



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED**  
**THURSDAY, JANUARY 28, 2016 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 January 28<sup>th</sup> Planning Commission meeting was called to order by Chairman Paul Gargis at 6:00 pm.

**2. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**3. SWEARING IN OF NEWLY APPOINTED PLANNING COMMISSIONERS**

Newly appointed Commissioners Tom Mallen and Brett McKnight stepped to the front of the dais where their Oath of Office was administered by Administrative Assistant Rapunzel.

**4. ROLL CALL**

Roll Call was taken by Interim City Administrator/Recorder Jamie Mills.

**Present:** Chairman Paul Gargis, Commissioner Bonnie Allen, Commissioner Brett McKnight, and Commissioner Tom Mallen. (As of October 3<sup>rd</sup>, 2014, there is one vacancy.)

**Others Present:** Interim City Administrator/Recorder Jamie Mills and Administrative Assistant Rapunzel Oberholtzer.

**5. ANNUAL ELECTION OF OFFICERS (CHAIRMAN AND VICE CHAIRMAN)**

**Commissioner Allen made a motion to elect Paul Gargis as Chairman of the Planning Commission. Commissioner McKnight seconded the motion. The motion passed by unanimous vote.**

**Chairman Gargis made a motion to elect Bonnie Allen as Vice Chairman of the Planning Commission. Commissioner McKnight seconded the motion. The motion passed by unanimous vote.**

## 6. APPROVAL OF THE AGENDA

**Vice Chairman Allen made a motion to approve the Agenda. Commissioner Mallen seconded the motion. The motion passed by unanimous vote.**

## 7. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Special Session Meeting Minutes of November 19, 2015

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

## 8. ANNOUNCEMENTS /CORRESPONDENCE

City Administrator/Recorder Mills announced that a memorial service for long-time Westlake resident, Bob Jackson, would be held at the Florence Events Center on Sunday, January 31<sup>st</sup> beginning at 1:00 pm.

Administrative Assistant Rapunzel announced that the draft Surface Water Management language for inclusion in Chapter 155 had been reviewed by the City Attorney. Notably, the City Attorney has recommended not including surface water management in land use code. Staff will have the draft language and the attorney's comments available for discussion during the February Planning Commission meeting.

City Administrator/Recorder Mills also announced that the City Council will hold its annual Goal Setting Session on Wednesday, February 3<sup>rd</sup>, starting at 2:30 pm. She reported that one of the items she hopes will be discussed during the Goal Setting Session is the process for moving finalization of Dunes City's Title XV Code forward. There was some discussion about the work that still needs to be done. Staff assured the Commissioners that progress is being made and Staff will continue to focus on completing the remaining work as soon as possible.

## 9. CITIZEN INPUT

There was none.

## 10. NEW BUSINESS

A. Welcome New Commissioners

Chairman Gargis welcomed the new Commissioners and encouraged them to take time to review the handbooks they received from City Hall. He noted that meetings would be held every month for about an hour but, if there was no business for the Commission to consider there would not be a meeting. He went on to note that, on occasion, there might be a need for special work sessions, but that should be infrequent.

Chairman Gargis explained that if Commissioners were unable to attend a scheduled meeting, they should notify City Staff. He suggesting exchanging contact information with the new Commissioners. Staff agreed to prepare an updated contact sheet for distribution to all of the Commissioners.

Vice Chairman Allen reminded Commissioners about Oregon's strict public meeting laws and the necessity for Commissioners to abide by them, particularly the prohibition from meeting in private with all, or some, Commissioners present and for using email as a meeting or discussion forum outside of a scheduled meeting. City Administrator/Recorder Mills explained that Commissioners could not conduct a conversation by email and recommended that email discussion only take place between two individuals.

## B. Septic Maintenance Ordinance Update

Chairman Gargis introduced the agenda item by explaining that the Planning Commission has worked on various versions of a septic maintenance ordinance off and on for several years. The most recent version did not garner sufficient support by the Planning Commissioners and the Commission ultimately voted to recommend that the City Council take no action on it, keeping the current septic maintenance ordinance in place. Chairman Gargis suggested that the Planning Commission start over on a new ordinance and went on to outline several tasks for Commissioners to do in preparation for working on a new ordinance.

Chairman Gargis suggested that the first question to resolve is about why we are doing a septic maintenance ordinance, why does Dunes City need a septic maintenance ordinance. The question prompted some discussion, during which it was noted that Lane County Sanitation has oversight of septic systems in Dunes City. It was also noted that in the LUBA decision on repealing Ordinance No. 203, LUBA said that Dunes City could not repeal its septic maintenance ordinance because Dunes City's Comprehensive Plan Policy E6 states, "The City shall adopt a program to improve maintenance of septic systems for the benefit of all residents"—repealing an existing septic maintenance ordinance would not constitute a program to improve maintenance of septic systems.

The second question Chairman Gargis had was that if the issue is with maintaining water quality, why not focus on shoreline properties. Vice Chairman Allen provided an example of a lakefront resident who knowingly disposed of waste in Woahink Lake, which prompted some discussion about how the violation would be found, how it would be penalized and who would enforce the penalty. In further discussion, Dunes City's efforts to enforce protection of water quality was compared to Portland's requirements for automobile inspections to maintain air quality. It was also noted that in order to continue to protect water quality with a septic maintenance ordinance, an ordinance would need to be palatable to everyone and protect citizens.

Chairman Gargis assigned Commissioners to research several topics. He asked Vice Chairman Allen to look into how other municipalities, DEQ, and others handle septic issues. He asked Commissioner Mallen to research septic tanks, fields and various systems to try to find information about the life span of various systems and what could typically be expected in terms of inspection frequencies so that the Commission could arrive at a reasonable recommendation based on its own independent research. Chairman Gargis noted that the information could be used to amend Ordinance No. 203 or to write a new ordinance.

Commissioner McKnight pointed out that DEQ has developed onsite septic system standards based on a three bedroom home and a 1,000 gallon tank but DEQ did not have standards for the number of people who could live in a home with that system. Chairman Gargis suggested that Commissioner McKnight look into guidelines for frequency of inspections as well as who could perform unbiased, honest inspections and Commissioner McKnight agreed to do so.

Discussion progressed to the status of proposed Ordinance No. 228. City Administrator/Recorder Mills explained that the Planning Commission referred the Ordinance to the City Council with a recommendation not to pass it. The City Council will consider it in a future meeting, the date of which is yet to be determined but could be in April if all of the Councilors will be present then. The Council could pass the Ordinance as presented, amend the Ordinance, vote to reject it, or recommend starting over on a new version.

It was generally agreed that while the Commissioners wait for the Council's action, they could do the suggested research. Chairman Gargis suggested that Commissioners review the citizen input from the Commission's public hearing on Ordinance No. 228 (attached to the November 19, 2015 meeting minutes as Exhibit A) and be prepared to discuss it during the February meeting.

#### C. Appoint Road Commission Liaison

Chairman Gargis volunteered to attend the Road Commission meetings.

### **11. UNFINISHED/OLD BUSINESS**

#### A. Review City Attorney/Staff Recommendations—Chapter 155 Definitions

Administrative Assistant Rapunzel explained that Staff made the changes suggested by Commissioners during the September review of definitions and also revisited the suggestions made by the City Attorney about definitions. Following the City Attorney's recommendation, Staff is recommending deletion of several definitions for terms that are not used in Chapter 155 and further recommending that definitions for the special zones (Wetland, Riparian, Shoreland) remain in the sections of Chapter 155 relevant to those zones rather than moving them from there to the definition Section 155.1.3. She went on to explain that the definitions document in the Commissioners meeting packets included definitions highlighted in yellow representing questions from Staff to the Commissioners.

Commissioners agreed to focus on Staff's questions highlighted in yellow. Rapunzel explained that the definitions have been compared to ORS and OAR definitions in order to make sure they match and are clear and objective.

Commissioners agreed to the following actions in Section 155.1.3:

Page 7 of 200/Basement	After discussion, it was generally agreed to leave the definition as written.
Page 8 of 200/Building Official	There were no objections to the definition as inserted.
Page 9 of 200/Code Enforcement Officer	There were no objections to the definition as inserted.
Page 9 of 200/Define Conifer?	After discussion, it was generally agreed that Staff would find a definition and find out whether Cedar trees are considered conifers.
Page 11 of 200/Family Child Care Facility	It was agreed to delete "Family" from the defined term, leaving it as "Child Care Facility."
Page 11 of 200/Fire Apparatus Lane	Staff explained that the existing definition does not appear to be current and offered to continue to search for a definition. There were no objections.
Page 12 of 200/Hammerhead Turnaround	After discussion, it was agreed to leave the definition in place.
Page 12 of 200/Human-Scale Design/Dev	It was agreed to delete the definition.
Page 15 of 200/Manufactured Home	Staff explained that the existing OAR citation was not correct and offered to find the correct reference, if necessary. There were no objections.
Page 15 of 200/Manufactured Home Park	Staff explained that the existing OAR citation was not correct and offered to find the correct reference, if necessary. There were no objections.
Page 17 of 200/On-Street Parking	After discussion, it was agreed to leave the definition in place.

Page 17 of 200/Ordinary High Water	Staff explained that the definition does not appear to be entirely correct. Staff offered to look into correcting the definition. There were no objections.
Page 17 of 200/Ordinary Low Water	Staff explained that the definition does not appear to be entirely correct. Staff offered to look into correcting the definition. There were no objections.
Page 19 of 200/Planned Unit Development	After discussion, it was generally agreed to follow City Attorney's recommendation to delete the definition.
Page 25 of 200/Wireless Communication	It was agreed to leave the definition in place as written.

**B. Staff Update—Chapter 155**

Staff explained that as parts of Chapter 155 are completed, they will be presented to the Planning Commission for final approval. Staff will work on all of the remaining questions and sections that have not been reviewed by the City Attorney to make sure that the language is clear and objective and, if necessary, get clarification from the City Attorney. The goal is to present a clean redline with no comments and then determine the next steps necessary for moving forward.

Vice Chairman Allen asked Staff to prepare a timeline for the next steps and Staff agreed to do so.

**12. ADJOURNMENT**

Chairman Gargis adjourned the Planning Commission meeting at 6:25 pm. There was no motion and no vote taken.

**APPROVED BY THE PLANNING COMMISSION ON THE 25<sup>th</sup> DAY OF FEBRUARY 2016.**

[Signed copy available at City Hall]  
Paul Gargis, Chairman

ATTEST:

[Signed copy available at City Hall]  
Jamie Mills, Interim City Administrator/Recorder