



PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED
THURSDAY, APRIL 27, 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 April 27th Planning Commission meeting to order at 5:02 pm.

2. ROLL CALL

Roll Call was taken by Planning Secretary Rapunzel Oberholtzer.

Present: Chairman Bonnie Allen, and Commissioners Ken Pesnell and Ric Ziegler.
Vice Chairman Barry Sommer arrived at 5:48 pm.

Absent and Excused: Commissioner Brett McKnight.

Others Present: City Administrator/Recorder Jamie Mills and Mr. and Mrs. Dimon of DB Dimon Properties LLC.

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 as presented. The motion was seconded by Commissioner Ziegler. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Meeting Minutes of March 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 Dunes City is seeking volunteers to help staff the 5th Annual Oregon Dunes Triathlon on May 13. Call or stop by City Hall if you're interested in volunteering. We are especially in need of volunteers on the bike course, parking area at the Woahink Boat Ramp, and volunteers willing to be assigned "wherever needed."
- B. Darlings Resort will host an Open Season Barbecue on May 27 with food, beer and games!

7. CITIZEN INPUT

There was none.

8. PUBLIC HEARING

- A. Conditional Use Permit Application submitted by City of Dunes City

Chairman Allen read aloud from a script prepared for the Public Hearing.

"This evening we have a public hearing on a Conditional Use Permit to waive rear yard setback requirements for the Dunes City Hall property's lot line adjustment, as applied for by the City of Dunes City.

"These proceedings will be recorded.

"This hearing will be held in accordance with the land use procedures required by the City and the State of Oregon. This is a Type 3 Quasi-Judicial Procedure.

"Staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria which you believe applies to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the City and parties involved an opportunity to respond to the issue would preclude an appeal to the Oregon Land Use Board of Appeals based on that issue.

"Any party interested in a land use matter may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner's bias, prejudice, conflict of interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner."

Chairman Allen asked if any Commissioner wished to declare a conflict of interest, bias or ex-parte contact. None did.

Chairman Allen asked if any member of the public wish to challenge a Commissioner's impartiality? No one did.

Chairman Allen opened the Public Hearing on the Conditional Use Permit at 5:07 pm and asked for the staff report. City Administrator/Recorder Mills presented highlights of the history of the Dunes City Hall building and the events leading to the City's application for a Conditional Use Permit. Of note, in 1993 Dunes City made an application for a Conditional Use Permit to encroach upon the setbacks of the properties to the rear of the building for purposes of expanding the office space, and that Conditional Use Permit was approved with no objections filed.

City Administrator/Recorder Mills went on to explain that eventually a subsequent property survey revealed that the Dunes City Hall building actually encroached upon the two lots in the back of City Hall by several feet. After several years of negotiations between the City and the current owner of the properties behind City Hall, DB Dimon Properties LLC, the parties reached a settlement to resolve the encroachment issue. City Administrator/Recorder Mills outlined the agreement as follows: The City will pursue and pay for a boundary line adjustment for lot 6300 and would build a fence across the back of lots 6300 and 6201. In exchange, the Dimons will grant an easement to Dunes City across a 5'3" swath of land along the back of lot 6201 and will deed a 5'3" swath of land from lot 6300 to the City. She noted that the Easement Deed has been prepared, signed and officially recorded in the records of Lane County.

City Administrator/Recorder Mills noted that the reason the City is applying for a Conditional Use permit is because both lots involved are less than one acre in size and City Code requires a Conditional Use Permit to adjust property lines on lots less than one acre.

Chairman Allen announced that the Commission would take testimony from the applicant. Ms. Dimon explained that she and her husband have discussed the matter and agreed to deeding the land to Dunes City. Ms. Dimon asked if there could ever be a time when the City would ask her to move the building that is behind City Hall. City Administrator/Recorder Mills said that would not happen and she would make a note in the Dimon's property file to that effect.

Commissioner Ziegler referred to a copy of a letter in opposition to the approval of the Conditional Use Permit submitted by Jeanne Jackson and asked if the Dimons had read it. They had. *A COPY OF MS. JACKSON'S LETTER IS ON FILE AT CITY HALL.*

Chairman Allen announced that the Commission would take testimony from those opposed to the Conditional Use Permit and referred Commissioners to the letter from Jeanne Jackson and asked if all of the Commissioners had read it. They had. There was some discussion about the fire risks Ms. Jackson referenced in her letter. City Administrator/Recorder Mills explained that the propane tanks for the emergency generator will be installed to the code required for emergency shelter buildings, likely moved to the back of the property, and the installation also includes earthquake valves and other safety mitigation.

Chairman Allen asked if the applicant wanted to hold the record open. On behalf of Dunes City, City Administrator/Recorder Mills said it did not. Chairman Allen closed the public hearing at 5:28 pm.

9. NEW BUSINESS

A. Deliberation and Decision: Conditional Use Permit Application

Chairman Allen announced that the Planning Commission could a) recommend approval of the Conditional Use Permit, b) recommend approval of the Conditional Use Permit with Conditions of Approval and/or modified Findings of Fact, or c) Recommend denial of the Conditional Use Permit based on Findings of Fact or other information identified by the Commission but not included in the Staff Report/Findings of Fact.

Commissioner Pesnell made a motion to approve the Staff Report and Findings of Fact as presented. Commissioner Ziegler seconded the motion. The motion passed by unanimous vote.

Commissioner Pesnell made a motion to recommend that the City Council approve the Conditional Use Permit application. Commissioner Ziegler seconded the motion. In a roll call vote, the motion passed unanimously with Commissioners Pesnell and Ziegler voting in favor.

10. UNFINISHED/OLD BUSINESS

A. 2017 Planning Commission Goals

Chairman Allen referred Commissioners to their copies of 2017 Goals/Potential Code Changes included in their meeting packets. Commissioners agreed to begin online Land Use Planning training sessions beginning at the May meeting.

Moving on to the list of various potential Code changes and additions, Chairman Allen noted that the Planning Commission is currently reviewing Chapter 155.4 and will be able to address lot line adjustment language during that review.

Staff recommended that the CAC could review language about lighting during its review of Chapter 155.2 and the Planning Commission could follow up.

Staff recommended that address assignments not be included in land use code.

Vice Chairman Sommer arrived at about 5:48 pm.

With regard to a requirement that properties be brought up to Code when they change ownership, City Administrator/Recorder Mills reported that the City Attorney advised that the City could require septic and water systems be brought up to Code. She noted

that septic and water are addressed in other Code, not land use, so the Commission does not need to take any action at this time.

Chairman Allen suggested that Commissioners take time to read Chapter 151 before the next meeting and be prepared to discuss it briefly.

Staff recommended that road specifications become part of or replace Chapter 90 (Streets and Sidewalks) and maybe cross-reference Chapter 155 to Chapter 90.

Discussing marijuana grow site regulation, City Administrator/Recorder Mills explained that Dunes City cannot, at this time, prohibit grow sites but it could adopt “reasonable” regulations and/or require Conditional Use Permits. Chairman Allen suggested that the Commission could address possible Code changes during its review of Chapter 155.

Staff noted that erosion and sediment control regulations are covered in Chapter 141 with some references in Chapter 155. Staff recommended that the Planning Commission do nothing with erosion and sediment control language at this time.

Commissioners agreed that the Planning Commission’s ultimate goal this year would be to finish all work on Chapter 155.

B. Continue Review of Chapter 155.4

Staff highlighted the April 27 Staff Report prepared to address a question raised during the March 23 Commission meeting regarding deletion of the Expedited Land Use Decision from the Types of permit/decision-making procedures in 155.4.1.2. Staff reported that, as the City Attorney pointed out, there is no such thing as an Expedited Land Use Decision—the process is an Expedited Land Use Division—and the process, criteria and rules are thoroughly described in ORS 197.370. Staff recommended accepting the City Attorney’s recommendation to delete the language because Dunes City Code covers all land use divisions. There were no objections.

Staff referred Commissioners to the April 27 Staff Report on significant changes to 155.4 beginning on page 33.

Staff explained:

- Section 155.4.2 (Site Review Permit) was deleted entirely by the Planning Commission and/or the Road Commission with the City Attorney noting that it is a City policy choice to perform site reviews. City Administrator/Recorder Mills explained that the City performs site reviews as part of the permit and inspection process. It was generally agreed to delete the language as suggested.
- Section 155.4.3.110 (page 37) – General Requirements, Subsection C (Future Re-division Plan) was moved to 155.4.3.130 (Tentative Plan Submittal Requirements) to require an application submittal and also included in 155.4.3.140 (Approval Criteria: Tentative Plan).

- 155.4.3.110 (page 38) – General Requirements Subsections E (Development in 100 Year Flood Plain), F (Determination of Base Flood Elevation), G (Utilities), and H (Drainage) was moved by City Attorney into approval criteria in 155.4.3.140. Planning Commission agreed with the change and corrected some of the language to clarify it.
- 155.4.3.120 (page 39) – Approvals Process. Subsection E (Phased Development) was moved into the Approval Criteria at 155.4.3.140
- 155.4.3.130 (page 41) – Tentative Plan Submission Requirements. Subsection B2k and l were deleted by Planning Commission.
- 155.4.3.140 (page 42) – Approval Criteria: Tentative Plan. Added text reflects the Attorney’s work as described above to clarify the Approval Criteria.

There were no objections to the changes described above.

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

11. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

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

12. 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 7:41 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 25th DAY OF MAY 2017.

[Signed copy available at City Hall]

Bonnie Allen, Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder