

**Dunes City Planning Commission ~ Special Session**

Thursday, November 21, 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 from November 7, 2024, Special Session
- 6. Announcements / Correspondence**
  - 1) City Council Regular Session Minutes from November 6, 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  
December 12, 2024
- 9. Unfinished / Old Business**
  - 1) Chapter 155 Remand from City Council (Continued) .....Discussion/Action Item
    - Follow up on Multi-Family Housing
    - Follow up on Accessory Dwelling Unit
    - Follow up on Building an Outbuilding Before a Home
- 10. Unscheduled Items Not Listed on the Agenda / For the Good of the Order**
- 11. Adjournment**



**PLANNING COMMISSION MEETING MINUTES ~ APPROVED  
SPECIAL SESSION NOVEMBER 7, 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, November 6, 2024 Special 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, and Commissioner Sean Grundon.

Commissioner Jamie Gorder was excused.

**Also Present:** City Administrator Lila Timmons, City Administrative Assistant Terry Franklin and various residents.

**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 asked if there were any questions or comments regarding the agenda. There were none.

Commissioner Gail Nichols made a motion to approve the Agenda. Vice Chair Ken Pesnell 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 Sean Grundon made a motion to approved the consent agenda.

Vice Chair Ken Pesnell seconded the motion. The motion passed unanimously.

## **6. ANNOUNCEMENTS / CORRESPONDENCE**

### **A. City Council Regular Session minutes from October 16, 2024 meeting**

Chair Rapunzel Oberholtzer asked if there were any questions regarding the City Council meeting minutes. There were none.

Chair Rapunzel Oberholtzer announced the election results.

Chair Rapunzel Oberholtzer discussed that she had watched a networking meeting with the DLCDC regarding the new FEMA requirements for homes in a Special Flood Hazard Area.

## **7. CITIZEN INPUT**

Jeanne Jackson stated that floods do impact Dunes City. For example, Tyee park was flooded in the 90's.

## **8. NEW BUSINESS**

### **A. Schedule Next Planning Commission Meeting.**

November 21, 2024

December 12, 2024

### **B. City Council recommended items for Chapter 155 to be placed on the next meeting agenda.**

#### **1. ADU's vs. Guesthouses**

Chair Rapunzel Oberholtzer stated that the community survey indicated that a majority of Dunes City residents were in favor of allowing ADU's and that the City Council asked the Planning Commission to add ADU language to Chapter 155.

#### **2. Chapter 155 does not allow an outbuilding to be built on a property before a home is built. The City Council would like the Planning Commission to review this section.**

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 stated that the first comment talked about deferring adoption of Chapter 155 until after the proposed amendments to Goal 10 but that has happened.

The next comment asked if there was a conflict of interest in the City Attorney defending Chapter 155 if they made suggestions on the verbiage contained within. The Planning Commission discussed that our current City Attorney was not involved with the revisions.

There was a comment about not being invited to the Planning Commission meetings when Chapter 155 was being discussed. The public is always welcome. The meetings are posted on the website, at City Hall and at the Post Office.

A comment was made about the CAC meetings being sporadic. The Planning Commission discussed that this was a volunteer committee and that meetings were held as posted as needed.

There was a comment about providing a 3–4 page summary on the major changes. The Planning Commission decided that staff would be able to do that.

There were comments about not receiving notice of the changes to Ordinance 259. The Commission discussed that a giant mailing did go out to all the property owners based on information from the RLID and that staff followed the requirements and the law.

A comment was made that there was concern that the City Administrator was also the Code Enforcement Officer with extensive powers to declare violations, assess fines and attach liens. The Planning Commission discussed that the City is currently looking for a Code Enforcement Officer.

The Planning Commission then discussed a memo from Rapunzel. On page 7, Bed and Breakfasts were discussed and the Planning Commission decided to take all references to Bed and Breakfasts out of the Code because they no longer exist. Page 13 talked about Guest Houses and the Planning Commission said that that was to be placed on the next Planning Commission Agenda. On page 217, Code indicates that a Temporary Use Permit form was to be used that does not currently exist but Chair Rapunzel Oberholtzer said that she could provide. Page 222 discusses Temporary Occupancy of Recreational Vehicles and Travel Trailers and Chair Rapunzel Oberholtzer stated that the new Short-Term Rental Ordinance does not allow RV's to be used as Short-Term Rentals. The Planning Commission asked staff to consult the City attorney about if requiring a "hardship" applicant to provide a written verification of hardship once a year is a HIPPA violation. The Planning Commission discussed the numbering errors and typos that will be fixed upon Codification of the Code. The Planning Commission stated that the possible move of multi-family use to Special Standards will be on the next Agenda.

