



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED**  
**THURSDAY, JANUARY 23, 2020 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](http://www.dunescity.com).

**1. CALL TO ORDER**

Last year's Chairman, Bonnie Allen, called the January 23, 2020, Planning Commission meeting to order at 6:02 pm.

**2. OATH OF OFFICE TO NEW/RETURNING COMMISSIONERS**

Administrative Assistant Rapunzel Oberholtzer administered the Oath of Office to returning Commissioner Barry Sommer.

**3. ROLL CALL**

Roll Call was taken by Administrative Assistant Rapunzel Oberholtzer.

**Present:** Commissioners Bonnie Allen, Ken Pesnell, Barry Sommer, and Jamie Gorder.

There is one vacancy on the Commission.

**4. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**5. ELECT CHAIRMAN AND VICE CHAIRMAN FOR 2020**

**Commissioner Pesnell made a motion to nominate Commissioner Bonnie Allen for Chairman. The motion was seconded by Commissioner Gorder. There were no objections and the motion passed by unanimous vote.**

**Chairman Allen made a motion to nominate Commissioner Pesnell for Vice Chairman. The motion was seconded by Commissioner Gorder. There were no objections and the motion passed by unanimous vote.**

**6. APPROVAL OF THE AGENDA**

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

## **7. APPROVAL OF THE CONSENT AGENDA**

### **A. Planning Commission Meeting Minutes of November 21, 2019**

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

## **8. ANNOUNCEMENTS /CORRESPONDENCE**

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

- A. There is one vacancy on the Planning Commission. The term ending date is January 12, 2022.
- B. There is a Community Plastic Recycling Event on Sunday, January 26, from 1:00 to 3:00 pm at the Florence United Methodist Church located at 333 Kingwood. This is an opportunity to recycle plastic items #2, #4 and #5 that are no longer recycled by Central Coast Disposal or County Transfer. All containers must be clean, with labels and glue residue removed.

Rapunzel announced that there would be a memorial gathering for Ms. Marilyn Miller, a long-time Dunes City resident who actively participated in local government for many years and who was a frequent and well-known volunteer both in Dunes City and in the City of Florence. The gathering will be at the Meeting Hall yurt in Honeyman State Park on Sunday, January 26, from 1:00 to 3:00 pm. All who knew Marilyn are welcome to attend and share their memories of her.

## **9. CITIZEN INPUT**

There was none.

## **10. PUBLIC HEARING**

### **A. Ordinance No. 253 – Revising Title XV, Chapter 153 Flood Damage Prevention Code**

Chairman Allen announced, “This evening we have a public hearing on proposed Ordinance No. 253, an Ordinance to amend language in Title XV, Chapter 153, in order to incorporate FEMA’s new language requirements.” Chairman Allen proceeded to read from a prepared script:

“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.

“Staff will identify the applicable substantive criteria which have been listed in the staff report. These are the criteria the Planning Commission must use in making its decision and recommendation. All testimony and evidence must be directed toward these criteria, or other criteria which you believe apply 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, prejudgment, conflict of interest, or other facts from which the challenging party has concluded that the Commissioner will not make a decision in an impartial manner.”

Chairman Allen asked if any member of the public wished to challenge a Commissioner’s impartiality. There were no citizens present to do so.

Chairman Allen asked if any Commissioners wished to declare a conflict of interest, bias or exparte contact. None did.

Chairman Allen opened the public hearing for Ordinance No. 253 at 6:12 pm and asked for the Staff Report.

City Administrator/Recorder Mills referred Commissioners to copies of the Staff Report that was included in their meeting packets and proceeded to highlight key elements from the Report. She explained that in 2016 FEMA presented proposed new Flood Insurance Rate Maps (FIRMs) to Dunes City and requested comments and corrections. She went on to say that City Staff worked on revisions with FEMA representatives for the next two years.

Mrs. Mills explained that, in addition to adopting the new FIRM, FEMA requires that the City also amend its existing Flood Damage Prevention Code to adopt new standards from FEMA. In early 2019, Staff presented the Planning Commission with proposed revisions to existing Code, which the Commission reviewed and referred to a Citizens Advisory Committee for review. The CAC completed its review and sent comments back to the Planning Commission. She went on to explain that the language presented in Ordinance No. 253 is the result of those reviews and had also been reviewed and approved by FEMA staff.

City Administrator/Recorder Mills continued to explain that FEMA’s proposed new maps were presented to local residents for comments during an open house at the Florence Events Center in September of 2019, during which time residents were informed that they had 90 days to file appeals of the data presented. She went on to note that FEMA issued its Letter of Final Determination for the maps in December 2019. She explained that when the LFD is issued, the City has six months to adopt the new map and new Flood Damage Prevention Code. In addition, she noted that all of the required notices for public

hearings on the amended Title XV Code have been made. She also noted that if the City rejects the proposed new Code and does not adopt new language within the six-month timeframe, the City may not be eligible to participate in the National Flood Insurance Program.

City Administrator/Recorder Mills noted that during review of the proposed new language, the Planning Commission and the CAC expressed concern about a Section concerning Coastal High Hazard Areas. She explained that FEMA determined that that language did not apply to Dunes City, so Staff removed it from the proposed Ordinance.

Chairman Allen asked if any Commissioners had questions for Staff. Vice Chairman Pesnell asked if City residents had been notified of the FIRM changes. City Administrator/Recorder Mills replied that they had been.

Chairman Allen announced that the Commission would take testimony from those who wished to testify. No one was present to do so and no one had submitted any written comments prior to the start of the public hearing.

Chairman Allen closed the public hearing at 6:22 pm.

## **11. NEW BUSINESS**

### **A. Deliberation and Recommendation on Ordinance No. 253**

Chairman Allen returned to regular Agenda items at 6:23 pm and asked if any Commissioners had changes to the Staff Report or the proposed Ordinance. None did.

**Commissioner Sommer made a motion to approve the Staff Report and Ordinance No. 253 as presented. Commissioner Gorder seconded the motion and the motion passed by unanimous vote.**

**Commissioner Gorder made a motion to recommend that the City Council adopt the Staff Report and Ordinance No. 253 as presented. Vice Chairman Pesnell seconded the motion and the motion passed by unanimous vote.**

### **B. Staff Report Re Citizen Input in Q4 2019**

Rapunzel reported that there were no fourth quarter 2019 citizen comments or issues the Commission needed to address.

## **12. UNFINISHED/OLD BUSINESS**

### **A. Review Staff Recommendations for 155.5**

Rapunzel referred Commissioners to copies of the redline version of Chapter 155.5 that was included in their meeting packets and explained that, at the Commission's request,

she revised the Variance language to include language from Florence City Code and deleted and rearranged some of the City's existing language. Following discussion, Commissioners agreed to accept Staff's recommended changes to 155.5.1.

Commissioners agreed to review 155.5.2 (Non-conforming Uses and Development) in the February meeting.

### **13. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA/FOR THE GOOD OF THE ORDER**

Vice Chairman Pesnell reported that he had not had a chance to write his ideas about outdoor lighting, but will do as soon as he has a chance.

Chairman Allen reported that the 5:00 pm start time for regular meetings is conflicting with another meeting she attends. She suggested that Commission meetings start at 6:00 pm instead. There were no objections from Commissioners.

### **14. ADJOURNMENT**

**Commissioner Sommer made a motion to adjourn. Commissioner Gorder seconded the motion. The motion passed by unanimous vote.**

Chairman Allen adjourned the meeting at 6:52 pm.

**APPROVED BY THE PLANNING COMMISSION ON THE 27<sup>st</sup> DAY OF FEBRUARY 2020**

[Signed copy available at City Hall]

Bonnie Allen, Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder