



PLANNING COMMISSION SPECIAL SESSION MINUTES~APPROVED
THURSDAY, SEPTEMBER 26, 2013 AT 2:00 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

The Planning Commission Special Session meeting was called to order by Chairman George Burke at 2:27 pm.

2. ROLL CALL

Roll Call was taken by City Administrator Fred Hilden.

Present: Chairman George Burke, Vice Chairman Lee Riechel, Commissioner Norman Martin and Commissioner Paul Gargis.

Absent/Excused: Commissioners Darlene Beckman and Ken Henderson.

Others Present: City Administrator Fred Hilden and several citizens.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Vice Chairman Riechel made a motion to approve the Agenda. Commissioner Norman Martin seconded the motion. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

Prior to discussing the drafts of meeting minutes to be considered for approval, Vice Chairman Lee Riechel asked staff to clarify whether the time stamps included in those drafts would be included in the approved versions for file. City Administrator Hilden explained that they would not be included, they were for staff reference only. Mr. Riechel requested that the minutes be removed from the Consent Agenda and approved individually. Chairman Burke suggested that the Commissioners forego approval of the Consent Agenda as a whole and approve each set of minutes. There was consensus among all of the Commissioners to do so.

A. Planning Commission Meeting Minutes from May 23, 2013

Vice Chairman Riechel made a motion to approve the Planning Commission Meeting Minutes as submitted. Commissioner Gargis seconded the motion. The motion passed by unanimous vote.

B. Planning Commission Meeting Minutes from June 18, 2013

Vice Chairman Riechel made a motion to approve the Planning Commission Meeting Minutes as submitted. Commissioner Gargis seconded the motion. The motion passed by unanimous vote.

C. Planning Commission Meeting Minutes from June 27, 2013

Vice Chairman Riechel made a motion to approve the Planning Commission Meeting Minutes as submitted. Commissioner Gargis seconded the motion. The motion passed by unanimous vote.

D. Planning Commission Meeting Minutes from July 16, 2013

Commissioner Gargis made a motion to approve the Planning Commission Meeting Minutes as submitted. Commissioner Martin seconded the motion. The motion passed by a vote of two in favor, none opposed and one abstention.

E. Planning Commission Meeting Minutes from August 13, 2013

Vice Chairman Riechel made a motion to approve the Planning Commission Meeting Minutes as submitted. Commissioner Gargis seconded the motion. The motion passed by unanimous vote.

F. Planning Commission Meeting Minutes from August 27, 2013

Commissioner Gargis made a motion to approve the Planning Commission Meeting Minutes as submitted. Vice Chairman Riechel seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS / CORRESPONDENCE – None

7. CITIZEN INPUT

Susie Navetta – Dunes City Resident

Ms. Navetta stated that she would yield her three minutes of allotted time to John Stead.

David Bellmore – Dunes City Resident

Mr. Bellmore stated that he would yield his three minutes of allotted time to John Stead.

John Stead – Dunes City Resident

Mr. Stead began his remarks by noting that the consideration of Ordinance 223 is accomplished through a legislative hearing process whereby the Planning Commission gathers citizen input to assist it in making a decision about the disposition of Ordinance 223. He noted also that citizens have a responsibility to make their opinions known to Commissioners through the public input process. Mr. Stead went on to cite several Dunes City ordinances that govern the processes for adopting new Ordinances and making changes to the City's Comprehensive Plan and then relate a history of various City Council, Planning Commission, City Attorney, Ordinance Review Committee, and DLCD actions relevant to Ordinance 223 and the City's Comprehensive Plan Goal 1 changes. He said that Ordinance 223 decreases citizen involvement and noted that the City's current Comprehensive Plan Goal 1 has been certified by the State and is in compliance with State of Oregon guidelines. He concluded his remarks by urging the Planning Commission to reject Ordinance 223.

