



PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED
THURSDAY, MARCH 27, 2014 AT 6:00 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

The Planning Commission meeting was called to order by Chairman George Burke at 6:01 pm.

2. ROLL CALL

Roll Call was taken by City Administrator/City Recorder Fred Hilden.

Present: Chairman George Burke, Vice Chairman Paul Gargis, Commissioner Ken Henderson, Commissioner Darlene Beckman, and Commissioner Norman Martin.

Others Present: Planning Secretary Rapunzel Oberholtzer.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Special Session Meeting Minutes of March 10, 2014

Commissioner Henderson made a motion to approve the March 10, 2014 meeting minutes as presented. Commissioner Beckman seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

City Administrator/Recorder Hilden noted that he was recovering from his recent shoulder surgery but would be back to work half-time soon.

7. CITIZEN INPUT – None

8. PUBLIC HEARING

- A. Ordinance No. 226 Amending the Dunes City Comprehensive Plan to Adopt the Dunes City Master Road Plan as the City's Local Transportation System Plan, Repealing Ordinance No. 171 and the 2004 Dunes City Master Road Plan

Chairman Burke introduced the Agenda item:

This evening we have a public hearing on Ordinance No. 226, an ordinance amending the Master Transportation Plan provision of the Dunes City Comprehensive Plan.

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 IV Legislative Procedure.

Prior to the hearing tonight, staff will identify the applicable substantive criteria. These are the criteria we must use in making a decision. All testimony and evidence must be directed toward these criteria or other criteria which you believe applies to the decision.

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.

Such challenges shall be made prior to the commencement of the public hearing. The Chairperson shall give the challenged member an opportunity to respond. A motion to accept or deny the challenge will be accepted and voted. Such challenges shall be incorporated into the record of the hearing.

Chairman Burke asked, "Does any Commissioner wish to declare a conflict of interest or bias?" All Commissioners replied, "No."

Chairman Burke asked, "Does any member of the public wish to challenge a Commissioner's impartiality?" There were no challenges from the public.

Chairman Burke opened the public hearing for Ordinance No. 226 at 6:07 pm and requested the staff report.

City Administrator/Recorder Hilden directed the Commissioners' attention to their copies of the March 27, 2014 Staff Report/Findings of Fact and noted that if there were no substantial corrections by the Planning Commission at this meeting, it would essentially be the Staff Report that would be presented to the City Council for their review at the April 10th Council meeting to hear public comment on Ordinance No. 226 and the proposed amendments to the City's Comp Plan.

City Administrator/Recorder Hilden read Sections I and II of the Staff Report for inclusion in the record:

PROPOSAL DESCRIPTION

The proposal is to amend the Dunes City Comprehensive Plan by repealing and replacing the 2004 Dunes City Master Road Plan with the 2013 Dunes City Master Road Plan, the City's Local Transportation System Plan (Plan) (Exhibit A). The Master Road Plan was established in 2004 by Dunes City Master Road Plan Ordinance No. 171 to comply with the Dunes City Comprehensive Plan.

NARRATIVE

On January 23, 2014 the Dunes City Planning Commission initiated legislative amendments to the City's Comprehensive Plan by holding a Public Hearing to appoint a Citizen Advisory Committee (CAC) made up of citizens interested in providing feedback on proposed changes to the City's Master Road Plan. No citizens applied for appointment to the CAC.

On February 10, 2014 Dunes City staff mailed the required Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation form to Oregon's Department of Land Conversation and Development (DLCD).

On March 27, 2014 the Dunes City Planning Commission held a Public Hearing to hear citizen comments on the proposed changes to the City's Master Road Plan and to review a proposed Ordinance to repeal and replace Ordinance No. 171 that established the original Master Road Plan in October of 2004.

BACKGROUND

The proposed Local Transportation System Plan/Master Road Plan is an update of the original Dunes City Master Road Plan and represents the City's vision for the future transportation and maintenance system while remaining consistent with state plans, the City's Comprehensive Plan and other local plans and policies. The plan provides the necessary elements for adoption by governing bodies into the City's Comprehensive Plan.

State of Oregon planning rules require a TSP to be based on a City's current Comprehensive Plan and land use map and to accommodate the expected/projected 20 year population and employment numbers. The contents of the Dunes City Local Transportation System Plan/Master Road Plan update are guided by Oregon Revised Statutes (ORS) 197.712 and the Department of Land Conservation and Development (DLCD) administrative rule known as the Transportation Planning Rule (TPR). These laws and rules require the following of jurisdictions:

- *a road plan for a network of arterial and collector streets;*
- *a bicycle and pedestrian plan;*
- *an air, rail, water, and pipeline plan;*
- *a transportation financing plan; and*

- *policies and ordinances for implementing the TSP*

The TPR requires a TSP to incorporate the needs of all users and abilities. The TPR also requires local jurisdictions to adopt land use and subdivision ordinance amendments (as needed) to protect transportation facilities and to provide bicycle and pedestrian facilities between residential, commercial, and employment/institutional areas. Local jurisdictions are also required to coordinate with county, regional and state transportation system plans.

Dunes City's first Local Transportation System Plan/Master Road Plan was called the Dunes City Master Road Plan initially created in 2000 and subsequently adopted by Ordinance No. 171 in 2004.

The 2014 TSP is the result of significant effort by an all-volunteer Dunes City Road Commission, a contract Public Works Director, members of the Dunes City Planning Commission, and many other volunteers and consultants over the course of two years and dozens of meetings.

In compliance with Statewide Planning Goal 1, the Dunes City Planning Commission, the Committee for Citizen Involvement (CCI) for the City, attempted to establish a Citizen Advisory Committee (CAC) to review the proposed 2013 Master Road Plan/Local Transportation System Plan that amends the 2004 Master Road Plan. The Planning Commission published public notices about the formation of the CAC and held a public hearing to appoint citizen applicants to the CAC. No citizens applied to the CAC, and none were appointed. The Planning Commission then served as the CAC for reviewing the 2013 Master Road Plan.

On March 27, the Dunes City Planning Commission held a public hearing for citizen input on the proposed Master Road Plan and the proposed Ordinance to amend the City's Comprehensive Plan.

The Dunes City Council will hold a public hearing on April 10 where public input will be solicited and the proposed Ordinance to amend the City's Comprehensive Plan will be read. All of the aforementioned factored into the shaping and development of the proposed Local Transportation System Plan.

After reading the above excerpt from the Staff Report, City Administrator/Recorder Hilden explained to the Commissioners that many of the State regulations governing Transportation Plans are somewhat impacted by the uniqueness of Dunes City—its small population, its lack of certain infrastructure, etc.—and those are referenced throughout the Findings of Fact. City Administrator/Recorder Hilden went on to point out that all of the required notifications and referrals were properly made, and the applicable criteria categories are listed prior to the individual criteria and findings. He explained the finding, “The Planning Commission, fulfilling the roles of CCI, CAC and of Planning Commission, will make a recommendation to the City Council on the proposed Post-Acknowledgement Plan Amendment...” by noting that the City's Comprehensive Plan

was accepted or acknowledged by DLCD so any amendment to it, such as this one, is considered a “post-acknowledgement plan amendment.

In summary, City Administrator/Recorder Hilden pointed out the Staff Report/Findings of Fact conclusion, “The proposed amendment to the Comprehensive Plan and Master Road Plan, are consistent with applicable criteria in Dunes City Comprehensive Plan, Oregon Statewide Planning Goals, Oregon Revised Statutes, and Oregon Administrative Rules.” He went on to say that during preparation of proposed Ordinance No. 226 the City Attorney recommended updating the last paragraph of the Master Road Plan itself to comply with City Code changing, “Amendments to the Master Road Plan are reviewed by the Planning Commission before adoption by the Road Commission. If the Planning Commission does not agree with the decision of the Road Commission, they can appeal to the Dunes City Council.” to read, “Amendments to the Master Road Plan are reviewed by the Planning Commission before adoption by the City Council.”

City Administrator/Recorder Hilden pointed out that references to “no brushing agreements” were removed from the Master Road Plan because the City Council approved Ordinance No. 224 repealing the No Brushing Ordinance No. 168 on March 13th. He recommended that at some point the Master Road Plan name be changed to Master Transportation Plan to match the Comprehensive Plan Policy F14 reference. He also noted that the Dunes City Plan would likely never meet the requirements of larger, urban cities because of the small size of the City and its lack of major public facilities such as rail and public transit.

Following City Administrator/Recorder Hilden’s remarks, Chairman Burke noted that the new Master Road Plan had been reviewed many times by the Planning Commission, former Planning Commissioner Lee Riechel, the Road Commission and others, and there were no significant changes other than the ones that were just mentioned. Vice Chairman Gargis pointed out that the draft Master Road Plan had some page number inconsistencies in the Table of Contents; staff agreed to correct those scrivener errors before presentation to City Council.

Chairman Burke asked if there was anyone from the public signed up to provide testimony. There was not, and Chairman Burke closed the public hearing at 6:27 pm.

After the public hearing, City Administrator/Recorder Hilden pointed out that there were four options for action the Planning Commission could take: 1) Recommend to the City Council that Ordinance No. 226 be adopted as presented; 2) Recommend to the City Council that Ordinance No. 226 be adopted as amended, if there are any amendments made by the Commission; 3) Recommend that the City Council does not adopt Ordinance No. 226; or, 4) Take no action.

9. UNFINISHED / OLD BUSINESS – None

10. NEW BUSINESS

A. Deliberation and Decision Regarding Ordinance No. 226

Chairman Burke requested a motion to accept the Staff Report/Findings of Fact.

Commissioner Henderson made a motion to accept the Staff Report/Findings of Fact. Commissioner Beckman seconded the motion. The motion passed by unanimous vote.

Chairman Burke asked the Commissioners to discuss the recommendation by City Administrator/Recorder to change the title of the Master Road Plan to Master Transportation Plan as called for in the City's Comprehensive Plan, Policy F14. He noted that Planning Commission has spent the past three years trying to bring City guidelines up to date to match State guidelines, and suggested that this would be a good time to make that change. Chairman Burke went on to request a motion to make that title change, if that was the consensus of the Commissioners.

Vice Chairman Gargis made a motion to change the name of the Master Road Plan to Master Transportation Plan. Commissioner Henderson seconded the motion.

Chairman Burke asked if there was any discussion on the motion. There was none.

The motion passed by unanimous vote.

Chairman Burke noted that there was no need to amend the Staff Report/Findings of Fact to reflect the Plan's name change until after the City Council has reviewed the recommendations by the Planning Commission. There were no further suggestions for amendments, and Chairman Burke requested a motion for a recommendation to the City Council.

Commissioner Beckman made a motion to recommend that the City Council adopt the Master Transportation Plan. Vice Chairman Gargis seconded the motion. The motion passed by unanimous vote.

11. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

Chairman Burke suggested a discussion of the redlined version of Chapter 154 (Vegetation Removal and Maintenance in Riparian Corridors and Shoreland Zones) that staff emailed to Commissioners, and requested that staff make copies of it to distribute. Chairman Burke requested a break at 6:32 pm for staff to make copies.

City Administrator/Recorder Hilden asked to be excused from the meeting at 6:35 pm. Chairman Burke thanked him for attending. Copies of redlined Chapter 154 were distributed to the Commissioners and discussion resumed at 6:45 pm.

Chairman Burke asked the Commissioners to take a few minutes to review the changes that were made by the Commission last year. There was some discussion about the Vegetation Inventory and applications for work in the riparian corridor and shoreland zones. Chairman Burke pointed out that this version had not been reviewed by legal. He suggested that the Commissioners take the document home to read it and he would check with City Administrator/Recorder Hilden about the process for getting it to the City Attorney for review.

Commissioners discussed scheduling another meeting and it was agreed that the only meeting in April would be the regularly scheduled one on April 24th. No Special Sessions would be scheduled until at least part of Chapter 155 was back from the City Attorney and ready for the Planning Commission to review.

12. ADJOURNMENT

Commissioner Beckman made a motion to adjourn the meeting. Vice Chairman Gargis seconded the motion. The motion passed by unanimous vote.

Chairman Burke adjourned the Planning Commission meeting at 6:55 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 17th DAY OF JUNE 2014.

[Signed copy available at City Hall]
George Burke, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]
Rapunzel Oberholtzer, Planning Secretary