



PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED
TUESDAY, JULY 29, 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 July 29th Planning Commission Special Session was called to order by Chairman George Burke at 2:17 pm.

2. ROLL CALL

Roll Call was taken by Planning Secretary Rapunzel Oberholtzer.

Present: Chairman George Burke, Vice Chairman Paul Gargis, Commissioner Norman Martin, and Commissioner Ken Henderson. (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 – None

6. ANNOUNCEMENTS /CORRESPONDENCE

Planning Secretary Rapunzel announced that the City has not yet received applications for the Planning Commission vacancy. She noted that the CAC appointed by the Planning Commission on July 24th has not yet scheduled a meeting.

7. UNFINISHED/OLD BUSINESS

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

Chairman Burke directed the Commissioners' attention to Chapter 155, page 39, where they ended their previous review of the City Attorney's comments.

Page 39: Comment 50: Re Travel Trailer/Recreational Vehicle parks, Commissioners agreed no action was required.
Comment 51: Re post offices, no action was required.
Comment 52: Re Motels, no action was taken.
Comment 53: Re deletion of “Alleys” Commissioners agreed with the attorney’s suggestion to delete the line item.
Comment 54: Re Marinas, etc. After discussion of City Code and State regulations about shorelands, Commissioners agreed that no changes were necessary; Dunes City Code and State guidelines would prohibit a private property owner from developing the shoreland.
Comment 55: No action was necessary.
Comment 56. Re Line D, no action was necessary, but a typo was found where “Temoryary” should read, “Temporary.”

Page 40: Comment 57: See also Comment 58.
Comment 58: There was discussion about the attorney’s note concerning inconsistencies in variance provisions, where “All uses not listed under Sections 155.2.2.110 and 155.2.2.11 are not permitted” was changed to, “...require a variance.” Commissioners requested that the City Administrator/Recorder clarify with the City Attorney that “...require a variance” was the intent of the City. Follow up notes for City Staff’s action were made.
Comment 59: No action was required.
Comment 60: Following discussion of the attorney’s substantive requirements comment, Commissioners agreed that 155.2.2.121(A) would be changed to read, “The size, width, shape, and orientation of building sites shall comply with lot requirements where the depth and width of properties shall be adequate to provide for the off-street service and parking facilities...”
Comment 61: Shall/will changes will be made by staff.
Comment 62: No action required. Attorney’s question was addressed in changes made with Comment 60.
Comment 63: No action required. Attorney’s question was addressed in changes made with Comment 60.
Comment 64: No action required. Attorney’s question was addressed in changes made with Comment 60.
Comment 65: Staff will correct lettering/formatting.

Page: 41: Comment 66: Commissioners agreed that Paragraph 1 of 155.2.2.122 did not apply to commercial property and could be entirely deleted. Commercial property owners could apply for a variance if their building plans required exemptions from setbacks, etc.
Comment 67: Commissioners agreed to accept the attorney’s change to a 50-foot requirement for non-delineated wetland.

- Page 42: Comment 68: Re City Attorney’s question about intent of changes, Commissioners agreed that the changes did address City’s intent.
Comment 69: There was some discussion about what aspect of signage would be considered “unconstitutional” and Commissioners agreed to request that City Staff clarify those references with the attorney.
- Page 43: Comment 71: No action was required.
Comment 72: There was some discussion about whether deletions were made by staff in original redline or by attorney. Staff was asked to look at original redline and compare deletions.
Comment 73: No action was required.
Comment 74: No action was required.
Comment 75: Commissioners agreed to accept the attorney’s changes as made.
Comment 76: Commissioners agreed to accept the attorney’s changes as made.
Comment 77: Commissioners agreed to keep, “The City shall, by resolution, set a fee for obtaining the permit.” in Paragraph 3, noting that the City does have a fee schedule approved by Council resolution.
Comment 78: Commissioners agreed to accept City Attorney’s changes.
- Page 44: Comment 79: No action was required.
Comment 80: Commissioners noted that “Section” and “This section” were previously reworked. Staff agreed to check previous edits and to follow the standards already set.
Comment 81: Commissioners agreed to the attorney’s suggested changes.
- Page 46: Comment 82: Commissioners agreed that no action was necessary.
Comment 83: Staff agreed to check previous edits and to follow the standards already set for “Section” and “This section.”
- Page 52: Comment 84: Staff agreed to check previous edits and to follow the standards already set for “sub-section.”
- Page 53: Comment 85: Commissioners agreed that no action was necessary, deletions regarding Booth Island were OK.
- Page 55: Comment 86: Commissioners agreed that no action was necessary.
- Page 56: Comment 87: Re “this section” staff agreed to check previous edits and to follow the standards already set.
Comment 88: Re City Attorney’s comments about site reviews on excessive slopes in the Fragile Lands Overlay Zones, Commissioners agreed to change B(1) to read, “Development on slopes 12% to 16% shall be subject

to site review and approval by the City Engineer and the Planning Commission.”

