



PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED
TUESDAY, FEBRUARY 11, 2014 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 Special Session of the Planning Commission was called to order by Chairman George Burke at 2:00 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.

Commissioner Darlene Beckman arrived at 2:13 pm.

Others Present: City Administrator Fred Hilden and Planning Secretary 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. APPROVAL OF THE CONSENT AGENDA

- A. Planning Commission Special Session Meeting Minutes of January 11, 2014
- B. Planning Commission Regular Session Meeting Minutes of January 23, 2014

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

6. ANNOUNCEMENTS / CORRESPONDENCE

City Administrator Hilden announced that on Friday, February 7th, he received an email from the City Attorney notifying Dunes City that the pending LUBA appeal over the City's denial of a Conditional Use Permit (CUP) had been withdrawn. The City's next steps would be de-

terminated in the near future. He went on to note that the Planning Commission would need to define the terms “water-related” and “water-dependent” when it resumes work on revisions to Chapter 155. Those two undefined terms, City Administrator Hilden explained, may have played a role in the plaintiff’s decision to appeal the City’s denial of his CUP.

City Administrator Hilden informed the Commissioners that retired Road Commissioner Ron Tucker passed away on Monday, February 10th. Mr. Tucker was very active on the Road Commission during his tenure and was well known to several members of the Planning Commission.

City Administrator Hilden also announced that the Master Road Plan (MRP) would not be discussed at a Public Hearing by the Planning Commission in February as planned. He explained that the City’s Charter requires notice of a proposed change to a comprehensive plan or land use regulations must be sent to DLCD forty-five (45) days prior to a preliminary hearing on the matter. The required DLCD notice about the MRP was sent on Monday, February 10th. Unless DLCD has issues with the notice, the preliminary MRP Public Hearing will be held at the Planning Commission’s March 27th meeting.

City Administrator Hilden made a few other announcements: Road Commissioner Richard Palmer has been nominated as the LCOG Outstanding Citizen for 2013 for his volunteer efforts in maintaining Dunes City’s roads; University of Oregon graduate student Ross Peizer has been selected as the City’s intern to work on the bike and pedestrian path needs assessment and development project; and, on February 25th the Dunes City Council will meet to review the minutes of meetings in which the Council discussed changes to the City’s Comprehensive Plan and will hold a budget review meeting on the same day.

7. CITIZEN INPUT – None

8. PUBLIC HEARING – None

9. UNFINISHED / OLD BUSINESS

A. Update Stormwater/Surface Water Management Rule (Chapter 141)

Chairman Burke summarized discussions of prior meetings about this item, noting that the Planning Commission has already revised the Erosion Control portion of Chapter 141 and now needed to work on the Stormwater Management section that would go with it in a single Chapter titled Surface Water Management. Commissioners would have to decide whether or not to include the Erosion Control and Stormwater Management standards in Chapter 155 as land use guidelines.

Referring to a copy of the Florence Title 9, Chapter 5, Stormwater Management document, Chairman Burke suggested that the Commissioners use it as a starting point to begin creating the Dunes City Stormwater Management guidelines, pulling out only the language that would be appropriate for Dunes City.

After lengthy discussions among the Commissioners it was agreed that the first draft of the Dunes City Stormwater Management Guidelines is as follows:

DUNES CITY STORMWATER MANAGEMENT

FINDINGS

- A. The City maintains a system of storm and surface water management facilities including, but not limited to, inlets, conduits, manholes, channels, ditches, drainage easements, retention and detention basins, infiltration facilities, and other components as well as natural waterways.*
- B. The stormwater system in the City needs regular maintenance and improvements.*
- C. Water quality is degraded due to erosion and the discharge of nutrients, metals, oil, grease, toxic materials, and other substances into and through the stormwater system.*
- D. The public health, safety, and welfare is adversely affected by poor ambient water quality and flooding that results from inadequate management of both the quality and quantity of stormwater.*
- E. All real property in the City either uses or benefits from the improvement and maintenance of the stormwater system.*
- F. The extent of use of the stormwater system by each property is dependant on factors that influence runoff, and is proportional to the total net area of the property.*

PUBLIC STORMWATER SYSTEM

- A. Storm drainage and management facilities may or may not be publicly owned and maintained.*
- B. The City may require that a stormwater facility that serves more than one property be a public facility provided the easement and maintenance requirements of this Code are satisfied.*
- C. Storm drainage and management facilities within a Planned Unit Development (PUD) may or may not have a publicly owned and maintained system. Generally, if the City owns and maintains the roads and there is free ingress and egress from the community (not gated), then the City may own and maintain the stormwater system provided the easement and maintenance requirements of this Code are satisfied. Ownership of the PUD stormwater system shall be established prior to the issuance of construction permits.*
- D. Natural streams and drainage ways may or may not be publicly owned and maintained.*

E. *The City may accept ownership of the major components of the existing stormwater system located outside of the current City boundary after the area is annexed into the City. In general, the stormwater system owned and maintained by Lane County (prior to annexation) will be accepted by the City. The City shall consider the following factors prior to acceptance of any facilities into the public drainage system:*

- 1. standards used in the design,*
- 2. the location of the system relative to the public right-of-way,*
- 3. functionality of the system,*
- 4. associated flooding problems,*
- 5. maintenance requirements,*
- 6. ability to access facilities, and*
- 7. any other factors pertinent to the decision.*

EXTENSION OF PUBLIC STORMWATER SYSTEM

A. *If necessary or required, the public stormwater system shall be extended up to and through to the most distant up gradient and down gradient parcel boundary(ies) to accommodate current and future flows entering or exiting the property. Consideration and accommodation shall be made for all existing drainage routes. Except as otherwise provided, the extension of the public stormwater system to serve any parcel or tract of land shall be done by and at the expense of the property owner(s) or applicant. The City may require that a stormwater system that serves more than one property be a public system.*

STORMWATER DESIGN STANDARDS

All storm water facilities will be designed to the specifications of the City Engineer.

DRAINAGE PLAN SUBMITTAL REQUIREMENTS

- A. *A Drainage Plan is required for all partitions, subdivisions, PUDs, and commercial development. A stormwater Drainage Plan is not required for single family residential development.*
- B. *A registered Professional Engineer licensed by the State of Oregon shall prepare, certify, and seal the Drainage Plan whenever a Professional Engineer is required in the Stormwater Manual or state law. Furthermore, prior to land disturbing activity, the developer for the land disturbing activity shall certify that the proposed activities will be accomplished pursuant to the approved plan.*
- C. *If a land use approval is required, the Drainage Plan shall be submitted and approved as part of the land use approval process. If no land use approval is required, the Drainage Plan shall be submitted as part of the application for a construction or facility permit.*

MAINTENANCE RESPONSIBILITY

The City will maintain and operate Public Stormwater Facilities.

PRIVATE FACILITIES

- A. *Private stormwater facilities must be maintained in accordance with the Operations and Maintenance Plan approved as described in the Stormwater Design Standards. The Operations and Maintenance Agreement will be recorded with the Lane County Deeds and Records Office with a copy provided to the City. The city may, at its option, inspect the facilities for compliance at time intervals not exceeding one year to be performed by the City Engineer at the owner's expense. A log of all maintenance activity shall be kept by the owner and made available to the City upon request. If a property owner fails to maintain their facilities, the City may issue a written notice specifying the required actions. If corrective actions are not completed in a timely manner, the City may pursue legal remedies to enforce the provisions of the Operations and Maintenance Plan. The City will only enter the property to perform the required corrections if the public's health and public property are in imminent danger. In this situation, reasonable attempts will be made to contact the property owner(s), but a written notice may not be required. The property owner(s) will be billed for City incurred expense.*
- B. *The Maintenance Agreement shall provide that upon notification by the City of any violation, deficiency or failure to comply with the agreement or this Code, corrections shall be completed within ten (10) days after notice thereof. Thereafter the City may pursue legal action to enforce the provisions of the agreement. In an emergency situation, the City may provide for all necessary work to place the facility in proper working conditions. The persons specified as responsible for maintenance in the Maintenance Agreement shall be charged the costs of the work performed by the City or its agents.*

CITY ACCEPTANCE OF NEW STORMWATER FACILITIES

- A. *The City may accept for maintenance new residential stormwater facilities constructed under approved permits when the following conditions are met:*
- 1. Improvements in the residential subdivisions or Planned Unit Developments have been completed to the satisfaction of the city,*
 - 2. All drainage and stormwater management facilities have been inspected and have been in satisfactory operation for at least one (1) year, and*
 - 3. Any stormwater system improvements made during the one-year maintenance period have been inspected and approved by the City.*

EASEMENTS

PUBLIC FACILITIES

All public facilities will be on land dedicated to the public.

PRIVATE FACILITIES

- A. *Private facilities must be placed in an easement or adjacent to, tract, or right-of-way that allows for the maintenance of these facilities in accordance with the Operations and Maintenance Agreement.*

- B. *The City may determine that certain privately owned facilities are critical components of the overall stormwater system. In these situations, the City shall be granted perpetual, non-exclusive access that allows for public inspection. The access shall be defined in accordance with the requirements for a public easement, tract, or right-of-way.*

INSPECTION

The City Engineer shall inspect the stormwater project as necessary and shall check materials, equipment, and the construction of the project to determine whether the work is proceeding in accordance with the approved plans and the requirements of this Code. The purpose of these inspections is to monitor compliance with City construction standards and the inspections are for the benefit of the City.

PENALTIES

- A. *All violations and penalties will be administered under Chapter 36-Code Enforcement, Dunes City Code.*

SEVERABILITY

- A. *If any section, subsection, sentence, clause, phrase, or portion of this title is judicially declared to be invalid, unenforceable, and/or void by a court of competent jurisdiction, such decision will not have the effect of invalidating or voiding the remainder of this title, and the part (s) of this title so held to be invalid, unenforceable, and/or void will be deemed stricken, and the remainder of this title will have the same force and effect as if such stricken part(s) had never been included.*

10. NEW BUSINESS

- A. Review Stormwater Sections of CCRs for Summerbell, Sunset Cove and Woahink Ridge Estates

Due to the lateness of the hour, Chairman Burke suggested that the Commissioners review the CCRs in another meeting. Commissioners agreed and scheduled the next Special Session for Monday, February 17th at 2:00 pm.

11. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA – None

12. ADJOURNMENT

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

Chairman Burke adjourned the Special Session of the Planning Commission at 4:47 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 10th OF MARCH 2014

[Signed copy available at City Hall]

George Burke, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Planning Secretary