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

Chair Rapunzel Oberholtzer asked the Planning Commissioners if anyone had anything. There were none.

**11. ADJOURNMENT**

Commissioner Sean Grundon made a motion to adjourn the meeting. Vice Chair Ken Pesnell seconded the motion. The motion passed unanimously.

Chair Rapunzel Oberholtzer adjourned the meeting at 7:20 pm.

**APPROVED BY THE DUNES CITY PLANNING COMMISSION ON THE 21st DAY OF NOVEMBER, 2024.**

\_\_\_\_\_  
Rapunzel Oberholtzer, Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Lila Timmons, City Administrator/Recorder



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

REGULAR MEETING  
November 6, 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**                                      City Administrator Lila Timmons stated that all Councilors were present except Tom Mallen. Tom Mallen did arrive at 6:02 pm. Also present were other various citizens.
- Agenda**    No agenda additions, deletions, or modifications.  
MOTION MADE BY: Councilor Rich Olson  
MOTION: To approve the November 6, 2024 Regular Session Agenda.  
SECONDED: Council President Susan Snow  
IN FAVOR: Unanimous  
OPPOSED: None  
Motion Passed
- Announcements/Correspondence**                      City Administrator Lila Timmons congratulated Mayor Ed McGuire and Councilor Chris Clemons for being elected for the new term.  
Mayor Ed McGuire spoke about a Mayor's roundtable that he attended.
- Citizen Input**                                      Jeanne Jackson asked about the plans for a new Dunes City sign.
- Old Business**                                      Survey Results Discussion (Council and Public)  
Councilor Chris Clemons stated that there was a lot of interest in allowing ADU's.  
Mayor Ed McGuire talked about the results from monitoring traffic and speeding on Clear Lake Rd.  
Mayor Ed McGuire talked about the volunteers from the survey. The Council is looking for volunteers to help organize some events for residents. Maybe some events for the younger generation.

Mayor Ed McGuire stated that the Council is looking for volunteers for the Planning Commission and the Budget Committee.

Councilor Rich Olson stated that Chapter 155 had a provision in it that did not allow property owners to build on a property until after a home was built. He felt that provision needed to be changed.

Rapunzel Oberholtzer asked the City Council if they were recommending that the Planning Commission look into allowing ADU's as part of Chapter 155 of the Dunes City Code. It was decided that the Planning Commission would look into ADU's as part of Chapter 155.

#### Clean Rivers Proposal for abatement

Councilor Melissa Stinson asked the City Administrator if we could ask the City Attorney of the likelihood of getting a court order to enter the property for the abatement. City Administrator, Lila Timmons, stated she would ask the attorney. The remaining discussion was delayed until Attorney's answer.

### **New Business**

#### Number of Allowed Short-Term Rentals (STR)

After much discussion, the Council decided that there will be 35 Short-Term Rentals permitted in Dunes City.

The Council discussed whether to allow a waitlist once the 35 Short-Term Rentals were permitted.

MOTION MADE BY: Councilor Rich Olson

MOTION: To limit the number of Short-Term Rentals to 35 and if there is to be a waitlist, an application must be filled out with a non-refundable application fee that would expire at the end of the fiscal year and an acknowledgment signed to that effect.

SECONDED: Councilor Joe Giammona

IN FAVOR: Unanimous

OPPOSED: None

Motion Passed

#### Fees for STR Non-Compliance

Mayor Ed McGuire suggested that the fines should be assessed for each occurrence or rental period.

Mayor Ed McGuire stated Code Enforcement Officer should have a log of events along with photographs to show each rental occurrence.

MOTION MADE BY: Councilor Chris Clemons

MOTION: Fees for renting a home as a Short-Term Rental without a Dunes City permit will be \$1500 for the first verifiable rental period, \$2250 for the second verifiable rental period and \$3375 for each verifiable rental period thereafter with the loss

of being permitted as a Short-Term Rental after the 3<sup>rd</sup> occurrence.

SECONDED: Councilor Tom Mallen

IN FAVOR: Unanimous

OPPOSED: None

Motion Passed

**Work Session**

Chapter 91

Mayor Ed McGuire suggested that the Council talk about adding lighting to this Chapter.

Delayed until the next month.

**Executive Session**

There was none.

**For the Good of the Order**

Councilor Rich Olson stated that the dam was operational.

