



PLANNING COMMISSION MINUTES ~ APPROVED

THURSDAY, OCTOBER 28, 2021 AT 6:00 P.M.

City Hall ~ 82877 Spruce St., Westlake, OR 97493

The proceedings of the Dunes City Planning Commission are recorded and 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

Chair Bonnie Allen called to order the October 28, 2021 Planning Commission meeting at 6:00 pm.

2. ROLL CALL

Planning Secretary Lani Noroña took the Roll Call.

Present: Chair Bonnie Allen, Vice Chair Ken Pesnell, Commissioner Jamie Gorder, and Commissioner Michael Mathews.

Absent and Excused: Commissioner Wanda Phillips.

Also Present: Planning Secretary Lani Noroña, City Administrator/Recorder Jamie Mills, Permit Technician Clare Kurth, LCOG Associate Planner Henry Hurley, videographer Alan Campbell, and citizens Joe Ellis, Bev Ellis, Rory Hammond, Loni Anderson, Zac Lusby, Heather Cherry, Melissa Stinson, Wally Shoults, Jill Stewart, Martine Harris, Ted VanderWoude, Jeff Petersen, Andrew Sturgil, Ken Masterman, Don and Kim Reavis, Cathy and Joel Riverman, Sandra Molzen, Floyd Larson, Tom DeCeault, Bob and Donna Graves, Rapunzel Oberholtzer, Geneva Jackson, Jeanne Jackson, Bix Barker, Rick Olson, Daniel Hankins, and Jennifer Leland.

3. PLEDGE OF ALLEGIANCE

Planning Commissioners, Staff, and all who wished to participate stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Vice Chair Pesnell made a motion to approve the Agenda.

Commissioner Gorder seconded the motion and the motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Meeting Minutes of September 23, 2021.

Commissioner Gorder made a motion to approve the Consent Agenda.

Vice Chair Pesnell seconded the motion and the motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE

A. Face masks and social distancing

Planning Secretary Noroña announced the Planning Commission has agreed to wear facemasks and observe social distancing.

B. City Administrator/Recorder Mills announced that anyone uncomfortable with the crowding has the option to leave and referred to the instructions for joining the meeting via Zoom.

7. CITIZEN INPUT

A. Chair Allen introduced the Planning Commissioners, noting that Commissioners are citizens and residents of Dunes City. She briefly explained that the meeting follows rules and requirements set by the State of Oregon. She further explained that “Item 7. Citizen Input”, is for anyone to speak about anything other than the changes to Chapter 155 and asked if anyone wanted to speak about anything other than the Ordinance.

Citizen Jeanne Jackson stated she thinks it is unfortunate decision to have this meeting while Covid is still an issue. She stated, “We feel like you’re trying to push this agenda and not considering our citizens’ safety”.

Chair Allen thanked Ms. Jackson for her comment and answered that Covid affected the Planning Commission’s progress on this Ordinance. She explained that, due to Covid concerns, there were many cancelled meetings last year. When meetings resumed there was public notice, inviting the public and requiring masks. Chair Allen further explained that the Planning Commission completed the revisions to Chapter 155, that Oregon law requires notice to DLCD and “a clock starts ticking”. Chair Allen stated the Commission must balance Covid concerns and the desire to move forward with over ten years of work on these revisions.

8. PUBLIC HEARING

A. Public Hearing of Draft Ordinance No. 259

Chair Allen explained she is the Officer in charge of the Public Hearing, that she is responsible to ensure the discourse remains civil, and that she will follow a Script, per Oregon public meeting law.

Chair Allen read the Public Hearing Script.

There was no challenge to any Commissioner’s impartiality.

No Commissioner declared a conflict of interest, bias, or ex-parte contact.

Chair Allen opened the Public Hearing at 6:11 p.m.

Chair Allen asked for the Staff Report.

Planning Secretary Noroña and City Administrator/Recorder Mills took turns reading the Report. No Commissioners had questions of the Staff.

Chair Allen stated that she wanted to defer reading written testimony until after hearing those who came to speak.

Chair Allen called for Testimony in favor.

Chair Allen recognized Rapunzel Oberholtzer.

Ms. Oberholtzer stated that she submitted written testimony, that she was generally in favor of Ord. No. 259, adding there are a couple of edits to be made at the appropriate time.

Ms. Oberholtzer stated she would like the Planning Commission to consider reinserting the protections for most of Booth Island, with the exception of the Hideaway Subdivision.

She noted that this section of Code may need to be updated and that Booth Island deserves special protections. She asked the Planning Commission to consider adopting language from an old Ordinance, specifying lot sizes for duplexes, triplexes and multi-family housing, to preserve the one-acre density outlined in Dunes City's Comprehensive Plan.

Chair Allen recognized Rich Olson.

Mr. Olson responded: "I don't have anything".

Chair Allen recognized Jeff Petersen.

Mr. Petersen stated he is a property owner and full time resident of Booth Island.

He spoke about the deletion of Code specific to Booth Island, quoting sections 155.2, 155.3, and 155.4. He said that some of the protections for Booth Island were developed by Oregon Fish and Wildlife in 2006. He disputed the argument that Open Space Overlay Code is redundant, noting specific items in Booth Island Code that are not covered by Open Space Overlay Code.

Mr. Petersen added that these protections are part of the deed restrictions in his original purchase contract and should remain. He stated that Booth Island is a high value habitat, with Osprey, Bald Eagle, Loons, and a deer herd that has existed on the Island since 2013. Mr. Petersen added that the "no livestock or unconfined domesticated animals" should remain, as unconfined animals put native species in danger. Mr. Petersen stated that no hunting and residential structures compliance are important, as Booth Island is a very sensitive environmental habitat. He repeated his opinion that development Code specific to Booth Island not be redacted nor deleted, but should remain in place.

Chair Allen stated it is wonderful to have someone who lives on Booth Island speak about Booth Island and referred to written testimony submitted by ODFW staff, which also recommends the development restrictions for Booth Island remain in Code.

Chair Allen recognized Melissa Stinson.

Ms. Stinson spoke in opposition to the Ordinance. She stated she thinks that new Dunes City residents who purchase property are at a disadvantage, not aware of things previously put in place. She added that not everybody has a subscription to the newspaper and stated, "I am not in favor of something I was not here to vote on from the very beginning".

Chair Allen recognized Martine Harris.

Ms. Harris stated, "I agree what she says" and "I've only been here for five years".

Chair Allen recognized Bix Barker.

Mr. Barker stated he opposes the Ordinance and he does not reside here. He mentioned the hard work done to protect the area and voiced his concern that the City "...not impose such fees as to push people out who would choose to use the area with recreational gear like campers etc., so that they wouldn't feel like they couldn't come here for any length of time".

Chair Allen clarified that Mr. Barker was referring to vacant property.

Chair Allen recognized Ken Masterman.
Mr. Masterman stated, "I don't have anything at this time".

Chair Allen recognized Daniel Hankins.
There was no response.

Chair Allen recognized Jennifer Leland.
There was no response.

Chair Allen recognized Tina Nelson.
Ms. Nelson stated she has not received anything at her Washington nor Oregon addresses and she heard about this meeting from others in the community.
Chair Allen thanked Ms. Nelson and stated, "I think that's an issue that we'll take up separate from this tonight" and asked City Administrator/Recorder Mills to respond to the address issue. City Administrator/Recorder Mills stated the City is required to use addresses provided by Lane County, which are the addresses used to send tax notices.
There was some general discussion about mail issues.
Chair Allen again deferred the address issue until later, in order to respect speaking time.

Chair Allen recognized Jeanne Jackson.
Ms. Jackson stated, "This is no small housekeeping matter, this isn't a little clean-up as it's been described, these are the rules and regulations of all the people who live here". She added, "I feel like I'm being controlled beyond being controlled and I don't think people need more fines or more limitations on what they can do with their own property". Ms. Jackson stated that the reason more people do not come to meetings is "we have not been respected or treated well".
"We were told we would have a good source of drinking water, that was decades ago. It's never happened, but now you want to do all of these things to make more money for you ..."
Commissioner Gorder told Ms. Jackson "I'm sorry if you don't feel respected or treated well."
"I'm sorry about that".
Ms. Jackson ceded time for her sister to speak.

The next speaker's concern was, "This is a final thing and I don't think that a lot of people know that once they pass 259 then that takes away, that changes the Charter and when it does, we will no longer be able to go before a Municipal Judge. And the fines that are going to be placed, and they are significantly larger, they're gonna go to basically committees of people from the City." She added she respects what has been done right and how the environment has been protected, but that there has been only "lip service" to community involvement. She mentioned non-profit agencies that could help with community outreach and stated, "The fines are probably going to be doubled. We can do a better job".

Commissioner Gorder asked this speaker for her name.
The speaker identified herself as Geneva Jackson.
Commissioner Gorder thanked Ms. Jackson for sharing.

Some attendees began speaking out of order, as Commissioners were trying to respond.
Chair Allen stated, "Excuse me; I'd like to maintain order here".

Chair Allen thanked the Jackson sisters for speaking of their concerns, specifically related to the enforcement policy, which is many pages of the revised 155. She stated it is quite consistent with other cities; the fee structure has not changed, and it was enacted some years ago.

Chair Allen reminded people this is not the last opportunity to have input into 155. She stated, "The Planning Commission will make its recommendations, based on what you've told us and what we've received. Then it goes to the City Council, where again you will have an opportunity to voice your concerns and I urge you to do that".

Vice Chair Pesnell stated: "We have never talked about fines or fees as part of what we did here. That is up to the City and had nothing to do with what we've done here. Not one time was that brought up in the many, many years we've been talking about it". He then responded to a question from an audience member speaking out of turn, stating that he helped write it, amended it, and that the goal was to clean it up, make it objective, and remove some of the superfluous language. He added that many restrictions were removed.

Chair Allen stated that during the review/revisions, the Planning Commission considered Dunes City, State, and the Comprehensive Plan. She pointed out that Commissioners viewed this from the perspective of people living in Dunes City as residents, how it might affect neighbors and the community. She added that the beauty of the Planning Commission is that Commissioners are from Dunes City.

There was applause from some of those in attendance.

Chair Allen recognized Bob and Donna Graves.

Ms. Graves stated, "First of all, it would be nice if you would invest in some microphones because the only one I could really understand was Jamie. Ms. Graves asked a question about not being able to build on anything less than an acre.

Chair Allen answered: "this is our current R-1 definition. If you were in a Planned Unit Development, it would be different. If you were a single-family home on a single R-1 lot, our rule is one acre. If you have an existing property, then you are grandfathered in".

Ms. Graves asked, "What is the criteria now?"

Chair Allen answered, "the same, we did not change that".

Vice Chair Pesnell added, "it's been like that for many years".

Chair Allen recognized Terry Smith.

Mr. Smith stated, "I'll pass".

Chair Allen recognized Melissa Stinson.

Ms. Stinson stated that there are some people in the community who do not understand certain verbiage and this could be why people feel like they are not being heard.

Chair Allen recognized Ted VanderWoude.

Mr. VanderWoude stated, "I'm good".

Chair Allen recognized Jeff Petersen.

Mr. Petersen thanked the all the staff and Commissioners for their time, efforts, and energy devoted to this work.

Chair Allen thanked Mr. Petersen, adding: "we hope you'll join us, the door is always open for every Planning Commission meeting and we often advertise for new members".

Vice Chair Pesnell pointed out Mr. Keith Garvey, a very involved member of a C.A.C., and thanked Mr. Garvey for his attendance at C.A.C. meetings.
Commissioner Gorder also thanked Mr. Garvey.

Chair Allen recognized Andrew Sturgil.
There was no response.

Chair Allen recognized Don and Kim Reavis.
There was no response.

Chair Allen recognized Cathy and Joel Riverman.
Ms. Riverman described dealing with a neighbor's potential development of a vacation rental as "our worst nightmare".
Chair Allen explained that the procedure for dealing with this problem is to lodge a complaint with the City compliance officer. She added that this is the way Dunes City property owners solve problems, as there are no Police going around looking for violations.
Ms. Riverman then referred to the Ordinance's relation to land use and multi-family housing.
Vice Chair Pesnell pointed out that this Ordinance does not address vacation rentals.
Ms. Riverman asked, "What does that fit under?"
City Administrator/Recorder answered: "It will fit under Business Codes for operating a business and it is still pending".
Some attendees began speaking out of turn.
Chair Allen announced she would defer this, as there were only a few minutes left for input and repeated that City Hall handles complaints.

Chair Allen recognized Sandra Molzen.
Ms. Molzen stated, "I'll pass".

Chair Allen recognized Floyd Larson.
Mr. Larson stated, "I'll pass".

Chair Allen recognized Tom DeCeault.
Mr. DeCeault stated, "I'll pass".

Chair Allen stated there was now time for written input.
Commissioner Gorder asked if anyone attending via Zoom wanting to testify.
Permit Technician Clare Kurth and Zoom meeting host Henry Hurley confirmed there were no requests to speak, from those attending the meeting via Zoom.

Chair Allen began to read aloud written testimony.

1. Letter from Rex Wempler, dated 10-27-2021.
As Chair Allen began to answer some of the issues in Mr. Wempler's letter, an unrecognized speaker interrupted her, calling out about social distancing, violations, and fees.
 2. Letter from Ryan and DeAnna Breen, Dunes City property owners.
 3. Letter from Geneva Jackson, Dunes City property owner.
 4. Letter from Rapunzel Oberholtzer, Dunes City property owner.
 5. Letter from Derek Wilson, ODFW Habitat Conservation Biologist.
- Copies of written testimony received prior to this Public Hearing are attached to these minutes.

Chair Allen asked Commissioners if there were questions for any person who testified. No Commissioner had questions for Staff.

Chair Allen resumed reading the Script and asked, “Do we want to continue this Hearing, the Public input part of this Hearing, or do we want to close it?”

An unrecognized speaker asked about Land Use Board of Appeals.

City Administrator/Recorder Mills answered that if the City Council adopts the Code and someone objects to it, they are free to file an appeal with the Land Use Board of Appeals.

There was general discussion about continuing the Public Hearing.

Commissioner Gorder stated there seems to be much misinformation about the Ordinance.

She repeated what other Commissioners stated earlier, that fees are not part of this Ordinance.

She explained how to identify existing language, replaced language, and new language in the proposed Ordinance documents.

Chair Allen stated, “The Planning Commission will continue this Hearing on November 18th at 6:00 p.m. until 8:00 p.m.”.

“I will now return to the Regular Session. It is 7:51.”

9. NEW BUSINESS

None scheduled.

Planning Secretary Noroña asked those in attendance to ensure they had signed in.

Chair Allen informed attendees that a summary of public input from this meeting are part of the meeting minutes and will be distributed at the November 18th meeting.

10. UNFINISHED / OLD BUSINESS

There was none.

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

A. Chair Allen thanked everyone for coming and stated, “To me, this is Democracy in action and we listen to each other and then we have rules that we follow and enforce”.

B. Vice Chair Pesnell added, “We do solicit help from everybody. We are citizens just like you are. We own property here, we build our homes here, we live here, we love it here. We need help”. He announced the monthly Planning Commission and City Council meetings, the Water Quality Committee meetings. He stated that the entire City runs on Volunteers and this is an opportunity for having input and for helping.

Ms. Stinson asked how to volunteer.

City Administrator/Recorder Mills answered there is a Volunteer form on the City website.

Vice Chair Pesnell and Commissioner Gorder added that C.A.C.s need volunteers.

12. ADJOURNMENT

Vice Chair Pesnell made a motion to adjourn.

Commissioner Mathews seconded the motion and the motion passed by unanimous vote.

Chair Allen adjourned the meeting at 7:55 p.m.

APPROVED BY THE PLANNING COMMISSION ON THE 18th DAY OF NOVEMBER, 2021.

[Signed Copy Available at City Hall]

Ken Pesnell, Vice Chair

ATTEST:

[Signed Copy Available at City Hall]

Jamie Mills, City Administrator/Recorder