



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED**  
**THURSDAY, SEPTEMBER 24, 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](http://www.dunescity.com).

**1. CALL TO ORDER**

The September 24<sup>th</sup> Planning Commission Regular Session was called to order by Chairman Paul Gargis at 5:05 pm.

**2. ROLL CALL**

Roll Call was taken by Administrative Assistant Rapunzel Oberholtzer.

**Present:** Chairman Paul Gargis, Vice Chairman Ken Henderson, Commissioner Norman Martin, and Commissioner Bonnie Allen. (As of October 3<sup>rd</sup>, 2014, there is one vacancy.)

**Others Present:** Administrative Assistant Rapunzel Oberholtzer and Dunes City resident Judy Martin.

**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 Henderson seconded the motion. The motion passed by unanimous vote.**

**5. APPROVAL OF THE CONSENT AGENDA**

A. Planning Commission Regular Session Meeting Minutes of August 27, 2015

**Commissioner Allen made a motion to accept the Consent Agenda as presented. Commissioner Henderson seconded the motion. The motion passed by unanimous vote.**

**6. ANNOUNCEMENTS /CORRESPONDENCE**

Administrative Assistant Rapunzel announced that public hearing notices for the proposed septic system maintenance ordinance have been published and LCOG staff is working on the Staff Report and Findings of Fact. The first evidentiary hearing on proposed Ordinance No. 228 will be during the Planning Commission meeting on October 22.

There was some discussion about whether previously submitted testimony for or against a proposed new ordinance could be submitted. Rapunzel agreed to look into the question and report back. Vice Chairman Henderson and Commissioner Allen announced that they would not be available for a meeting on October 22 and Chairman Gargis declared the meeting canceled due to lack of a quorum. After discussion, it was agreed that Rapunzel would poll Commissioners to confirm an alternate date for a Special Session, possibly on October 29.

There was some discussion about the process for announcing the public hearings and the required timeframes. Rapunzel explained that meeting dates could be changed by publishing the new date less than thirty days in advance of the meeting and she agreed to confirm the suggested Special Session date of October 29 with Commissioners by the end of September.

There was discussion about the City Administrator/Recorder's absence from Planning Commission meetings over the course of the year. Rapunzel explained that City Administrator/Recorder Hilden was on extended vacation and she did not know the date he was expected to return. Vice Chairman Henderson remarked that his absence had been a handicap to the Commission, especially since three of the most seasoned Commissioners were no longer on the Commission. He went on to note that those three Commissioners and the City Administrator/Recorder held key "institutional knowledge" that wasn't available to the remaining Commissioners. Commissioners jointly acknowledged that they were all doing the best they could. Chairman Gargis asked Rapunzel to pass the comments along to the Mayor, which Rapunzel agreed to do.

Rapunzel went on to announce that the City Attorney completed her review of the draft Stormwater Management section of Chapter 155, which City Staff has not yet had time to assess. She noted that the City Attorney had several concerns and comments, particularly whether it was wise for that section to become part of the City's Land Use Code or whether it should, instead, be included elsewhere. Vice Chairman Henderson asked about Staff's progress on Chapter 155 work. Rapunzel explained that progress was being made, albeit slowly, and that the discussion about definitions during this meeting would help complete another part of the work that needs to be done.

**7. CITIZEN INPUT – None**

**8. UNFINISHED/OLD BUSINESS**

**A. Review Chapter 155 Definitions (155.1.3)**

Administrative Assistant Rapunzel explained that the first document presented for review was the Chapter 155 Definition Section 155.1.3, which included the original definitions and the edited definitions based on previous Planning Commission meeting discussions as well as definitions from other sections of Chapter 155 that could be incorporated into Section 155.1.3 and several questions from City Staff for the Commissioners.

Before proceeding with discussion, Vice Chairman Henderson requested an update on the City Council's decision on the CUP application considered during the Council's September 10 meeting. Rapunzel explained that the Council determined that the existing structure's use was water-related and approved the application, subject to certain conditions on the applicant's use of the building. Vice Chairman Henderson asked if the Councilors had seen the Planning Commission's Findings of Fact and recommendation on the application and the minutes of the Commission's public hearing on the application. Administrative Assistant Rapunzel explained that the Planning Commission's meeting minutes were not available to the Council at the time the Council held its public hearing, but the Council did have a copy of its Findings of Fact and recommendation. She went on to note that LCOG would work on a final order and information for the Council to consider in a hearing on possible infraction fines to be assessed on the applicant.

Vice Chairman Henderson asked what information the Council used to determine the applicant's structure was water-related. Commissioner Allen noted that she attended the Council meeting during which the applicant pointed out that he would store boats and boat trailers and fishing equipment in the building. Rapunzel recollected the Council's motion as, "...to make a finding that the use is water-related based on the structure's use for storage of boats and boat trailers and its proximity to public boats ramps and water bodies."

There was some discussion about the fact that about a year ago the building was determined to be illegal and not water-related. Vice Chairman Henderson remarked that the Council's decision was a "slap in the face" [of the Planning Commission]. Commissioner Allen pointed out that during the Council meeting she made the comment that when the Council asks for volunteers to fill Commission vacancies and then the Council ignores their work it discourages volunteerism in the City.

In further discussion, it was noted that the City Administrator would have related that Council decision sooner, in his role as the key conduit for information between the Council and the Planning Commission. Commissioner Allen pointed out that the Findings of Fact presented to the City Council implied that they "were the most meager sort of quorum" and did not clarify that the Vice Chairman who was acting as Chairman *could* not, as acting Chairman, vote on the Commission's recommendation to the Council. She went on to remark that the Council should not have let that finding stand and the fact that it did was an insult to the Planning Commission.

Commissioners generally agreed that they were not happy with the Council's decision on the CUP application.

Returning to the Agenda item, Commissioners addressed Staff questions one by one:

Page 8 (of 203) re Building Inspector

Following discussion, it was agreed that "Building Inspector" would be changed to "Building Official" and the general definition from Chapter 151 would be applied:

“Whenever the term or title “administrative authority,” “responsible Official,” “building official,” “chief inspector,” or other similar designation is used herein, it shall be construed to mean the building official designated by the appointing authority of this jurisdiction.”

It was further agreed that the references to “Dunes City Building Inspector” in Chapter 155 should be changed to “Building Official” and, if necessary, revised at a later date if the definition doesn’t fit.

Page 8 (of 203) re Bulkhead

Following discussion it was agreed to delete the reference to OAR 141-085-0010 (19) and keep the existing definition.

Page 9 (of 203) re Code Enforcement Officer

It was agreed to accept the definition provided by Staff from Chapter 36, “The City Recorder or the City Recorder’s designee, including Code Violation Investigator.”

Page 9 (of 203) re Concept Assistance

It was agreed to accept the City Attorney’s recommendation for deletion.

Page 10 (of 203) re Dwelling, Two Family

It was agreed to change the proposed definition back to its original, ending the definition after “each other.” “A building consisting of two separate dwelling units with a common roof and common foundation, designed and used exclusively for the occupancy of two families living independently of each other.”

Page 18 (of 203) re Planned Unit Development

It was agreed that Staff would find a better, shorter definition than the one suggested by Staff from ORS 94.550(19)(a) for this review.

Page 20 (of 203) re Riparian

It was agreed to use the Statewide Planning Goals and Guidelines definition, “Of, or pertaining to, or situated on the edge of the bank of a river or other body of water.”

Page 20 (of 203) re Riparian Area

During discussion Commissioner Allen noted that she did not like the current definition from 155.2.6.300, but did like the definition, “The area adjacent to a river, lake or stream consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem” from OAR 660-023-0090(1)(b) and would welcome suggestions from other Commissioners who have more experience with the issue.

Chairman Gargis suggested leaving the short definition as written in 155.1.3 and the longer definition in place at 155.2.6.300. He also suggested adding a reference to 155.2.6.300 at the end of the 155.1.3 definition.

In further discussion, Commissioners agreed to the suggestion by Chairman Gargis.

Page 20 (of 203) re Riparian Corridor

Chairman Gargis suggested keeping the short definition in 155.1.3 and the longer one in 155.2.6.300. Commissioners did not object.

Page 21 (of 203) re Riparian Corridor Boundary

Chairman Gargis suggested keeping the short definition in 155.1.3 and the longer one in 155.2.6.300. Commissioners did not object.

Page 22 (of 203) re Sign Monument

Administrative Assistant Rapunzel explained that the definition was added to 155.1.3 pursuant to a request by Planning Commissioners during a meeting in which Chapter 155 language regarding signage was discussed.

	It was agreed to leave Staff's recommended language as presented.
Page 23 (of 203) re Structure	It was agreed to keep the existing definition in 155.1.3 and the existing definition in 155.2.6.300.
Page 24 (of 203) re Subdivision	It was agreed to use the definition suggested by Staff, "Either an act of subdividing land or an ear or tract of land subdivided."
Page 25 (of 203) re Water-Dependent	There were no objections to using the definition suggested by Staff from Statewide Planning Goals and Guidelines.
Page 25 (of 203) re Water-Related	There were no objections to using the definition suggested by Staff from Statewide Planning Goals and Guidelines and deleting the reference to "trailer parks."
Page 25 (of 203) re Wetland	It was agreed to keep Staff's recommended insertion of "living at the soil surface" in the 155.1.3 definition. It was also agreed to keep the definition in 155.1.3 and the different definition in 155.2.5.300.
Wetland Overlay Zone definitions	It was agreed to move the definitions currently in 155.2.5.300 from there to 155.1.3.
Riparian Overlay Zone definitions	During discussion it was agreed to move all of the definitions from various parts of Chapter 155 and combine them into 155.1.3.  Chairman Gargis suggested deleting the definition for "Structure" from 155.2.6.300. There were no objections.

There was further discussion about combining definitions or keeping the more detailed, section-specific definitions in their respective sections. It was agreed to put all of the definitions into 155.1.3 for Commissioners to review at the January meeting and determine which to keep.

**9. ADJOURNMENT**

**Commissioner Allen made a motion to adjourn. Vice Chairman Henderson seconded the motion. No vote was taken.**

Chairman Gargis adjourned the Planning Commission meeting at 6:43 pm.

**APPROVED BY THE PLANNING COMMISSION ON THE 29<sup>th</sup> DAY OF OCTOBER 2015.**

[Signed copy available at City Hall]

Paul Gargis, Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Administrative Assistant