



**PLANNING COMMISSION MEETING MINUTES ~ APPROVED
REGULAR SESSION THURSDAY, JULY 28, 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.dunescityhall.com.

1. CALL TO ORDER

Vice Chair Ken Pesnell called to order the July 28, 2022 Planning Commission meeting at 6:02 p.m.

2. ROLL CALL

Planning Secretary Lani Noroña took the Roll Call.

Present: Vice Chair Ken Pesnell, Commissioner Wanda Phillips, and Commissioner Jamie Gorder.

Absent: N/A

Absent / Excused: N/A

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

3. PLEDGE OF ALLEGIANCE

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

4. APPROVAL OF THE AGENDA

Commissioner Phillips 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. Minutes of the June 23, 2022 Planning Commission Meeting:

Commissioner Phillips made a motion to approve the Consent Agenda.

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

6. ANNOUNCEMENTS / CORRESPONDENCE

A. Planning Commission vacancy

Planning Secretary Noroña announced that Commissioner Michael Mathews resigned from Planning Commission on July 19, 2022. A Press Release was issued to The Siuslaw News.

B. City staff vacancies

She also announced two City staff vacancies: a full-time Permit Administrator and a part-time Administrative Assistant. Both positions are posted on the Dunes City website and advertised in The Siuslaw News.

C. Update of Dunes City Residential Development

1. Partition Application

Planning Secretary Noroña informed Commissioners that the City received an application for the partition of an existing lot into two parcels.

2. Conditional Use Permit Application

Planning Secretary Noroña stated she gave someone an application for Conditional Use but the applicant has not submitted it to the City. The stated proposal was to build a garage apartment intended for a Bed and Breakfast unit.

City Administrator/Recorder Mills mentioned that the Little Woahink subdivision appears to be moving forward and the Montgomery View subdivision is again active.

3. Permit Reports

Planning Secretary advised Commissioners that until the Permit Administrator position is filled, the Permit Reports might not be presented at future P.C. meetings.

Vice Chair Pesnell asked about the Public Works (PW) paving permit.

City Administrator/Recorder Mills explained the PW permit process. She stated that a PW permit is required for paving a new driveway, but not an existing driveway.

7. CITIZEN INPUT FOR ITEMS NOT LISTED ON THE AGENDA

Vice Chair Pesnell recognized Ms. Jeanne Jackson.

Ms. Jackson asked about the status of Ch. 155 revisions and expressed concerns about Covid.

Vice Chair Pesnell stated the P.C. completed Ch. 155 revisions and forwarded it to the City Council. City Administrator/Recorder Mills explained it has not been placed on the City Council agenda, as a Staff Report must first be written. She added that 2021 legislative changes impacted Ch. 155, other competing priorities such as State mandated fish screen requirements, Budget meetings, grant deadlines, and staff shortages have impacted the time required to prepare the Staff Report.

Ms. Jackson asked about new properties being developed.

City Administrator/Recorder Mills answered the two properties mentioned earlier are subdivisions that have been in the works for over ten years, and that several meetings and Public Hearings were held. She explained the reasons for some of the delays on each subdivision.

Ms. Jackson asked if neighbors are notified of development.

City Administrator/Recorder Mills said yes, and explained the notification process.

Ms. Jackson stated, "I know water is a real issue around here, but I think a lot of opposition you're going to have is people are just not happy with what's been done".

Commissioners and staff discussed the Little Woahink Heights (LWH) issue of space for vehicles to turn around, if the road becomes a private road and a gate is installed, followed by a discussion of the LWH water source and septic systems.

8. PUBLIC HEARING

There was none.

9. NEW BUSINESS

A. Planning Commission vacancy

Vice Chair Pesnell stated he hopes to get more interest, especially from someone who can devote more time than he is able to. He agreed to continue acting as Chair for now.

B. Site Review -New Construction

Commissioner Phillips questioned the reason Commissioners must conduct a Site Review. Commissioner Gorder stated it is not required, that Code states the P.C. *may* conduct a Site Review. Commissioners discussed whether Code language “*shall be subject to*” is a requirement, or not.

Commissioners and staff discussed specific Code sections that mention a P.C. Site Review, what qualifies Commissioners to make recommendations that require technical expertise.

Vice Chair Pesnell pointed out that Ch. 155 revisions (**155.2.4.200110 Excessive Slopes**), B. 1., changed the language regarding site review requirements.

Commissioners and staff discussed this change and, if adopted, what is required.

City Administrator/Recorder Mills said this issue will be brought to City Council.

Commissioners stated that if the submitted site plan meets existing Code, they did not feel see a need for P.C. to make any decision.

Planning Secretary Noroña said the developer of the property where P.C. conducted a Site Review on July 21, 2022 stated the plan was engineered. The printed plan submitted to the City’s Permit Technician had slope percentages hand-written onto the printed plan. She added that three City staff had calculated the slope at just over 14%, and according to existing Code, required a Site Review. She demonstrated this on the copies of the plan.

City Administrator told Commissioners that if they so decide, she will have the City engineer conduct a site review.

Planning Secretary Noroña said the developer was given the option to have the engineer who drew the plans submit slope calculations.

Commissioners decided to postpone any action on the Site Review until the developer’s or the City’s engineer provides slope calculations.

C. Review of Administrative decision re: submitted Driveway Access Permit

Planning Secretary Noroña referred to a copy of the plot plan submittal and explained that the Permit Technician approved one driveway but not the 2nd driveway, marked with red “x”. The developer was informed two driveways are not allowed on this lot, per Dunes City Code, **155.3.1.2 H**.

City Administrator/Recorder Mills explained the issue is whether this lot is a corner lot or not, as it is bordered on one side by a common area, which is not a road.

Commissioner Phillips explained that the common area is a gravel walking path, not a road or street, and showed, on the map, where the road access is to two lots behind this lot in question.

A larger plat map was brought to the meeting for review.

Commissioners and staff discussed the definition of driveway.

City Administrator/Recorder Mills said the State confirmed that Dunes City has jurisdiction over driveways in a P.U.D.

Questions arose of other, possible multiple driveways in the Sunset Cove P.U.D.

Commissioners and staff reviewed Dunes City Code definitions of access, driveway and relevant sections of Dunes City Code.

Planning Secretary Noroña noted that the builder was not present to comment, and apologized for not informing him this issue was on tonight's P.C. agenda.

A suggestion was made that a Public Hearing could be scheduled.

Planning Secretary Noroña stated there is not enough time to prepare the required Staff Report, Public Notices, and Publishing.

Commissioners and staff continued discussing how to proceed.

Planning Secretary Noroña stated that the Permit Technician informed the builder, in writing, that Dunes City Code does not allow two driveways on this lot.

Commissioners agreed that existing Dunes City Code clearly does not allow two driveways.

Vice Chair Pesnell pointed out that the proposed Code revisions, if adopted, are less restrictive.

City Administrator/Recorder Mills stated this is an Administrative decision, made by staff, and that staff consulted with the Planning Commission.

Commissioners agreed that current Code must be followed.

Commissioner Gorder made a motion that the Planning Commission direct staff to notify the builder that current Code does not allow two driveways. Commissioner Phillips seconded the motion.

10. UNFINISHED / OLD BUSINESS

A. Commissioners asked for a status of Chapter 155 revisions by City Council.

City Administrator/Recorder Mills explained she must prepare a Staff Report to City Council that includes Planning Commission recommendations, changes in State legislation, and a few things that Staff has identified. HB 4064 and DLCD comments, especially related to multi-family housing was discussed.

Planning Secretary Noroña reviewed some known updates, and pointed out suggested changes that the City Administrator/Recorder might include in the Staff Report to City Council. She offered to give Commissioners a draft copy when it is available. Commissioners said they want to attend the City Council meeting(s) when Ch. 155 revisions are presented.

Commissioners and staff discussed State housing legislation, Additional Dwelling Units (ADUs), home rule, and the fact that Dunes City lacks water and sewage infrastructure.

Vice Chair Pesnell asked about the P.C.'s Ch. 155 revisions recommendation to City Council, to provide 120 days for P.C. review - **Ch. 155.4.1.7 F. (3)**.

Planning Secretary Noroña stated that State law defines the 120 days starting when the application is approved until a decision is made, including time for appeals.

City Administrator/Recorder Mills stated that Ch. 155 is Land Use Code, and that she will move anything that is not a Land Use issue out of Ch. 155.

Vice Chair Pesnell asked if some definitions should be more uniform.
City Administrator/Recorder Mills said the goal is to have one set of definitions that apply to all sections of Code.

Commissioners and staff continued discussing legislative changes and staff recommendations for the Ch. 155 Staff Report and recommendations to City Council.

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

Commissioner Phillips informed Commissioners that she is not able to attend the regularly scheduled August 25, 2022 Planning Commission meeting.

Commissioners discussed alternative dates.

Tentative dates selected were August 15, 2022 or August 23, 2022.

Vice Chair Pesnell stated he must check his employment calendar before committing to either date.

City Administrator/Recorder Mills asked Commissioners to spread the word about Dunes City's vacant Administrative Assistant and Permit Administrator positions.

12. ADJOURNMENT

Vice Chair Pesnell adjourned the meeting at 7:28 p.m.

APPROVED BY THE PLANNING COMMISSION ON THE 15TH DAY OF AUGUST 2022.

[Signed Copy Available at City Hall]

Ken Pesnell, Vice Chair

ATTEST:

[Signed Copy Available at City Hall]

Jamie Mills, City Administrator/Recorder