



PLANNING COMMISSION MEETING MINUTES ~ APPROVED
REGULAR SESSION - THURSDAY, JANUARY 27, 2022 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.dunescityor.com.

1. CALL TO ORDER

Chair Bonnie Allen called to order the January 27, 2022 Planning Commission meeting at 6:01 p.m.

2. ROLL CALL

Planning Secretary Lani Noroña took the Roll Call.

Present: Chair Bonnie Allen, Vice Chair Ken Pesnell, Commissioner Michael Mathews, and Commissioner Wanda Phillips.

Absent and Excused: Commissioner Jamie Gorder.

Also Present: Planning Secretary Lani Noroña, City Administrator/Recorder Jamie Mills, and Ms. Jeanne Jackson.

3. OATH OF OFFICE

Planning Secretary Noroña administered the Oath of Office to Commissioner Wanda Phillips and Commissioner Ken Pesnell.

4. PLEDGE OF ALLEGIANCE

All who wished to participate stood for the Pledge of Allegiance.

5. ELECTION OF CHAIR AND VICE CHAIR

Commissioner Bonnie Allen explained the process for the annual election of P.C. Chair and Vice Chair.

Commissioner Phillips nominated Bonnie Allen for Chair.

Commissioner Pesnell seconded the nomination. There were no other nominations.

Commissioners elected Bonnie Allen as Chair, by unanimous vote.

Chair Allen stated she is honored to serve another term and thanked Commissioners.

Commissioner Mathews nominated Commissioner Ken Pesnell for Vice Chair.

Commissioner Phillips seconded the nomination. There were no other nominations.

Commissioners elected Ken Pesnell as Vice Chair, by unanimous vote.

Vice Chair Pesnell thanked Commissioners.

6. APPROVAL OF THE AGENDA

Commissioner Phillips made a motion to approve the Agenda.
Vice Chair Pesnell seconded the motion and the motion passed by unanimous vote.

7. APPROVAL OF THE CONSENT AGENDA

A. Minutes of the December 16, 2021 Planning Commission Meeting:

Vice Chair Pesnell made a motion to approve the Consent Agenda.
Commissioner Phillips seconded the motion.

Chair Allen noted that her copy of December 16, 2021 P.C. minutes erroneously listed videographer Alan Campbell as present, but he did not attend.

Planning Secretary Noroña replied the amended minutes do not list videographer Alan Campbell.

The motion passed by unanimous vote.

8. ANNOUNCEMENTS / CORRESPONDENCE

A. Clarification of conflicting language in Ordinances No. 205, No. 225, and No. 235

Planning Secretary Noroña explained Ordinance No. 205 was superseded by Ordinance No. 225, which was superseded by Ordinance No. 235. Ordinance No. 235 defines a Planning Commission quorum as a majority, but there is still an issue regarding the 60-day time limit for P.C. action. Changing the legislative action between the P.C. and City Council, from 30 or 60 days to 120 days, requires a DLCD Post Acknowledgement Plan Amendment (PAPA) notice. She added proposed Ordinance No. 259 will include this change.

B. Water issues addressed by Resolution Series 2022, No. 2

Directs American Rescue Funds Act dollars to assist local water systems

Planning Secretary Noroña announced that City Council passed Resolution Series 2022, No. 2, and read the title of the Resolution.

City Administrator/Recorder Mills added that City Council discussion of this Resolution included a suggestion the City move forward with a drinking water system for the Westlake area. She asked Commissioners to spread the word throughout the community and advise people to contact City Hall with any water issues they may have.

Vice Chair Pesnell asked if there is a time limit on these ARFA funds.
City Administrator/Recorder Mills answered the funds must be spent by 2025.

Vice Chair Pesnell asked if these funds are only for water systems, not for individual water users. City Administrator/Recorder Mills said yes, the funds are for water systems, and gave an example of individual wells in one area that have all experienced saltwater infiltration. She stated a situation where everyone's water in one area is impacted might qualify for use of these funds. She informed Commissioners that the salt in Siltcoos Lake is not abating. She repeated the importance to spread the word throughout the community and encouraged anyone to contact City Hall with water issues, as other sources of funding might become available.

Commissioners and Staff discussed water quality, water supply and demand, individual wells, water systems, and general requirements for ARFA funds expenditures.

Chair Allen requested that Staff continue providing information to the Planning Commission that might not be a Land Use issue but affects the citizens. She wants Commissioners to have a better understanding of citizens' concerns, so they can more effectively represent the community.

C. C.I.P. Report for Q-4, 2021

Planning Secretary Noroña stated the Report is a summary of citizen input, with much of the citizen input for Q-4, 2021 contained in the October and November 2021 P.C. meeting minutes.

Of particular importance:

1. Two citizens requested continued updates on the proposed Outdoor Lighting Ordinance.
2. Two citizens submitted compelling testimony about reinstating development code specific to Booth Island.
3. One citizen suggested contacting universities and non-profit agencies, as a source of ideas for maximizing outreach and accurately measuring community opinion.

City Administrator/Recorder Mills stated that in the past, the University of Oregon presented a Media and Advertising class to the Planning Commission.

Chair Allen mentioned a previous project between the City and the University of Oregon, for recommendations about Septic percolation and tank inspection.

Chair Allen requested an amendment to the last paragraph of the C.I.P. Report, deleting the phrase, "with the goal of eliminating the need for Commissioners to serve as members of a C.A.C.".

She emphasized the importance of citizen input but that her goal is to have C.A.C.s composed of citizens and Commissioners, and Commissioners agreed.

Chair Allen stated that every quarter, the Commissioners determine if there are citizen concerns that require Planning Commission action and asked if anyone wanted to add any Agenda items. No Agenda items were added.

Planning Secretary Noroña pointed out other citizen input in the C.I.P. Report, such as:

1. Mail issues: Some property owners reported they did not receive Notice of a Public Hearing. Commissioners and Staff discussed Public Notice requirements, address issues, and problems with mail delivery.
2. Hearing issues: Citizens reported difficulty hearing, especially at the back of the meeting room. Planning Secretary Noroña informed Commissioners that City Administrator/Recorder Mills previously presented City Council with a quote for Hearing Loop technology. City Administrator/Recorder Mills explained a Hearing Loop is a perimeter system designed to provide better clarity and uniform volume throughout the room.

Chair Allen inquired if the City can use ARFA funds to pay for the Hearing Loop.

City Administrator/Recorder Mills said it might be possible if there are remaining funds, adding there might be grants or other funding opportunities to pay for it.

Vice Chair Pesnell suggested that during meetings, Commissioners emphasize to everyone that unless it is their turn to speak silence is necessary, so that everyone can hear well.

Chair Allen stated that all Planning Commission meetings follow the current State guidelines, such as mask mandates and social distancing. If the meeting has begun and someone enters without a mask, she expects Staff to enforce the mask mandate.
Staff agreed to have masks available at all Planning Commission meetings.

9. CITIZEN INPUT FOR ITEMS NOT LISTED ON THE AGENDA

A. Chair Allen recognized Ms. Jeanne Jackson.

Ms. Jackson submitted a letter which she asked not be read aloud, and pointed out a typo, on the fourth line of the first paragraph, stating the date should be “18-21”.
She said she wants Commissioners to be aware of her family’s observations and disappointments, that she loves what she is hearing about Covid, and inquired about microphones or a lectern, for citizens to use when speaking at meetings.

Ms. Jackson spoke about saltwater infiltration and asked if ARFA funds can be used to install a water machine in Dunes City. She said Florence has water machines where people get city water, but it is not always possible for Dunes City residents to get to Florence. She stated many Dunes City residents buy drinking water and do not drink water from their own taps.

Chair Allen encouraged Ms. Jackson to continue attending Planning Commission meetings.
She thanked Ms. Jackson for her comments, especially about water, and informed her that water is not a land use issue for Planning Commission, but a subject for City Council meetings.

10. PUBLIC HEARING

There was none.

11. NEW BUSINESS

Chair Allen asked Commissioners if any wanted to add anything under “New Business”.
There were no suggestions for additions under “New Business”.

Chair Allen noted the first three months of the year is when the Planning Commission decides what subjects to tackle the coming year, and asked Commissioners for ideas.

Commissioner Mathews asked if Commissioners have any input about managing rental property, or if this is City Council business.

City Administrator/Recorder Mills reported that the subject of managing rentals is before the City Council and she is waiting for a copy of a proposal written by Councilor Snow.

Chair Allen asked if this was for short-term rentals.

Commissioner Mathews said “yes”, citing VRBO and Air B and B rentals as examples.

Planning Secretary Noroña offered to provide printed information of 2021 State legislation regarding rental housing, Accessory Dwelling Units (ADUs), and Guest Houses. She noted that some legislation might not currently apply to Dunes City, adding the State is promoting legislation aimed at improving affordable housing options. She stated there is confusion between definitions for ADUs and Guest Houses, and applicable development code for each.

Chair Allen welcomed the information, so Commissioners can understand current legislation and be aware of legislation that might apply to Dunes City development in the future.

Chair Allen stated an objective for Commissioners is to have a clear understanding of Conditional Use and Variance Permits, and procedures for hearings and for making development decisions.

City Administrator/Recorder Mills informed Commissioners that recent legislation required the City to amend Chapter 92, "Building Program", to comply with SB 866.

She informed Commissioners that although the City previously removed building and permit code from Chapter 155, there might be some overlap of code but it needs to be separate.

Planning Secretary Noroña informed Commissioners that the January, 2022 City Council meeting minutes include the Ordinance to amend Ch. 92 and add SB 866 requirements and offered to print the information for Commissioners.

No Commissioner requested this printed information.

12. UNFINISHED / OLD BUSINESS

A. Update on proposed Ordinance No. 259, Ch. 155 revisions

Planning Secretary Noroña reported that Ordinance No. 259 is before the City Council.

She reported that City Administrator/Recorder Mills is writing a Staff Report to City Council that includes the Planning Commission's recommendations to reinstate Booth Island code and to change language that limits P.C. action from "30 days" or "60 days" to 120 days.

Chair Allen asked when City Council would consider Ordinance No. 259, Ch. 155 revisions.

City Administrator/Recorder Mills replied she first needs a commitment of attendance from all City Council members before putting this on the City Council Agenda, as she must post, publish, and mail Public Notice for a Public Hearing.

Commissioner Phillips asked if the process might begin this spring.

City Administrator/Recorder Mills said it is possible, but at this time of year, the City Council meets weekly to work on the budget.

Chair Allen stated that although the Planning Commission has worked extensively on these revisions, the City Council has worked on many other issues. She said she would attend City Council meetings when Ch. 155 revisions are discussed, so that if questions arise, she can explain what the Planning Commission did. She encouraged all Commissioners to attend City Council meetings and pointed out Commissioners have two roles: one as citizens and one as Commissioners. She advised Commissioners to clarify any statements they make, such as: this is my opinion as a citizen, not as a Commissioner. She added that Commissioners' opinions are welcome and are very valuable.

City Administrator/Recorder Mills expressed concern that City Councilors want to consider Ch. 155 revisions "all at once", and her opinion that these revisions warrant a much more thorough review by Dunes City's governing body.

Chair Allen expressed concern that a review by section has the potential for delays, as Ch. 155 was revised over a ten-year period. She stated her opinion is to codify it, and amend it if issues arise.

Commissioners and Staff discussed the pros and cons of City Council reviewing it all at once or by sections. Staff emphasized the importance of Commissioners' attending City Council meetings, as they are most knowledgeable of revision details, and can best respond if Councilors have questions or want to make changes.

In response to a comment by Ms. Jeanne Jackson, Vice Chair Pesnell and Chair Allen explained that Commissioners cannot discuss P.C. business after meetings end and cannot discuss commission business with each other outside of meetings.

B. Update on proposed Outdoor Lighting Ordinance No. 260 (Outdoor Lighting as a nuisance)

Planning Secretary Noroña reported City Council initially tabled the Planning Commission's proposed Ordinance No. 258 and postponed voting on it until all Councilors were present. Councilors then decided they did not want an Outdoor Lighting Ordinance, but preferred adding some Outdoor Lighting language to the existing Nuisance Ordinance. Draft Ordinance No. 260 amended the existing Nuisance Ordinance and added language specific to Outdoor Lighting. City Council then voted against Draft Ordinance No. 260, so it was not adopted.

Chair Allen reviewed the history of Planning Commission research and work on Outdoor Lighting. She recalled that Commissioners asked City Council if they wanted the Commission to work on this subject, and the City Council agreed. A Citizens Advisory Committee was formed, the C.A.C then drafted a proposed Outdoor Lighting Ordinance, which the Planning Commission completed. The Planning Commission forwarded the proposed Ordinance to City Council and Councilors then decided against a separate Ordinance, in favor of putting Outdoor Lighting code into the existing Nuisance Ordinance, but it was not adopted, so nothing has changed.

Chair Allen stated the Planning Commission has a responsibility to inform those who participated in this work the result of their efforts.

Commissioners expressed confusion about some of the language in proposed Ordinance No. 260, and stated that the following was not language in draft Ordinance No. 258 when the Commission voted to forward the proposal to City Council. Of particular concern to Commissioners was the language of Section 2, B. in proposed Ordinance No. 260.

Chair Allen asked if the Ordinance could return to the Planning Commission for revisions. City Administrator/Recorder Mills stated Councilors' concern was the issue of enforcement.

Commissioner Phillips asked if the proposed Ordinance could return to Planning Commission so Commissioners can simplify it.

City Administrator/Recorder Mills answered, "yes", and that the issue of measuring light output is what makes enforcement difficult. She suggested any further review focus on the nuisance aspect of outdoor lighting. She also stated she would not have the Permit Technician telling people what kind of lights they can or cannot have.

Chair Allen pointed out that nuisance is not the domain of the Planning Commission, as nuisance does not fall under land use code.

Commissioners and Staff discussed the City's procedures for handling nuisance complaints.

City Administrator/Recorder Mills said she would review language differences between the P.C.'s proposed Outdoor Lighting Ordinance and proposed Ordinance No. 260 submitted to City Council. Planning Secretary Noroña assured Commissioners she would give City Administrator/Recorder Mills another copy of the P.C.'s final version of their proposed Outdoor Lighting Ordinance. Chair Allen voiced concern for citizen input about Outdoor Lighting that has "come to nothing", and suggested a review of Outdoor Lighting as a 2022 action item, to which Commissioners agreed.

Chair Allen asked about scheduling Planning Commission meetings.

Commissioners agreed to continue scheduling regular sessions on the 4th Thursday of every month. The Planning Commission scheduled the next P.C. meeting for February 24, 2022.

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

There were none.

14. ADJOURNMENT

Commissioner Phillips made a motion for adjournment.

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

Chair Allen declared the meeting adjourned at 7:17 p.m.

APPROVED BY THE PLANNING COMMISSION ON THE 24TH DAY OF FEBRUARY 2022.

[Signed Copy Available at City Hall]

Bonnie Allen, Chair

ATTEST:

[Signed Copy Available at Cit Hall]

Jamie Mills, City Administrator/Recorder