online: www.dallasor.gov/community/page/dallasyoutube

CITY STAFF CONTACT: Chase Ballew, City Planner Phone: 503-831-3570
chase.ballew@dallasor.gov TDD: 503-623-7355

At the above day and time the Dallas Planning Commission will hold a public hearing on this request. You may attend this meeting in-person at Dallas City Hall. You may also participate by telephone by dialing the number above and entering the passcode when prompted. Video of the proceedings will be broadcast live at the website above, but oral testimony must be in-person or by phone.

The Planning Commission will consider testimony which addresses the applicable criteria listed above. Testimony may be submitted in advance by writing to the Dallas Planning Department, 187 SE Court Street, Dallas, Oregon 97338, or given orally during the public hearing. The public hearing will be conducted in a manner that permits testimony from all interested parties.

At least seven days prior to the hearing the staff report, the application and documents and evidence submitted by or on behalf of the applicant, and the applicable approval criteria will be available for review online at www.dallasor.gov/meetings and/or in person at City Hall. Upon request, copies will be made at reasonable cost.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

Dated: February 21, 2024

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER, ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER.

The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.