



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED**  
**THURSDAY, NOVEMBER 21, 2013 AT 3:00 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 Regular Session of the Planning Commission was called to order by Chairman George Burke at 3:03 pm.

**2. ROLL CALL**

Roll Call was taken by City Administrator Fred Hilden.

**Present:** Chairman George Burke, Vice Chairman Paul Gargis, Commissioner Ken Henderson, and Commissioner Norman Martin.

**Absent/Excused:** Commissioner Darlene Beckman.

**Others Present:** City Administrator Fred Hilden and Administrative Assistant Rapunzel Oberholtzer.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

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

**5. ANNOUNCEMENTS / CORRESPONDENCE**

City Administrator Hilden announced that at its October 10<sup>th</sup> meeting the City Council voted to adopt Ordinance 223 Option 1 which amends the City's Citizen Involvement Program (CIP) and appoints the Planning Commission as the Committee for Citizen Involvement (CCI) for the City. Mr. Hilden also announced that Oregon's Citizen Involvement Advisory Committee (CIAC) voted unanimously in favor of the Dunes City action. Mr. Hilden went on to explain the sequence of events leading to the CIAC decision. Following state guidelines, the City Attorney forwarded her recommendation, along with written testimony from Mayor Ruede and Dunes City property owner Ron Mann, to the (CIAC) for preliminary review. The CIAC then held a meeting via conference call on Tuesday, November 12, to consider the recommendation and testimony. After also hearing verbal testimony from Mr. Hilden, City Councilor Maurice Sanders, and Planning Commissioner George Burke during the confer-

ence call, the CIAC voted unanimously to recommend to the Land Conservation and Development Commission (LCDC) that the Dunes City Planning Commission be designated as Dunes City's CCI.

Mr. Hilden also noted that the timeframe during which appeals of the City's action can be filed with LUBA had expired and no appeals were filed.

Chairman Burke explained that state guidelines mandate that the adoption of Ordinance 223 by Dunes City and the resulting changes to the City's Comprehensive Plan and its CIP had to be approved by the CIAC. He added that the City Attorney provided the CIAC with detailed background to explain the City's action. He also noted that after each presentation of verbal testimony CIAC members asked extensive questions. At the end of the fifty-five minute conference call all of the CIAC members (representatives from each of Oregon's five Congressional districts and three at-large members) agreed that the Dunes City action was appropriate and took their unanimous vote. Mr. Burke further noted that the CIAC has asked Dunes City to provide feedback in twelve to eighteen months so that the CIAC can use Dunes City as a model for how other cities can structure their CIP programs.

Following the comments by City Administrator Hilden and Chairman Burke, Commissioners agreed that this CIAC action represented significant progress for Dunes City. Vice Chairman Gargis asked whether there had been any local feedback. Mr. Hilden noted that one resident requested a copy of the draft Administrative Rule that details the workings of the City's CCI and CACs but he wasn't aware of any local comments about the CIAC decision.

City Administrator Hilden then announced that the annual Mayor's Banquet would be held on Friday, December 20<sup>th</sup> at 5:30 pm. About 30 people attended last year's potluck event; Mr. Hilden said that the City would like to have more people this year and asked Commissioners to help spread the word.

City Administrator Hilden directed the Commissioners to a copy of an email from Florence City Manager, Jacque Betz, responding to his request for a Florence official to attend a Dunes City Planning Commission meeting to discuss the Florence storm water management maintenance and enforcement methods. Mr. Hilden noted, as indicated in the email, a Florence representative was not available for this meeting. Commissioners discussed how to move forward with the review of the draft Storm Water Management guidelines, with or without an expert from Florence. Commissioner Henderson offered to contact acquaintances at Florence's Shelter Cove subdivision to find out if there were existing guidelines for storm water management and maintenance and, if there are, acquire a copy for reference. Commissioners requested that staff request a copy of the Florence Storm Water Management Plan and Administrative Rules and review that information at the next Planning Commission meeting.

## **6. CITIZEN INPUT – None**

7. **PUBLIC HEARING** – None

8. **UNFINISHED / OLD BUSINESS**

A. Scarberry Partition Final Plat Application

Chairman Burke directed the Commissioners' attention to the Staff Report and Findings of Fact for Ed Scarberry's Partition Final Plat Application. Commissioners discussed the Staff Report contents and its attachments. City Administrator Hilden noted that subsequent to the Commission's review of the Preliminary Plat Application, Mr. Scarberry submitted an estimate for drilling a well on the property, documentation to show that water was available and where the well will be situated to service the property, as required by City Code. Chairman Burke noted that he and Mr. Hilden had personally visited the site to make sure that the driveway was in compliance, which it was and, in fact, exceeded requirements for length and width.

Commissioner Martin pointed out a typographical error on the Easement and Maintenance Agreement, Exhibit D-1.

Commissioner Henderson asked if it appeared that drainage was sufficient. Chairman Burke and Mr. Hilden both replied that there did not appear to be any issues with drainage. There were no other questions about the report content, or changes to it, by any of the Commissioners.

**Commissioner Henderson made a motion to approve the Staff Report as amended with the correction of one typographical error. Vice Chairman Gargis seconded the motion. The motion passed by unanimous vote.**

**Commissioner Henderson made a motion to approve the Final Plat as submitted. Commissioner Martin seconded the motion. The motion passed by a vote of three (3) in favor (Vice Chairman Gargis, Commissioner Henderson and Commissioner Martin), none opposed, no abstentions, and one vacancy.**

B. Citizen Involvement Program Administrative Rule

Chairman Burke directed the Commissioners' attention to their draft copy of the Citizen Involvement Program (CIP) Administrative Rule and noted that since the Planning Commission's last meeting on November 7<sup>th</sup> he and City Administrator Hilden had met to begin revisions to the original draft prepared in 2012. During their meetings, Mr. Burke and Mr. Hilden determined that the Administrative Rule should contain language that describes in detail how the Planning Commission, acting as Dunes City's Committee for Citizen Involvement (CCI), oversees the CIP, appoints Citizen Advisory Committees (CACs), and ensures that CACs are functioning as they should.

