



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ DRAFT
THURSDAY, JULY 28, 2016 AT 5:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR 97493

The proceedings of the Dunes City Planning Commission were recorded and are on file at Dunes City Hall. Upon approval by the Planning Commission, these minutes will be available online at www.dunescity.com.

1. CALL TO ORDER

Vice Chairman Bonnie Allen called the July 28th Planning Commission's regular session to order at 5:02 pm.

2. ROLL CALL

Roll Call was taken City Administrator/Recorder Jamie Mills, who also announced that Chairman Paul Gargis submitted a letter of resignation.

Present: Vice Chairman Bonnie Allen, Commissioner Brett McKnight and Commissioner Ken Pesnell.

Absent and Excused: Commissioner Steve Galbraith.

Others Present: City Administrator/Recorder Jamie Mills and Administrative Assistant Rapunzel Oberholtzer.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Commissioner McKnight made a motion to approve the Agenda. Commissioner Pesnell seconded the motion. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Meeting Minutes of May 26, 2016

Commissioner Pesnell made a motion to approve the Consent Agenda. Commissioner McKnight seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS /CORRESPONDENCE

Vice Chairman Allen read aloud from the list of announcements on the Agenda.

- A. On August 2nd the Dunes City Council will hold its public hearing on a variance application and will consider the Planning Commission's recommendation for approval of the application, with conditions.
- B. On Saturday, August 20th Dunes City will host its second annual Community Expo at City Hall from 10:00 am to 3:00 pm. There will be free food and beverages—and door prizes! Vendors will be on hand to provide information and demonstrations on topics such as emergency preparedness, septic maintenance, reuse and recycling, and more.

7. CITIZEN INPUT

There was none.

8. UNFINISHED/OLD BUSINESS

- A. Review of Chapter 155, Division 155.3

Referring to a single page (page 19 of 35) from the Definitions section of Chapter 155 that was included in the Commissioners' meeting packets, Administrative Assistant Rapunzel explained that following up on a concern expressed by Commissioners during the May meeting, Staff has inserted a definition for "Place of Worship" and has replaced "Church" with "Place of Worship" throughout the Chapter. There were no objections to the definition suggested by Staff or the substitution of language.

Referring to the redlined version of Division 155.3 (Design Standards) Administrative Assistant Rapunzel pointed out that at one time Commissioners agreed to delete Surface Water Management Section 155.3.5 because the Code language for surface water management was now included in Title XIV. She explained that Staff suggests keeping the Section in place but incorporating the language, "See Dunes City Code Title XIV (Water Quality Protection)..." so that anyone looking in Design Standards for guidelines to use in developing their property would know exactly where to look for details on surface water management. Commissioners had no objections to Staff's suggestion.

Vice Chairman Allen summarized the status Chapter 155 work to date, noting that this redlined version was now ready for the next step in the review process. City Administrator/Recorder Mills explained that the completed divisions must be reviewed by a Citizen Advisory Committee (CAC) and the City Council has authorized the Planning Commission to begin appointing a CAC whenever the Commission deems it appropriate. She reminded Commissioners that at one point they generally agreed that a CAC could review the first three divisions of 155 while the Commission continues to work on the remaining parts of 155. She went on to explain that the City is required to follow a specific process for appointing CACs that includes advertising for CAC applicants.

Vice Chairman Allen asked the Commissioners if they were comfortable in moving forward with a CAC review of Chapter 155.1, .2 and.3. Commissioners generally agreed that there was no reason not to. It was noted that if there were not enough members of the public applying to the CAC, the Planning Commission could serve as the CAC.

In further discussion about what documents the CAC would review and how the CAC members were selected, City Administrator/Recorder Mills explained that the Planning Commission appoints CAC members who submit applications and, if too few candidates apply, the Commission could opt to act as the CAC and include the few applicants as part of the CAC. There was some discussion about whether or not CAC members had to be residents and how many members would be appropriate. Commissioner Pesnell pointed out that limiting the number of CAC members the Commission is seeking could deter some candidates from applying.

Commissioner Pesnell made a motion to direct Staff to advertise for a CAC, according to legal language needed for advertising, to review Chapter 155.1, 155.2 and 155.3. Commissioner McKnight seconded the motion. In a roll call vote, Commissioners McKnight and Pesnell voted in favor of the motion. The motion passed by unanimous vote.

B. Marijuana Grow Site/LUCS Requirements

Vice Chairmain Allen asked whether Staff had any instructions for Commissioners.

City Administrator/Recorder Mills explained that Dunes City Code is silent on marijuana facilities of any kind. She noted that the City has received a number of inquiries about City Code for grow sites and, although Chapter 155 does permit agricultural use, there is a problem when a person makes an application to the State for their permit to grow. The State requires that an applicant demonstrates permission from the City via a LUCS (Land Use Compatibility Statement) for marijuana growers which Dunes City does not have. City Administrator/Recorder Mills went on to explain that she raised the issue so that the Planning Commission could develop a form based on City Code currently in place and have it available when it's needed.

