



PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED
THURSDAY, MAY 23, 2019 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 May 23, 2019, Planning Commission meeting to order at 6:00 pm.

2. ROLL CALL

Roll Call was taken by Administrative Assistant Rapunzel Oberholtzer.

Present: Chairman Bonnie Allen, Vice Chairman Ken Pesnell Commissioner Barry Sommer and Commissioner Jamie Gorder. There is one vacancy on the Commission.

Absent and Excused: 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 amending the meeting agenda to strike the Unfinished/Old Business item A, Continue Review of 155.2.3.200 (Lakes and Shorelands).

Vice Chairman Pesnell made a motion to amend the agenda by striking the Unfinished/Old Business item A. Commissioner Gorder seconded the motion. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Meeting Minutes of April 25, 2019

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

6. ANNOUNCEMENTS /CORRESPONDENCE

Chairman Allen read from the list of announcements on the Agenda:

- A. The 7th annual Oregon Dunes Triathlon will be held on Saturday, June 8. Dunes City is looking for lots of volunteers to help staff the venue on Race Day and to help with set up and preregistration the day before. Please call Rapunzel at 541-997-3338 to register as a volunteer or to find out more about volunteering.
- B. Dunes City is accepting nominations for Volunteer of the Year. Volunteer of the Year awards have been presented by the Mayor to a deserving volunteer every year since 2012 when the program was adopted. If you know anyone who should be honored for his or her volunteerism, nomination forms are on the City's website and available at City Hall. Nominations will be accepted through May 31.

7. CITIZEN INPUT

Chairman Allen recognized Mr. Aaron Bowen, a Dunes City resident. Mr. Bowen noted that he had intended to address the matter of the proposed subdivision on Little Woahink Lake, which was removed from the agenda the day before the Planning Commission meeting. He pointed out that residents in the area had many concerns about the development, some of them addressed in a May 13 email he sent to the Planning Secretary and others addressed in a May 23 letter to the Planning Commission he wrote after a meeting of residents on May 22. Some of the concerns noted were: increased traffic on the existing single-lane access road, protection of water quality of Little Woahink Lake and Woahink Lake, number of proposed homes, septic systems, public health and safety after the area is opened to development.

Mr. Bowen went on to ask that the City consider arranging a town hall meeting with the developer so that residents could personally discuss their concerns and hear the developer's responses.

COPIES OF MR. BOWEN'S EMAIL AND LETTER, REFERENCED ABOVE, ARE ON FILE AT CITY HALL.

8. NEW BUSINESS

- A. Commissioner Training with DLCD's Matt Spangler and Hui Rodomsky

Mr. Spangler introduced himself to the Commissioners, noting that he was a policy analyst with DLCD, that he had been with DLCD for about ten years and was a local government and county planner for years before joining DLCD. He went on to thank the Commissioners for making the time to serve their community.

Mr. Spangler presented a history of land use planning in Oregon, noting that 1919 the Oregon legislature first permitted cities to zone private land and in 1947 the legislature

permitted counties to zone private land. He went on to point out that Dunes City's first Comprehensive Plan was acknowledged by DLCD in 1979.

Mr. Spangler explained that the State is responsible for setting land use policy, acknowledging city and county plans, reviewing plan amendments, and providing technical assistance to cities and counties. He went on to explain that cities and counties are responsible for adopting plans and zoning regulations that meet local needs and comply with the Statewide Planning Goals, making land use decisions and updating and revising plans and codes.

Reviewing the functions of a city's comprehensive plan, Mr. Spangler pointed out that the plan is meant to establish overall land use and development policy for the city, control land use policy and guide land use, infrastructure, development, conservation of natural resources, economic development, etc. He explained that the function of zoning and development code is to set specific regulations designed to implement comprehensive plan policies, regulate uses, location, density, height, setbacks, etc., set forth the criteria for development approval, and outline zoning, permitting procedures and subdivision and partition standards.

Mr. Spangler described each of the three types of Decisions with which Planning Commissioners can be tasked:

- Ministerial: Applying existing policies and standards that require no discretion. In ministerial decisions, City Staff make a decision based on clear and objective criteria requiring no exercise of discretion, there is no notice or public hearing and the decision cannot be appealed to LUBA.
- Quasi-Judicial: Applying existing policies and standards requiring exercise of discretion. In a quasi-judicial decision, the Planning Commission may make a decision or may recommend a decision to the City Council using existing policy and criteria with some discretion. This type of decision requires due process (such as a public hearing) and the final local decision can be appealed to LUBA.
- Legislative: Making new policy or standards. The legislative process is used for amending existing policies or ordinances and making zoning map changes. The Planning Commission typically does not make a decision but makes a recommendation to the City Council.

Mr. Spangler explained that the quasi-judicial and legislative procedures are extensively set out in State law and must be followed by local jurisdictions. He noted that the conduct of public hearings must be fair and that there are rules governing ex parte contact, conflict of interest and bias. He went on to explain that the quasi-judicial and the legislative decisions typically involve Findings Statements that outline relevant facts, state how each approval criterion is satisfied (or not) by the facts, state the facts relied upon and the justification for the decision. Mr. Spangler noted that the Findings guide consideration of the criteria by the reviewing government body, establish the evidence relied upon by the

governing body, explain how the conclusions are supported by evidence, and provide a written record of the decision.

Mr. Spangler provided some examples of ex parte contact, conflict of interest and bias, and explained that bias could be perceived if a Planning Commissioner or other member of a local governing body declared his or her opinion on a land use application or amendment prior to the conclusion of a public hearing.

A COPY OF MR. SPANGLER'S POWERPOINT PRESENTATION IS ON FILE AT CITY HALL.

Chairman Allen thanked Mr. Spangler and Ms. Rodomsky for taking the time to make the presentation. She called for a meeting break at 6:50 pm and reconvened at 6:56 pm.

B. Outdoor Lighting

Rapunzel distributed copies of sample code from City of Florence and Apache Junction, Arizona, regulating outdoor lighting. There was some discussion about the increase in lighting visible at night. It was agreed that the Commission could schedule a work session in the near future to discuss outdoor lighting. Commissioners agreed to review the handouts.

9. UNFINISHED/OLD BUSINESS

There was none.

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA/FOR THE GOOD OF THE ORDER

There were none.

11. ADJOURNMENT

Commissioner Gorder made a motion to adjourn. Commissioner Sommer seconded the motion. There was no vote.

Chairman Allen adjourned the meeting at 7:04 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 27th DAY OF JUNE 2019

[Signed copy available at City Hall]

Bonnie Allen, Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder