



**City of Dallas
Planning Commission
Council Chambers - City Hall
December 11, 2012 - 7:00 p.m.**

MINUTES

1 **CALL TO ORDER**

2 President Chuck Lerwick called the meeting to order at 7:00 p.m.

3 **ROLL CALL**

4 Commissioners Present: Chuck Lerwick, Chris Castelli, Carol Kowash, Dave Pederson,
5 David Shein, Denise Jones, and Robert Wilson.

6 Staff present: City Attorney Lane Shetterly, Planner John Swanson, and
7 Recording Secretary Patti Senger.

8 **APPROVAL OF MINUTES**

9 President Chuck Lerwick presented the minutes of the regular meeting of November 13, 2012.
10 Commissioner Dave Pederson noted his name was typed incorrectly in the minutes and made a
11 motion to approve the minutes with the correction. Commissioner Shein seconded the motion.
12 The motion passed unanimously.

13 **PUBLIC COMMENT**

14 There were no public comments.

15 **PUBLIC HEARING**

16 **Randy and Beth Forlines, Conditional Use Request CUP 12-04**

17 President Lerwick announced this was a public meeting for the Conditional Use Request (CUP
18 12-04), for an oversize accessory building in a low density zoning district located at 1436 SW
19 10th Street (mistakenly referred to as SE 10th Street throughout the hearing). He opened the
20 Public Hearing at 7:03 p.m. and asked if any commissioner needed to declare ex parte contact
21 or had a conflict of interest. There was no declaration.

22 He reviewed the procedures of the hearing.

23 **STAFF REPORT:**

24 John Swanson reviewed the staff report. He pointed out the subject property on the map and
25 where the accessory building would be placed on the property. Mr. Swanson reminded the
26 commission that this was an outright permitted use, but because the size was more than 50%
27 of the length of the primary structure, a Conditional Use Permit was required. He explained
28 that the house was originally built with only a nine-foot setback, making it s a non-conforming
29 use. However, this provided additional space in the backyard for an oversized accessory
30 building. He read the letter submitted with the application and included in the agenda packet.

31 Mr. Swanson stated that a proper application had been completed and hearing notice given,
32 the proposed use was eligible for conditional use consideration in the underlying zoning district,
33 and that the application met the criteria for a Conditional Use Permit. He stated that staff
34 recommended approval of the Conditional Use Permit application with three conditions. (1)
35 The project shall be constructed in accordance with all the plans and specifications as approved
36 by the City of Dallas Planning Commission. (2) The owner shall obtain all required building
37 permits and inspections from the City of Dallas Building Department prior to use of the
38 proposed structure. (3) Construction must be completed within one calendar year of final
39 approval date of the Planning Commission decision.

40 President Lerwick asked for clarification of the measurement of the proposed structure and Mr.
41 Swanson indicated it was 36 feet.

42 APPLICANT PRESENTATION

43 Randy Forlines, 1436 SW 10th Street, Dallas, Oregon, stated that he collected and worked on
44 expensive antique and classic cars. He currently kept them underneath a tarp but wanted a
45 better structure, and indicated he wanted go through the application process and do it
46 properly. He removed some unhealthy trees from the property and prepared the ground for
47 the installation of the building. He stated he concurred with the staff report.

48 President Lerwick thanked him for the presentation.

49 PERSONS SPEAKING FOR OR AGAINST

50 There were none.

51 REBUTTAL

52 There was none.

53 COMMISSIONER QUESTIONS

54 Lane Shetterly asked if condition number two in the staff report included completion of the
55 fence. Mr. Swanson clarified that the plans included the fence. Commissioner Pederson asked
56 if condition number two had to be included and Mr. Shetterly explained that condition was
57 listed to clarify that the Planning Commission was approving only what was proposed.

58 Commissioner Jones asked if it would have a gravel floor and electricity. Mr. Forlines
59 responded that the concrete floor would be installed after the posts were in and then they
60 would complete the construction. Eventually he would bring in electricity.

61 Commissioner Pederson asked what would happen if the construction was not complete within
62 one year. Mr. Swanson explained they could renew it for one year or the approval could be
63 withdrawn.

64 Commissioner Pederson asked what size would be allowed without a Conditional Use Permit.
65 Mr. Swanson explained the length of the accessory structure could be half the length of the
66 longest side of the primary structure; in this case, the length would be 20.5 feet. He stated this
67 was a best practices procedure similar to what other jurisdictions were doing.

68 President Lerwick announced the Public Hearing was closed at 7:17 p.m.

69 **DISCUSSION BY COMMISSION**

70 Commissioner Bob Wilson made a motion to approve the application for the Conditional Use
71 Request (CUP 12-04), for an oversize accessory building in a low density zoning district located
72 at 1436 SW 10th Street with recommendations from the staff. Commissioner Dave Pederson
73 seconded the motion and it passed unanimously.

74 **OTHER BUSINESS**

75 There was no other business.

76 **COMMISSIONER COMMENTS**

77 There were no commissioner comments.

78 **STAFF COMMENTS**

79 Mr. Swanson discussed the reason behind adding the third condition requiring completion
80 within one year. He explained a situation where there was approval of a Conditional Use
81 Permit that had no termination date and after construction, they wanted to modify the project
82 under the previously approved permit. This required an administrative decision where if it had
83 expired it could have come back to the Planning Commission. He also explained a potential
84 scenario if an approval was granted and the project had not been done; the applicant could sell

85 the property and the approval would carry over to the new property owner. The deadline also
86 encouraged completion of the project and building permits being issued. Commissioner
87 Pederson asked when work on a project stopped for a year if the project became invalid. Mr.
88 Swanson stated that staff would work with everyone who was making progress and grant
89 waivers and extensions if required, but this provided an opportunity to close the file on open-
90 ended projects that were not going anywhere.

91 Commissioner Pederson asked for a list of decisions made by staff to ensure decisions weren't
92 being made at the administrative level that should be forwarded to the Planning Commission.
93 Mr. Shetterly concurred that it was worthwhile to provide a list of land use activities to the
94 Planning Commission for review but noted that what came to Planning Commission and what
95 was handled by staff was not freely discretionary and the Development Code identified what
96 came to the Planning Commission. Commissioner Pederson noted another advantage would be
97 to keep the Commissioners informed about what was going on. Commissioner Shein noted it
98 would be a good teaching tool as well. Mr. Swanson stated that there were land use decisions
99 being made at the administrative level and would add that report as a standing agenda item

100 President Lerwick asked about building permits being issued and stated he used to receive a
101 mailer listing the permits that were issued. Ms. Senger explained that they were now being
102 published on the City website and could be viewed there. Mr. Shetterly asked if there was an
103 uptick in permits issued because of the SDC fee reductions. Mr. Swanson stated there was.

104 President Lerwick asked about the grain tower where the large antenna was located and if it
105 was operating or if its only function was to support the antenna. Mr. Swanson confirmed that
106 was the only function.

107 Commissioner Pederson asked about the AT&T tower and if other companies were using it as
108 well. Mr. Swanson indicated that AT&T was the only one using that tower.

109 President Lerwick adjourned the Planning Commission meeting at 7:28 p.m.

APPROVED:

President

Date