8. UNFINISHED / OLD BUSINESS

A. Work Session Review of Ordinance 223 & Possible Changes

Chairman Burke opened the work session by relating a short history of the development of Ordinance 223. He noted that the Planning Commission voted on June 27 to recommend that the City Council adopt the version of Ordinance 223 that was being considered at the time. Subsequently, an alternative version of Ordinance 223 was presented to the City Council, who then referred it to the Planning Commission for review. He said that Option 2, the alternative, has been reviewed also by the City Attorney who prepared a graphic illustrating the differences between the two versions of the Ordinance. Mr. Burke pointed out that the Commissioners had on hand for reference that graphic as well as four citizen statements submitted after the City Council meeting and he asked the Commissioners to take the time to read all of those documents.

After the Commissioners read the citizen testimony and reviewed the graphic, Vice Chairman Riechel asked Chairman Burke to clarify today's role of the Planning Commission. Mr. Burke said that the goal of this work session was to review its June 27 decision to recommend that the City Council adopt Ordinance 223 and either reverse that decision or, instead, recommend that the Council adopt Option 2. He pointed out that the Commissioners also had on hand a staff report that was developed by the City Attorney for the City Council after the June 27 meeting of the Planning Commission, and he asked that the Commissioners read it.

At 3:30 pm Chairman Burke adjourned the meeting for a short break. He reconvened the meeting at 3:40 pm.

After the break, Chairman Burke announced that Mr. Stead requested additional time to share comments that he overlooked in his earlier statements. The Chairman gave the floor to Mr. Stead who reviewed State guidelines for making changes to the City's Comprehensive Plan. He went on to cite related State Planning Goals and Guidelines for citizen involvement programs, and Ordinance 223 Option 1.

Chairman Burke said that the goals of the Planning Commission and the Ordinance Review Committee have been to bring the Dunes City's Citizen Involvement Program into compliance with State guidelines for any Oregon City's Citizen Involvement Program and to follow State recommendations for CCIs, CACs and the administration of a CIP. He noted that under Ordinance 223 Option 1, the structure of the CIP may be different than it is now, but it would not be diluted or eliminated. He went on to say that the Attorneys, the City Council, the Planning Commission and the Ordinance Review Committee have all worked hard to update the code and ordinances so that they follow State guidelines that the City is best protected from the time and expense of future legal actions and citizen complaints if it follows exactly the guidelines set by the State.

Chairman Burke noted that Dunes City has, in the last few years, had several different City Planners, City Attorneys and City Engineers and that the City presently has under contract the best group of professionals representing it that it has had in some time.

A lengthy discussion about the two options followed with an exchange of ideas and opinions among the Commissioners and citizens in attendance. Mr. Burke added that Ordinance 223 Option 1 is an award-winning State program and should be considered.

Commissioners went on to review the graphic provided by the City Attorney to illustrate the differences between the two versions of Ordinance 223. Vice Chairman Riechel asked Mr. Burke to clarify the City Attorney's definition of the role of a Committee for Citizen Involvement (CCI) and noted that it might not be clearly understood that the CCI does not recommend changes to the City's Comprehensive Plan or City Code changes. Mr. Burke explained that the role of the CCI was to recommend changes in the CIP to the City Council and to administer the CIP; it is not, he said, involved in any decisions about planning, land use or Comprehensive Plan changes, which are the function of the Planning Commission. He went on to explain that the Citizen Advisory Committee (CAC) is the group, or several groups, that makes recommendations to the Planning Commission. Mr. Riechel and Mr. Burke also noted that administrative rules for CACs have been provided to the City Council and will be put into place once the CCI is established.

Chairman Burke asked the Commissioners to comment. Vice Chairman Riechel and Commissioner Gargis voiced their support for Option 2, Commissioner Martin did not have a comment at the time.

Chairman Burke discussed his reservations about the provision in Option 2 allowing for the CCI to be made up of citizens who attend the CCI meeting. He said that the CCI which administers the CIP should be a long-standing committee whose only responsibility is to administer the CIP according to State guidelines. He went on to note that he thought the Planning Commission was a logical choice to act as the CCI because it was a long-standing committee solely involved in planning for the City, but that the CCI could be a group of individuals appointed by the City Council for the purpose of administering the CIP. He added that the CACs, when appointed, would be assigned specific tasks and make recommendations to the Planning Commission. Chairman Burke and Vice Chair-

man Riechel clarified that the CCI is a “watchdog” group that ensures that the City’s CIP is effective and that citizens are involved.

There was further discussion about the core differences between Option 1 and Option 2. City Administrator Hilden noted that Option 1 states that the Planning Commission will act as the CCI and that Option 2 states that the CCI will consist of “all interested parties” who attend meetings of the CCI called by the City Council. Additional discussion followed and it was noted that with Option 2, the CCI members could change each time a meeting is called and that could potentially result in inconsistent management of the CIP. It was also noted that State guidelines regarding CCIs mandate that “CCI members must be selected by an open, well publicized public process.” That statement, Vice Chairman Riechel pointed out, did not mean the CCI could be any citizen who shows up for a meeting of the CCI.

Commissioner Martin made a motion for the Planning Commission to recommend that the City Council adopt Option 1 of Ordinance 223. Vice Chairman Riechel seconded the motion.

Chairman Burke asked if there was additional discussion. Vice Chairman Riechel voiced his support for Option 1 as long as the CCI was limited in its scope of duties so that its only function is to administer the CIP. Commissioner Gargis agreed with Mr. Riechel noting again that the function of the CCI should be limited to ensuring that the City’s CIP was in compliance with State law and that the Planning Commission would not be a CAC. City Administrator Hilden noted that the Planning Commissioners take an oath of office to uphold the laws of the State of Oregon and those of the City of Dunes City and that oath compels it to administer the CIP in accordance with State and City law.

Chairman Burke and Vice Chairman Riechel briefly discussed the administrative rules that have been presented to the City Council for consideration and noted that the actual review and research of issues that might come before the CCI will be done by staff and/or City volunteers. Mr. Burke noted that if there are CCI issues to address, they would be on the agenda for a Planning Commission meeting as CCI matters.

Chairman Burke called for a vote on the motion to recommend that the City Council adopt Option 1 of Ordinance 223.

The motion passed by unanimous vote with three votes in favor, none opposed and no abstentions.

B. Soil Erosion and Stormwater Guidelines from City Engineer

Chairman Burke suggested that the Commissioners forego discussion on the matter for now due to the lateness of the hour and reschedule for another meeting.

9. NEW BUSINESS – None

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

Chairman Burke noted that with the departure of Vice Chairman Riechel there will be an opening on the Planning Commission. He asked that Commissioners consider making a recommendation to the City Council for the Planning Commission to consist of five members rather than six members as it is now. He explained that an opening on the City Council has remained unfilled for several months and, in light of that, it seemed unlikely that a candidate would come forward to sit on the Planning Commission. Additionally, he noted, the Planning Commission traditionally has had only five members and that the sixth member was added to resolve an issue that has since been settled. Mr. Burke asked City Administrator Hilden to add the discussion about this to the agenda for the next meeting as an action item.

Commissioners all agreed that the next work session of the Planning Commission will be Tuesday, October 8, at 2:00 pm. At that time the Commissioners will discuss the Soil Erosion and Stormwater Guidelines from the City Engineer and the number of members on the Planning Commission.

11. ADJOURNMENT

Chairman George Burke asked for a motion to adjourn. Vice Chairman Riechel made a motion to adjourn the meeting. Commissioner Gargis seconded the motion. The motion passed by unanimous vote.

Chairman Burke adjourned the meeting of the Planning Commission at 4:44 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 8th OF OCTOBER 2013.

[Signed copy available at City Hall]
George Burke, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]
Rapunzel Oberholtzer, Administrative Assistant