



PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED
THURSDAY, MARCH 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.

1. CALL TO ORDER

Chairman Bonnie Allen called the March 23rd Planning Commission meeting to order at 5:06 pm.

2. ROLL CALL

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

Present: Chairman Bonnie Allen, and Commissioners Ken Pesnell and Ric Ziegler.

Absent and Excused: Vice Chairman Brett McKnight and Commissioner Barry Sommer.

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

5. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Meeting Minutes of February 23, 2017

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

6. ANNOUNCEMENTS /CORRESPONDENCE

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

- A. A reminder that Planning Commissioners must file their annual Statements of Economic Interest with the Oregon Government Ethics Commission online. Deadline for filing is on April 15th.

Chairman Allen noted that Commissioners should have received an email from OGEC announcing that they can file online. There was some discussion about difficulties of filing or changing account information online. City Administrator/Recorder Mills suggested that anyone experiencing trouble filing or editing their account should telephone the Commission office directly.

- B. The 5th Annual Oregon Dunes Triathlon will be held on Saturday, May 13th. Dunes City is looking for volunteers to staff the event. Anyone interested in volunteering can call or stop by Dunes City Hall to sign up.

7. CITIZEN INPUT

There was none.

8. UNFINISHED/OLD BUSINESS

- A. 2017 Planning Commission Goals

Chairman Allen referred Commissioners their copies of a handout and an email from her that were included in their meeting packets. Leading the discussion about online Land Use Planning training, Chairman Allen pointed out that one of her goals for the Planning Commission was to “work together to build subject matter expertise and effective working procedures” and she suggested that the online training could help meet that goal. She went on to note that the training could take a few minutes at the beginning of each meeting until the classes were complete. There were no objections.

Moving on to the list of goals about various Code changes and additions, Chairman Allen noted that the City is “living on borrowed time” without any Code addressing marijuana grow sites and it should be a priority. City Administrator/Recorder Mills reminded Commissioners that there was a joint work session for the City Council and the Planning Commission scheduled for March 30 to discuss this issue.

Chairman Allen suggested that another goal to add to the list could be to finalize Chapter 155.1, .2, and .3 in the CAC and send Planning Commission recommendations on the proposed changes to the City Council. There was some discussion about the process for CAC and Planning Commission recommendations to the Council. After discussion, it was generally agreed that the Planning Commission could set a goal for finalizing all of the changes to Chapter 155 this year.

There was some discussion about the CAC review process, during which it was noted that the process seems to be proceeding a bit faster with the implementation of a Staff Report that outlines the significant changes to Code. City Administrator/Recorder Mills pointed out that the changes should be reviewed with an eye toward making sure that the Code language is clear and objective, and defensible. She also noted that Staff will take the lead on formatting, creating tables of contents, footnotes, etc. Chairman Allen suggested that CAC members could make recommendations for formatting, etc. to Staff for consideration.

City Administrator/Recorder Mills explained that the lighting issue was brought to the City Council when new LED lamps were installed by Honeyman Park and prompted some concern from residents about them in Dunes City. Commissioners generally agreed that Code should address lighting regulations.

City Administrator/Recorder Mills suggested that Commissioners go through the list of proposed goals to determine which ones to keep on the list. She noted that she may have new information that could help determine whether or not certain items should be goals or whether they can be removed from the list. Commissioners generally agreed that prioritizing the list could be done during the April Planning Commission meeting.

City Administrator/Recorder Mills explained why Address Assignments was on the list of goals to discuss. In order to get electric power to a property, the property must have a street address assigned to it. Historically, although City Code is silent on address assignments, Dunes City has not issued addresses until a building permit is purchased. This policy has helped to ensure that a property owner cannot get power and then park an RV on the land indefinitely without ever building a permanent residence. City Administrator/Recorder Mills went on to explain that, for now, Dunes City has an agreement with LCOG (the entity that inputs addresses into RLID) in which the City will not issue an address until there is an associated building permit. Any Code relating to address assignments would be new, but where in City Code it should be would need to be determined as it may not be applicable to Land Use Code.

Moving on to discussion of bringing property up to Code when ownership changes, City Administrator/Recorder Mills explained that this may be unconstitutional; she will ask the City Attorney for an opinion.

Chairman Allen referred back to the marijuana grow site issue and mentioned that one of the potential complaints about growing marijuana could be the odor and she noted that the City has Nuisance Ordinance language that addresses “offensive odors” that could come into play. She went on to note that Dunes City’s water right permit does not allow water to be used for commercial purposes. In addition, she explained that she recently became aware of financial issues associated with marijuana production: the FDIC will not approve mortgage applications for property where marijuana is being grown, and some banks are not accepting deposits from any marijuana-related businesses. She explained that she mentioned these details because they may help guide the Planning Commission in writing appropriate regulations in the future.

Opening discussion about the possible goal of creating road specifications, City Administrator/Recorder Mills explained that Dunes City has a Right-of-Way Ordinance on the books that deals with permissions and requirements for using Dunes City roadways. She went on to explain that Dunes City does not have its own specifications for road construction, but instead relies upon State licensed engineers to provide the specifications for new roads. There was some discussion about whether or not Code for road specifications would be included in Zoning and Development Code or in a separate Land Use Chapter devoted to Roads.

Regarding Erosion and Sediment Control Code, City Administrator/Recorder Mills explained that Dunes City has an Ordinance that may need to be revised and there are some references to erosion and sediment control in Chapter 155 that could also need revisions. She went on to explain that the revisions, if any, could be prompted by a potential agreement between Oregon's DEQ and NOAA that would give NOAA ultimate oversight of all of the waters on the Coast. Of note, City Administrator/Recorder Mills explained, is that the proposed regulations are not only stringent but could require municipalities to spend huge amounts of money for compliance with the regulations—money that many communities do not have and would not receive from NOAA or DEQ.

There was some discussion about prioritizing the goals with primary consideration going to those that apply to Chapter 155. It was generally agreed that Staff would research where in Code each of the issues could be placed, which ones should be included in Chapter 155 and make recommendations at the April meeting.

B. Begin Review of Chapter 155.4

City Administrator/Recorder Mills referred Commissioners to their copies of the Staff Report that was included in their meeting packets.

Staff noted that Section 155.4.1 was significantly revised by the City Attorney in order to comply with State law—City Attorney determined during her review of this Section that some of the language was inconsistent with State law and her revisions corrected those inconsistencies but also attempted to maintain the intent of the Code as it was written.

Staff went on to report that:

- Section 155.4.1.2 (Description of Permit/Decision-making Procedures) contained substantial revisions to, again, ensure that Dunes City Code complies with State law;
- The function and the approval process for each type of decision-making procedure was clarified;
- Notably, Subsection E (Expedited Land Use Decision) was deleted by the City Attorney because there is no such thing under State law and, in the Attorney's opinion, this subject matter is covered thoroughly under Oregon's State Statutes for "Expedited Land Use Divisions"; and

- The Attorney deleted the Limited Land Use Decision process because it is addressed in other parts of Section 155.4 and does not need to be included in Types of Procedures.

There was some discussion about the reason for deleting Expedited Land Use Decision from the types of procedures. Staff agreed to research and report to the Commission in the April meeting.

Commissioners moved on to discussion of the changes to Chapter 155.4.1.3 – General Provisions. Staff noted that the Subsection (D)(2)(b) was significantly revised by the City Attorney to address the most recent State laws regarding application completeness review. The revisions provide something of a checklist for Staff to follow.

Discussing the various types of procedures (Types I, II, III, and IV), Staff reported that these Sections were significantly revised to comply with State law, to make sure that all of the language is clear and objective, and to provide detailed application and approval processes that give citizens and City Staff very clear instructions.

Chairman Allen clarified that the role of the Planning Commission was to review these recommended changes, accept or make other changes, and then send the changes to a CAC. City Administrator/Recorder Mills suggested that as Commissioners review each Section, they bring forth questions (if they have any) for further discussion. Staff noted that the Staff Report lists the key reasons why the City Attorney made certain changes, which would be helpful reference for Commissioners during their review of language.

There was some discussion about the types of permits described in Table 155.4.1.2. City Administrator/Recorder Mills explained that those permits applied to Land Use whereas building construction-related permits were covered in the Building Code, Chapter 151, or elsewhere in Code unrelated to Land Use.

Chairman Allen suggested that Commissioners be prepared at the April meeting to discuss the recommended changes and bring forth any further recommendations or accept the proposed changes. There were no objections.

9. NEW BUSINESS

There was none scheduled.

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

Chairman Allen thanked Staff for their help in keeping the processes moving forward.

11. ADJOURNMENT

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

Chairman Allen adjourned the meeting at 6:24 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 27th DAY OF APRIL 2017.

[Signed copy available at City Hall]

Bonnie Allen, Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder