



PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED
THURSDAY, FEBRUARY 26, 2015 AT 5:00 PM
City Hall ~ 82877 Spruce St., Westlake, OR 97493

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

1. CALL TO ORDER

The February 26th Planning Commission Regular Session was called to order by Chairman Paul Gargis at 5:02 pm.

2. ROLL CALL

Roll Call was taken by Planning Secretary Rapunzel Oberholtzer.

Present: Chairman Paul Gargis, Commissioner Norman Martin, and Commissioner Bonnie Allen. (As of October 3rd, 2014, there is one vacancy.)

Absent and Excused: Vice Chairman Ken Henderson and City Administrator/Recorder Fred Hilden

Others Present: Planning Secretary Rapunzel Oberholtzer, several citizens and the Planning Commission's unpaid consultant, George Burke.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Commissioner Allen made a motion to approve the Agenda. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Regular Session Meeting Minutes of January 22, 2015

Commissioner Allen made a motion to accept the January 22, 2015 meeting minutes as submitted. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS /CORRESPONDENCE

Planning Secretary Rapunzel announced that the City is seeking volunteers for vacancies on all of the City's Committees and Commissions and that the City is also seeking sponsors and volunteers for the 3rd Annual Oregon Dunes Triathlon and Duathlon. Tri/Du sponsorship packets and more information are available at City Hall.

7. CITIZEN INPUT – None

8. EXECUTIVE SESSION

Chairman Gargis read from the prepared script for adjourning the Regular Session to Executive Session:

“I now adjourn this Regular Session of the Dunes City Planning Commission to go into Executive Session, held pursuant to ORS 192.660(2)(f), to consider information or records that are exempt by law from public inspection.

“Only representatives of the news media and designated staff shall be allowed to attend the Executive Session. The time is 5:06 pm.”

Chairman Gargis called the Planning Commission Executive Session to order at 5:06 pm and closed it at 5:34 pm.

9. RETURN TO REGULAR SESSION

Chairman Gargis called the Regular Session of the Planning Commission back to order at 5:39 pm.

10. NEW BUSINESS – None Scheduled

11. UNFINISHED/OLD BUSINESS

A. Review City Attorney Recommendations Re: Commissioner Questions on Chapter 155 Vehicular Access and Circulation (Road Commission)

Prior to discussing the City Attorney's recommendations for Chapter 155's section on Vehicular Access and Circulation, Chairman Gargis requested that the Commissioners conclude the matters pertaining to Dunes City's Chapter 157.

Commissioner Allen made a motion to direct City Staff to ask the City Attorney to prepare an Order for the City Council to initiate Type IV legislative process for Chapter 157. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

In discussion of Agenda Item A, Chairman Gargis referred to the City Attorney's suggested language for Chapter 155, Section 155.3.1.2 Vehicular Access and Circulation and asked if any additional discussion was necessary. Mr. Burke pointed out that the recommended changes affect paragraphs C(1), C(2), C(3), and E, giving the review and approval of permits for access to City Streets to the Planning Commission rather than the Road Commission and making a few minor changes to the language.

Mr. Burke explained that at one time the Road Commission approved both driveways and access to roads, but Chapter 32 of City Code was revised to remove the approval of driveways from the Road Commission's list of duties. He went on to explain that the City Attorney is now recommending that Chapter 32 be amended to also remove the Road Commission's authority to decide on access to roads. During discussion about the procedure for moving the proposed changes to Chapter 155 forward, Mr. Burke pointed out that the Road Commission would receive a copy of the proposed changes and have an opportunity to comment upon and discuss the changes that affect the Road Commission.

Commissioner Martin made a motion to accept the recommendations of the City Attorney for changes to paragraphs C(1), C(2), C(3) and E in Section 155.3.1.2 (Vehicular Access and Circulation):

C(1) Permits for access to City streets will be subject to review and approval by the ~~Road Commission~~ Planning Commission... The Planning Official may request comments from the Road Commission on an application for an Access Permit.

C(2) ~~Permits for access~~ Access to State highways...

C(3) ~~Permits for access~~ Access to County roads...

E. The City ~~or other agency with access permit jurisdiction~~ may require the closing...

Commissioner Allen seconded the motion. The motion passed by unanimous vote.

Mr. Burke suggested that the Commissioners review the City Attorney's February 25th email comments in response to a City Staff request for clarification about a potential conflict between the proposed changes regarding Road Commission authority in Chapter 155 and the Road Commission duties outlined in Chapter 32, Section 32.94(H). In discussion, it was noted that the Road Commission does not actually issue permits, as written in Section 32.94(H), and the Planning Commission is revising Chapter 155 so that the Road Commission does not make decisions on Access Permits, but makes recommendations on the Permits to the Planning Commission. Mr. Burke suggested that since the Ordinance Review Committee crafted Chapter 32, the Planning Commission could request that City Staff send it back to the Committee with a recommendation to consider amending the language so that it does not conflict with Chapter 155, following the City Attorney's language change in her Option 1. Mr. Burke explained that the process would involve the Ordinance Review Committee to look at the proposed change to Section 32.94(H) and, if

the Committee agreed with the change, create an Ordinance to amend Chapter 32 with that Ordinance taking effect at the same time that the Ordinance adopting Chapter 155 takes effect.

Commissioner Allen made a motion to request Staff to send the City Attorney's recommended changes to Chapter 32, Section 32.94(H) to the Ordinance Review Committee for consideration.

During discussion of the motion, Mr. Burke clarified that the processes outlined in Chapter 32, Section 32.94(H) would not change until Chapter 155 went into effect, the changes require two separate Ordinances that take effect at the same time. Mr. Burke pointed out that when the new Title XV, including Chapter 155, is sent for codification, the codifying company may find other similar conflicts that will need to be corrected—the job of the codifying company is to identify conflicting language in local code and also to make sure the code follows Oregon law, similar to a City Attorney's review of code.

Commissioner Martin seconded the motion. The motion passed by unanimous vote.

B. Staff Update on Status of Chapter 155

Planning Secretary Rapunzel presented an overview of the City Staff memorandum outlining the status of various phases of work on Chapter 155 and other Chapters in Title XV. She reported that Staff work on incorporating revisions into Chapter 155 was delayed over the past few months due to Staff's work on Chapter 157; going forward, Staff should not need to spend as much time on Chapter 157. She went on to report that Staff is still working on incorporating Erosion Control and Stormwater Management into one Section that will be inserted into Chapter 155 as 155.3.5 [*sic*] (Surface Water Management); when that new Section is finished, the Commissioners will need to review the definitions in Chapter 155 and clean up small task assignments that remain.

There was some discussion about the timeframe Staff would need to accomplish the remaining work, such as the Surface Water Management Section, and present it to the Planning Commission. Planning Secretary Rapunzel agreed to try to have that Section ready for Commissioners' review within the next couple of months. There was further discussion about the amount of time it has taken to finish the Planning Commission's work on Title XV, during which it was noted that the Commissioners met sometimes twice a month in three-hour meetings to discuss, recommend and review changes but there does not seem to be much progress being made. Chairman Gargis expressed his frustration with the process and a desire to see more Staff time devoted to work on these projects and getting them finished. Commissioner Allen asked whether it was appropriate for the Commissioners to make a motion for the Planning Commission Chairman to speak to the City Council about the Commissioners' concerns over the pace of progress.

Commissioner Allen made a motion for the Chairman of the Planning Commission to speak to the Mayor and the City Council in regards to Staff priorities for working on Chapter 155. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

Chairman Gargis agreed to undertake the action recommended by the motion in an appropriate manner.

C. Review Draft Timeline for Adoption of City Ordinances

Chairman Gargis noted that this Agenda Item was partially addressed during the discussion of Agenda Item B. Rather than more discussion about a timeline, Chairman Gargis suggested a discussion of the next steps. In general, the process is for the Planning Commission to complete its work and then make a recommendation to the City Council; the City Council makes the decision whether or not to begin the public hearing process; the legally required public notifications begin with the notice to DLCD forty-five (45) days prior to any public hearing. Afterwards there are the notices of public hearings, the hearings, consideration of hearing testimony by the Planning Commission and the City Council, and so on. Mr. Burke pointed out that these procedures are required by State law for any land use ordinance.

12. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

There was no discussion.

13. ADJOURNMENT

Chairman Gargis adjourned the meeting. There was no motion for adjournment, no second and no vote taken.

Chairman Gargis adjourned the Planning Commission Special Session at 6:15 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 23rd DAY OF JULY 2015.

[Signed copy available at City Hall]

Paul Gargis, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Planning Secretary