



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED**  
**THURSDAY, JULY 23, 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 July 23<sup>rd</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 Planning Secretary Rapunzel Oberholtzer.

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

**Absent and Excused:** Commissioner Norman Martin.

**Others Present:** City Administrator/Recorder Fred Hilden, Planning Secretary Rapunzel Oberholtzer 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**

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

**5. APPROVAL OF THE CONSENT AGENDA**

A. Planning Commission Regular Session Meeting Minutes of February 26, 2015

**Commissioner Allen made a motion to accept the Consent Agenda as submitted. Chairman Gargis seconded the motion. Commissioner Allen voted in favor of the motion. Vice Chairman Henderson abstained from voting.**

## **6. ANNOUNCEMENTS /CORRESPONDENCE**

Planning Secretary Rapunzel announced that the City is seeking volunteers for vacancies on all of the City's Committees and Commissions. She also announced that a Conditional Use Permit Application submitted by City resident, Richard Strongegger, was tentatively scheduled to be reviewed by the Planning Commission during its August meeting. There was some discussion about the application. City Administrator/Recorder Hilden explained that Mr. Strongegger was reapplying for a CUP, even though the original application was denied last year. He went on to explain that the City Attorney had indicated that Mr. Strongegger could reapply for a CUP. City Administrator/Recorder offered to double check with the Attorney.

Planning Secretary Rapunzel made one final announcement: City Administrator/Recorder Hilden presented an updated Septic System Maintenance Status Report to the Woahink Lake Association on July 18<sup>th</sup>. The report showed the number of homes in compliance with septic inspection reporting increased from 645 last year to 688 this year.

## **7. CITIZEN INPUT – None**

## **8. NEW BUSINESS**

### **A. Update: Montgomery View Estates**

Planning Secretary Rapunzel presented a copy of a Notice of Incomplete Application written by City Planner, Jacob Callister, to Mr. Alan Montgomery of Montgomery View Estates. The Notice was presented for informational purposes and no action was required by the Commissioners.

City Administrator/Recorder Hilden explained that Mr. Montgomery needed to complete all of the infrastructure of the subdivision (electrical, water delivery, etc.) and the road itself before his application could be considered complete and that work must be finished within a specific timeframe required by City Code. He went on to explain that this project has been in the works in various stages for several years and if the work is not completed by deadline, Mr. Montgomery would need to reapply.

There was some discussion about private roads and public roads in Dunes City. Mr. Burke explained that except in a few older areas of the City, private roads are generally located in gated subdivisions and maintained by residents of the subdivision, all others are public and maintained by the City.

## **9. UNFINISHED/OLD BUSINESS**

### **A. Review City Attorney/Staff Comments and Recommendations Re: Proposed New Septic Maintenance Ordinance**

Planning Secretary Rapunzel introduced the documents associated with the Agenda item by noting that subsequent to the City Council's Order to proceed with developing the Or-

dinance for the DLCDC and public hearing processes, the City Attorney reminded City Staff about discussions to move septic maintenance out of Title XV (Land Usage) and insert it into Title XIV (Water Quality). She explained that the documents Commissioners had in hand included the City Attorney's changes to accomplish that process as well as a few edits by City Staff.

Commissioner Allen remarked that she read all of the proposed changes by the City Attorney and the changes and questions noted by City Staff and felt that the suggested changes were all acceptable. She pointed out the Staff question on Page 7 about adding OAR definitions and recommended not adding new definitions if no one has asked for them.

There was some discussion about the next steps to be taken if the Planning Commission approves this document with changes indicated. City Administrator/Recorder Hilden explained that the DLCDC notification would be done, the City Planner would prepare a Staff Report and Findings of Fact, the City would begin the public notice processes for a public hearing by the Planning Commission and then by the City Council. During further discussion about the citizen perception of the proposed new ordinance and code, Commissioner Allen noted that it appeared to have support from City residents and Woahink Lake Association members. Mr. Burke pointed out that the Planning Commission and the City have done everything they could to create an ordinance and code that should be acceptable to everyone, but there are no guarantees that it will be approved or, if approved, that it would not be subject to a lawsuit.

