

**Dunes City Planning Commission ~ Special Session**

Thursday, November 7, 2024 ~ 6:00 pm

If Agenda items are not completed, the meeting will continue on a date to be announced. Please sign in on the "Request for Recognition" form, if you wish to address the Commission or present testimony at a Public Hearing.



**AGENDA**

- 1. Call to Order .....Chair/Vice Chair**
- 2. Roll Call ..... City Staff**
- 3. Pledge of Allegiance ..... Participants**
- 4. Consideration of the Agenda..... Action Item**
- 5. Consideration of the Consent Agenda ..... Action Item**
  - 1) Planning Commission Minutes of October 24th Regular Session, 2024
- 6. Announcements / Correspondence**
  - 1) City Council Regular Session minutes from October 16, 2024 meeting
- 7. Citizen Input**

Maximum time is 20 minutes. Each speaker is allowed three (3) minutes.  
If there are more than seven speakers, each speaker’s time may be reduced to fit within the 20 minutes.
- 8. New Business**
  - 1) Schedule Next Planning Commission Meeting.....Discussion/Action Item  
November 21, 2024  
December 12, 2024
- 9. Unfinished / Old Business**
  - 1) Chapter 155 Remand from City Council (Continued) .....Discussion/Action Item  
Follow up on Citizen Comment
- 10. Unscheduled Items Not Listed on the Agenda / For the Good of the Order**
- 11. Adjournment**



**DUNES CITY, OREGON  
CITY COUNCIL  
MEETING MINUTES**

REGULAR MEETING  
OCTOBER 16, 2024  
CITY HALL

- Call to Order**                      The meeting was called to order at 6:00 pm by Mayor McGuire.
- Pledge of Allegiance to the Flag**                      Mayor McGuire led the meeting in the Pledge of Allegiance.
- Roll Call**                                      Mayor Ed McGuire stated that all Councilors were present. Also present were other various citizens.
- Agenda**                                      No agenda additions, deletions, or modifications.  
MOTION MADE BY: Council President Susan Snow  
MOTION: To approve the October 16, 2024 Regular Session Agenda.  
SECONDED: Councilor Chris Clemons  
IN FAVOR: Unanimous  
OPPOSED: None  
Motion Passed
- Consent Agenda**                                      MOTION MADE BY: Councilor Rich Olson  
MOTION: To approve the Consent Agenda  
SECONDED: Councilor Chris Clemons  
IN FAVOR: Unanimous  
OPPOSED: None  
Motion Passed
- Announcements/Correspondence**                      Mayor Ed McGuire stated he would do a presentation regarding the survey results. The survey results are posted on the DunesCity.gov website.
- Citizen Input**                                      Jeanne Jackson spoke to citizens about there being only two members of the City Council on the upcoming ballot. Geneva Jackson asked questions regarding the Mayor's LinkedIn account.
- Reports**                                      Mayor's Report – Mayor Ed McGuire asked Councilor Rich Olson about the operation of the dam. Councilor Rich Olson stated

that the dam is operational and had been opened and is now closed but things are as they should be.  
Permit Report – Mayor Ed McGuire stated that the Short-Term Rental permits are currently 29.  
The Permit Report is in the Councilor’s Packet.

**Public Hearing**

FEMA Ordinance  
Mayor Ed McGuire read a letter from The Coastal Mayor’s Caucus.  
MOTION MADE BY: Councilor Melissa Stinson  
MOTION: To table Ordinance 270 for further review at another meeting.  
SECONDED: Councilor Tom Mallen  
IN FAVOR: Unanimous  
OPPOSED: None  
Motion Passed

Water Ordinance  
Mayor Ed McGuire stated that this Ordinance clarifies the definition of Woahink Lake.  
Mayor Ed McGuire read from the script.  
MOTION MADE BY: Councilor Chris Clemons  
MOTION: To read the Ordinance by title only.  
SECONDED: Council President Susan Snow  
IN FAVOR: Unanimous  
Motion Passed

Public Hearing Opened at 6:42 pm.  
Geneva Jackson questioned the definition of Woahink Lake.  
Mayor Ed McGuire stated staff would clarify with the Water Master.  
Rapunzel Oberholtzer stated that she was unaware that Siltcoos Lake would be part of the definition.  
Melissa Stinson asked about the owners of Points of Diversion.  
Councilor Joe Giammona asked if the definition is in writing.  
Staff does have the definition in writing from the Water Master.

MOTION MADE BY: Councilor Melissa Stinson  
MOTION: To continue this discussion after clarification from the Water Master.  
SECONDED: Councilor Tom Mallen  
IN FAVOR: Unanimous  
Motion Passed

**New Business**

Deliberation and Discussion: FEMA Ordinance  
Tabled for later discussion

Deliberation and Discussion: Water Ordinance  
Continued for clarification.

**Old Business**

Soil Erosion and Control Plan  
Mayor Ed McGuire stated that Clean Rivers will have a proposal soon to discuss.

**Executive Session**

There was none.

**For the Good of the Order**

Councilor Melissa Stinson asked about the check received by the City as a result of a fine. Mayor Ed McGuire stated that there is an appeal scheduled for the November 20, 2024 meeting.

**Adjournment**

MOTION MADE BY: Councilor Tom Mallen  
MOTION: To adjourn.  
SECONDED: Councilor Chris Clemons  
IN FAVOR: Unanimous  
OPPOSED: None  
Motion Passed

**APPROVED BY THE DUNES CITY COUNCIL ON THE 20<sup>TH</sup> DAY OF NOVEMBER, 2024.**

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**Ed McGuire, Mayor**

**ATTEST:**

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**Lila Timmons, City Administrator**



**PLANNING COMMISSION MEETING MINUTES ~ DRAFT  
REGULAR SESSION OCTOBER 24, 2024 AT 6:00 PM**

City Hall ~ 82877 Spruce St. Westlake, OR

These proceedings of the Dunes City Council were recorded and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at [www.DunesCity.gov](http://www.DunesCity.gov)

**1. CALL TO ORDER**

Chair Rapunzel Oberholtzer called the Thursday, October 24, 2024 Regular Session of the Dunes City Planning Commission meeting to order at 6:00 p.m.

**2. ROLL CALL**

Chair Rapunzel Oberholtzer called the roll.

**Present:** Chair Rapunzel Oberholtzer, Vice Chair Ken Pesnell, Commissioner Gail Nichols, Commissioner Sean Grundon and Commissioner Jamie Gorder

**Also Present:** City Administrative Assistant Linda Johnson and various citizens.

**3. PLEDGE OF ALLEGIANCE TO THE FLAG**

All who were present stood for the Pledge of Allegiance.

**4. CONSIDERATION OF THE AGENDA**

Chair Rapunzel Oberholtzer requested to amend the agenda to include discussion of proposed Flood Ordinance No. 270. The Commissioners agreed to add discussion as New Business Item A – Proposed New FEMA Ordinance No. 270.

Vice Chair Ken Pesnell made a motion to approve the Agenda as amended. Commissioner Gail Nichols seconded the motion. The motion passed unanimously.

**5. CONSIDERATION OF THE CONSENT AGENDA**

Chair Rapunzel Oberholtzer asked if there were any questions or comments. There were none.

Commissioner Gail Nichols made a motion to approved the consent agenda.

Commissioner Jamie Gorder seconded the motion. The motion passed unanimously.

## **6. ANNOUNCEMENTS / CORRESPONDENCE**

- A. City Council Work Session minutes from October 2, 2024 meeting
- B. City Council Regular Session minutes from September 18, 2024 meeting
- C. Permit Report

Chair Rapunzel Oberholtzer referred Commissioners to the list of announcements and asked if there was any discussion. There was none.

Chair Rapunzel Oberholtzer announced that the City's survey results were posted online.

## **7. CITIZEN INPUT**

Jeanne Jackson stated that she continued to have concerns about discussions of Chapter 155. Mr. Jim Shepard introduced himself as a resident of Waldport interested in purchasing three lots on Booth Island. He noted that he was concerned that he would not be able to build a small cabin on Lot 1700 without avoiding setbacks. After discussion, Chair Rapunzel Oberholtzer offered to work with City Staff to get more information for him. Commissioner Jamie Gorder noted that it might be possible for the City to grant him relief from the setback requirements through one of the City's processes.

## **8. NEW BUSINESS**

- A. FEMA Ordinance No. 270

Chair Rapunzel Oberholtzer explained that the proposed Ordinance was on the Council's October 16 Agenda for possible adoption, but the matter was tabled because several coastal city Mayors filed a lawsuit requesting a delay in the mandated December 1 adoption and expressing other concerns. She went on to explain that the delay allowed the Council to give the Planning Commission an opportunity to review the Ordinance, which affects land use code.

After discussion, Commissioners agreed that they did not have all of the information they felt they needed (flood map, mayors' concerns) or time to review the language before the adoption deadline. They agreed that the Commission could undertake a review if there is more time and more information is provided. The only change agreed to recommend to the Council was a correction to the Ordinance title.

- B. Schedule Next Planning Commission Meeting.
  - November 7, 2024
  - November 21, 2024
  - December 12, 2024

Commissioners had no objections to the meeting dates but did ask Staff to send an email reminder a day or two prior to the meeting.

## **9. UNFINISHED/OLD BUSINESS**

- A. Chapter 155 Remand from City Council (Continued)
  - Follow up on Citizen Comment

Chair Rapunzel Oberholtzer referred to her memo outlining proposed changes to 120-Day Rule and Time Computation on page 141 of 268 in 155.4.1.120 (A&B). Following discussion, Commissioners agreed to adopt the language from the memo:

120-Day Rule. The City shall take final action on all Type 11 and Type 111 Quasi-Judicial land use applications that are subject to this Chapter, including resolution of all appeals, within 120 days after the application is deemed complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 277.178. (Note: The 120-day rule does not apply to Type 1V Legislative land use decisions (plan and code amendments).

Time Computation. “Days” means calendar days unless otherwise specified. In computing time periods prescribed or allowed by this Chapter, the day of the act or event from which the designated period of time begins is not included. The last day of the period is included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period runs until the end of the next day that is not on a weekend or legal holiday.

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

Chair Rapunzel Oberholtzer conveyed a question from Staff: Does the Commission want meeting packets posted on the City’s website with the meeting Agenda prior to the meeting date. Commissioners agreed it would be helpful to citizens.

#### **11. ADJOURNMENT**

Commissioner Sean Grundon made a motion to adjourn the meeting. Commissioner Gail Nichols seconded the motion. The motion passed unanimously. Chair Rapunzel Oberholtzer adjourned the meeting at 7:33 pm.

**APPROVED BY THE DUNES CITY PLANNING COMMISSION ON THE 7th DAY OF NOVEMBER, 2024.**

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Rapunzel Oberholtzer, Planning Commission Chair

ATTEST:

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Lila Timmons, City Administrator/Recorder