



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED**  
**THURSDAY, FEBRUARY 23, 2017 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**

The February 23<sup>rd</sup> Planning Commission meeting was called to order by Vice Chairman Brett McKnight at 5:00 pm.

**2. SWEARING IN OF NEW COMMISSIONER**

Administrative Assistant and Notary Public Linda Stevens administered the Oath of Office to newly appointed Planning Commissioner Barry Sommer. Everyone present welcomed him to the Commission and he took his place at the dais.

**3. ROLL CALL**

Roll Call was taken by City Administrator/Recorder Jamie Mills.

**Present:** Vice Chairman Brett McKnight, Commissioner Ken Pesnell, Commissioner Ric Ziegler, and Commissioner Barry Sommer.

**Absent and Excused:** Chairman Bonnie Allen.

**Others Present:** City Administrator/Recorder Jamie Mills, Administrative Assistant Rapunzel Oberholtzer and Administrative Assistant Linda Stevens.

**4. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**5. ANNUAL ELECTION OF OFFICERS (CHAIRMAN AND VICE CHAIRMAN)**

**Vice Chairman McKnight made a motion to nominate Bonnie Allen for Chairperson of the Planning Commission. Commissioner Pesnell seconded the motion. There was no vote taken.**

There were no other nominations for Chairperson.

**Commissioner Pesnell made a motion to close the nominations for Chairperson. Commissioner Ziegler seconded the motion. There was no vote taken.**

**Vice Chairman McKnight called for a vote for electing Bonnie Allen. The vote was unanimous.**

There was some discussion about who should be Vice Chairman.

**Commissioner Pesnell made a motion to nominate Barry Sommer for Vice Chairperson of the Planning Commission. Commissioner Ziegler seconded the nomination.**

There were no other nominations for Vice Chairperson and Vice Chairman McKnight closed the nomination period.

**The motion to nominate Barry Sommer for Vice Chairperson passed by unanimous vote.**

Commissioner McKnight handed the gavel to new Vice Chairperson Sommer.

## **6. APPROVAL OF THE AGENDA**

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

## **7. APPROVAL OF THE CONSENT AGENDA**

A. Planning Commission Meeting Minutes of October 27, 2016

**Commissioner Pesnell made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Ziegler. The motion passed with two votes in favor. Commissioner McKnight abstained from voting.**

## **8. ANNOUNCEMENTS /CORRESPONDENCE**

Vice Chairperson Sommer read aloud from the list of announcements on the Agenda.

A. Planning Commissioners must file their annual Statement of Economic Interest with the Oregon Government Ethics Commission online.

City Administrator/Recorder Mills reminded everyone that the filing must be done by April 15<sup>th</sup> and she agreed to send an email reminder to Commissioners when the website is accepting the e-filings.

## **9. CITIZEN INPUT**

There was none.

## 10. NEW BUSINESS

### A. 2017 Planning Commission Goals

Rapunzel referred Commissioners to a copy of an email from Chairman Allen that was included in their meeting packets and to a handout distributed prior to the start of the meeting. She explained that Chairman Allen submitted by email two goals that she would like to see the Planning Commission adopt this year and the handout included not only potential City Code changes the Commission might consider addressing this year but also an online training opportunity. In response to questions about the training, she explained that the classes are about half an hour long and there are nine or ten chapters. She noted that the Commissioners did not have to make a decision about the classes in this meeting but could consider scheduling them in the future.

City Administrator/Recorder Mills suggested that the Commissioners could make the training sessions a part of regular meetings and she also recommended that they consider taking government ethics training. She recommended that the Commissioners set goals because it helps Staff keep everyone on track and moving forward and helps the Commissioners focus on priorities they want to accomplish.

There was some discussion about the need to address marijuana growing in Dunes City. Commissioner McKnight suggested that the Planning Commission get some direction from the City Council about what they want in the City before the Commission spends time on crafting Code language. Following discussion, it was generally agreed that addressing the marijuana grow issue would be a goal for the Commission this year.

City Administrator/Recorder Mills explained that other items on the handout included some that Staff has identified as potential issues that may need to be addressed, related Code might need to be clarified, processes for working with other agencies might need to be addressed. She suggested that Commissioners go through the list and determine whether or not they could direct Staff to write recommendations to present in a future meeting.

*Expand upon/modify lot line adjustment language.* City Administrator/Recorder Mills explained that Lane County has changed its Code and the County changes may affect the City's process.

*Lighting.* City Administrator/Recorder Mills explained that Public Utility Districts determine where light poles are located. During discussion it was noted that future conversations about this could also address high intensity lighting in the City.

*Address assignments.* City Administrator/Recorder Mills explained that City Code is silent on this matter with no language about how to assign street addresses or when they should be assigned. She noted that it could be possible for someone with a building permit to be assigned an address, which would allow them to have electricity and a septic

system put in, and then move an RV onto the property and never move forward with building a permanent residence.

*Add language requiring a property that changes ownership to be brought up to Code.* City Administrator/Recorder Mills explained that from a City Administrator's point of view this language would be great, but it may not be feasible or legal so some research would be needed. There was some discussion about whether or not that would impact properties that had grandfathered uses or development and whether or not that would include restoring vegetation on lots that had been cleared to the water line.

*Road Specifications (possibly in a separate Chapter).* City Administrator/Recorder Mills explained that Dunes City currently relies on State requirements for road construction and does not have its own specific Code for road construction. She went on to explain that the City of Bend has Code that Dunes City could adapt. She noted that it could be time for Dunes City to have Code in place so that any new subdivisions and City Engineers who do construction inspections would have City guidelines to follow.

*Erosion and sediment control for new DEQ requirements.* City Administrator/Recorder Mills explained that DEQ is developing new rules for coastal regions that would give NOAA oversight for construction grading, land movement of any kind and plans for erosion and sediment control in new development. She went on to explain that the new rules could require private land owners and cities to spend more and meet more stringent requirements when doing any kind of land development or road drainage repair.

Following discussion, Commissioners agreed to think about the lists provided by Staff and by Chairman Allen and be prepared to discuss and prioritize the items, and any other additional topics, at the next meeting.

#### B. Review City Attorney's Legal Opinion Re Marijuana Grows in Dunes City

Commissioners took time to read a copy of the City Attorney's written opinion on whether or not marijuana grow sites were permitted in the Residential Zone of Dunes City. In the City Attorney's opinion there is nothing in Dunes City Code that prohibits grow sites in the Residential Zone.

City Administrator/Recorder Mills pointed out that OLCC requires marijuana producer applicants to identify their source of water. She noted that a landowner who draws water from Woahink Lake under the City's Shared Domestic Water Right cannot use that water to irrigate a marijuana production site, but the landowner could possibly obtain a State permit to drill a private well. There was some discussion about what actions the City could take to layer some regulations into its Code. Commissioner McKnight suggested that the Planning Commission could prepare a list of questions for the City Council about the direction the Council wants to take in regard to regulation, if any.

### C. Begin Review of Chapter 155.4

City Administrator/Recorder Mills explained that City Attorneys have reviewed Chapter 155 at least two times and contributed significantly to the proposed changes. She suggested that Commissioners focus their attention on the concepts behind the changes rather than in the details of grammar and wordsmithing. Commissioner McKnight suggested that Staff guide the Commissioners through the major changes in 155.4 and some of the rationale for the changes so that the Commissioners could consider those things while they are reading and use the information for discussion of the changes. City Administrator/Recorder Mills suggested that Commissioners consider whether the Code is something that Dunes City should handle or whether it should be handled at a different level of government and whether or not it is cost effective. She also suggested that Commissioners think of how to simplify the Code but make sure that it is clear and objective.

Commissioner Ziegler asked about the intended use of Chapter 155, whether it is used by homeowners or as a legal reference for Staff. City Administrator/Recorder Mills noted that attorneys are shifting to using more common language so there should be a balance between the kind of language a homeowner would need and that of a technical or legal person. Staff noted that Chapter 155 is used by homeowners, contractors, and Building Inspectors to determine what City standards are required and when permits are required. City Administrator/Recorder Mills also pointed out that if there is a lawsuit about land use issues, it would first be heard by the Land Use Board of Appeals (LUBA) and, in the past, lawsuits have been brought against the City because City Code has been vague or silent on certain issues—one of the reasons for revising the Code is to make it clear and definitive.

Following more discussion of Chapter 155.4, Commissioners generally agreed that Staff would prepare a report highlighting the key changes and the reasons for the changes, and be prepared to present and discuss the report at the next Planning Commission meeting.

### **11. UNFINISHED/OLD BUSINESS**

There was none scheduled.

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

Commissioner McKnight, who is also Chairman of the Citizen Advisory Committee (CAC) reviewing the first three sections of Chapter 155, presented an update on the first CAC meeting. He explained that after the first CAC meeting he met with City Staff to talk about the role of the CAC and the results of that first meeting. He went on to explain that, in his view, Staff would lead the CAC by identifying significant new language in Chapter 155 and explain the reasons for the changes so that the CAC can determine whether or not the new language adequately addresses the reasons for the changes and is accomplishing the intent. As an example, he noted that there are new definitions added to Chapter 155; Staff could review the additions and explain why they were added so that

the CAC could discuss them and determine whether or not they were adequate for their intended purpose.

Commissioner McKnight suggested that the next CAC meeting should follow the process described above and not focus so much on wordsmithing language. He noted that if CAC members had any recommendations for changes to specific verbiage, they could submit them directly to City Staff at any time. He went on to note that if the CAC found any major concerns with the changes, it could recommend that the Planning Commission review the changes and determine whether or not policy changes should be made.

Planning Commissioners discussed meeting dates for the next CAC meeting. They agreed to try to set a meeting for Wednesday, March 15<sup>th</sup> at 5:00 pm or, alternatively, Wednesday, March 22<sup>nd</sup> at 5:00 pm. Staff agreed to contact CAC member Paul Reilly to confirm his availability.

### **13. ADJOURNMENT**

**Commissioner Pesnell requested a motion to adjourn and Commissioner McKnight seconded the motion. There was no vote taken.**

Vice Chairman Sommer adjourned the meeting at 6:17 pm.

**APPROVED BY THE PLANNING COMMISSION ON THE 23<sup>rd</sup> DAY OF MARCH 2017.**

[Signed copy available at City Hall]

Bonnie Allen, Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder