



Planning Commission

Dallas City Hall
Council Chambers
187 SE Court Street, Dallas, OR
August 9, 2022 - 7:00 p.m.

1 **MINUTES**

2 President David Shein called the meeting to order at 7:01 p.m.

3

4 **ROLL CALL**

5 Commissioners Present: David Shein, Tory Banford, Andy Groh, John Schulte, Rich Spofford

6 Absent/Excused: Carol Kowash, John Swanson

7 Staff Present: City Attorney, Lane Shetterly; Planner, Chase Ballew; and Laurie
8 Roberts as Recording Secretary.

9

10 **APPROVAL OF MINUTES**

11 Mr. Shein presented the minutes of the regular meeting of July 12, 2022. Commissioner Groh
12 made a motion to approve the minutes as presented. Commissioner Shulte seconded the motion.
13 The motion passed unanimously.

14

15 **PUBLIC COMMENTS**

16 There were none.

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18 **PUBLIC HEARING**

19 **VAR 22-04: 902 SE Greenbriar Ave**

20 **APPLICANT: Junior Updike**

21 **Variance to Setbacks**

22

23 Mr. Shein opened the hearing at 7:05 pm. He read the statement about State Land Use Issue
24 Criteria contained in 2.5.1, and advised that the decision is final unless appealed.

25

26 David Shein asked if any commissioner had a conflict, ex-parte or site visit. None were declared.

27

28 **STAFF REPORT**

29 Chase Ballew reviewed the staff report and explained the owners/applicants propose a setback
30 variance to construct an accessory structure adjacent to the residence at 902 SE Greenbriar Ave.

31 He noted the required setback is 3' and the structure is constructed less than one foot from the side
32 property line, and within the 7' utility easement along the back property line, as shown in the
33 photos included in the staff report. He confirmed that there are 3 detached structures, and all are 3'
34 from the rear property line and are over the 7' utility easement.

35

36 Attorney Lane Shetterly advised that the criteria must be considered as if the structure was not
37 already built.

38

39 **COMMISSIONERS QUESTIONS**

40 Andy Groh asked if the other buildings were being considered as well, and confirmed that it is
41 public utility easement. He asked which utilities the applicant would be required to get permission
42 from. Chase Ballew noted the memorandum from Public Works division doesn't go into that
43 detail, however, it is quite possible all utilities would need to be notified.

44
45 Andy Groh asked if the structures are up against each other, would that make them attached and
46 require a permit. Chase Ballew stated all the structures are self-supporting and under 200 sf, which
47 does not require a permit.

48
49 Attorney Lane Shetterly advised the subject of this application is only the boat shed.

50
51 Andy Groh asked about building permits. Lane Shetterly confirmed that is not applicable as part of
52 this request.

53
54 **APPLICANT PRESENTATION**

55 Junior Updike, 902 SE Greenbriar Ave, explained the structure is freestanding and not attached to
56 the other structures and it is 28" from the fence, and that the neighbor owns the fence and has no
57 objections. He stated the structure can barely been seen, looks nice and was done professionally.
58 He also noted the utilities have been along the entire street and never worked on.

59
60 Patricia Smith, 910 SE Greenbriar Ave, confirmed that the fence is hers and that Mr. Updike got
61 permission from her. She shared she thinks the structure looks lovely, and it is not attached or
62 hurting her property. She voiced concerns that the neighbor and other houses have the same set up
63 with their structures and asked why this is one is being considered and complained about. She
64 demanded that if Mr. Updike has to pay or take something down, everybody else should have to
65 pay and take theirs down.

66
67 **TESTIMONY**

68 There was none.

69
70 **REBUTTAL**

71 There was none.

72
73 **FINAL COMMENTS**

74 Andy Groh stated his only issue is the easement. Lane Shetterly explained that is in the condition
75 of approval that the applicant must contact all utilities with rights.

76
77 Mr. Shein closed the hearing at 7:22pm.

78
79 **DELIBERATIONS:**

80 Andy Groh moved to approve the application with the three recommended conditions stated in the
81 staff report. John Schulte seconded the motion. A roll call vote was taken and the motion passed
82 unanimously.

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88 **PUBLIC HEARING**
89 **LA 22-01: Development Code Updates**
90 **APPLICANT: City of Dallas**
91 Mr. Shein opened the hearing at 7:28 pm

92
93 There was a handout presented earlier and added to the staff report.