In discussion, Commissioner McKnight noted that there seemed to be two different issues involved: 1) The City needs a form for an applicant to complete to show compliance with City requirements, and 2) The City does not have a set of standards to which an applicant would be compliant. City Administrator/Recorder Mills explained that the applicant has to comply with State standards and the Commission could recommend that the Council adopt the State standards, or other standards that the Commission deems appropriate to Dunes City. Commissioner McKnight clarified that the form Dunes City adopts must show that the applicant complies with State rules. City Administrator/Recorder Mills agreed, adding that the City could also adopt stricter standards.

City Administrator/Recorder Mills went on to explain that Staff has discussed potential issues associated with a grow operation (whether indoors or outdoors) and identified a handful of potential problems—smell, noise from fans, lights on all night—that are likely covered by the City’s current nuisance ordinances. One issue that she has not resolved is that the State requires outdoor commercial grow operations to have solid fencing and City Code does not allow solid fences, for visibility/safety reasons.

In further discussion, Commissioner McKnight pointed out that this subject could prompt considerable citizen discussion in the near future, noting that a grow operation is a new type of business venture for the City with its own unique issues, such as the value of the product and its potential of attracting an undesirable group of people. He went on to note that the City may need to think more carefully about the standards it uses to regulate the industry, whether the standards are State standards or others that apply just to Dunes City.

There was some discussion about whether agriculture is allowed in Dunes City, during which City Administrator/Recorder Mills explained that agriculture is allowed on all lots in the City but commercial agriculture is allowed only on commercial lots, of which there are only a few in Dunes City. And, there was some discussion about the process for changing a land use zone, how the guidelines that are put in place could encourage or discourage certain activities, and how the City does not have the resources to monitor or deter undesirable activities. It was noted that the City should carefully, thoughtfully consider any future restrictions.

There was some discussion about whether or not the State is currently issuing permits for grow sites and whether or not, at some point, the State would provide cities with a State-approved LUCS form. City Administrator/Recorder Mills explained that any form that the Planning Commission develops would need to be presented to the City Council for approval. She went on to explain that the reason for discussion about the content of the form is because the City has received several telephone inquiries about whether or not grow sites are permitted in Dunes City and a State or City-approved LUCS form will probably be required at some point.

Commissioner Pesnell pointed out that the Findings from the sample Restrictions on Marijuana Businesses provided by the League of Oregon Cities include the statement, “To avoid allegations that city officials are violating federal law by authorizing the commission of a federal offense, the sample findings make clear that the authorization to operate a marijuana business comes from state law, and not local law.” He pointed out that the City should probably follow State guidelines. City Administrator/Recorder Mills noted that it was possible the State would develop the LUCS form for applicants, which would likely include information that the City might not think to ask, but at this point in time the City does not have a form to give to an applicant. She went on to explain that the Commission does not have to act on a form at this time. Commissioner McKnight noted that it would be helpful for the City to have a form that helped determine whether or not an applicant met the requirements to be a grower.

Discussion turned to water usage for a commercial agriculture businesses and water permit requirements. Vice Chairman Allen pointed out that commercial agriculture could potentially pollute Dunes City's water resources and that might be an issue that State regulations for marijuana grow sites might not address, but Dunes City could.

There was some discussion about what would happen if someone requested a LUCS for marijuana production and the City does not have one. Discussion included questions about whether or not the State is issuing licenses for grow sites at this time, what would happen if an existing commercial business in Dunes City wanted to apply for a marijuana sales license, and what "applicable land use requirements" (from the OLCC form) mean for Dunes City. It was suggested that an applicant could be required to provide the City with a plot plan and be required to demonstrate that the applicant has the appropriate water permit. It was also suggested that the Commission could recommend that the Council adopt the OLCC LUCS form for now and revise it later.

Following discussion about suggestions and potential Dunes City requirements, it was agreed that City Staff would compile a list of specific Dunes City Code references a grow site applicant would have to comply with and bring it to the next meeting for review and discussion.

9. NEW BUSINESS

There was none scheduled.

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

City Administrator/Recorder Mills reminded Commissioners that there was a vacancy on the Commission and invited them to help spread the word for volunteers to apply.

11. ADJOURNMENT

Commissioner McKnight made a motion to adjourn. Commissioner Pesnell seconded the motion. The motion passed by unanimous vote.

APPROVED BY THE PLANNING COMMISSION ON THE 22nd DAY OF SEPTEMBER 2016.

[Signed copy available at City Hall]

Bonnie Allen, Vice Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder