



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED**  
**THURSDAY, SEPTEMBER 22, 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](http://www.dunescity.com).

**1. CALL TO ORDER**

Vice Chairman Bonnie Allen called the September 22<sup>nd</sup> Planning Commission's regular session to order at 5:00 pm.

**2. OATH OF OFFICE**

Staff Administrative Assistant Rapunzel administered the Oath of Office to newly appointed Planning Commissioner, Eric "Ric" Ziegler. Commissioners welcomed him to the Commission.

**3. ROLL CALL**

Roll Call was taken by Staff Administrative Assistant Rapunzel.

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

**Absent and Excused:** Commissioner Steve Galbraith.

**Others Present:** Administrative Assistant Rapunzel Oberholtzer.

**4. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**5. ELECTION OF OFFICERS**

During discussion, it was noted that since Vice Chairman Allen assumed the Chairman role after the resignation of former Chairman Paul Gargis, there was not a secondary leader of the Commission, unless the City Council appoints one of the Commissioners. By electing an official Chairman and Vice Chairman, the Planning Commission would have the appropriate leadership chain in place to conduct business for the rest of the year.

**Commissioner Ziegler nominated Commissioner Allen for Chairman. Commissioner McKnight seconded the nomination. The motion passed by unanimous vote.**

**Commissioner Pesnell nominated Commissioner McKnight for Vice Chairman. Commissioner Ziegler seconded the motion. The motion passed by unanimous vote.**

**6. APPROVAL OF THE AGENDA**

**Vice Chairman McKnight made a motion to approve the Agenda. Commissioner Ziegler seconded the motion. The motion passed by unanimous vote.**

**7. APPROVAL OF THE CONSENT AGENDA**

A. Planning Commission Special Session Meeting Minutes of July 21, 2016

B. Planning Commission Regular Session Meeting Minutes of July 28, 2016

**Commissioner Pesnell made a motion to approve the minutes of the July 21 Special Meeting and July 28 Regular Session of the Planning Commission. Vice Chairman McKnight seconded the motion. The motion passed with two votes in favor and one abstention (Commissioner Ziegler).**

**8. ANNOUNCEMENTS /CORRESPONDENCE**

A. Commissioner Introductions.

Chairman Allen invited each of the meeting participants to tell everyone a little about themselves.

Vice Chairman McKnight announced that this week he became a first time grandfather. Also this month he and his wife celebrated their 40<sup>th</sup> wedding anniversary and their son got married the day before his grandson was born—a very busy September.

Commissioner Pesnell explained that he moved to Dunes City about five years ago. Since then he has been active on the Water Commission and with the Fire Department. He went on to note that he is a retired electrician working for the State of Oregon to maintain their Oregon Lottery machines.

Commissioner Ziegler explained that he moved to Dunes City about two years ago, having moved here from Switzerland where he lived and worked for about twenty-five years. Before being assigned to work in Switzerland he worked for the DOD in San Diego. He is looking forward to being able to contribute to the community.

Administrative Assistant Rapunzel noted that she has lived in Dunes City about ten years, and vacationed in the area for about twelve years prior to moving.

Chairman Allen explained that she and her husband moved to Dunes City about four years ago after building their house on Woahink Lake. Having lived in large cities, she is

thrilled to be part of this City's "democracy in action" where residents actively participate in the City government. She is especially glad to be part of the Planning Commission and its role in legislative and judicial land use recommendations.

## **9. CITIZEN INPUT**

There was none.

## **10. UNFINISHED/OLD BUSINESS**

### **A. Marijuana Grow Site/LUCS etc. Requirements**

Referring to a copy of the OLCC Land Use Compatibility Statement form included in the Commissioners' meeting packets, Chairman Allen asked for clarification that the form is the one that OLCC is currently using for applications for a proposed marijuana facility license. It was Staff's understanding that the form is current.

There was a discussion about commercial growing of recreational marijuana and whether or not a commercial growing operation (of any kind of crop) could be sited on a residentially zoned property or whether it must be sited on a commercially zoned property. In the discussion, it was noted that some agricultural use was permitted in the residential zone under Chapter 155 but whether or not it was strictly limited to personal use agriculture was somewhat unclear.

It was generally agreed that it was up to the Planning Commission to establish clear land use regulations in place to prevent misunderstandings about what is and what is not permitted in the land use zones. There was some further discussion about the possibility of establishing specific setback requirements for agricultural use in the residential zone. It was noted that in a previous Planning Commission meeting there was a comment that agriculture is allowed on all properties in Dunes City but commercial agriculture was allowed only on commercially zoned property.

Commissioners agreed that further clarification was necessary. The question to be resolved was whether commercial agriculture operations could be allowed on residentially zoned property, or confined only to commercially zoned property. There was a question about whether cities were given the option of allowing or disallowing grow operations. Rapunzel explained that she thought that a city could opt out of allowing dispensaries but, if it did so, it would not be eligible to receive any of the State tax revenue from sales. She did not know whether a city could opt out of allowing grow sites.

There was some further discussion, after which it was agreed that the Commissioners needed an answer to the key question: Can commercial agriculture operations take place in the Residential zone? If commercial growing is allowed in a residential area, then the

Planning Commission ought to ask the City Council whether or not it wanted the Planning Commission to craft rules to manage that activity—have the Council task the Commission with that and provide directions on what the Council would like the Commission to do.

Chairman Allen restated the core issue: We need clarification on whether or not commercially grown marijuana, or any other agricultural product, can be grown on commercial agriculture property, or is commercial agriculture in residential areas allowed?

Commissioners agreed that they needed a legal opinion on the question and directed Staff to contact the City Attorney.

Referring to the copy of a PowerPoint presentation from Oregon Water Resources Department that was included in the Commissioners' meeting packets, Chairman Allen asked if the Dunes City water right allowed use of water for commercial agriculture and if the City could charge those users more for using water from the City's water right. Rapunzel explained that she thought the City's water right allowed only a certain amount of water to be drawn from the lake each year and users were required to report their usage, but that there was no way to determine how that water was being used. This prompted some discussion about whether commercial grow sites permitted on residential property would be allowed to use the City's water allowance for irrigation of the crop. Rapunzel explained that the City's water right comes with certain limitations, City Administrator/Recorder Mills would be able to explain those limitations in detail as she is the City's resident expert.

## **11. NEW BUSINESS**

### **A. Fall/Winter Meeting Schedule**

Chairman Allen referred Commissioners to their copies of monthly calendars provided by Staff and asked who would be available for the regularly scheduled October 27<sup>th</sup> meeting. Vice Chairman McKnight said he would not be available, Commissioners Ziegler and Pesnell said they would be available and Chairman Allen said that she would be available. Chairman Allen clarified that those available would represent the required quorum for conducting business. It was unknown whether or not Commissioner Galbraith would be available.

Chairman Allen noted that it was important that a quorum be present so that a CAC could be appointed and assigned the task of reviewing proposed changes to Chapter 155, Sections 155.1, .2 and .3. She went on to explain that former Planning Commissioners worked on the proposed revisions over a number of years, and those first three sections were ready for the CAC review after some tweaking and polishing by the current Commissioners and Staff.

Chairman Allen referred Commissioners to their copies of Dunes City Resolution Series 2014, No. 2 (01/09/2014) which adopted the Dunes City Citizen Involvement Program Policy. She pointed out that the City Council has the responsibility to oversee the Citizen Involvement Program and may provide direction to the Planning Commission regarding the formation of Citizen Advisory Committees, and that the Planning Commission is tasked with providing an annual report to the Council about citizen involvement activity.

