

MINUTES

1 **1. CALL TO ORDER**

2 President John Swanson called the meeting to order at 7:00 p.m.

3
4 **2. ROLL CALL**

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

7 **Commissioners Excused:** Tory Banford

8 **Staff Present:** Chase Ballew, City Planner; Tom Gilson, Special Projects Manager; Troy Skinner,
9 Building Official; Benjamin Curry, Recorder; Steve Elzinga, City Attorney

10
11 **3. APPROVAL OF MINUTES**

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

13 Ms. Newell motioned to approve the minutes. Ms. Kowash seconded the motion, which passed
14 unanimously.

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

17 **Tina Guy – 1830 SE Holman Avenue, Dallas, OR 97338**

18 Tina Guy stated her displeasure with the industrial zoning of her residence, as lenders are refusing to
19 issue a home equity line of credit.

20
21 **5. PUBLIC HEARING – A**

22 **SUB 23-02 Crystal Estates – JENRAE Properties, LLC**

23 Mr. Swanson opened the hearing at 7:14 pm and announced the applicant had requested a continuance
24 be granted. He opened the floor to public testimony. The applicant, Mr. Edwardson commented that he
25 wants the continuance. There was no other testimony.

26
27 Ms. Kowash motioned that the hearing be continued to August 13, 2024. Ms. Newell seconded the
28 motion. The motion passed unanimously.

29 Mr. Swanson closed the hearing at 7:16 pm, to be continued on August 13, 2024.

30
31 **6. PUBLIC HEARING – B**

32 **SDR 24-02 Dallas Apartments – Prism Development, LLC**

33 Mr. Swanson opened the hearing at 7:17 pm. He introduced the agenda item and the rules for public
34 testimony and quasi-judicial proceedings. No ex-parte contact or conflict of interest was declared.

35
36 **STAFF REPORT**

37 Mr. Ballew read from the staff report and summarized the application and the criteria for approval. Staff
38 recommends the application be approved with the conditions as written.

39
40 Mr. Schulte questioned the condition of approval requiring contribution towards funding the Levens &
41 Ellendale intersection, as he thought that project was funded and ready. Mr. Gilson stated the
42 intersection project is fully designed, and they have SDC funding available for most of the project cost,
43 but not all of the cost, thus the developer's contribution, as this development will add additional stress to
44 an intersection already over capacity. He also spoke to how SDCs can only be used for expanding
45 capacity, not maintenance or repairs to failing infrastructure.

46
47 Mr. Groh asked for clarification regarding street frontage improvements. Mr. Ballew clarified that
48 frontage improvements to Ellendale are included as part of the development, and the condition of
49 approval for James Howe Road is to memorialize the non-standard design of James Howe.

50 **APPLICANT PRESENTATION**

51 **Jim Toporek - Studio 3 Architecture, 275 Court Street NE, Salem**

52 **Richard Lewis - Prism Development, PO Box 20730, Keizer, OR 97303**

53 The applicant, Mr. Toporek summarized the project, the number of units, and the proposed number of
54 parking spaces, which exceeds the minimum requirement. He states that storm water will be treated on
55 site, which was a concern from the community meetings, and the project was designed to leave the
56 wetlands intact. Mr. Toporek expressed concern over the condition of approval requiring the new East-
57 West street to have sidewalks on both sides, as it presents grade issues with the distance between the two
58 driveways. Regarding the adjustment to the orientation of the building and “eyes on the street,” he
59 believes this design to be more appropriate to downtown urban areas than to this site.
60

61 Mr. Toporek asked if the commission would be supportive of rotating Building B to face north instead
62 of east as shown on the plans, to provide greater privacy. Mr. Ballew indicated that the rotation of the
63 building could likely be addressed as a minor modification of the Planning Commission’s approval, and
64 need not be considered at this time.
65

66 **QUESTIONS TO THE APPLICANT**

67 Mr. Swanson opened the floor to questions of the applicant from the commission.
68

69 Mr. Schulte sought assurance that fire access has been reviewed to ensure that the commission is
70 approving something which can be built to code. The applicant confirmed the fire authorities had
71 reviewed the plan, and also that buildings will be sprinkled.
72

73 Ms. Kowash objected to the characterization of the site as not being urban, noting that once the
74 commercial portion of the Wyatt Node is developed the walkability of the project may matter, to which
75 Mr. Groh concurred. Mr. Swanson clarified that the orientation of the buildings to the street is a code
76 requirement, and sought confirmation that the applicant was seeking an adjustment not out of aesthetic
77 concerns, but due to the topography, because the rain gardens have to be on the low street facing side of
78 the property. Mr. Lewis confirmed that was correct.
79

80 **PUBLIC TESTIMONY**

81 **Susan Sutherland – 1460 W Ellendale Dallas, Oregon, 97338**

82 Ms. Sutherland is a next door neighbor who requests the Commission not approve Building B due to
83 aesthetic impacts to the properties in front of that building. She also spoke to concerns of buffering and
84 security, light pollution, and impacts to utilities and traffic. Ms. Sutherland also owns the vineyard at
85 15335 West Ellendale, and has previously testified to the City Council how grapes are very sensitive and
86 the spraying of herbicides on nearby properties can cause them to lose a crop, which makes it very
87 difficult to continue to farm and maintain farm deferral.
88

89 **Cliff Meritt – 398 SW Applegate Trail Drive, Dallas, OR 97338**

90 Mr. Merritt states he is not opposed to growth, but has concerns about water availability and traffic.
91

92 **Wendell Whistler – PO Box 434, Dallas, OR 97338**

93 Mr. Whistler stated his concerns regarding storm water detention and flooding, as well as traffic
94 congestion on Ellendale, asserting that more responsibility for infrastructure should be placed on
95 developers beforehand.
96

97 **Adaïre Williamson – 1430 W Ellendale Avenue, Dallas, OR 97338**

98 Ms. Williamson is a next door neighbor who stated concerns regarding impacts to traffic, schools, and
99 bus stops. She believes that the city is overdeveloping residential without attracting new businesses.
100

101 **Becki Knofler – 115 James Howe Road, Dallas, OR 97338**

102 Ms. Knofler strongly stated her concerns with safety and the need for safe sidewalks in this area.
103

104 **David Mills – 1098 SW Forestry Lane, Dallas, OR 97338**

105 Mr. Mills shared concerns regarding traffic congestion on Ellendale, water availability, and lack of job
106 development in Dallas forcing new residents to commute to Salem for work. Mr. Mills asked if this
107 development falls under Affordable Housing, Commissioner Kowash confirmed that it does not.
108

109 **Knoll Teal – 1695 James Howe Road, Dallas, OR 97338**

110 Mr. Teal notes that traffic on the county portion of James Howe Road has increased tremendously, and
111 it's becoming a hazard to enter his own driveway at times due to speeders.
112

113 **Barbara Advey – 1401 W Ellendale Avenue, Unit #86, Dallas, OR 97338**

114 Ms. Advey has concerns about low water pressure, especially in the summer, and how continued
115 development may exacerbate this. She is also concerned about lack of evacuation routes and fire
116 apparatus access if there is a forest fire.
117

118 **REBUTTAL**

119 Mr. Toporek spoke in rebuttal. Clarified this is market rate housing, and noted that by code only 84
120 parking spaces are required, so providing 120 exceeds the standard. The site is also not maxed out on
121 density, so more housing could have been added, but they didn't want to overburden the site. All storm
122 water is being detained on site, so flooding will be better managed because of this development, and
123 sidewalks will be provided on James Howe and Ellendale.
124

125 **COMMENTS FROM STAFF AND ATTORNEY.**

126 Mr. Ballew responded to testimony about water supply and the master plan to increase the capacity of
127 mercer reservoir. Regarding traffic, the city does it's best to hold developers accountable, such as the
128 Barberry development which is funding the Fir Villa traffic signal through developer fees, similar to
129 what is being request here.
130

131 Mr. Swanson requested confirmation there is currently water and street capacity available to serve these
132 66 units, and staff confirmed there was with the conditions of approval.
133

134 Ms. Kowash asked for clarifications about the timing of the Levens and Fir Villa signals.
135

136 Mr. Groh asked for clarification on a graphical error in the slideshow.
137

138 Mr. Swanson closed the Public Hearing at 8:39 p.m.
139

140 **DELIBERATIONS**

141 Mr. Swanson reminded commissioners of the December meeting where we discussed Dallas' status as a
142 rent-burdened community, and the commission's commitment to keep that in mind when these types of
143 developments arise. He noted that the adjustments to the building's orientation and rotating Building B
144 should help alleviate some community concerns.
145

146 Ms. Kowash expressed some concern about how the house below Building B will be surrounded by
147 screening vegetation.
148

149 Ms. Newell asked about the project timeline. Staff noted the approval is granted for 1 year with the
150 option for extension.
151

152 Ms. Newell asked if a playground was needed for the development. Staff stated there are code
153 requirements for common open space, including play equipment, however priority is given to
154 preservation of environmental areas such as wetlands, which the developer is doing, so they've met the
155 requirement. There is also an exception for being near a city park, which this development is.
156

157 Ms. Newel questioned the walkway along both sides of the East-West street. Staff said that it should be
158 done at the time it's dedicated to the public, which may be deferred, but in the development agreement
159 that would require both sides to be improved at the time of dedication.

160
161 Mr. Groh asked for clarification on the surroundings from the air photo in the presentation.
162

163 Mr. Schulte moved to approve the application as written in the staff report. Mr. Spofford seconded the
164 motion, which passed unanimously.
165

166 **7. OTHER BUSINESS**

167 **Limited Land-Use Rule Changes**

168 Counsel Elzinga summarized Senate Bill 1537, which mandates certain changes to the processing of
169 limited land use decisions, including changing the decision-making body for several application
170 categories from the commission to staff. It's mainly meant to reduce friction in the approval of housing
171 projects to address Oregon's housing needs. He recommend we start working on this as early as
172 possible, as the code must be amended by the end of the calendar year.
173

174 Mr. Swanson requested staff present case studies illustrating what applications will be changed.
175

176 Ms. Newell asked how this will affect the opportunity for public comment. Mr. Ballew responded that
177 required notice and comment periods will be specified in the code update, with details to be determined.
178

179 Ms. Carol commented that this may be an opportunity to also address affordable housing, noting from
180 her work the possibility of requiring a certain percentage of housing be affordable.
181

182 Mr. Schulte welcomed the change.
183

184 **8. COMMISSIONER COMMENTS**

185 Mr. Swanson recognized Mr. Schulte's request regarding the presentation he wants to provide. Mr.
186 Schulte said he desires a broader strategic conversation, focusing less on the legal and technical aspects
187 and more on the types of broader strategic concerns like was heard tonight.
188

189 Mr. Swanson agreed that in quasi-judicial proceedings decisions are constrained by the code, noting that
190 the City Council, as elected officials, may have more latitude to address those concerns, but that the
191 Planning Commission has never had joint strategy meetings with the City Council.
192

193 Mr. Ballew noted that if the commission wants to be closer to the community, community events like
194 Dallas Days could be good opportunities to connect with the community.
195

196 Ms. Kowash asked if a decision was made changing Planning Commission dates, noting her
197 unavailability. Staff confirmed future meetings will be on Thursdays.
198

199 **9. STAFF COMMENTS**

200 There were none.
201

202 **10. ADJOURN**

203 Mr. Swanson adjourned the meeting at 9:05 p.m. Next meeting: August 13, 2024, 7:00 p.m.
204

205 **APPROVED**

206 
207 _____
208 John Swanson, Planning Commission President

8-21-24

Date