**Commissioner Allen made a motion with respect to the ordinance under discussion amending Title XIV. In view of the strong citizen input and support, the unanimous vote of the Council which sent it to legal, the thoughtful review of the material by Staff and by legal, move to accept all changes, add nothing further and move to accept the document as modified and move it along for DLDC [sic] review and review by the City Planner. Vice Chairman Henderson seconded the motion. The motion passed by unanimous vote.**

- B. Review Chapter 155 Surface Water Management (Combines Erosion Control Chapter 141 and New Stormwater Management into One Section for Chapter 155)

Planning Secretary Rapunzel reminded Commissioners that early last year the Planning Commission reviewed and edited Dunes City's Title XIV, Chapter 141 (Erosion Control) along with the City of Florence's Title 9, Chapter 5 (Stormwater Management Utility) and agreed to combine both edited documents into one for insertion into Chapter 155 as a section entitled Surface Water Management. She explained that the document in front of the Commissioners was a result of Staff's work on that project and included several questions about content that came out of the merging and review of language. She also explained that one of Staff's questions was where the new Section should be inserted in Chapter 155; at one point Commissioners agreed to insert the language into 155.3.4 (Public Facilities Standards) as 155.3.4.4 (Storm Drainage Improvements) but there is also a

placeholder for Surface Water Management at Section 155.3.5. Staff recommended inserting the new content into 155.3.5.

Mr. Burke suggested that Commissioners address each of Staff's questions one at a time. City Administrator/Recorder Hilden noted that he had reviewed the content and suggested inserting it at the 155.3.5 placeholder for Surface Water Management. Mr. Burke concurred noting that the placeholder was originally intended for guidelines regulating surface water management. Following discussion, it was agreed to follow the recommendations and place the new content in Section 155.3.5 – Surface Water Management and delete the content under 155.3.4.4 (Storm Drainage Improvements) but leave the Section number and title and add a cross reference to the new Section 155.3.5.

There was some discussion about what changes in the document before the Commissioners should be considered. It was generally agreed to focus on Staff's highlighted questions, with City Administrator/Recorder Hilden pointing out that most of the content was reviewed by the Planning Commission and City Engineer in meetings last year and the content would be vetted again before finalizing Chapter 155.

Staff's individual questions in the Erosion Control Section were addressed by the Commissioners one-by-one:

Page 1 of 14 – Definitions: It was agreed that the definitions shown in the new language would be removed and placed into Chapter 155.1.3 (Definitions).

Page 1 of 14 – Best Practices: It was agreed to use "A technique, or series of techniques, which is the best known practice available to be effective in protecting water quality and lake/stream habitat."

Page 1 of 14 – Development: It was agreed not to add any new definition, keeping the definition in 155.1.3.

Page 1 & 2 of 14 – Emergency: It was agreed to use: "A situation which would result in an unacceptable hazard to life, a significant loss of property or an immediate, unforeseen and significant economic hardship if corrective action is not undertaken."

Page 2 of 14 – ESCP: It was agreed to use the DEQ definition: "The ESCP provides detailed information about the construction site, and serves as a blueprint for the location, installation and maintenance of the erosion and sediment control measures."

- Page 2 of 14 – Fill: It was agreed to use the DLCD definition: “The placement by man of sand, sediment or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land.”
- Page 2 of 14 – Mitigation: It was agreed to use the 155.1.3 definition, “Avoidance, rectification, repair, or compensation for negative impacts, which result from other actions. (e.g., Improvements to a street may be required to mitigate for transportation impacts resulting from development.” And further agreed not to include the definition for “mitigate.”
- Page 2 of 14 – Off-Site: It was agreed to use the definition, “Not located or occurring at the site of a particular activity or on a particular property.”
- Page 3 of 14 – Public Roadway: It was agreed not to use the definition provided, but use the definition for Street in 155.1.3.
- Page 3 of 14 – Qualified Professional: It was agreed to use the DEQ language: “For purposes of this Chapter, this means an Oregon Registered Professional Engineer, an Oregon Registered Landscape Architect, an Oregon Certified Engineering Geologist, or a Certified Professional in Erosion and Sediment Control (Soil and Water Conservation Society).”
- Page 3 of 14 – Responsible Party: It was agreed to use the definition: “A person or entity holding fee title to a property, tenant, lessee, or a person or entity who is acting as an owner’s representative including any person, company, nonprofit organization or other entity performing services that are contracted, subcontracted, or obligated by other agreement to meet the requirements of this code.”
- Page 3 of 14 – Riparian Area: It was agreed no changes were necessary to the 155.1.3 definition.
- Chairman Gargis called for a break in the meeting at 6:35 pm and reconvened at 6:40 pm.
- Page 3 of 14 – Sediment: It was agreed to use the definition: “Soil or other surface material held in suspension in water.”
- Page 3 of 14 –Shoreland Zone: It was agreed no changes were necessary to the 155.1.3 definition.

Page 3 of 14 – Slope: It was agreed no changes were necessary to the 155.1.3 definition.

Page 3 of 14 – Stormwater: It was agreed to us the definition: “Water that originates as precipitation on a particular site, basin, or watershed and flows over land or impervious surfaces without percolating into the ground.”

Page 4 of 14 – Wetland: It was agreed no changes were necessary to the 155.1.3 definition.

It was agreed that Staff would incorporate the redlined document changes made by Staff and those discussed and agreed upon by the Commissioners and send the document to the City Engineer and/or the City Attorney for further review before incorporating into Chapter 155.

Page 6 of 14 – Building Official: It was agreed that the term “Building Official” should be replaced with “Planning Official.”

Page 6 of 14 – City ESCP Form: Commissioners directed Staff to determine whether the referenced form existed and, if not, create one.

Page 7 of 14 – Inspector: It was agreed to replace the term “Inspector” with “City Engineer” throughout this Section.

Staff’s individual questions in the Stormwater Management Section were addressed by the Commissioners one-by-one:

Page 9 of 14 – Findings: It was agreed to change the term “Findings” to “Purpose” for this Section.

Page 10 of 14 – Issuance: It was agreed that the term “issuance” in Public Stormwater Facilities (C) should be replaced with “approval.”

Page 11 of 14 – Stormwater: It was agreed that the term “stormwater” in Drainage Plan Submittal Requirements (A) sentence two, should be deleted.

Page 11 of 14 – Seal: It was agreed that the term “seal” in Drainage Plan Submittal Requirements (B) should be replaced with “stamp.”

Page 11 of 14 – Property Owner: It was agreed that the term “property owner” in the first sentence of Private Facilities should remain.

- Page 11 of 14 – Owner’s: It was agreed that the term “owner’s” in Private Facilities (A) should be replaced with the term “property owner’s.”
- Page 12 of 14 – System: It was agreed that the term “stormwater system” in Easements (B)(2) should be replaced with “stormwater facility.”
- Page 13 of 14 – Severability: There were no objections to the proposed deletion of the Severability language because it is not part of City Code but, instead, would be part of the Ordinance to adopt the proposed new Code.
- Staff’s individual questions in the definitions for Stormwater Management were addressed by the Commissioners one-by-one:
- Page 13 of 14 – Drainage Plan: It was agreed to keep the definition for “drainage plan.”
- Page 13 of 14 – Ops and Maintenance: It was agreed to use Staff’s suggested definition: “The Operations and Maintenance Plan specifies the proposed stormwater collection and management facilities to be constructed as part of residential developments, partitions, subdivisions, P.U.D.s, and commercial developments for the purpose of treating and managing water flows from private grounds. (May not be required for all developments.)”
- Page 13 of 14 – Private Stormwater Facility: It was agreed to use the definition: “Drainage and stormwater management facilities located on private property.”
- Page 13 of 14 – Public Stormwater Facility: It was agreed to use the definition provided in the text from Florence Title 9.
- Page 13 of 14 – Stormwater Management Facility: It was agreed to use the definition provided in the text from Florence Title 9.
- Page 13 of 14 – Stormwater Facility: It was agreed to use the definition provided in the text from Florence Title 9.

## 10. ADJOURNMENT

**Commissioner Allen made a motion to adjourn.**

Mr. Burke reminded Commissioners that there was one more item on the Agenda to discuss, Item C: Chapter 155 Definitions. Due to the lengthy discussion anticipated to address the definitions, it was agreed to put the subject on the Agenda for the next meeting.

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

Chairman Gargis adjourned the Planning Commission Special Session at 7:13 pm.

**APPROVED BY THE PLANNING COMMISSION ON THE 27<sup>th</sup> DAY OF AUGUST 2015.**

[Signed copy available at City Hall]

Ken Henderson, Planning Commission Vice Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Planning Secretary