



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED**  
**THURSDAY, MARCH 24, 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**

Chairman Paul Gargis called the March 24<sup>th</sup> Planning Commission's regular session to order at 5:00 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 Commissioner Steve Galbraith stepped to the front of the dais where the Oath of Office was administered by Administrative Assistant Rapunzel. Chairman Gargis thanked Mr. Galbraith for volunteering for the Commission and asked him to introduce himself. Commissioner Galbraith explained that he has lived in the area since the 1970s, taught woodshop in Florence for over thirty years, coached football, and has two grown daughters.

**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, Commissioner Ken Pesnell, and 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 February 25, 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 4<sup>th</sup> Annual Oregon Dunes Triathlon and Duathlon will take place in Dunes City on Saturday, May 7<sup>th</sup> and the City is looking for lots of volunteers and sponsors. Interested parties can call City Hall for more information. She also announced that, this year, the City is offering Community Supporter sponsorships at the \$100 level and those sponsors have the option to put promotional items in “goody bags” that the City will be assembling and distributing to athletes during event registration.

City Administrator/Recorder Mills reminded Commissioners that they need to file their online ethics forms by April 15<sup>th</sup>. There was some discussion during which some of the Commissioners noted that they had difficulty filing the form online. City Administrator/Recorder Mills explained that the Oregon Government Ethics Commission has a new filing system this year that doesn't appear to work correctly. She encouraged everyone who had trouble filing to call the OGEC office.

## 8. CITIZEN INPUT

Chairman Gargis recognized Mr. Richard Palmer, one of Dunes City's Road Commissioners, who signed in to provide comments, and explained that he invited Mr. Palmer to talk about septic systems based on Mr. Palmer's experience with them. Chairman Gargis explained that he still had concerns about septic systems located near the lakes and whether groundwater and well water could be affected by drain fields.

Mr. Palmer was of the opinion that all septic systems on lakefront properties should be situated at the farthest point away from the water. He explained that the ground in the Dunes City area, depending upon whether it's sandy or clayey, can impact the drainage from septic systems with sandy soil possibly allowing drainage to leach a longer distance than clay soil. He went on to note that he is aware of metal septic tanks on waterfront property that should be changed out and that a metal tank in clay soil might rust out but wouldn't necessarily leach too far out.

Vice Chairman Allen asked how the existence of the metal tanks came to be known. City Administrator/Recorder Mills provided a short history of the subject, noting that cesspools and metal tanks were common in older homes but eventually leaked effluent which is what originally prompted the City to develop a septic maintenance ordinance. She went on to ex-

plain that, to date, there are seventeen lakefront homes that have not complied with septic maintenance ordinance requirements.

Mr. Palmer went on to comment that he did not think septic systems located at the top of hills around the lake would leach into the lake and has not heard of any reports finding septage in lake water. He noted that the current five-year inspection requirement is a good idea but there should be no need to impose additional City regulations on top of any that are required by the County and DEQ. In addition, he noted that there should, in his opinion, be requirements for new construction or remodels or repairs that require septic systems to be located as far from the lakefront as possible, as there is no way to tell how far septic systems are, or are not, draining out from their location.

Concerning septic system inspections, Mr. Palmer explained that, in his opinion, it should be easy for anyone to determine whether a drain field is working—if it is dry with no unusual green growth in it, then it is working. Similarly, if a holding tank is not backing up, it is likely working. Inspections should not require a fully licensed, DEQ-qualified inspector.

There was some discussion about why there are lakefront residents who are not in compliance with inspection requirements when many others have voluntarily complied. Vice Chairman Allen asked City Administrator/Recorder Mills to address that question. Ms. Mills explained that the current septic maintenance ordinance was not written in a way that allowed the City to levy fines for non-compliance without going through an attorney, which was a very expensive process. She went on to explain that the City has now changed its code enforcement authority so that the Code Enforcement Officer can take action and levy fines without using an attorney.

