



**PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED**  
**THURSDAY, AUGUST 31, 2017 AT 5:45 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**

Chairman Bonnie Allen called the August 31 Planning Commission Special Session to order at 5:55 pm.

**2. ROLL CALL**

Roll Call was taken by Planning Secretary Rapunzel Oberholtzer.

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

**Others Present:** City Administrator/Recorder Jamie Mills.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

Chairman Allen suggested modifying the Agenda to move New Business Item A (DLCD Online Training) to Unfinished/Old Business as Item B if there is time and, if not, defer the training to the September meeting. There were no objections.

**Commissioner Pesnell made a motion to approve the Agenda as modified. The motion was seconded by Vice Chairman Sommer. The motion passed by unanimous vote.**

**5. APPROVAL OF THE CONSENT AGENDA**

A. Planning Commission Meeting Minutes of July 27, 2017

**Vice Chairman Sommer made a motion to approve the Consent Agenda. The motion was seconded by Commissioner Pesnell. The motion passed by unanimous vote.**

## **6. ANNOUNCEMENTS /CORRESPONDENCE**

Chairman Allen read an announcement from the Agenda.

A. The Oregon City Planning Directors Association is hosting Planning Commissioner Training in Portland on Thursday, September 28 from 1:00 to 4:30 pm. The cost to attend is \$75.00, which will be reimbursed by Dunes City. Registration deadline is Friday, September 8. September 28 is also the date of September's regularly scheduled Planning Commission meeting.

Staff reminded Commissioners that during the September Planning Commission meeting there should be a discussion about the annual CIP report that should be presented to the City Council in its October meeting. Staff agreed to draft a report for review by Commissioners in the September meeting. Staff requested that Commissioners provide input to Staff.

## **7. CITIZEN INPUT**

Chairman Allen recognized Ms. Catherine Caudle, a Dunes City resident.

Ms. Caudle explained that she had read the allowed uses for Dunes City property, noting that among them is agriculture, keeping of small animals and home occupations such as day care. She went on to explain that one of her concerns is that OLCC does not allow licensed individuals to grow marijuana within 1,000 feet of a park or within 1,000 feet of a school. She went on to say that she would consider purchasing property on Doonbrae Lane and would put a park there. She noted that people should not be allowed to grow pot there, a park would be more efficient use of the land and provide a use for everyone, and the pot grow would be in conflict with the park.

Ms. Caudle pointed out that she brought some information about what happened in the R-1 Zone in Jackson County when the County passed an ordinance prohibiting marijuana production in residential areas. She noted that agriculture should be allowed in R-1 Zones for food production, but not for marijuana. She noted that the document she brought showed that a judge agreed and that Dunes City could use the Jackson County code as a model in Dunes City. Ms. Caudle explained that an allowed use in the R-1 Zone is day care, but if there is a pot grow the day care center could not be located in the proximity and day care centers are wonderful for helping the neighborhood. Or, she went on, if someone wanted to open a church in the neighborhood, they couldn't do so if there was a pot grow. She expressed concern that by allowing pot grows in the R-1 zone, other uses could not be allowed because of their proximity to the grow, which means that some people cannot use their land in ways they should be able to.

Ms. Caudle went on to explain that the document she brought, *Diesel v. Jackson County*, showed that the Court of Appeals concluded that the County's ordinance did not exclude marijuana agriculture within the County, but did not allow it in the residential zone.

Staff agreed to email Commissioners a PDF copy of the decision.

*A COPY OF MS. CAUDLE'S HANDOUT IS ATTACHED TO THESE MINUTES AS EXHIBIT A.*

## 8. NEW BUSINESS

### A. Staff Report: Follow Up from July 27 Meeting

Staff presented the Staff Report which included a list of Dunes City Code violations that would be enforced by the City Code Enforcement Officer after Building Code enforcement is delegated to Northwest Code Professionals. City Administrator/Recorder Mills explained that Northwest Code Professionals is authorized under State Statutes to enforce building code and to levy fines according to State guidelines.

Moving to discussion of the review of multi-family language in July's meeting, Staff presented its recommendation as written in the Staff Report:

In Section 155.4.4.3 (**Application Submission Requirements**) insert new paragraph G, *In addition to the application submission requirements of Subsections A through F above, if a conditional use permit application is for multi-family housing, the application must include a detailed, written narrative that clearly describes how any common or open space areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas) shall be maintained. The purpose of this requirement is to provide for additional review to encourage the development of multi-family housing that is visually engaging and compatible with the surrounding neighborhood.* Then add, in 155.4.4.4(C) – Multi-Family Housing, add new (e) Common Areas. *All exterior common areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage in accordance with the approved maintenance plan.*

During discussion of the recommendation, it was generally agreed that Staff would add additional specific requirements for content of the maintenance plan for presentation in the September meeting.

Discussing the proposed language for Trash Storage in multi-family housing Staff recommended modifying the proposed language as follows:

“Trash Storage. ~~Trash Garbage receptacles, recycling, and storage collection~~ facilities shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences, shall have a concrete floor surface, and shall be ~~screened with an evergreen hedge or~~ fully enclosed with a solid fence or wall of not

less than six (6) feet in height, and shall have a gate accessible by the City's garbage collection provider(s), located pursuant to the provider's specifications. All household garbage shall be stored in receptacles which are free from holes and covered with tight fitting lids. All recyclable material must be cleaned of food and beverage remnants and stored in appropriate receptacles. ~~Receptacles must be accessible to trash pick-up trucks.~~"

Commissioners generally agreed to the changes as presented.

In the Staff Report, Staff recommended adding a new paragraph (f): "Service, Delivery. Postal delivery facilities shall be located in a convenient location for residents and mail delivery personnel and in accordance with U.S. Postal Service requirements." There were no objections.

Staff noted that in July's meeting, Staff was asked to add language re Garages/Carports in the multi-family section. Commissioners agreed to insert the same general language from the Townhomes section, "If carports and/or garages are provided, the form, materials, color and construction shall be similar to the complex they serve."

Staff suggested reserving a section for lighting restrictions and then developing the language in the future. It was agreed to add a new paragraph (h) as "Exterior Lighting. (Reserved).

Staff also suggested adding a new paragraph (i) "Electrical and Mechanical Equipment. On and above ground electrical and mechanical equipment such as transformers, heat pumps and central air conditioner units shall be completely screened with sight-obscuring fences, walls or landscaping." There were no objections.

## **9. UNFINISHED/OLD BUSINESS**

### **A. Continue Review of Chapter 155.4**

There was no discussion.

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

Chairman Allen paid tribute to Dunes City's late Mayor, Rebecca Ruede, lauding her fairness and impartiality in making decisions that affect residents.

## **11. ADJOURNMENT**

**Commissioner Pesnell made a motion to adjourn. Vice Chairman Sommer seconded the motion. No vote was taken.**

Chairman Allen adjourned the meeting at 6:55 pm.

**APPROVED BY THE PLANNING COMMISSION ON THE 21<sup>st</sup> DAY OF SEPTEMBER  
2017.**

[Signed copy available at City Hall]  
Bonnie Allen, Chairman

ATTEST:

[Signed copy available at City Hall]  
Jamie Mills, City Administrator/Recorder