Comment 89: Staff was asked to check previous edits and to follow the standards already set for “This section.”

Page 57: Comment 90: No action was required.

Page 58: Comment 91: Staff was asked to follow the standards already set for “this section.”

Page 59: Comment 92: Re City Attorney’s comments on Additional Standards for Review, Commissioners agreed with the attorney’s change.

Page 60: Comment 93: There was some discussion about Booth Island and development on the island with Commissioners agreeing that no action was necessary.

Page 61: Comment 94: No action was required.
Comment 95: Commissioners noted that the City Attorney may have changed a Section title. Staff agreed to make sure that the Tables of Content titles match throughout the final document.
Comment 96: No action was required.

Page 62: Comment 97: Staff was asked to look at the reference to “...in section (5) of this rule...” and clarify it.

Page 63: Comment 98: Staff was asked to follow the standards already set for “this section.”

Page 64: Comment 99: Staff was asked to follow the standards already set for “Section.”

Chairman Burke called for a break at 3:25 pm and reconvened the meeting at 3:38 pm to resume review of Chapter 155 on page 66.

Page 66: Comment 100: Chairman Burke pointed out the City Attorney’s comment that she had not thoroughly reviewed Division 155.3 and had addressed only random issues throughout.

Page 67: Comment 101: Re “provisions of this Section...” and
Comment 102: Re “intent of the Section” Chairman Burke noted that staff may need to contact the City Attorney to clarify exactly how the references to “Section” should be written.

Page 68: Comments 103 and 104: Same as above.

- Page 69: Comment 105 & 106: After discussion about the City Attorney’s comments and her recommendation to clarify what triggers a traffic study, Commissioners agreed to change Paragraph D from, “The City or other road authority with jurisdiction may require...” to, “The City, *after review by the City Engineer* or other road authority with jurisdiction, may require...”
 Comment 107: Commissioners agreed that the addition of the text re City Engineer (as written above) should clarify City Attorney’s question about clarity on Item 6.
 Comment 108: Commissioners agreed that the addition of the text re City Engineer (as written above) should clarify City Attorney’s question about clarity on Item 7.
 Comment 109: To comply with the City Attorney’s suggestion, Commissioners agreed to delete “...in accordance with the requirements of the City,...” from the paragraph before Item E.
- Page 73: Comment 110: Commissioners agreed to delete “See Sections 155.”
- Page 74: Comment 111: Staff was asked to follow the standards already set for “this Section.”
 Comment 112: Commissioners agreed to delete the short paragraph text of Section 155.3.3.1 entirely, keep the Section number and change the title to “Reserved.”
- Pages 76 through 91: All of the City Attorney’s comments are related to use of “Section” and staff was asked to make the necessary corrections.
- Page 92: Comment 122: No action was required by Commissioners. City Attorney made the necessary correction to text.
- Page 94: Comment 123: Staff was asked to follow the standards already set for “this Section.”
- Page 104: Comment 124: Commissioners agreed with the corrections made by the attorney.
 Comment 125: No action was required.
- Page 105: Planning Secretary Rapunzel pointed out two changes that were recommended by the City Attorney during her May 27th meeting with the Planning Commissioners:
1. In Paragraph A, delete “The applicant may appeal a denial of a Type I decision to the Planning Commission.”
 2. In new Paragraph E at the bottom of the page, delete the entire paragraph. Commissioners agreed.

Comments 126 through 133: Commissioners agreed with all of the recommendations and changes made by the attorney.

Page 107: Comments 134 through 146: Commissioners agreed to change “Partition: Final Plat” from a Type I to a Type II procedure and change “Subdivision: Final Plat” from a Type I to a Type II procedure. There were no other changes.

Page 108: Comment 147: Commissioners agreed with the changes made by the attorney.

Comment 148: Commissioners agreed with the deletion made by the attorney.

Page 110: Comment 149: Commissioners agreed with changes made during May meeting with the City Attorney: D(1)(a)(4) “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 the City Council to request initiation of Type IV applications.”

Comment 150: No action was required.

Page 111: Comment 151: Commissioners agreed with changes made by attorney.

Comment 152: Commissioners agreed with changes made by attorney.

Page 112: Comment 153: No action was required.

Comment 154: No action was required.

Commissioners agreed to the attorney’s suggestion to delete, “Planning Official’s Duties:” and use, “The Planning Official will:”

Page 113: Comment 155: Commissioners agreed with changes made by attorney.

Comment 156: No action was required.

Page 114: Comment 157: Commissioners agreed with changes made by attorney.

Comment 158: Commissioners agreed with changes made by attorney.

Comment 159: Commissioners agreed with the attorney’s May 27th suggestion to delete all of Paragraph C except for the first sentence.

Comment 160: No action was required.

Page 115: Comments 161 through 166: No action was required because the attorney has made the necessary changes. It was noted that the following changes were agreed to during May and June Planning Commission meetings:

1. B(1) should be changed to read, “Application Forms. Type II applications will be made on forms provided by the Planning Official:
2. B(2)(d) Staff will insert specific Code references for Transportation and Wetland and Riparian Areas.

3. C(1)(b) Change “100 feet” to “300 feet”
4. C(1)(d) Is to be deleted entirely.

Pages 116 through 119: All changes made by the City Attorney are mandated by State law and cannot be changed. However, it was noted that on page 118, in Item 3(a)(1)(b) “one hundred (100) feet” should be changed to “three hundred (300) feet”

Page 120: Comment 171: No action was required, however Staff noted that the attorney recommends that Staff insert the specific Code references. Staff will do so.

Comment 172: No action was required.

Comment 173: No action was required.

Page 121: Comment 174: Commissioners agreed to leave distance at 300 feet.

Comment 175: Commissioners agreed with changes made by attorney to meet State law.

Page 122: Comment 176: Commissioners agreed with changes made by attorney to meet State law.

Page 123: Comment 177: Commissioners agreed with changes made by attorney.

Page 126: Comment 178: Commissioners agreed with changes made by attorney. Staff was directed to ask the City Administrator/Recorder if Type IV application forms are available at City Hall.

Page 127: Comment 179: No action was required.

Page 130: Comment 180: No action was taken.

Comment 181: Commissioners agreed with changes made by attorney.

Page 131: Comment 182: Staff was asked to apply the standards for “this Section.”

Comment 183: Commissioners agreed with changes made by attorney.

Page 132: Comment 184: Commissioners agreed with changes made by attorney.

Comment 185: Commissioners agreed with changes made by attorney.

Page 133: Comment 186: Commissioners agreed with changes made by attorney.

Comment 187: Commissioners agreed with changes made by attorney.

Pages 134 through 138: Commissioners agreed with changes made by attorney.

Page 139: Comment 190: No action was required.

Comment 191: Commissioners agreed with changes made by attorney.

- Page 140: Comment 192: No action was required.
Comment 193: No action was required.
- Page 141: Item B, Commissioners agreed that Type I should be changed to Type II as noted in the June 17 meeting. Staff agreed to double check the accuracy of the referenced Section numbers.
- Page 142: Comment 194: Commissioners agreed with changes made by attorney.
Comment 195: Commissioners agreed with changes made by attorney.
- Page 144: Comment 196: No action was required.
- Page 145: Comment 197: No action was required.
Comment 198: Commissioners agreed with attorney's suggestion to add back into Paragraph A(3) "...as to width and general direction."
Comment 199: Commissioners agreed that the attorney seemed to have made the changes necessary for clarification.
Comment 200: No action was required.
- Page 146: Comment 201: Commissioners agreed to leave Paragraph F as written.
Comment 202: After discussion, Commissioners agreed to amend Paragraph G to read, "Utilities. All lots created through land division will have utilities and facilities."
Comment 203: Commissioners agreed to amend Paragraph H to read, "Drainage. All subdivision and partition proposals will have surface water drainage."
Comment 204: No action was required.

This fourth session to review Chapter 155 ended with the completion of page 146.

8. NEW BUSINESS – None

9. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

Commissioners agreed to schedule the next Special Session to continue review of Chapter 155 on Tuesday, August 12th at 9:00 am.

10. ADJOURNMENT

Commissioner Martin 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 4:55 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 12th DAY OF AUGUST 2014.

[Signed copy available at City Hall]

George Burke, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Planning Secretary