



**PLANNING COMMISSION MEETING MINUTES ~ APPROVED
REGULAR SESSION - THURSDAY, FEBRUARY 23, 2023 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

Chair Rapunzel Oberholtzer called to order the Thursday, February 23, 2023 Planning Commission Regular Session meeting at 6:02 p.m.

2. SWEARING IN OF COMMISSIONER EDWARD McGUIRE

Planning Secretary Noroña administered the Oath of Office to newly appointed Planning Commissioner Edward McGuire.

3. ROLL CALL

Planning Secretary Lani Noroña called the Roll.

Present: Chair Rapunzel Oberholtzer, Vice Chair Ken Pesnell, Commissioner Jamie Gorder, and Commissioner Ed McGuire.

Planning Secretary Noroña noted the one (1) Planning Commission vacancy.

Absent:

Absent / Excused: N/A

Also Present: Planning Secretary Lani Noroña, Mr. Taz Kinyon, and Ms. Jaz Kinyon.

4. PLEDGE OF ALLEGIANCE

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

5. APPROVAL OF THE AGENDA

Chair Oberholtzer requested staff delete the word "Minor", from agenda item 10., New Business, A., Application for Considering Land Divisions – Minor Partition.

Vice Chair Pesnell made a motion to approve the amended Agenda.

Commissioner Gorder seconded the motion. The motion passed unanimously.

6. APPROVAL OF THE CONSENT AGENDA

- A. Draft minutes of the Planning Commission’s Thursday, January 26, 2023 meeting.
Commissioner Gorder made a motion to approve the Consent Agenda.
Vice Chair Pesnell seconded the motion. The motion passed unanimously.

7. ANNOUNCEMENTS / CORRESPONDENCE

Planning Secretary Noroña announced the following:

- A. Dunes City Residential Development permits issued from 1-13-2023 to 2-14-2023:
Four (4) Structural permits, one (1) for a new build, two (2) Mechanical permits, and six (6) Electrical permits.
- B. City Council approved a private roadway for the Montgomery View Estates subdivision, with Conditions of Approval that CCRs state the HOA is responsible for road maintenance.
- C. Draft minutes from the January 18, 2023 City Council meeting.

8. CITIZEN INPUT FOR ITEMS NOT LISTED ON THE AGENDA

There was none.

9. PUBLIC HEARING

- A. Public Hearing of an Application for Considering Land Divisions - Partition
Chair Oberholtzer explained that the public hearing of this Application for Considering Land Divisions is for a proposed partition to divide an existing 4.1-acre parcel, zoned R-1, located at 83642 Erhart Rd., into two lots. One lot would be a 2.786-acre lot, with an existing single-family residence, and the second lot would be a 1.309-acre lot for a new single-family residence. She stated that Mr. Robert Ward submitted the application on behalf of his clients, Sheridan and Cathy Kinyon. She added that this is a Type III Quasi-Judicial procedure, as described in Dunes City Zoning and Development Code, Chapter 155 of the City’s Land Use Code and listed applicable sections of Code. Chair Oberholtzer read into the record the public hearing procedures. A copy of the public hearing procedures is available for review at City Hall.

Chair Oberholtzer asked if any Planning Commissioner wished to declare a conflict of interest, ex-parte contact, or bias.

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

Chair Oberholtzer stated that prior to submission of this application, she met with staff and the applicants for a pre-application conference, to discuss application submission requirements. She explained this was done as a consultant to staff, based on her experience with such applications and submission requirements.

Chair Oberholtzer asked if any member of the public wished to raise an issue of any Planning Commissioner's conflict of interest, ex-parte contact, or bias.

Hearing none, Chair Oberholtzer opened the public hearing at 6:11 p.m.

Chair Oberholtzer asked staff to provide an overview of the Staff Report.

Planning Secretary Noroña stated that Mr. Rob Ward submitted the application on behalf of his clients, Sheridan and Cathy Kinyon. She noted that Mr. Taz Kinyon and Ms. Jaz Kinyon were present, as they plan to build a new, single-family residence on the 1.309-acre lot, if this partition is approved.

Planning Secretary Noroña reviewed Commissioners' previous discussions of the discrepancy between preliminary approval of a partition application as a Limited Land Use (LLU) and final approval as a Type II Administrative procedure, as listed in §155.4.1.2 (chart), and the typo on the chart that lists non-existent §155.4.160, while §155.4.1.6 is Code for Type III procedures. She stated that the Planning Commission voted to process this application as a Type III procedure, which is more clearly defined in Dunes City Code and is more comprehensive than an LLU.

Planning Secretary Noroña noted that a Type III Quasi-Judicial procedure has a time limit of 120 days from the time an application is deemed complete until the City issues a decision. She stated that the applicant, Mr. Rob Ward, waived the 120 days, that the maximum time limit for City decision is 245 days from the time the application is deemed complete, and staff anticipates the City will issue a decision before reaching the 245-day limit.

Planning Secretary Noroña stated that applicable Oregon Statewide Planning Goals, Dunes City Comprehensive Plan policies, and Dunes City Code referenced in the Staff Report are attached as exhibits and asked if there were any questions.

Chair Oberholtzer asked Commissioners if they had read the Staff Report and stated that Commissioners would discuss the Staff Report, in detail, during the discussion and deliberation after the close of the public hearing.

Chair Oberholtzer asked Commissioners if there were any questions of staff. There were none.

Chair Oberholtzer asked if any members of the public had anything to add. There were no comments by any members of the public.

Chair Oberholtzer closed the public hearing at 6:14 p.m.

10. NEW BUSINESS

A. Application for Considering Land Divisions - Partition

Chair Oberholtzer stated that a copy of the Staff Report, the Application and submitted documents would be included with the minutes of this meeting and part of the public hearing record.

Chair Oberholtzer asked Commissioners if they wanted the Staff Report read into the record or reviewed page by page.

Commissioners decided to review the Staff Report page by page and not have it read into the record.

Chair Oberholtzer pointed out that Code for partitions is included in Code for subdivisions and Planned Unit Developments. She stated that staff used the Code sections that apply to partitions, and it appears this was comprehensive.

Commissioners reviewed and discussed the Staff Report page by page.

Vice Chair Pesnell pointed out a typo on page one (1).

Chair Oberholtzer requested that staff delete the word “minor” from the description of the proposal, as the Code does not distinguish between minor and major proposals.

Chair Oberholtzer asked staff if a Notice of Public Hearing was posted on the subject property.

Planning Secretary Noroña stated the Notice of Public Hearing was posted at 83642 Erhart Rd. on February 14, 2023. She noted that the posting was not listed on the Staff Report and stated this date would be included in an amended report.

Vice Chair Pesnell asked if Notice of Public Hearing was mailed to adjacent property owners.

Planning Secretary Noroña stated she mailed Notice of Public Hearing to all adjacent property owners on January 23, 2023 and directed Commissioners’ attention to page three (3) of the Staff Report.

Chair Oberholtzer stated that the Planning Commission meetings and dates are listed to show that the Planning Commission was being transparent in allowing public participation and informing the public that this application was being considered, as required by Statewide Goal 1 - Citizen Involvement.

Chair Oberholtzer requested that staff add to the finding of Statewide Goal 2, Land Use Planning, the following language:

Dunes City adopted the current Zoning and Development Code in 2006, that the Department of Land Conservation and Development (DLCD) was notified of the City's intent to adopt the new Land Use Code, and DLCD was notified when Dunes City adopted the new Code with Ordinance No. 182.

DLCD did not have any comments or observations on the new Code.

The finding under §155.3.1.2 Vehicular Access and Circulation stated there is currently not an access permit for the proposed partition, and staff recommended that Commissioners consider recommending an access permit as a condition of approval for this partition, with the Planning Commission recommendation to the City Council.

Ms. Jazilynn Kinyon stated that an approved driveway access permit should be in the property file. She stated that the driveway access permit was applied for, and approved, together with the shop permit.

Planning Secretary Noroña stated that she will search through City records, again, for the driveway access permit.

Commissioner McGuire asked Ms. Kinyon if there is an existing driveway to the part of the lot for the proposed partition, and when the shop was built.

Ms. Kinyon answered that there is a driveway, but the apron has not yet been done, and that the shop was built within the last two years.

Commissioner McGuire stated that the Planning Commission can amend their recommendation to City Council, if an approved driveway permit is located.

Chair Oberholtzer confirmed this, and gave an example of amended language that Planning Commission recommends proof of an access permit for City Council approval of this application.

Commissioner McGuire asked if the typo that erroneously refers to §155.4.160 has been corrected.

Planning Secretary Noroña answered that it would be, once Chapter 155 revisions are approved. She pointed out the error refers to §155.4.160, a non-existent section, and §155.4.1.6 is the Section for Type III Quasi-Judicial procedure.

Chair Oberholtzer reviewed the application submission requirements for a partition, stated that the Staff Report states that the submitted application and supporting documents meet those requirements.

Chair Oberholtzer requested staff amend the Conclusion and Recommendation section of the Staff Report, to read: “Staff recommends Planning Commission recommend the City Council approve this application”.

Commissioners discussed this wording.

Chair Oberholtzer stated that staff shall prepare the Planning Commission Report and Findings of Fact to City Council, and stated the Conclusion and Recommendation section of the P.C. report to City Council should read:

“The Planning Commission recommends approval of the application”.

Planning Secretary Noroña asked Commissioners about the earlier discussion of the driveway access permit.

Chair Oberholtzer rephrased the wording for the Conclusion and Recommendation section of the P.C. report to City Council, to read as follows:

“Planning Commission recommends approval of the application, with the condition that the applicant or property owners submit proof of a Dunes City Access Permit for the driveway to the proposed 1.309-acre lot”.

Planning Secretary Noroña asked for guidance on proper procedure for amending the Staff Report, and if the amended report is then presented to the Commission, files with the meeting minutes, and/or filed with the application materials.

Chair Oberholtzer informed staff that once amended, the Staff Report becomes part of the file for this application, and the title does not include the word “amended”.

Chair Oberholtzer also directed staff to prepare a Planning Commission Report to City Council, which requires the Planning Commission Chair or Vice Chair signature.

Vice Chair Pesnell made a motion that Planning Commission recommends the City Council approves this partition application.

Commissioner McGuire seconded the motion. The motion passed unanimously.

11. UNFINISHED / OLD BUSINESS

A. Schedule the next Planning Commission meeting

Commissioners scheduled the next meeting for 6:00 p.m., March 23, 2023.

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

Chair Oberholtzer mentioned virtual training for Planners, offered by the League of Oregon Cities (LOC), and if any Commissioner wants to register for this training, she would ask if the City has funding to pay for it.

Planning Secretary Noroña added that most of the LOC training is offered virtually and often recorded, with the option of a reduced fee for viewing the recording(s), but viewing previously recorded sessions does not allow for participation.

Chair Oberholtzer mentioned that the DLCD also provides virtual or in-person training for Planning Commissioners.

Commissioners discussed virtual vs in-person training, dates, times, and fees.

Planning Secretary Noroña informed Commissioners that an applicant applied for both Planning Commission and Budget Committee. She reported that the City Administrator/Recorder has not reached the applicant to determine if that person is willing to serve both, or prefers to finish with Budget Committee and then apply for appointment to Planning Commission.

13.ADJOURNMENT

Vice Chair Pesnell made a motion for adjournment.

Commissioner Gorder seconded the motion. The motion passed unanimously.

Chair Oberholtzer adjourned the meeting at 7:03 p.m.

APPROVED BY THE PLANNING COMMISSION THE 23RD OF MARCH, 2023.

[Signed Copy Available at City Hall]

Rapunzel Oberholtzer, Chair

ATTEST:

[Signed Copy Available at City Hall]

Jamie Mills, City Administrator/Recorder