Mr. Hilden read through page one of the draft document. At the end of the first page, last paragraph, Mr. Burke explained the sentence, “In some cases, citizen involvement may be satisfied by the public hearing process.” He noted that in some cases public hearing would be adequate input for simple issues such as correcting a sentence of Code but for more complex matters, such as rewriting Code, a CAC would be required for input.

Commissioners discussed at length the details of how a CAC would be appointed, how the Planning Commission would recruit citizens to participate, and how the Commission would ensure that a CAC is comprised of members with adequate skill sets to address the issue it is considering. In addition to state mandated methods of postings and public notifications of openings on CACs, Mr. Burke noted, the Planning Commission could appoint members from existing City Committees, City Engineers or Planners, and other professionals with expertise required to address a particular issue. In order to encourage citizen participation, he suggested that the next newsletter could include an article about the CIP and CACs. There was some concern about attracting enough citizens to participate on CACs, but Commissioners were generally optimistic that this new process would encourage people to step forward.

Mr. Hilden noted that the first CAC that might be appointed is one to review the City’s Master Road Plan, and Mr. Burke added that in the near future CACs would be needed to review issues like Chapter 155 revisions. Those CACs would likely consist partially of citizens who are on existing City Commissions and partially of experts, and would give the Planning Commission an opportunity to tweak the process if needed. Mr. Burke pointed out that the process would ultimately provide citizens with a platform and backup expertise to provide valuable feedback and/or recommendations for the Planning Commission to compile and forward to the City Council as recommendations for consideration.

Changes to the draft Administrative Rule were discussed in detail, with Chairman Burke pointing out that much of the draft language was required by statewide Goal 1.

1. Paragraph two of A.1, sentence one: Change to read, “The Planning Commission will clearly define the task of a CAC, including the expected date of completion.”
2. Change paragraph B to read, “When deemed necessary to form a CAC, the Planning Commission will request City Staff to publicize the meeting with an accurate description of the proposed change to the City’s Comprehensive Plan and/or land use regulations and the date and time of the meeting.”
3. At the end of A.1 insert from A. Appointment, “posting of notice at City Hall and the local post office, notice on the City’s website and publication in the local newspaper for at least two weeks prior to any appointment(s).”
4. Paragraph B.3 becomes the first sentence of paragraph C. Existing C will be changed to read, “Technical information will also be made available to citizens who request it, in a simplified and understandable form.”

5. Paragraph D will be changed to read, “Recommendations from the CAC are to be forwarded to the Planning Commission and will be retained and made available for public assessment. Citizen recommendations to the CAC will be encouraged.”
6. Paragraph C.1 will be deleted entirely.
7. Staff will create instructions to the effect, “The CAC will appoint a chairman and Dunes City Staff will provide the CAC with administrative support.” and insert it at the end of second paragraph of A.1.

City Administrator Hilden suggested that staff finalize the changes discussed and email a new, redlined document to Commissioners for review. Chairman Burke suggested that after that review, staff should send the document with any additional changes from Commissioners to the City Attorney for final edits and then forward that to the City Council for consideration at its December 12<sup>th</sup> meeting.

**Commissioner Henderson made a motion to adopt the CIP Administrative Rule as amended during this meeting, send it to City Attorney for review and then forward it to City Council as a resolution for consideration at its December 12<sup>th</sup> meeting. Vice Chairman Gargis seconded the motion. There was no vote taken and there was no further discussion.**

#### **9. NEW BUSINESS – None**

#### **10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA**

Chairman Burke suggested that Commissioners schedule its next meeting. It was agreed that it wasn't necessary to have a meeting in December. It was agreed to tentatively schedule a Special Session for Tuesday, January 21<sup>st</sup> at 2:00 pm, providing there is no business scheduled for the Planning Commission's regular meeting on Thursday, the 23<sup>rd</sup>; if there is business for the Thursday meeting, the agenda items for Tuesday would be discussed afterwards. In January, Commissioners would review the Storm Water Management information it received from Florence. Staff was asked to request that the City Engineer to attend that meeting, if necessary. Staff was also asked to obtain the Florence Plan and email it to Commissioners for their review prior to the January meeting.

City Administrator Hilden announced that the City received an application from Sheldon Meyer to fill the vacant City Council position. His application will be presented to the City Council for consideration at its December 12<sup>th</sup> meeting.

In response to a Commissioner's question, Mr. Hilden announced that the Conditional Use Permit application from Mr. Strongegger was denied by the City Council at its November meeting. He explained that there is a 21-day timeframe during which the denial can be appealed to LUBA, and it won't be until after the outcome of that appeal, if there is one, that the City will determine enforcement issues associated with the denial.

## 11. ADJOURNMENT

**Vice Chairman Gargis made a motion to adjourn the meeting. Commissioner Henderson seconded the motion. The motion passed by unanimous vote.**

Chairman Burke adjourned the meeting of the Planning Commission at 5:21 pm.

**APPROVED BY THE PLANNING COMMISSION ON THE 23<sup>rd</sup> OF JANUARY 2014.**

[Signed copy available at City Hall]

George Burke, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Administrative Assistant