



**PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED**  
**TUESDAY, JULY 8, 2014 AT 1:30 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 8<sup>th</sup> Planning Commission Special Session was called to order by Chairman George Burke at 1:43 pm.

**2. ROLL CALL**

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

**Present:** Chairman George Burke, Vice Chairman Paul Gargis, Commissioner Norman Martin, and Commissioner Ken Henderson. (As of June 28 there is one vacancy.)

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

**5. APPROVAL OF THE CONSENT AGENDA**

Chairman Burke requested that Commissioners consider each set of minutes individually.

**A. Planning Commission Special Session Meeting Minutes of June 17, 2014**

**Commissioner Henderson made a motion to approve the June 17, 2014 Special Session minutes as submitted. Vice Chairman Gargis seconded the motion. The motion passed by unanimous vote.**

**B. Planning Commission Regular Session Meeting Minutes of June 26, 2014**

**Vice Chairman Gargis made a motion to approve the June 26, 2014 meeting minutes as submitted. Commissioner Henderson seconded the motion. The motion passed by unanimous vote.**

## 6. ANNOUNCEMENTS /CORRESPONDENCE

City Administrator/Recorder Hilden announced that Planning Commissioner Darlene Beckman passed away on June 28<sup>th</sup> in Florence. Her memorial service will be held at Dunes City Hall on Saturday, July 12<sup>th</sup>, beginning at 1:00 pm. Darlene served on the Planning Commission for a number of years and also served on the Budget Committee and the Communication and Education Committee. She will be missed.

City Administrator/Recorder Hilden also announced that City Staff will prepare a press release to announce the vacancy on the Planning Commission. It will appear in the *Siuslaw News* and will include instructions for applying to the position.

Commissioners and staff discussed Darlene's long time volunteerism and commitment to Dunes City and the possibility of having a tribute to her published in the *Siuslaw News*. City Administrator/Recorder Hilden offered to talk to Darlene's husband about the idea and work with the publisher or staff writer to put an article together to honor her service.

## 7. UNFINISHED/OLD BUSINESS

### A. Final Review of Chapter 151 (Building Regulations) per Building Department LLC

Chairman Burke directed the Commissioners' attention to their copies of the latest redline version of Chapter 151 and their copies of comments and suggestions provided by Charlie Kaylor of the Building Department LLC after her review of the Chapter. Chairman Burke explained that the Chapter 151 revisions need to be presented to the City Council and there was no need to wait to present Chapter 155 at the same time.

City Administrator/Recorder Hilden read each of Ms. Kaylor's comments and Commissioners discussed them. Commissioners agreed to the following changes to Chapter 151:

Page 3:

Section 151.002: Rather than referring to "Specialty Codes" throughout Chapter 151, the reference will be to "Oregon Specialty Codes" as suggested by Ms. Kaylor.

Section 151.002 (A) will be changed to read, "Dunes City contracts with a qualified Oregon Corporation to process the permitting, inspection and enforcement of the rules of the Oregon Specialty Codes, all codes as adopted and amended by the State of Oregon."

Page 5:

Section 151.003: Ms. Kaylor recommended deleting all of the definitions because they are already defined in the adopted codes; this would eliminate the need to revise the definitions when codes change. After some discussion, Commissioners agreed to the recommendation and adding, "(See Oregon Specialty Codes for definitions.)" after the Section title. City Administrator/Recorder Hilden pointed out that the Oregon Specialty Codes are also available to City Staff online, if needed. He also explained that all build-

ing codes are entirely regulated by State Specialty Codes whereas Dunes City code related to development or land use may be uniquely defined by the City if not regulated by the State as long as definitions are clear, objective and defensible—our one-acre minimum lot size, for example.

Page 9:

Sections 151.020 (Permit Required) and 151.021 (Permit Exemptions): Ms. Kaylor's recommendation was to delete the sections because they are adopted in statewide codes. City Administrator/Recorder Hilden suggested that this recommendation should be submitted to the City Attorney for advice, but noted that Chapter 151 is outdated as written and would be current if Oregon Specialty Codes were the standard—for example a projected roof area which is currently stated "not to exceed 120 square feet" in Chapter 151 should be stated "not to exceed 200 square feet." There was some discussion about leaving the Sections in place and the subsequent need for updating Dunes City Code later to match updates adopted by the Oregon Specialty Codes. It was also noted that by leaving the permit requirements in place, Dunes City has a documented paper trail of all permits and their status, which would not be the case if residents had to go to County offices in Eugene to get permits. There was some discussion about the fact that City Staff might not always have the training or knowledge to answer citizens' questions about County and/or State Code and would have to refer citizens to the Building Department LLC or elsewhere anyway. Chairman Burke suggested deleting these sections. There was no immediate consensus for action.

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Sections 151.040 through 151.054: Ms. Kaylor's recommendation was to delete these entirely and reference State Code. City Administrator/Recorder Hilden noted that the original redline included referring these sections to the City Engineer, but suggested that the Planning Commission follow Ms. Kaylor's recommendation to delete the content, but keep the heading and refer to State Building Code. Chairman Burke agreed.

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City Administrator/Recorder Hilden pointed out that Ms. Kaylor's review of Chapter 151 did not include comments on the Sections 151.070 through 151.079 (Administration and Enforcement), noting that enforcement issues fall under the authority of the Building Official, which in this case is the Building Department LLC. He suggested that he contact Ms. Kaylor to make sure that the omission of comments was not an oversight and that she was satisfied with those sections as written.

Page 44:

Section 151.080 (Unsafe Building Structures and Building Service Equipment): Ms. Kaylor recommended deletion of the section entirely as its guidelines are addressed in Section 151.002. City Administrator/Recorder Hilden suggested following Ms. Kaylor's recommendation.

Page 45:

Section 151.081 (Board of Appeals): Ms. Kaylor commented that the City adopted the 1997 Uniform Code for the Abatement of Dangerous Buildings (UCADB), which conflicts with this section. During a short discussion, there was a question about the appeal process.

Commissioner Henderson and City Administrator/Recorder Hilden suggested placing a conference call to Ms. Kaylor to talk through their questions about 151.070 through 151.081. Commissioners agreed.

City Administrator/Recorder Hilden placed a conference call to Ms. Kaylor at the Building Department LLC office, explaining to her that the call was being made during a Planning Commission Special Session and introducing the Commissioners present.

City Administrator/Recorder Hilden went on to point out that Ms. Kaylor had not provided comments or recommendations for Sections 151.070 through 151.079. Ms. Kaylor noted that the reason she did not make recommendations for those sections is because those are not covered elsewhere in State Building Code, and should, therefore, be left in place so that the points are covered by City Code.

Discussing Section 151.080, Ms. Kaylor confirmed her recommendation to delete and reference the 1997 Uniform Code for the Abatement of Dangerous Buildings (UCADB).

Discussing Section 151.081, Ms. Kaylor pointed out that objections to any ruling by the Building Inspector/Official are generally referred to the Building Codes Commission which makes a decision that all parties abide by. She went on to note that probably the only time there would be a City appeal process would be in a Dangerous Building Code adoption. There was further discussion, in which Ms. Kaylor clarified that the State does not enforce dangerous building code, but uses Oregon Specialty Codes that may not be the same as a city's Specialty Code. She went on to note that cities could provide that owners of dangerous buildings fix them, demolish them or secure them, but most cities do not have the power to enforce an ordinance governing those and do not want the expense that may be associated. She suggested that they could be covered under a city nuisance code or maintenance code but was not sure either would be codes that Dunes City would want. Ms. Kaylor went on to explain that buildings are regulated by Building Code (for building a building) and Fire Code (for maintaining a building or declaring a fire hazard).

Summarizing the conversation, City Administrator/Recorder Hilden clarified that Ms. Kaylor's recommendation for 151.080 and 151.081 would be to refer to the City Attorney for legal review. Commissioner Henderson asked whether the County had any jurisdiction over any of these issues; Ms. Kaylor replied that it does not.

Following the conference call, it was agreed that City Administrator/Recorder Hilden would refer to the City Attorney for advice on Sections 151.080 and 151.081. Staff

agreed to make the other changes to Chapter 151 as agreed upon by Commissioners during the meeting.

Staff distributed copies of a fee schedule provided by Ms. Kaylor. City Administrator/Recorder Hilden suggested that staff thoroughly review the fee schedule in the Chapter 151 Appendix versus the fee schedule from Ms. Kaylor. He further suggested that staff prepare a clear comparison of current fees versus proposed fees to incorporate into the Planning Commission's recommendations to City Council. He went on to explain that one of the reasons for pushing forward with Chapter 151 is that City Fees are required by law to be adopted by City Council and current fees were not.

Chairman Burke and City Administrator/Recorder clarified that new fees could only be added by Ordinance, but changes to existing fees could be made by a Resolution. Part of staff's review process is to validate whether or not any new fees are proposed for Chapter 151. Chairman Burke went on to explain that the City's contract with the Building Department LLC is renewed annually so if their fees increased, the City would adopt a Resolution to increase the fees when renewing the contract.

It was the consensus of all Commissioners that staff would: make the edits to Chapter 151 as discussed, examine the old fee schedule and the one presented by the Building Department LLC, prepare a new schedule of fees for the Appendix, and draft an Ordinance to adopt the new Chapter 151 for final review by the Planning Commission prior to presentation to the City Council.

Chairman Burke directed the Commissioners' attention back to page nine of Chapter 151, Sections 151.020 and 151.021. There was further discussion about whether to follow Ms. Kaylor's recommendation to delete the sections. City Administrator/Recorder Hilden agreed to discuss with the City Attorney whether or not those should be deleted.

#### B. Continue Review of Attorney's Edits/Comments on Chapter 155

Chairman Burke directed the Commissioners' attention to Chapter 155, page 33 where they ended their previous review of the City Attorney's comments, and reminded them that they were in the process of reviewing the comments one by one.

Page 33:       Comment 32: Re clear and objective requirement, Commissioners agreed that no action was required because they are doing that with their review.  
                  Comment 33: Re non-delineated wetland buffer zone, Commissioners agreed to leave the buffer zone at 50 feet as suggested by the City Attorney.

Page 34:       Comment 34: Re City Attorney's question about foundation intrusion into setbacks on non-conforming lots, after discussion Commissioners agreed to rewrite as, "For non-conforming lots, foundations may intrude into side yard setbacks no more than two feet and lot coverage may not exceed 40%." The change allows for more buildable area on small lots.

Comment 35: No action was required.  
Comment 36: Shall/will changes will be made by staff.

Page: 35: Comment 37: No action was required.  
Comment 38: Re clarification of “This section...” it was agreed to change reference to read, “Sections 155.2.1.210 through 155.2.1.250 supplement the standards...”  
During discussion of Section 155.2.1.210, Commissioners agreed to change Paragraph D “similar to” to “the same as”  
Comment 39: No action was taken, no comments made.  
Comment 40: No action was required.  
Comment 41: Shall/will changes will be made by staff.  
Comment 42: No action was taken, no comments made.

Page 36: Comment 43: Re City Attorney’s questions about Development Review/Type I process (151.2.1.240 Residential Care Homes and Facilities), Commissioners agreed to change paragraph C “Development Review” and “Development review” to “Plan Review” and “Plan review” respectively, and add this closing sentence, “The Planning Commission will do this review as a Type I procedure.”  
Following discussion of paragraph B (Parking), it was agreed to change “typical number of visitors” to “one for every two residents”  
Comment 44: No action was required.

Page 37: Comment 45: Commissioners agreed to delete “developed” from paragraph A(3).  
Comment 46: There was a lengthy discussion about various types of signage in general, after which it was agreed to entirely delete paragraph B(5). Staff was instructed to find a description of monument-type signs.  
Commissioners agreed to include monument signs as part of paragraph B with the following: Monument signs will be approved at or before the plat approval using a Type II Procedure as defined in Section 155.4.1.2.  
Comment 47: No action was required.  
Comment 48: Relating to the deletion of Section 155.2.1.260 by the City Attorney, Commissioners agreed to the deletion.

Review of Chapter 155 ended with the completion of page 37’s review.

**8. NEW BUSINESS – None**

**9. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA**

Commissioners agreed to schedule a Special Session to continue review of Chapter 155 on Tuesday, July 29<sup>th</sup> at 2:00 pm.

Chairman Burke suggested that Commissioners look at their August calendars and schedule the next Special Sessions to continue review of Chapter 155. Commissioners agreed to tentatively schedule Special Sessions for August 12<sup>th</sup> at 1:00 pm and August 26<sup>th</sup> at 2:00 pm.

#### **10. 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 4:39 pm.

**APPROVED BY THE PLANNING COMMISSION ON THE 24<sup>th</sup> 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