94
95 David Shein explained this is a recommendation to the Council and the record stays open.

96
97 **STAFF REPORT/ APPLICANT PRESENTATION**

98 Chase Ballew reviewed the staff report.

99
100 **COMMISSIONERS**

101 David Shein asked about inconsistencies and information on Page 3. Chase Ballew confirmed
102 there are inconsistencies and items added and removed, which he noted individually. Lane
103 Shetterly pointed out that the green shows the new text, and red shows the deleted, and comments
104 are also red in the margin.

105
106 Andy Groh asked for clarification on Page 4 for what would be acceptable in low density and
107 medium density, such as half-way houses and jails. Chase Ballew noted it is a judgement call and
108 that is why input is encouraged by the public and the Commissioners.

109
110 **TESTIMONY**

111 Lee Brennan, Engineer, PDG, 200 Hawthorne Ave SE, Suite A-100, Salem, provided a written
112 letter of testimony, which was given to the Commissioners and made available to the public. He
113 stated he did not know about the prior workshop and asked why it was not open to the public,
114 contractors, the development community, and shareholders. He explained what his clients would
115 prefer in the RL zone. He requested, since he did not get a notice, they be allowed to have input
116 into Code changes, and that the record be kept open for more input prior to it going to the City
117 Council. In response to a question by Andy Groh, discussion was held and confirmed that there
118 are other code changes to be considered, and there are other opportunities for all affected to
119 provide input.

120
121 Sarah Orr, 392 SE Ironwood Ave, Dallas, stated that she is a realtor and explained her concerns
122 about short notice and needing more time to review, and that amendments to the Code need input
123 from those most affected. She questioned the recent Polk County project at the bank site. She
124 identified on page 8 that hospitals, medical, etc, were not in the RL zone, and an inconsistency in
125 conditional uses such as in the RL zone where parking lots, incarceration facilities and medical are
126 being allowed. She requested a more collaborative approach prior to going to City Council.

127
128 Cheri Jacobson, 456 NW Reed Ln, advised she is a realtor with Home Smart in Dallas and stated
129 concerns that she did not hear about this until the last minute and would like to have known
130 sooner. She questioned the addition of things such as pathway illumination, and asked for an
131 understanding of what that means, and shared concerns about expenses and illuminated pathways.
132 She advised that a client purchases property based on what is allowed by the Code, and if it gets
133 changed later, that takes value away from the owner. She noted she needs more time to review
134 items and communicate with others in her profession.

135
136 Andy Groh asked Ms. Jacobson how she found out about the hearing. She explained she was

137 contacted by a past councilor. Notice procedures were reviewed and Chase Ballew added that, for
138 Code amendments, advance notice is also required to the State Division of State Lands.

139

140 David Shein asked if there was any callers in the phone queue. There were none.

141

142 As advised by Lane Shetterly, David Shein reviewed the options available to keep the record open
143 due to the comments that some people stated they were surprised, or the Commission could vote to
144 send or not to send to the Council, which would be another month until Council meets. Lane
145 Shetterly advised that City Council preference is that it would be better resolved through the
146 Planning Commission. John Schulte asked what would be different if the record was kept open
147 leading to discussion about what is proper notice for broad items and confirming that individual
148 notices do not get mailed out. Concerns were shared about having another month could lead to
149 more changes and would possibly be a free for all, suggesting a more formal opportunity for
150 testimony.

151

152 **REBUTTAL**

153 There was none.

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155 David Shein announced the record would be held open until September 13th at 7:00pm.

156

157 Mr. Shein closed the hearing at 8:00 pm.

158

159 **DELIBERATION**

160 Chase Ballew requested that if there are any changes the Commissioners want to address, they
161 could contact him. Several Commissioners agreed the open record would allow the Commission
162 more time to review the details but did not want to change the staff report prior to the next hearing.

163

164 **OTHER BUSINESS**

165 David Shein asked Commissioners for suggestions about training and briefed on the Commission's
166 process and policy, and that the Council actually sets the laws. Discussion was held and they
167 expressed interest in an hour long session and agreed to continue planning at the next meeting.

168

169 Andy Groh asked if new commissioners needed to be sworn in.

170 Lane Shetterly advised it is a formality, which can be conducted at the next meeting.

171

172 Meeting adjourned at 8:05 pm.

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176 **APPROVED**

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180

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182



President

14 SEP 2022

Date