In further discussion about lakefront properties, a question was raised about how far septic tank discharge can percolate through the ground before it enters and harms the lake. Commissioner McKnight noted that Ordinance No. 228, as currently written, does not specify regulations for lakefront properties, only that onsite septic systems are to be operated in a safe, healthful and environmentally responsible manner, which might mean that new or additional language should be added to the proposed ordinance. There was some discussion about whether or not it would be appropriate to regulate lakefront properties more than other properties not located right on the lake. It was generally agreed that all drinking water sources, lake or groundwater, should be protected.

City Administrator/Recorder Mills explained that the City Council's concern with Ordinance No. 203 had been that there was not enough flexibility in inspection requirements for people who live in the City part-time as opposed to full-time, or for homeowners who have only one or two occupants as opposed to those who have several occupants. She went on to suggest that a clause could be added to proposed Ordinance No. 228 whereby an inspection would be required whenever a property changes ownership.

There was a discussion about a frequency of inspections and pumping that would ensure proper maintenance for septic systems. It was suggested that a recommendation could be made to change the proposed ordinance language so that regular pumping could be consid-

ered as a maintenance option for full-time residents or larger households, particularly if the drainfield is also inspected at the time of pumping, and inspections could be considered as adequate maintenance for part-time residents or smaller households. Further discussion about inspections vs. pumping and whether pumping alone would meet septic system maintenance requirements under current City Code ensued.

Mr. Palmer interjected with the comment that a septic tank could go without pumping for many years if it is working properly. He went on to explain that pumping alone would not determine whether or not the system's drainfield is working properly, unless an inspection of the tank outlet was done at the time of pumping.

Chairman Gargis interrupted, suggesting that discussion return to the agenda items. City Administrator/Recorder Mills pointed out proposed Ordinance No. 228 is scheduled to be discussed in a public hearing before the City Council on April 14<sup>th</sup>. She invited all of the Commissioners to attend the Council hearing to provide input or to submit comments in writing before the hearing. Chairman Gargis thanked the Commissioners and Mr. Palmer for their comments.

## **9. NEW BUSINESS**

### **A. Welcome New Commissioners**

Chairman Gargis welcomed new Commissioner Steve Galbraith at the beginning of the meeting.

### **B. Chapter 155 (Division 155.1)**

Administrative Assistant Rapunzel explained that the redline version of Chapter 155 presented to the Commissioners in their meeting packets was, with the exception of a few highlighted items for City Staff to follow up, inclusive of all of the changes that have been approved by the Planning Commission and all of the input requested for Staff to complete—essentially, a complete section of 155.

There was some discussion of the timeline for finishing all of Chapter 155. City Administrator/Recorder Mills explained that although the edits could be completed within the next couple of months, there is a lengthy process for getting the revisions adopted, including review by a Citizen Advisory Committee, writing of adoptive ordinance(s) and public hearings by the Planning Commission and the City Council. She further explained that the Commission could recommend the formation of CACs to review each complete section individually rather than the entire document and suggested that the Commission request permission from Council to proceed with forming CACs as necessary to review sections as they're finished. Chairman Gargis agreed with the suggestion and asked City Administrator/Recorder Mills to proceed with presenting the idea to the Council.

There was some discussion about Staff's addition of enforcement provisions. City Administrator/Recorder Mills explained that the City Attorney recommended including the Code enforcement language from Chapter 36 in its entirety in Chapter 155 as well as in Chapter 36 because there are certain provisions in Chapter 155 that allow for different mechanisms for findings on land use-specific issues.

## **10. UNFINISHED/OLD BUSINESS**

### **A. Surface Water Management (Staff/Attorney Recommendations)**

Referring to the copy of proposed Ordinance No. 233 included in the Commissioners' meeting packets, City Administrator/Recorder Mills explained that the proposed Ordinance was Staff's attempt to incorporate Erosion and Sediment Control (already included in Title XV) with Stormwater Management (which does not exist in current City Code). Based on the Attorney's recommendation, removing Erosion and Sediment Control from Title XV (Land Use Code) and incorporating it with Stormwater Management into Title XIV (Water Quality Protection) allows the City to update Code without going through the land use ordinance adoption process, and allows the City to make decisions on applications of these standards administratively. She also explained that the Stormwater Management language came largely from language used by the City of Florence, as recommended by the City Attorney.

City Administrator/Recorder Mills went on to explain that the presented ordinance is a draft and suggested that Commissioners review the content carefully. She also explained that since the proposed ordinance is not related to Land Use, the Commission could opt not to discuss it and recommend sending it directly to City Council, although the Council could send it back to the Planning Commission with a request for the Commission to review it and make a recommendation. She noted that the Road Commission or, if the Road Commission is dissolved, a Public Works Director should also weigh in on the proposed language.

Mr. Palmer commented that, in his opinion, the Planning Commission should review and carefully consider the Erosion Control and Stormwater Management language because it considers site developments. He went on to note that there needs to be more oversight of water runoff on developed lots, as well as future development, and explained that there are several instances around Dunes City where water runoff from roofs is causing some flooding issues because the water is being diverted into areas where there are no bar ditches or culverts. He suggested considering a requirement for some type of runoff-slowness device, such as bio swales, on steeper lots and noted that the federal government is enacting new, stiffer regulations to control water runoff.

Following discussion about runoff water, Chairman Gargis suggested that Commissioners review the proposed Erosion Control and Stormwater Management Ordinance language, do some research and be prepared for discussion during April's meeting.

## B. Discussion Re: Septic Maintenance Ordinance

Vice Chairman Allen distributed copies of a handout that she prepared for the Commissioners. She summarized the contents of the handout by explaining that the City's Comprehensive Plan dictates City sewage systems policy and mandates that the City cooperate with DEQ to ensure compliance with disposal system requirements. She noted that DEQ recommends inspection of septic systems every five to seven years. She went on to explain that the City of La Pine has for years been dealing with groundwater contaminated by septic systems and has been working with DEQ to monitor and test the groundwater; her handout included information about La Pine's issues. Vice Chairman Allen also included in her handout a copy of Ordinance No. 203 (Dunes City's current septic maintenance ordinance), a copy of a July 2015 report on the status of septic system maintenance compliance in Dunes City, and a copy of proposed Ordinance No. 228. She went on to explain the history of City Ordinances for septic system maintenance and further noted that Ordinance No. 228 was written in an attempt to address some citizen concerns about the frequency of inspections for septic systems. *A COPY OF VICE CHAIRMAN ALLEN'S HANDOUT IS ON FILE AT CITY HALL.*

Vice Chairman Allen pointed out that the City adopted new code enforcement regulations early in 2016 that allow the City to enforce septic maintenance regulations under Ordinance No. 203. She went on to explain that in the process to create the new Ordinance, it seemed obvious to her that it would be impossible to improve upon Ordinance No. 203 and write code that would be palatable to all City residents. In conclusion, she commented that the Ordinance No. 203 should remain in place and be enforced, and Ordinance No. 228, in her opinion, should not be adopted.

There was some further discussion about citizen's concerns with Ordinance No. 203 and objections to proposed Ordinance No. 228. Commissioner McKnight reminded everyone of a suggestion from the last meeting where the City could contract with a septic inspector, perhaps performing inspections for a set fee, as a way to eliminate citizen concern over the costs of inspections and potential conflicts of interest for inspectors who are also licensed pumpers; he went on to say that he hoped that idea would make it to the City Council and be part of the discussion on Ordinance No. 228. More discussion ensued about pumping vs. inspection and the importance of having a City septic system maintenance ordinance in effect.

**Vice Chairman Allen made a motion for the Planning Commission to communicate to the City Council that, as a Commission, it feels strongly that the City has a septic maintenance ordinance that is enforced.**

Interim City Administrator/Recorder Mills requested that Commissioners planning to attend the City Council meeting and public hearing on April 14<sup>th</sup> support the idea that, at a minimum, inspections must be required at the time of transfer of ownership of property.

**Commissioner Pesnell seconded the motion. The motion passed by unanimous vote.**

**11. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA**

There were none.

**12. ADJOURNMENT**

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

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

**APPROVED BY THE PLANNING COMMISSION ON THE 28<sup>th</sup> DAY OF APRIL 2016.**

[Signed copy available at City Hall]

Paul Gargis, Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder