



PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED
THURSDAY, FEBRUARY 25, 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.

1. CALL TO ORDER

Chairman Paul Gargis called the February 25th Planning Commission's regular session to order at 5:05 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 Commissioner Ken Pesnell stepped to the front of the dais where his 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, Vice Chairman Bonnie Allen, Commissioner Brett McKnight, and Commissioner Ken Pesnell.

Absent and Excused: Newly appointed Commissioner Steve Galbraith.

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

5. APPROVAL OF THE AGENDA

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

6. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Meeting Minutes of January 28, 2016

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

7. ANNOUNCEMENTS /CORRESPONDENCE

City Administrator/Recorder Mills announced that the 4th Annual Oregon Dunes Triathlon and Duathlon will take place in Dunes City on Saturday, May 7th this year and the City is looking for lots of volunteers and sponsors. She also announced that, this year, the City is offering Community Supporter sponsors an opportunity to put promotional items in “goody bags” that the City will be assembling and distributing to athletes during event registration.

There was a brief discussion about how the event provides revenue for the City. City Administrator/Recorder Mills explained that as the event grows, more sponsors will come on board and, for now, the sponsorships are the primary revenue source.

8. CITIZEN INPUT

There was none.

9. NEW BUSINESS

A. Welcome New Commissioners

Chairman Gargis welcomed new Commissioner Ken Pesnell.

B. Discussion of Citizen Input Re: Proposed Ordinance No. 228

Chairman Gargis introduced the agenda item by referring Commissioners to copies of citizen comments that were submitted as part of the public hearing record on proposed Ordinance No. 228 and included in their packets of information for this meeting.

Vice Chairman Allen remarked that she had read the comments and found that there were a few key points that stood out to her. She noted also that she had been present during the Planning Commission meetings when the comments were submitted. She explained the points that she thought were significant.

- Dunes City’s Comprehensive Plan states that the City must protect its water supply which means that the City cannot eliminate Ordinance No. 203 unless the City provides another similar mechanism for protecting its water source. City Administrator/Recorder Mills pointed out that they key phrase in the Comp Plan is that the protection must be done “to the benefit of all residents of the City.”

There was some discussion of this point during which it was noted that there is no evidence that the City has ever routinely tested Woahink Lake for the presence of nitrates, although there have been tests performed in surrounding areas of the Woakink and Siltcoos watersheds, and there is no evidence that nitrate contamination has ever been an issue on Woahink Lake. Commissioner McKnight pointed out that testing results are showing that the water in Woahink Lake is becoming

clearer, but there is no known, evidentiary reason for it and no documentation that implementing septic maintenance ordinances are the cause.

City Administrator/Recorder Mills explained that LUBA remanded Ordinance No. 210A, in part, because of the City's failure to make a finding that the Ordinance met the requirements of the City's Comp Plan. She went on to note that LUBA required the City to keep Ordinance No. 203 in place until such time that the City could enact an ordinance that met the E6 requirements of the Comp Plan.

- Another point noted by Vice Chairman Allen was that there seemed to be a feeling in the community that although most residents are in compliance with the inspection requirements, there was a feeling that Ordinance No. 203 was not fair because it did not take into consideration the number of people residing in a house or whether the residents were full- or part-time when determining the frequency of septic inspections.
- In addition, Vice Chairman Allen noted that there was no compliance enforcement provision in Ordinance No. 203. She went on to point out that the City Council recently passed an ordinance to allow the City to impose fines upon residents who violate City Code, including those who do not comply with Ordinance No. 203.

There was some discussion about the City's enforcement processes and the City's Comp Plan requirements to protect water quality (Comp Plan Policies E1 and E6). There was also some discussion about the qualifications and certifications for septic inspectors and the process for inspecting, according to DEQ requirements as well as Lane County's involvement with septic system management as DEQ's local on-site septic regulator.

Vice Chairman Allen distributed copies of print outs from website pages she researched as part of the "homework" assigned to her during January's meeting. She explained that her assignment was to find DEQ recommendations for septic systems and went on to read excerpts from her handouts. "*DEQ regulates the siting, design, installation and ongoing operation and maintenance of septic systems.*" She went on to explain that DEQ operates the onsite septic system programs in 11 counties in Oregon and an additional 25 contract counties, and DEQ certifies and licenses installers and pumpers, and reviews and approves septic system-related products such as septic tanks, alternative treatment technologies and alternative drainfield products.

Vice Chairman Allen went on to read from DEQ's recommendations for maintaining septic systems. "*You can avoid costly repairs by having your septic tank inspected on a regular basis for solids accumulation. When the solids accumulation is greater than 40 percent, have your septic tank pumped by a DEQ-licensed pumper.*"

There was some discussion about whether or not septic inspections should be performed by vendors who are also licensed to pump and/or install. There was also some discussion about whether it is appropriate that lakefront properties are the only ones that should be required to have septic system inspections.

Vice Chairman Allen referred Commissioners to her second handout which was printouts from websites she researched to find information about the septic system issues in La Pine, Oregon, where there are groundwater nitrate contamination issues, primarily from septic systems. It was generally agreed that is more cost effective and beneficial to the health and welfare of residents to prevent system failures than to remediate after the fact. *VICE CHAIRMAN ALLEN'S REFERENCE MATERIAL FROM THIS MEETING IS ON FILE AT CITY HALL.*

There was some discussion about the status of proposed Ordinance No. 228, which was passed on to the City Council with a recommendation from the Planning Commission for the Council not to pass it. City Administrator/Recorder Mills explained that the Council could pass Ordinance No. 228, make changes to it, not pass it, or instruct Staff to draft a new ordinance to present to the Planning Commission and a CAC for review.

Commissioner McKnight noted that, according to his conversation with an associate at DEQ, DEQ does not have specific recommendations for frequency of pumping but does have guidelines developed to help homeowners understand their septic systems and the importance of preventative maintenance on them in order to avoid costly repairs and to keep them functioning for years—DEQ does recommend that septic tanks should be pumped only when the level of solids reaches about 40%. He suggested that the key issue in a septic maintenance ordinance is the frequency of inspection, not the fact that inspections are required, and the challenge is to determine a frequency that is palatable to everyone.

City Administrator/Recorder Mills noted that there are DEQ-certified inspectors from outside of the Florence area who might not charge as much for a septic inspection as the local inspector, and those inspectors are an option for residents to consider. She also suggested that the City could issue an RFP for a City-contracted inspector who would perform inspections for a rate agreed upon by the City and the inspector, but there has been no formal discussion of that option.

There was some discussion about considering the size of a household when determining an inspection frequency and the frequency of inspections for part-time residents.

Chairman Gargis suggested that Commissioners do some more research and be prepared to present recommendations at the March meeting, in case the Council refers proposed Ordinance No. 228 back to the Planning Commission. He asked Commissioners to consider frequency of inspections. It was generally agreed that inspections should be performed on all properties in Dunes City, not just lakefront properties.

C. Surface Water Management (Staff/Attorney Recommendations)

Chairman Gargis directed the Commissioners' attention to the draft Surface Water Management Ordinance. City Administrator/Recorder Mills suggested that because the document was presented to the Commission for the first time in this meeting, discussion and recommendation could be tabled until a future meeting to give Commissioners time to review the content. She went on to explain that part of the Surface Water Management document is Dunes City's Erosion Control Code, as revised by the Planning Commission and Staff, and part of it is Stormwater Management taken from the City of Florence Code. She also explained that the ordinance was presented to the Commission because the Commission, at one point, considered including the proposed code in Title XV, Chapter 155, which would require approval by the Commission as the authority over land use code, but the Commission could choose not to review the language because the City Attorney's recommendation is not to include it in land use.

There was some discussion about Staff's progress on Chapter 155, with Staff reporting that progress is being made and there should be at least a small section ready for final review by the Commissioners at the March meeting.

10. UNFINISHED/OLD BUSINESS

There was none scheduled.

11. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

There were none.

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 24th DAY OF MARCH 2016.

[Signed copy available at City Hall]

Paul Gargis, Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, Interim City Administrator/Recorder