



PLANNING COMMISSION MEETING MINUTES ~ APPROVED
REGULAR SESSION - THURSDAY, FEBRUARY 22, 2024 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 the Planning Commission's February 22, 2024 Regular Session to order at 6:01 pm.

2. ROLL CALL

Lila Timmons called the Roll.

Present: Chair Rapunzel Oberholtzer, Vice Chair Ken Pesnell and Commissioner Jamie Gorder and Commissioner Gail Nichols.

Absent and Excused: N/A

Also Present: City Administrator/Recorder Jamie Mills, Planning Secretary Lila Timmons resident Jeanne Jackson and resident Sean Grundon.

Chair Rapunzel Oberholtzer states that there still is a vacancy on the Planning Commission.

3. ELECTION OF OFFICERS

Chair Rapunzel Oberholtzer indicates that this is the time of the year to elect the Chairman and the Vice Chairman for the Planning Commission.

Commissioner Ken Pesnell moved to re-elect Rapunzel Oberholtzer to be the Chair of the Planning Commission since she has done such a good job during the last year. Commissioner Gail Nichols seconded the motion.

Commissioner Gail Nichols moved to re-elect Ken Pesnell to be the Vice Chair of the Planning Commission. Commissioner Jamie Gorder seconded the motion.

Both motions passed unanimously.

4. PLEDGE OF ALLEGIANCE

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

5. CONSIDERATION OF THE AGENDA

Chair Rapunzel Oberholtzer asked if there were any changes or items to discuss.

Commissioner Gail Nichols moved to approve the Agenda. Vice Chair Ken Pesnell seconded the motion. The motion passed unanimously.

6. CONSIDERATION OF THE CONSENT AGENDA

Chair Rapunzel Oberholtzer stated that the minutes had a typo on page 2 in the Citizen Input paragraph. Chair Rapunzel Oberholtzer asked if there any other comments or corrections that needed to be made to the minutes.

Vice Chair Ken Pesnell moved to approve the Consent Agenda. Commissioner Gail Nichols seconded the motion with the amendment as noted. The motion passed unanimously.

7. ANNOUNCEMENTS / CORRESPONDENCE

- A. City Council Minutes from November 15, 2023 meeting
- B. City Council Minutes from December 20, 2023 meeting
- C. City Council Minutes from January 17, 2024 meeting
- D. Permit Report from December 15, 2023 – January 14, 2024
- E. Permit Report from January 15, 2024 – February 13, 2024

Chair Rapunzel Oberholtzer asked the commission if they had any comments about the correspondence. Commissioner Gail Nichols asked if the City Council Work Sessions had minutes. Chair Rapunzel Oberholtzer confirmed the City Council Work Sessions did have minutes. Chair Rapunzel Oberholtzer asked the Commission if they would like the City Council Work Session minutes added to their packets. Vice Chair Ken Pesnell and Commissioner Gail Nichols stated that they would like the City Council Work Session Minutes added to their packets.

Chair Rapunzel Oberholtzer reminded the commissioners about the permit reports in their packets.

Chair Rapunzel Oberholtzer explained that the last City Council work session was about short-term rentals. Also, that the next City Council work session on March 6th would be a continuation of the discussion on short-term rentals if any commissioners wanted to attend.

8. CITIZEN INPUT

Chair Oberholtzer recognized Ms. Jeanne Jackson, City resident. Ms. Jackson asked if the permit report had to do with building permits. Chair Rapunzel Oberholtzer confirmed that the permit report dealt with building permits. Ms. Jackson went on to say that she was concerned about Chapter 155 and that the last few meetings seemed to be about Booth Island.

Chair Rapunzel Oberholtzer confirmed that there has been numerous discussions about Booth Island due to citizen input and questions that the Planning Commission were working to address.

Chair Rapunzel Oberholtzer recognized Mr. Sean Grundon, City resident. Mr. Grundon asked about the permit report. Chair Rapunzel Oberholtzer went through the list of permits during December 15, 2023 – January 14, 2024. Vice Chair Ken Pesnell asked if all of the Public Works permits were due to the winter storm. City Administrator Jamie Mills explained that Public Works permits do not deal with land use but items like grading and driveways.

9. NEW BUSINESS

A. Meet and Greet with new Planning Commission Applicant

Chair Rapunzel Oberholtzer explained to the Commission that Mr. Grundon's application and resume were in their packets. She also expressed to Mr. Grundon the commission's meeting days and times, that he would receive information for the meetings in advance, and that he would be receiving binders with the planning code once he was appointed by the City Council.

Chair Rapunzel Oberholtzer asked the commissioners if anyone had a question for Mr. Grundon. Vice Chair Ken Pesnell asked Mr. Grundon if he is a current resident of Dunes City. Mr. Grundon confirmed that he is a resident of Dunes City and that his resume is years old.

Chair Rapunzel Oberholtzer asked if any of the other commissioners had questions of Mr. Grundon. She then asked Mr. Grundon if he had questions for the commissioners.

Chair Rapunzel Oberholtzer confirmed that Mr. Grundon must be a Dunes City resident to be on the Commission. She also expressed that the Planning Commission does not deal with the building codes but the land use codes.

Chair Rapunzel Oberholtzer asked the Commissioners if they would like to recommend Mr. Grundon to the City Council for the Planning Commission vacancy.

Commissioner Gail Nichols moved to recommend Mr. Grundon to the City Council for the Planning Commission vacancy. Commissioner Jamie Gorder seconded the motion.

B. Schedule Next Planning Commission Meeting

Commissioners agreed that the next meeting would be the regularly scheduled meeting on Thursday, March 28, 2024.

10. UNFINISHED / OLD BUSINESS

A. Update from December 14 Meeting Dock Discussion(s)

Chair Rapunzel Oberholtzer discussed that citizen comments suggested smaller dock sizes than in the current code. Chair Rapunzel Oberholtzer reached out to ODFW's dock size recommendations which are for 144 square feet. She also reached out to Oregon Department of Land Conservation and Development asking if they had any dock size or boat house size regulations. They do not. Chair Rapunzel Oberholtzer then reached out to Oregon Department of State Lands (DSL) since they sign off on dock registration permits. They do not have a restriction for the size of docks. DSL does not have their own restrictions. DSL follows the individual city code. DSL provided a statement that ODFW did have a recommendation for dock sizes and if that is codified in city ordinance then DSL would have to comply.

Vice Chair Ken Pesnell stated that it is rumored that Dunes City does not allow boathouses and that his neighbor is under the impression that he had the last boathouse allowed in Dunes City. He expressed concern about the rumor that boathouses are not allowed.

Commissioner Jamie Gorder asked about the ODFW guidelines. ODFW recommends “total area of dock on water should not exceed 144 square feet; maximum size should be no more than 6 ft and no more than 24 feet long.”

Commissioner Gail Nichols asked about some recommendations regarding water coverage.

Chair Rapunzel Oberholtzer looked for those recommendations.

Chair Rapunzel Oberholtzer stated current code reads “docks and boathouses shall have a combined area of no more than 640 square feet.”

Chair Rapunzel Oberholtzer recognized Mr. Grundon who suggested a restriction for a dock to be a certain distance from a land mass.

Chair Rapunzel Oberholtzer stated that Dunes City code also stated that docks themselves are to be no more than 200 square feet with one access point.

Vice Chair Ken Pesnell suggested that we stay in compliance with a higher authority like ODFW so that no one can say that the commission arbitrarily changed the code.

Chair Rapunzel Oberholtzer expressed ODFW recommendations that, “the boat dock should not include any part that is covered or enclosed such as but not limited to boathouses, etc. She went on to explain that ODFW wanted a smaller footprint over the water with no enclosed areas.

Chair Rapunzel Oberholtzer asked the commissioners if they would like to use ODFW recommendations or keep what was in Dunes City code.

Chair Rapunzel Oberholtzer stated that DSL is getting more restrictive on the types of docks that are built, like those that would allow light to pass through.

Commissioner Gail Nichols suggested that the commission use ODFW recommendations for docks.

Vice Chair Ken Pesnell stated that 10-15 years ago, a change was made that you could no longer use treated wood to build a dock. That you had to use metal.

Chair Rapunzel Oberholtzer explained that it was not in Dunes City Code because DSL has authority over the docks that are built in water. DSL approves the materials before construction.

Vice Chair Ken Pesnell suggested that the commission use ODFW recommendations for docks.

Chair Rapunzel Oberholtzer asked the commission if they were in agreement to adopt ODFW recommendations on dock sizes of 144 square feet and the 6x24 dimensions. Commissioner Jamie Gorder suggested that the commission take all of ODFW recommendations.

Chair Rapunzel Oberholtzer asked the commission if they are replacing the size instructions in the Dunes City code with ODFW recommendations.

Commissioner Jamie Gorder asked if Dunes City had a lot of shared docks. Vice Chair Ken Pesnell stated that at Sunset Cove there were shared docks.

Chair Rapunzel Oberholtzer stated that the commission needs to decide if boathouses are allowed or not; either way, DSL has to abide by Dunes City code.

Chair Rapunzel Oberholtzer explained that the state will be putting on restrictions for docks and boathouses. She further stated that if the commission went ahead and adopted ODFW's guidelines, Dunes City would be ahead of the state.

Chair Rapunzel Oberholtzer states that on page 73 of Dunes City Code talks about construction and asks the commission if they would like to keep that part.

Chair Rapunzel Oberholtzer states that in her opinion item (b), (c), (d), (e), (g), and (h) can be eliminated from pages 74, 75, and 76 of 268 pages.

Chair Rapunzel Oberholtzer suggested that the commission adopt not only the dock guidelines but also the language for light penetration materials and other guidelines and considerations.

Vice Chair Ken Pesnell suggests that the code needs to state that boat houses are not allowed.

Chair Rapunzel Oberholtzer states that she will write up the new proposed language for the next meeting.

B. Chapter 155 Remand from City Council (Continued)

Chair Rapunzel Oberholtzer stated that she will volunteer to rewrite the Booth Island section and bring back to the commission for approval.

Chair Rapunzel Oberholtzer stated at the next meeting, the Dunes City Code discussion would begin on page 81, The Fragile Lands Overlay Zone. Then, the commission decided to discuss the that section since it was three pages.

Chair Rapunzel Oberholtzer stated that the public comment said that under the Excessive Slopes section on page 81 of 268, the slope standard should be 15% since that was also the number for erosion control. Staff also stated that most municipalities use 15%.

Chair Rapunzel Oberholtzer confirmed that on page 81 of 268, section B, number 1 and 2 will be eliminated. Number 3 will be modified to say 15% or greater and an Erosion and Sediment

Control Plan be submitted by an engineer licensed by the State of Oregon and approved prior to issuance of building permit.

Chair Rapunzel Oberholtzer stated that at the next meeting, the Code discussion will begin on page 84 of 268, Wetland Overlay Zone.

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

Chair Rapunzel Oberholtzer thanked Commissioner Jamie Gorder for re-applying for the Planning Commission for another term.

11. ADJOURNMENT

Commissioner Gail Nichols moved for adjournment. Commissioner Jamie Gorder seconded the motion. The motion passed unanimously.

Chair Oberholtzer adjourned the meeting at 7:30 pm.

APPROVED BY THE PLANNING COMMISSION THE 28TH OF MARCH, 2024.

__[Signature on File at City Hall]____
Rapunzel Oberholtzer, Chair

ATTEST:

__[Signature on File at City Hall]____
Jamie Mills, City Administrator/Recorder