



PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED
THURSDAY, MAY 26, 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.

1. CALL TO ORDER

Chairman Paul Gargis called the May 26th Planning Commission's regular session to order at 5:02 pm.

2. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

3. ROLL CALL

Roll Call was taken City Administrator/Recorder Jamie Mills.

Present: Chairman Paul Gargis, Vice Chairman Bonnie Allen and Commissioner Ken Pesnell.

Absent and Excused: Commissioners Steve Galbraith and Brett McKnight.

Others Present: City Administrator/Recorder Jamie Mills and Administrative Assistant Rapunzel Oberholtzer.

4. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Meeting Minutes of April 28, 2016

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

6. ANNOUNCEMENTS /CORRESPONDENCE

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

- A. The 4th Annual Oregon Dunes Triathlon and was a huge success with about 300 registered athletes, up significantly from last year. Dunes City thanks all of the volunteers who turned out to support the event and all of the generous sponsors who donated money and goods. Volunteers' names will be entered into a drawing for gifts donated by some of the sponsors. The winner of the \$250 reward for the group who brought the most volunteers will be announced soon.

City Administrator/Recorder Mills reported that winner of the \$250 reward was Central Oregon Coast Amateur Radio Club.

- B. On May 12th the City Council voted unanimously to adopt Septic Maintenance Ordinance No. 228. DLCD has been notified, along with DEQ, Lane County and all of the people who took time to present testimony.
- C. On May 12th the City Council authorized the Planning Commission to appoint Citizen Advisory Committees (CACs) as needed to review changes to Title XV.

City Administrator/Recorder Mills explained that the Planning Commission originally proposed that Divisions of Chapter 155 would be reviewed by CACs individually as work on them was completed. Staff is now suggesting that CACs review more than one Division at a time, which should make the review process move faster.

There was some discussion about the appointment of CACs, their duties, how deadlines for the CACs are set, and how City Staff supports the CACs. City Administrator/Recorder Mills distributed copies of Dunes City's Citizen Involvement Policy, the guideline for CACs. Staff reported that they planned to have Division 155.3 ready for Commissioners to review during the June Planning Commission meeting.

- D. Dunes City is accepting nominations for its annual Volunteer of the Year award. If you know someone deserving this recognition, fill out a nomination form (available on the City's website) and submit it to City Hall before 4:00 pm on May 31st.

Chairman Gargis pointed out that the Commissioners received copies of Ordinance No. 228, distributed prior to the start of the meeting by City Staff. He asked Commissioners to take some time to become familiar with the new Ordinance in case there is any future discussion of it.

7. CITIZEN INPUT

There was none.

8. UNFINISHED/OLD BUSINESS

A. Review of Chapter 155, Division 155.2

Referring to page one of forty one of the copy of Division 155.2 in the Commissioners' meeting packets, Vice Chairman Allen asked whether the Table of Contents item 155.3.5 "Surface Water Management" would be removed due to the City Attorney's recommendations not to include Surface Water Management in Title XV but, instead, include it in Title XIV. Staff explained that there was still work to be done to remove the small remaining amount of language from Title XV, but the intent was to remove it.

Commissioners had no changes to pages three, four or five of their copies of Division 155.2.

Vice Chairman Allen opened discussion of the "keeping of ducks, geese, chickens, rabbits..." as described in paragraph A4 (from 155.2.1.110–Allowed Land Uses) on page six. She asked if the Code language was sufficient to cover restrictions on the raising and sale of small animals, such as dogs or cats, or whether additional language should be written and, if so, should it be inserted under 155.2.1.111–Conditional Uses.

There was some discussion about how the City regulates kennel operations. City Administrator/Recorder Mills explained that Dunes City Code Section 92.16 under Nuisance Ordinances regulates kennels stating, "No person shall operate a kennel, whether commercial or non-commercial, without the appropriate kennel license. Kennel licenses shall be valid from one year from the date of issuance." She went on to explain that the Nuisance Ordinance require the City to perform some tasks that it can not actually do due to lack of staff and other resources, so for kennel operations the Planning Commission may want to consider addressing the regulations in Land Use Code. She also noted that the kennel license requirements might be better addressed in City Code regulating Business Licenses.

In further discussion, it was noted that paragraph A4 states, "If such animals are creating a nuisance, the City Council shall have the power and authority to notify the applicant that they must apply for a conditional use permit." City Administrator/Recorder Mills explained that the City has authority under Chapter 36 to respond to citizen complaints about nuisances and, as Code Enforcement Officer, she does.

Following discussion, it was generally agreed that no changes were needed.

Referring to the term "Churches" under Section 155.2.1.111–Conditional Uses on page six, Vice Chairman Allen asked whether the term also included mosques, synagogues, sweat lodges, etc. It was generally agreed that the term was meant to be generic, but Commissioners asked Staff to check the definitions section of Chapter 155 to make sure there was a definition for "church," and that it matched the State's definition, if there is one.

Referring to page ten and Section 155.2.1.210–Manufactured Homes and Accessory Placement Standards, Vice Chairman Allen asked whether any Covenants, Conditions and Restrictions (CCRs) prohibiting manufactured homes would supersede Chapter 155. City Administrator/Recorder Mills explained that the CCRs could prohibit manufactured homes. Commissioner Pesnell pointed out that Section 155.2.1.110–Allowed Land Uses, Subsection A.1 included, “This provision shall not be construed as abolishing or repealing a recorded restrictive covenant.” City Administrator/Recorder Mills suggested inserting that language into the first paragraph of Section 155.2.1.210 for added clarity. There were no objections.

Referring to page 11, paragraph two of Section 155.2.1.220–Accessory Buildings, Commissioner Pesnell read, “Accessory buildings shall be constructed from the same materials and style and design of the primary residence,” and asked if that meant that buildings such as a steel garage could not be constructed. City Administrator/Recorder Mills explained that that was the meaning. There was some discussion about the practicality and reasonableness of that restriction. It was noted that that a homeowner could apply for a variance to construct a building that did not meet the stated guidelines. City Administrator/Recorder Mills pointed out that variances require notifications and Planning Commission hearings on approvals and went on to note that the City often receives several accessory building permit applications a month, which would mean that the Commission would need to decide each one that required a variance.

A discussion about the size of buildings requiring a permit ensued, during which City Administrator/Recorder Mills explained that a building permit is not required for buildings 200 square feet or less in size. Following discussion, it was generally agreed to add an exception for small buildings, “Buildings 200 square feet or less are exempt from the materials, style and design requirement.”

Continuing comments about accessory buildings, there was some discussion about the language in paragraph one of Section 155.2.1.220, “Accessory buildings may not be cited prior to the issuance of a residential building permit.” City Administrator/Recorder Mills explained that the sentence meant that an accessory building could not be built prior to building the primary residence. There was some discussion about the original intent of the language and whether or not an applicant for a building permit should be required to show plans that include both the primary residence and accessory buildings or could show plans only for the primary residence and then, at a later date, provide plans for an accessory building. Chairman Gargis explained that the intent was that an accessory building could not be built until the primary residence passed a final inspection and that separate permits were required for each building.

There was some further discussion about the City’s process for submitting site plans, issuing permits, certificates of occupancy, and how the process relates to, “Accessory buildings may not be sited prior to the issuance of a residential building permit.” City Administrator/Recorder Mills asked if changing “sited” to “constructed” would help clarify the language. There was no discussion of the suggestion.

Chairman Gargis suggested, “Accessory buildings may not be issued a building permit until the certificate of occupancy for the primary residence has been issued” to replace, “Accessory buildings may not be issued a certificate of occupancy until the certificate of occupancy for the primary residence has been issued” in paragraph one. During discussion, it was noted that the language, as suggested, prohibited a homeowner from building both primary residence and an accessory building at the same time. It was suggested that a homeowner could apply for a variance to build both buildings at once, and there was some discussion about the variance process.

City Administrator/Recorder Mills asked whether this section of Code should include language to address restrictions on what percentage of land could be covered by impermeable surfaces. It was noted that there is language elsewhere in Division 155.2 that covers that issue, and no action was taken.

Chairman Gargis suggested that Commissioners take a few minutes to review the remainder of Division 155.2. Referring to the Fragile Lands Overlay Zone Section on page 31, Vice Chairman Allen asked which land in Dunes City is considered to be Fragile Lands. City Administrator/Recorder Mills explained that the Fragile Lands are those that have steeper slopes, shown on the topographical maps submitted with building plans, and are identified on a map in the Dunes City Comprehensive Plan.

9. NEW BUSINESS

A. Marijuana Grow Site/Land Use Compatibility Statement Requirements

Chairman Gargis directed the Commissioners’ attention to the handouts provided by City Administrator/Recorder Mills, the Oregon Liquor Control Commission Land Use Compatibility Statement (LUCS) form and the League of Oregon Cities Sample Time, Place and Manner Restrictions on Marijuana Businesses. Chairman Gargis asked the Commissioners to review the material, become familiar with it and be prepared to discuss it at the meeting in June.

City Administrator/Recorder Mills explained that she would like to have some guidance from the Planning Commission so that she could begin drafting an ordinance for Dunes City. Commissioner Pesnell asked if the intent was that Dunes City would be more regulatory than the State. Chairman Gargis noted that grow sites were a potential source of revenue for the City.

City Administrator/Recorder Mills explained that grow site applicants are required to submit their LUCS with their applications to OLCC in order to get a permit to grow. This puts the onus on the City to be prepared with the LUCS application processes and the regulatory code, neither of which Dunes City has in place—and the Council has not yet determined whether or not growing would be permitted, although the City can not outright prohibit grow operations. She also noted that she has received many phone calls from potential applicants inquiring about whether growing is or will be allowed in City

limits and asking how to apply for a permit. She reminded Commissioners that the City Council will also provide input.

Commissioner Pesnell asked whether or not growers could use water from Woahink Lake. City Administrator/Recorder Mills explained that the City's shared domestic water permit allows up to one half acre per family, but the usage would depend upon the permit attached to a property.

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

There were none.

11. ADJOURNMENT

Chairman Gargis adjourned the Planning Commission meeting at 6:35 pm. No motion for adjournment was made and no vote was taken.

APPROVED BY THE PLANNING COMMISSION ON THE 28th DAY OF JULY 2016.

[Signed copy available at City Hall]

Bonnie Allen, Vice Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder