



**PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED
APRIL 12, 2011 AT 2:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Planning Commission were recorded on tape and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at www.DunesCity.com

1. CALL TO ORDER

The Planning Commission meeting was called to order by Chairman, Lee Riechel at 2:03 pm.

2. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

3. ROLL CALL

Roll Call was taken by Planning Chairman Lee Riechel.

Present: Planning Chairman Lee Riechel, Planning Vice-Chairman George Burke, Commissioner Ken Henderson, Commissioner Norman Martin, Commissioner Marilyn Miller, Commissioner Darlene Beckman

Absent: None

Others Present: Contract Planner Melissa Anderson, Temporary Administrative Assistant Dianne Burch.

4. APPROVAL OF THE AGENDA

Commissioner Henderson made the motion to approve the Agenda as presented. Commissioner Miller seconded the motion. The motion passed by unanimous vote.

5. CONSENT AGENDA - None

6. ANNOUNCEMENTS / CORRESPONDENCE / DISCUSSION None

7. CITIZEN INPUT -None

8. PUBLIC HEARING - None

9 NEW BUSINESS - None

10. UNFINISHED / OLD BUSINESS

- Code Section Assignments and Discussion by Commissioners

Chairman Riechel stated that there is to be more information forthcoming on Chapter 155 for future updating and a correct copy of land use section 155. Commissioners verified the common packet (red book) for updating, referring to the marked up version by Larry Lewis.

Commissioner Martin stated that code updates from Gary Darnielle and the copies for comparing to his notebook were not always clearly identifiable.

Commissioner Burke stated that answers to changes in 155 needs to be better defined by looking at the dates. He also stated that Darnielle was involved in several steps of 155, referring to 182.

Commissioner Riechel stated that we have a lot of material that amounts to a lot of review.

Commissioner Beckman stated that she did not have everything, but she did have the red book.

Commissioner Burke stated that everything should be available, referring to the packet from the last meeting, which was produced and presented by Lisa at the last meeting.

Commissioner Riechel distributed copies of Chapter 155 Zoning and Development Table of Contents and (identified the 6 sections): 155.1 Introduction; 155.2 Land Use Districts; 155.3 Design Standards; 155.4 Applications and Review Procedures; 155.5 Exceptions to Code Standards; 155.6 Appendix: Lot, Street, and Block Diagrams. Commissioner Riechel expressed the importance of working on 5 separate sections, which will require extensive work and review of recommendations. Review through each, line by line with 1 Commissioner taking a section, making notes where they fit in, referring to actual documents. This will include Larry Lewis's documents that already are marked, ending with a complete overview. It will be a big task and should begin with Lisa's red notebook and Larry's documentation.

Commissioner Beckman asked for verification of comparative work documents.

Commissioner Miller offered to work on 155.3 Design Standards.

Commissioner Riechel will work on 155.5 Variances.

Commissioner Henderson will work on 155.1 Introduction.

Commissioner Beckman stated that because some sections will be huge processes, she thinks it would be better to all work on one section each month.

Commissioner Riechel stated that he would like each Commissioner to select and work on a section. One of the tasks will be to do word search to identify how many "shoulds", "mays" and "can'ts" there are and define a clear and objective definition. Anything that is not a requirement or a standard, must be a "should."

Commissioner Burke will work on 155.4 Applications and Review Procedures.

Commissioner Riechel will work on 155.2 Land Use Districts.

Commissioner Martin will work on 155.5 Exceptions to Code Standards. He stated that to define the CCI (Committee for Citizen Involvement), there needs to be a report prepared with a recommendation from the Dunes City Planning Commission to the City Council, referring to the Comprehensive Plan Policy and the CIA Rule (Lisa would have a copy). The CCI should be referenced first thing in the Comprehensive Plan, with a recommendation to City Council for an ordinance change for the Comprehensive Plan referring to CIP (Citizen's Involvement Program). Determine who appoints committees, defining of committees and at what ordinance level.

Commissioner Martin requested copies be made for all of the Planning Commissioners to review.

Commissioner Riechel agreed to that.

Commissioner Miller stated that we should finish going through the items for each word search; she found that helpful information. The general process of mark ups for rewrites need to be specific on supporting materials. The code needs to specifically say what has to be done (definitions only).

Planner Melissa Anderson referred to Administrative Review and Limited Discretionary references.

Commissioner Riechel referred to quasi-judicial decisions on applications that meet certain criteria.

Planner Anderson stated that there is not a clear-cut standard. Sub-divisions will be clearly defined. A certain use might be okay, having some subjectives.

Commissioner Riechel stated that the only thing is Limited Land Decision Type II. Quasi-judicial decisions would go to the Planning Commission and then to City Council.

Planner Anderson commented that if you are concerned about streamlining

Commissioner Riechel interceded stating, we do not have a professional planning staff. Building and Mechanical Permits are straightforward and staff can handle the State required changes for land use.

Commissioner Miller stated that the City Council does not have professionals either.

Commissioner Riechel stated that Planned Unit Development is not considered by the Planning Commission.

Planner Anderson explained that developments could be presented to an average citizen to be reviewed.

Commissioner Burke stated a planned development is nothing but an enlarged development.

Planner Anderson responded that a variance must meet very specific criteria of a high level of standards, referring also to higher density development re: clustered/minimum lots with some trade off, for example consideration of trees.

Commissioner Riechel discussed the administration of quasi-judicial requirements and recommendations that eliminate one of the types and that lumping Type I & II together; the applicant has an opportunity for a hearing.

Planner Anderson referred to the Model Cities Code and reviewing section by section.

Commissioner Riechel responded that they used the Model Cities Code, but did not have a process for procedures.

Commissioner Riechel asked the question, looking at our types of processes, where do you think the State should be headed with administrative, quasi-judicial, legislative and limited land Type II processes.

Planner Anderson stated there could be differences in allowing of surrounding property owners' notification and public hearings. There can also be an Expedited Land Decision requested by the developer with State Law in place. There is a price of process with clear and objective standards with political versus appointed bodies.

Commissioner Burke referred to examples of Montgomery & Mann PUD.

Commissioner Riechel referred to technical issues and the mark up from Larry Lewis (155.4.1.2) in the red book and pages 90-91 in the codebook.

Planner Anderson stated that the Staff is able to go through the criteria.

Commissioners Riechel, Burke and Beckman all referred to the confusion on how it is written. A copy of the code will be provided to Planner Melissa Anderson for tracking and reviewing correct versions on pages 113-116.

Commissioners Burke, Beckman, Anderson, Martin discussed what would be best for the City and using the City Council for appeals.

Planner Anderson responded that there are measured standards for criteria, which is discretionary.

Commissioner Martin stated that the process the City took did not work very well.

Commissioner Riechel asked what is clear and objective and where can you put discretionary rules?

Planner Anderson responded, with PUDs and variances and findings or lack of findings such as with the Montgomery case

Commissioner Burke interceded stating that with review the legal opinion has not been very clear.

Commissioner Riechel stated that 10 years ago we had a process on appeals. I do not know how much has changed at the State level (posing this question to Anderson). What can or cannot be done on appeals? Referring to the 2 pages given to Ms. Anderson, Commissioner Riechel reiterated, what can be done as a City? Define appeals and the Types I, II, III and even IV on expedited land decisions.

Planner Anderson referred to the Hearings Officer rather than a Planning Commission with applications that consist of 3 or less parcels (minor partitions). Is the Planning Commission happy with the current process and decision-making? The Planning Commission deliberates on sub divisions and below that and the City Council deliberates on PUDs, variances and CUPs.

Commissioner Beckman asked do you have suggestions to offer.

Commissioner Riechel stated that in reviewing applications for sub-divisions, the City Staff does not have the expertise for Code Review.

Planner Anderson stated that there are measurable standards.

Commissioner Riechel stated this is a small community and it is best to plan public hearings with the Planning Commission, providing evidence of the amount of land and population. For a hearing on a large sub-division with 20 to 30 lots or a PUD, it would need to go through the process.

Commissioner Burke stated that we worked really hard to get to where it is now. The Planning Commission was not able to get their recommendations through for the City Council to approve, causing division. With respect from City Council, the Planning Commission can do their work.

Commissioners Beckman and Burke referred to the appeals process and the cost involved and getting the trust from City Council and the importance of longevity of volunteers on the Planning Commission.

Commissioner Henderson referred to a past hearing on a PUD on Coast Hwy/Bridge too close to creek and invading riparian zone and that legal counsel from Portland worked with the City Council and Planning Commission in preparing their recommendations.

Commissioner Beckman stated that two bodies doing the same work takes time and expense.

Commissioner Henderson stated that there is a timeframe for review, usually 60 to 90 days.

Commissioner Riechel suggested that a goal would be for Commissioner Burke to work with Planner Melissa Anderson.

Fred Hilden gave an update on Lisa Ekelund's surgery outcome and passed a card around for the Planning Commissioners to sign their well wishes.

Commissioner Beckman requested an electronic copy of Section II on the "could, should" search review.

Commissioner Riechel stated that there should be an electronic version of the Red Book and the Dunes City 115 Amendments. Lisa should have a disk or the file on her hard drive. The title Summary Proposal 155 Zoning December 31, 2010 is on the cover sheet.

Commissioner Burke stated that there are reams of suggestions for a whole lot of different reasons. There are fairly highly discretionary zonings of what can and cannot be done.

Commissioner Beckman stated that there could be dual uses as well as funding issues with zonings.

Commissioner Riechel stated that with R1 anything that is permitted in R1 is commercially zoned.

Commissioner Beckman stated that she is familiar with commercial properties.

Commissioner Riechel reviewed the agenda items to be scheduled for the next Planning Commission meeting to be held on April 28, 2011. A potential application for annexation will be presented to the Planning Commission by Ian Chun.

Commissioner Riechel requested that Ms. Anderson review and provide information on the Buildable Housing Inventory and what is available referring to the UGB.

Commissioner Beckman stated that she is aware of 2 lots available for redevelopment.

Commissioner Riechel stated that he thought the report of Buildable Lands Review indicated that there appears to be 93 acres shortage in reference to the Comprehensive Plan indicators.

A Motion was introduced by Commissioner Martin to have the Dunes City Planning Commission review the Buildable Land Review and then send to the City Council for consideration. Motion died for a lack of a second.

Commissioner Riechel suggested that the task be given to Commissioner Martin.

Commissioner Beckman stated that Goal 1 of the Comprehensive Plan does not work and needs to be modified. What we need is to define what the Comprehensive Plan does say and what suggestions or changes need to be recommended.

Commissioner Henderson emphasized the importance of putting date specific on the paperwork, for consistency in referencing.

Commissioner Riechel suggested adding an item to the agenda for discussion with changes needed in Goal 1, to be submitted for a future agenda.

Assignments: 155.1, 155.2, 155.3, 155.4 & 155.5 assigned to Commissioners

11. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Beckman made the motion to adjourn the meeting. Commissioner Miller seconded the motion. The motion passed by unanimous vote.

The meeting of the Dunes City Planning Commission adjourned at 3:46 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 28th DAY OF APRIL 2011.

[Signed copy available at City Hall]

Lee Riechel, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]

Lisa Ekelund, City Planner