



PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED
TUESDAY, JUNE 17, 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 June 17th Planning Commission Special Session was called to order by Chairman George Burke at 2:13 pm.

2. ROLL CALL

Roll Call was taken by City Administrator/Recorder Fred Hilden.

Present: Chairman George Burke, Commissioner Ken Henderson, and Commissioner Norman Martin.

Vice Chairman Paul Gargis arrived at about 2:39.

Absent/Excused: Commissioner Darlene Beckman.

Others Present: 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 Regular Session Meeting Minutes of March 27, 2014

Commissioner Henderson made a motion to approve the March 27, 2014 meeting minutes as submitted. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

B. Planning Commission Special Session Meeting Minutes of May 27, 2014

Commissioner Henderson made a motion to approve the May 27, 2014 meeting minutes as submitted. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS /CORRESPONDENCE

City Administrator/Recorder Hilden announced that he has been in contact with the City Engineer and the contractor working on the Puzzle Forest project. Work on the subdivision has been ongoing and the pre-paving portion will be inspected by the City Engineer prior to paving, which is expected to be done the week of July 2. Final plat approval request is expected sometime after that; the Planning Commission should see that approval request on the Agenda for the July 24th meeting.

City Administrator/Recorder Hilden also announced that the City's 2014-2015 Budget was adopted at the June 12th City Council meeting. He noted that the City could expect some cash impact to the General Fund as a result of underestimating the cost of the legal review of Chapter 155 by the City Attorney; however, the Council adopted a Resolution to transfer contingency funds to cover that expense. In addition to that fund transfer, the Council also adopted a Resolution to transfer contingency funds to Material and Services to cover expenses related to building permits that have been issued this year for new homes.

There was some discussion about the City's fee structure and whether or not it was sufficient to cover expenses related to permits. City Administrator/Recorder Hilden explained that the fees were adequate; the need to transfer funds was due to the fact that the 2013-2014 Budget did not include an appropriation large enough to cover the unexpected increase in new building permits. State law mandates that the City cannot spend more on permits than allocated and if it does, then additional funds must be transferred via City Administrative Action. The City currently pays a flat rate of 75% of the permit fee to the Building Department LLC to administer the permits—inspections, approvals, etc. All other fees collected by the City are cost-based and charged back to the responsible party.

City Administrator/Recorder Hilden went on to announce that the City Council has selected Planning Commission Chairman George Burke as the Dunes City 2014 Volunteer of the Year. Formal announcement and a presentation will be made during the July or August City Council meeting.

City Administrator/Recorder Hilden also announced that during the June 12th City Council meeting a motion was made, seconded and unanimously approved, instructing the Planning Commission to appoint a Citizen Advisory Committee to review Ordinance No. 203 and, if necessary, to craft new language which the CAC would present to the Planning Commission. The Planning Commission would then consider recommendations made by the CAC and draft its recommendation for the City Council. Staff was instructed to review the exact motion and have a transcript available for the Planning Commission's next meeting so that if the instructions are not clear the Planning Commission can ask the Council for clarification.

7. CITIZEN INPUT – None

8. UNFINISHED/OLD BUSINESS

A. Continue Review of Attorney’s Edits/Comments on Chapter 155

Chairman Burke directed the Commissioners’ attention to their copies of notes received from City Attorney Emily Jerome that added some additional recommendations for changes to Chapter 155 and clarified some that were discussed during Executive Session on May 27th. Chairman Burke suggested that Commissioners go through the newest notes from the City Attorney and incorporate her changes/comments into the working version of Chapter 155. The following changes were agreed upon:

Page 5 – Section 155.1.2.5 Pre-Existing Approvals, Paragraph A, line 7, change “...such approvals are permitted by...” to “...such approvals may be allowed under...”

Page 28 – Insert “Division 155.2” above Section 155.2.0’s number and title. City Attorney notes, “Format like other Division lead-ins.”

Staff was instructed to standardize and apply all City Attorney notes such as the one above throughout Chapter 155.

Page 25 – Section 155.2.1.140 All Uses, change “See appendix Section 155.6...” to “See appendix Division 155.6...”

Staff was instructed to apply City Attorney’s recommendations for using “shall” and “will” throughout Chapter 155.

Page 107 – Table 155.4.1.2 Summary by Type of Decision-making Procedure, “Partition Final Plat” and “Subdivision Final Plat” are both changed from Type I procedures to Type II procedures.

Page 110 – Paragraph D Applications, subparagraph, 1(a)(4) should be rewritten as, “*Except for Type IV application categories, a record owner of property (person(s) whose name is on the most recently recorded deed) or contract purchaser with written permission from the record owner. Such persons are encouraged to appear before the Planning Commission or City Council to request initiation of Type IV applications.*”

Page 115 – Paragraph B Application Requirements, subparagraph 1, change “...by the Planning Official or Road Secretary as appropriate;” to “by the Planning Official;”

Page 115 – Paragraph B, Sub paragraph 2(d), Planning Commission is instructed to add the appropriate code references (155.3.4.1 Transportation and code for Wetlands and Riparian Areas). Staff was instructed to insert the appropriate code reference.

Page 115 – Paragraph C(1)(b), “100 feet” should be changed to “300 feet” and staff was instructed to make that change throughout Chapter 155.

Page 115 – Paragraph C(1)(d) should be deleted entirely

Page 141 – Paragraph B at the top of the page, “Type I” should be changed to “Type II” and staff was instructed to double check the Section/Division reference numbers.

Page 144 – Paragraph 4(a), “Section” should be changed to “Division”

Page 145 – Section 155.4.3.140 Approval Criteria, last line of paragraph A(1) “Section” should be changed to “Division”

Page 145 – Paragraph B, “Section” should be changed to “Division”

Page 145 – Paragraph C, “...requirements of Sections 155.2, 155.3.1 and 155.3.2.” should be changed to read, “...requirements of Division 155.2 and Sections 155.3.1 and 155.3.2.”

Page 145 – Paragraph D(1), “Section 155.2” should be changed to “Division 155.2”

Page 147 – Paragraph J, in “The criteria for approval...” change “Section 155.2” and “Section 155.3” to “Division 155.2” and “Division 155.3” respectively.

Page 151 – Section 155.4.4.1 Purpose, line 2, change “Section 155.2” to “Division 155.2”

Page 154 – Paragraph B, change “Section 155.2” to “Division 155.2”

Page 180 – Section 155.4.9.5.140, paragraph A(1), change “Section 155.2” and “Section 155.5” to “Division 155.2” and “Division 155.5”

Page 186 – Before “155.5 – Exceptions to Code Standards, insert the lead-in “Division 155.5” according to standard new format.

Page 186 – In 155.5.0 Introduction, line 4, change “Subsection 155.5” to “Division 155.5”

Page 193 – Insert “Division 155.6” at top of page and delete “155.6” appearing prior to “Appendix”

Staff was instructed to validate Divisions 155.5 and 155.6 to make sure that where noted in the City Attorney’s comments, text to be added by staff or Commissioners has, in fact, been added (as on page 200 where there is a note “to be added by George.”

There was some discussion about the next steps to take for reviewing the City Attorney’s edits and comments. It was agreed that staff would make the “shall” and “will” changes

as well as any minor edits invisible so that the document presented to City Council doesn't look any more confusing than it does now with all of the insertions and deletions showing in the Track Changes process.

Further, it was the consensus among Commissioners to accept the City Attorney's recommendations for using "shall" and "will" throughout Chapter 155, as she presented them at the May 27th Executive Session. Staff was again instructed to go through the master document and make those "shall," "will" and "may" changes throughout, using her guidelines.

It was also agreed that Commissioners would review the City Attorney's recommendations comment by comment and page by page to make sure that the Commissioners agree with the recommendations and understand the changes. Chairman Burke noted that he was pleased with the City Attorney's recommendations, and her thorough legal review and revisions to bring the City Code into line with State law. Commissioners agreed with Chairman Burke.

Chairman Burke called for a break at 3:37, and reconvened the meeting at 3:46.

Chairman Burke clarified the process for reviewing the City Attorney's comments and recommendations as listed in Chapter 155. Commissioners are to look at each comment and determine whether or not to accept the listed recommendation and whether or not an instruction has been, or will be, satisfied. The Commissioners agreed as follows:

Page 3: Comment 2: Staff will incorporate instructions for numbering system.
 Comments 3 and 4 have been satisfied.
 Comment 5: Staff will create a short statement about what Division 155.6 provides.

Page 4: Comment 6: Staff will make "shall/will/may" changes throughout following City Attorney's guidelines.

Page 5: Comment 7: Commissioners will review Section 155.4.6 and attorney's notes there re site review.
 Comment 8: Requires no action.

Page 6: Comment 9: Requires no action.
 Comment 10: Re definitions, Commissioners will address definitions after completing review of Chapter 155.

Page 9: Comment 11: No action is required, attorney's deletion is accepted.

Page 17: Definition for Planning Official is agreed to be, "The Planning Official is the City Recorder or the City Recorder's designee." Commissioners will revisit during review of definitions.

- Page 18: Comment 12: Commissioners agreed to delete existing definition of Planned Unit Development and create a correct definition during review of definitions.
- Comment 13: Commissioners agreed to change the definition for Planning Commission to, "The Dunes City Planning Commission as defined in Chapter 32 of the Dunes City code."
- Page 20: Comment 14: Commissioners agreed to change the definition for Road Commission to, "The Dunes City Road Commission as defined in Chapter 32 of the Dunes City code."
- Page 25: Comment 15: It was agreed that City Administrator/Recorder Hilden would review Chapter 36 to make sure that all of the appropriate enforcement requirements are included in it. If so, then the existing text in Section 155.1.4 Enforcement will be entirely deleted and will read, "See Chapter 36."
- Pages 26 & 27: Comments 16 through 19, will be reviewed as noted above by City Administrator/Recorder Hilden.
- Page 28: Staff will correct format relating to use of "Division" (Division 155.2).
- Page 29: Comment 20: Commissioners agreed to accept attorney's deletion of reference to UGM.
Comment 21: Refers to 155.2.0.130 Determination of Zone Boundaries, which has been revised by the City Attorney. Revisions are acceptable.
Comment 22: Attorney requests clarification of "Where a zone boundary divides an ownership of property, the boundary shall be determined by survey." Staff was instructed to ask attorney what is not clear and try to provide clarification.
Comment 23: Section 155.2.0.130.1 re lot line adjustments. Commissioners will revisit during review of 155.4.3.210 on page 150 and determine whether or not to ask attorney to provide new language.
- Page 30: Comment 24: No action was taken.
Comment 25: Re Home Occupations resulted in discussion about what would be construed as a home occupation. Further discussion was deferred until Commissioners review page 174 Section 155.4.9.2 Home Occupation Permit.
- Page 31: Comment 26: Commissioners agreed wo accept attorney's suggestion to delete reference to PUDs.
Comment 27: No action was taken.

Page 32: Comment 28: Commissioners agreed to accept attorney’s added text re Temporary Seasonal and Special Events.
Comment 29: There was some discussion about whether or not the language in General Requirements could be considered discretionary rather than clear and objective. After discussion, Chairman Burke offered to re-search the “depth” requirement and provide better language.
Following further discussion about the need for some discretionary decisions versus clear and objective in Dunes City, City Administrator/Recorder Hilden offered to talk with the City Attorney to try to clarify appropriate language.
Comment 30: There was no discussion.
Comment 31: Was a reminder for staff to revert “will” to “shall.”

Page 33: Commissioners agreed that items D, E and F are OK as edited.

9. NEW BUSINESS – None

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

Commissioners discussed business to be addressed during the Planning Commission’s regular meeting on June 26th. It was agreed that staff would have the City Council’s instructions about appointing a CAC to review Ordinance No. 203 transcribed and provided to Commissioners at the meeting.

Commissioners agreed to schedule a Special Session to continue review of Chapter 155 on Tuesday, July 8th at 2:00 pm.

11. ADJOURNMENT

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

Chairman Burke adjourned the Planning Commission Special Session 4:59 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 8th DAY OF JULY 2014.

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

ATTEST:

[Signed copy available at City Hall]
Rapunzel Oberholtzer, Planning Secretary