Mayor Ed McGuire stated that Boomer Wright asked him to be a part of an infrastructure bill.

**Adjournment**

MOTION MADE BY: Councilor President Susan Snow

MOTION: To adjourn.

SECONDED: Councilor Tom Mallen

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**



## MEMORANDUM

TO: Dunes City Planning Commission

FROM: Commissioner Rapunzel O

DATE: 21 November 2024

RE: Chapter 155 Follow Up Discussion:  
Miscellaneous Additional Notes/Comments for Final Discussions  
Multifamily Housing  
Guest Houses/ADUs

### FOLLOW UP TO 7 NOVEMBER MEETING

#### I. MULTIFAMILY HOUSING

##### Page 21 of 268 from 155.1.3 Definitions

*(As amended)* "Multi-Family Dwelling – A building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation."

*(As amended)* "Multi-Family Housing – Multi-family housing is housing that provides for three (3) or more separate dwelling units on a single legal lot and sharing common walls, floors, ceilings, courtyard, playground, parking area, or other communal amenities."

##### Page 45 of 268 from 155.2 TOC

155.2.1.240 was Guest Houses, could be Multifamily Housing.

##### Page 50 of 268 from 155.2.1 Residential (R-1) Zone TOC

155.2.1.240 was Guest Houses, could be Multifamily Housing.

##### Page 50 of 268 from 155.2.1.110 Allowed Land Uses

(A)(1) "One single-family dwelling per lot, which may include site-built, pre-fabricated, or manufactured housing, which meets the requirements of applicable building codes and standards established by the State."

*Look at definitions of "dwelling" on page 13 of 268. See also page 55 Residential Density language (below).*

##### Page 51 of 268 from 155.2.1.111-120 (A) Conditional Uses/Uses Subject to Review

*Remove "Multifamily Housing" from list of uses requiring a CUP.  
Renummer list.*

**Page 54 of 268 from 155.2.1.122160 Specific Requirements Table**

**Structure Height.** "Height from average grade" lesser of 32 feet or 2 ½ stories maximum.

*Are there height restrictions in multifamily language that need to change?*

**Page 55 of 268 from 155.2.1.130180 Residential Density**

"The following density standards apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan. *(Add and State law?)*

"New land divisions and site developments shall provide for housing at a maximum density of more than one (1) dwelling per acre."

**Page 56 of 268 from 155.2.1.200190 Special Standards for Certain Uses**

Model Development Code lists Multifamily Housing under similarly named subsection with this intro blurb:

"Special uses included in Chapter 2.3 are uses which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district."

*Suggest replacing our existing second sentence, "They provide standards..." with the above from Model Code.*

**Page 57 of 268 from 155.2.1.240 was Guest Houses, could be Multifamily Housing**

*See Page 195, Paragraph B, for beginning of Multifamily Housing language under CUP to edit and move here*

*or replace with Model Dev Code.*

*See also Model Development Code Multifamily Development below.*

*INSERT NEW TEXT*

**Page 194 of 268 from 155.4.4.3120(H) Application Submission Requirements**

*Delete entire paragraph?*

**Page 194 of 268 from 155.4.4.4130(A) Criteria, Standards and Conditions of Approval**

*Suggest deleting "...including multifamily housing."*

**II. ACCESSORY DWELLING UNITS (ADU)**

**Page 7 of 168 from 155.1.3 Definitions**

*(As amended)* "Accessory Dwelling Unit (ADU) – an interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling."

**Page 15 of 268 from 155.1.3 Definitions**

*(As amended)*“Guest House – A subordinate residential structure that is accessory to, and dependent on, an existing primary dwelling located on the same lot or parcel as the guest house. A guest house shall be temporarily occupied solely by members of the family residing in the primary dwelling, their nonpaying guests, or by nonpaying employees who work on the premises. A Guest House is not an accessory dwelling unit (ADU).

*Delete definition of guest house?*

**Page 45 of 268 from 155.2 TOC**

155.2.1.220 was Bed and Breakfast, could be Accessory Dwelling Units (ADU).

**Page 50 of 268 from 155.2.1 Residential (R-1) Zone TOC**

155.2.1.220 was Bed and Breakfast, could be Accessory Dwelling Units (ADU).

**Page 51 of 268 from 155.2.1.111120 (A) Conditional Uses/Uses Subject to Review**

*Remove “Guest Houses” from list? Unless ADUs should be Conditionally permitted.*

*Renumber list.*

**Page 52 of 268 from 155.2.1.112130 Uses Not Allowed**

“Accessory dwelling units, and all other uses not listed under Sections 155.2.1.110 and 155.2.1.111120 are not allowed.”

*Delete “Accessory dwelling units”?*

**Page 57 of 268 from 155.2.1.230220 was Bed and Breakfast could be Accessory Dwelling Units (ADU)**

*See Page 58 for existing “Guest House” text.*

*See also Accessory Dwellings Model Code from “ADU Guidance” 2018 below.*

*INSERT NEW TEXT*

#### NOTE RE SEPTIC SYSTEMS

From DC ORD 256-B (Short Term Rentals)

*Septic Expanded Use Approval.* If the property is served by a private on-site septic system, the property owner shall provide an approved On-Site Wastewater Authorization Notice from the Lane County Sanitarian that indicates the maximum number of people the septic system is able to accommodate.

## Model Development Code 2015

### **2.3.080 Multifamily Development**

**User's Guide:** The following provides clear and objective standards for multifamily housing, per state law. Local governments may apply discretionary standards or guidelines to what is defined as "needed housing" under ORS 197.303 only where their code also offers a clear and objective decision making option pursuant to ORS 197.307.

**A. Purpose.** The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, on-site recreation, and vehicle circulation and parking areas. The standards supplement the design standards of Article 3.

**B. Applicability.** This applies to new multifamily developments.

#### **C. Standards.**

**1. Common Open Space and Landscaping.** A minimum of [15-20] percent of the site area in the R districts and [10] percent of the site area in the CR district shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:

a. "Site area" for the purposes of this section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way.

b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.

c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than 20 feet.

d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped; alternatively, the [City decision-making body] may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping.

**2. Private Open Space.** Private open space areas shall be required for dwelling units based on the following criteria:

a. A minimum of [40] percent of all ground-floor dwelling units shall have front or rear patios or decks containing at least [48] square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five feet of the finished ground elevation (i.e., after grading and landscaping).

b. A minimum of [40] percent of all upper-floor housing units shall have balconies or porches containing at least [48] square feet of usable area. Upper-floor housing means housing units that are more than five feet above the finished grade.

**3. Access, Circulation, Landscaping, Parking, Public Facilities.** The standards of Chapters 3.2 through 3.6 shall be met.

**4. Trash Storage.** Trash receptacles, recycling, and storage facilities shall be oriented away from building entrances, setback at least 10 feet from any public right-of-way and adjacent residences, and shall be screened with an evergreen hedge or solid fence or wall of not less than six feet in height. Receptacles must be accessible to trash pick-up trucks.

## Accessory Dwellings (model code) 2018 ADU Guidance (DLCD)

**Note:** ORS 197.312 requires that at least one accessory dwelling be allowed per detached single-family dwelling in every zone that allows detached single-family dwellings. Accessory dwellings are an economical way to provide additional housing choices, particularly in communities with high land prices or a lack of investment in affordable housing. They provide an opportunity to increase housing supply in developed neighborhoods and can blend in well with single-family detached dwellings. Accessory dwelling regulations can be difficult to enforce when local codes specify who can own or occupy the homes. Requirements that accessory dwellings have separate connections to and pay system development charges for water and sewer services can pose barriers to development. Concerns about neighborhood compatibility, parking, and other factors should be considered and balanced against the need to address Oregon’s housing shortage by removing barriers to development.

The model development code language below provides recommended language for accessory dwellings. The italicized sections in brackets indicate options to be selected or suggested numerical standards that communities can adjust to meet their needs. Local housing providers should be consulted when drafting standards for accessory dwellings, and the following standards should be tailored to fit the needs of your community.

Accessory dwellings, where allowed, are subject to review and approval through a Type I procedure [*pursuant to Section \_\_\_\_\_,*] and shall conform to all of the following standards:

*[A. One Unit. A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).*

*A. Two Units. A maximum of two Accessory Dwellings are allowed per legal single-family dwelling. One unit must be a detached Accessory Dwelling, or in a portion of a detached accessory building (e.g., above a garage or workshop), and one unit must be attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).]*

### **B. Floor Area.**

1. A detached Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling’s floor area, whichever is smaller.

2. An attached or interior Accessory Dwelling shall not exceed [800-900] square feet of floor area, or [75] percent of the primary dwelling’s floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than [800-900] square feet.

**C. Other Development Standards.** Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:

1. Conversion of an existing legal non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity; and

2. No off-street parking is required for an Accessory Dwelling.

**Definition** (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

**Accessory Dwelling** – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.