Chairman Allen referred Commissioners to their copies of the draft Annual Report to the City Council provided to them prior to the start of the meeting. She pointed out a typographical error in paragraph A of the document, “Both hearing...” should be, “Both hearings...” Staff agreed to make the correction. She went on to read paragraph B, noting that, “CAC appointment will be made during the October Planning Commission meeting, during which the CAC will also receive its instructions and deadline for submitting its recommendations.” She asked whether Commissioners were comfortable with giving instructions and deadlines during the October meeting, or whether the matter should be postponed to another time.

There was some discussion about whether or not there was a timeline for finishing the CAC review of Chapter 155, some discussion about the number of members needed for a CAC, the format of the CAC meetings. It was noted that the Planning Commission should determine a date for the meeting to appoint a CAC so that Staff can publish the public notice announcing that Dunes City is seeking applicants to a CAC. Once the notice is published the Commission is committed to the meeting date written in the notice. If the noticed meeting is not held, another notice must be published and state the date that CAC appointments will be made.

Following discussion, it was agreed that CAC appointments could be made during the October meeting. Chairman Allen noted that part of the instructions to the CAC would be that it is to meet regularly. It was also agreed, after some discussion, that the Planning Commission would require the CAC to provide a progress update during the January Planning Commission meeting, and submit their recommendations during the February meeting. Commissioner Pesnell asked what the process would be if there were very few or no applications to the CAC—in that case, the Planning Commission could appoint itself as the CAC.

There was some discussion about the timeframe for publishing the public notice of CAC appointments. It was noted that public notice was required to be published at least two weeks prior to the appointments. Staff referred to the copy of a draft public notice provided to the Commissioners and pointed out the suggested publication dates prior to the October Planning meeting. There were no objections to the content of the notice or the suggested publication dates.

It was suggested that the CAC be provided with some background on how and why the changes to Chapter 155 were made. Staff agreed to write an introductory history of the

revision project and include the names of all of the people who have participated in the revision process.

Vice Chairman McKnight summarized the process for reaching final recommendations: the CAC would review the revisions to Chapter 155 and make their recommendations to the Planning Commission, which would consider the recommendations from the CAC and then provide its own final recommendations to the City Council.

Staff offered to draft a “Responsibilities and Procedures” handout for the CAC appointees and have it ready for the October 27 meeting. There were no objections.

**B. CAC Responsibilities/Procedures/Appointment**

Addressed under Agenda Item A above.

**C. Citizen Involvement Program (CIP) Report to Council**

Addressed under Agenda Item A above and Agenda Item 12 below.

**12. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA**

Vice Chairman McKnight suggested that Commissioners review the fall/winter calendars to determine meeting dates. It was agreed to cancel the regularly scheduled meetings for November 24 and December 22. The January 26 and February 23 meeting dates did not raise concerns for Commissioners.

Chairman Allen noted that there were no changes to the draft CIP report to the City Council, other than the one scrivener error. It was agreed that the report would be signed by the Planning Secretary and included in the City Councilors’ meeting packets. Chairman Allen also noted that she would attend the City Council meeting and would be able to answer any questions the Councilors might have about the report.

Commissioner Pesnell referred to the handout illustrating a change to one of the Chapter 155 definitions. Staff explained that the document was provided to Commissioners for informational purposes so that Commissioners could see the change made by Staff and incorporated into Section 155.1.3.

Chairman Allen asked whether the City Administrator has scheduled, or has made, a report to the City Council about the status of residents’ compliance with Ordinance No. 228. Staff explained that the City Administrator usually includes updates in her monthly report to the Council, the number of residents who are noncompliant is dwindling rapidly and the City Administrator continues to send out about ten letters a week to residents who are not compliant with the Ordinance.

### 13. ADJOURNMENT

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

Chairman Allen adjourned the meeting at 6:30 pm.

**APPROVED BY THE PLANNING COMMISSION ON THE 27<sup>th</sup> DAY OF OCTOBER 2016.**

[Signed copy available at City Hall]

Bonnie Allen, Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder