



**PLANNING COMMISSION MEETING MINUTES ~ APPROVED**  
**REGULAR SESSION - THURSDAY, SEPTEMBER 28, 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](http://www.dunescityhall.com).

**1. CALL TO ORDER**

Chair Rapunzel Oberholtzer called to order the Thursday, September 28, 2023 Planning Commission meeting at 6:07 p.m.

**2. ROLL CALL**

Planning Secretary Lani Noroña called the Roll.

**Present:** Chair Rapunzel Oberholtzer, Commissioner Ed McGuire, and Commissioner Gail Nichols.

Vice Chair Pesnell joined the meeting at 6:10 p.m.

Commissioner Nichols left the meeting at 7:03 p.m.

**Absent:** N/A

**Absent/Excused:** Commissioner Jamie Gorder.

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

**3. PLEDGE OF ALLEGIANCE**

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

**4. APPROVAL OF THE AMENDED AGENDA**

Commissioner Nichols made a motion to approve the Amended Agenda.

Commissioner McGuire seconded the motion. The motion passed.

**5. APPROVAL OF THE CONSENT AGENDA**

A. Draft minutes of the Planning Commission's Thursday, August 24, 2023 meeting.

Commissioner McGuire made a motion to approve the Consent Agenda.

Commissioner Nichols seconded the motion. The motion passed.

## **6. ANNOUNCEMENTS / CORRESPONDENCE**

Planning Secretary Noroña announced the following:

- A. Copies of a September 28, 2023 letter submitted by Geneva Jackson.
- B. Dunes City Residential Development permits issued from 8-15-2023 to 9-14-2023: One (1) structural, two (2) mechanical, two (2) plumbing, one (1) new build, on Sauter Dr., three (3) electrical, and three (3) public works. She added that the new build permit includes a soil and erosion control permit.
- C. A handout of Department of Environmental Quality (DEQ) Chapter 340, regarding OnSite Wastewater Treatment Systems. She pointed out sections (3) (a) through (f), which describe DEQ Authorization Notice requirements for a change of use to an existing onsite wastewater system (septic system).
- D. Chair Oberholtzer announced there is a vacancy for City Councilor and anyone who is interested must submit an application and résumé.

## **7. CITIZEN INPUT FOR ITEMS NOT LISTED ON THE AGENDA**

Chair Oberholtzer referred to Geneva Jackson's August 24, 2023 Planning Commission meeting. She explained that this letter was not read into the record as requested, as the comments were previously submitted to the Planning Commission and City Council public hearings for Ordinance No. 259. She said the comments are part of the public hearing records and are included with all the comments which Commissioners are reviewing. She thanked Ms. Jackson for the comments.

Chair Oberholtzer recognized Geneva Jackson.

Ms. Jackson read aloud the September 28, 2023 letter she submitted.

Chair Oberholtzer said Commissioners are reviewing public comments regarding Ordinance No. 259 but have not yet made any recommendations.

Chair Oberholtzer recognized Jeanne Jackson.

Ms. Jackson expressed concern that people are not allowed to speak at meetings. She asked why Commissioners completed a review of Ordinance No. 259 and later asked for community input. She questioned how current Commissioners could review something that has been under revision for several years.

Vice Chair Pesnell stated that he and Commissioner Oberholtzer have participated in these Code revisions since 2016. He mentioned years of posted notices seeking citizen involvement, the limited response, and lack of citizen attendance at meetings. He said

that although there have been changes and will likely be future changes, the City must complete these revisions to have a current, approved Code.

## **8. PUBLIC HEARING**

There was none.

## **9. NEW BUSINESS**

### **A. Schedule the next Planning Commission meeting**

Commissioners scheduled the next Planning Commission meeting for 6:00 p.m., Thursday, October 26, 2023 and discussed tentative November meeting dates.

## **10. UNFINISHED / OLD BUSINESS**

### **A. Chapter 155 remand from City Council**

Commissioners agreed to postpone reviewing Accessory Building Code until they have Code from similar small cities.

Commissioners resumed their review of public comments and Ch. 155 remand from City Council at section 155.2.2, Community Commercial Zone.

Commissioner Nichols asked where Community Commercial Zones are located. City Administrator/Recorder Mills said there are some Dunes City properties which were zoned Commercial before the formation of the City.

Chair Oberholtzer noted that Commercial Zones are shown on the Dunes City Land Use maps.

City Administrator/Recorder Mills pointed out the Department of Environmental Quality (DEQ) requires an Authorization Notice for any change of use to a septic system approved for a single-family residence that subsequently proposes to use the property as a vacation rental, and that the DEQ distinguishes residential use from commercial use. She said the City Council needs to consider this when they review the Short-Term Rental Ordinance, so there is no need to define Short-Term Rentals in Ch. 155 because Ch. 155 does not cover Short-Term Rentals.

Planning Secretary Noroña informed Commissioners that public testimony at the City Council's May 17, 2023 meeting and Public Hearing questioned why the Council passed a Short-Term Rental Ordinance, when the City's Residential (R-1) Code allows one (1) single-family residence per lot and does not allow commercial uses. She said there is confusion between the terms "Commercial Use" and "Commercial Zone", that the State defines Commercial Uses as those uses which generate income, and

that the DEQ requires different standards for Commercial Use and Residential Use of septic systems.

City Administrator/Recorder Mills said the Oregon Division of Water Resources (OWRD) has informed her that their agency enforces laws for domestic water use.

Commissioners agreed the subject of Short-Term Rentals needs a thorough City Council review that includes Planning Commission recommendations.

Commissioners decided to recommend deleting the definition of Short-Term Rentals from Ch. 155 Land Use Code.

Commissioners then reviewed Section 155.2.3 and considered public testimony. Chair Oberholtzer offered to research State law regarding docks and boathouses.

Commissioners agreed to recommend deleting language stating that a site review is required, as site visits are impractical for Booth Island. They noted typos and section number inconsistencies in 155.2.3, and reviewed language regulating access, number of docks, vehicles, transportation, and riparian area “buffer” zone.

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

Chair Oberholtzer requested staff include the annual Citizen Involvement Report on the agenda for the November Planning Commission meeting.

**12. ADJOURNMENT**

Vice Chair Pesnell made a motion for adjournment.

Commissioner McGuire seconded the motion. The motion passed unanimously.

Chair Oberholtzer adjourned the meeting at 7:53 p.m.

**APPROVED BY THE PLANNING COMMISSION OCTOBER 26, 2023.**

[Signed Copy Available at City Hall]

Rapunzel Oberholtzer, Chair

ATTEST:

[Signed Copy Available at City Hall]

Jamie Mills, City Administrator/Recorder