



PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED
TUESDAY, AUGUST 26, 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 August 26th Planning Commission Special Session was called to order by Chairman George Burke at 2:16 pm.

2. ROLL CALL

Roll Call was taken by Planning Secretary Rapunzel Oberholtzer.

Present: Chairman George Burke, Vice Chairman Paul Gargis, Commissioner Ken Henderson, and Commissioner Norman Martin. (There is one vacancy.)

Others Present: Planning Secretary Rapunzel Oberholtzer and several citizens, including Citizen Advisory Committee (CAC) Chairman John Stead and CAC member Bonnie Allen.

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 approval of the Consent Agenda, the only item being the Planning Commission Special Session Meeting Minutes of August 12, 2014.

Commissioner Henderson made a motion to approve the August 12th meeting minutes as submitted. Vice Chairman Gargis seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS /CORRESPONDENCE

Planning Secretary Rapunzel announced that the City has not received any applications to fill the vacancy on the Planning Commission.

7. CITIZEN INPUT

Chairman Burke requested Citizen Input related to Chapter 155, noting that input on Chapter 155 would be the only input taken in this meeting. There was none.

8. NEW BUSINESS

A. Clarify and Reassign CAC Task Re: Ordinance No. 203 Septic Maintenance

Chairman Burke commented that he was disappointed that in week five of an eight week period to meet and allow the public to have input to a CAC, during the CAC's only meeting so far, it sent its task back to the Planning Commission.

Chairman Burke asked the Chairman of the CAC to step up to the microphone. CAC Chairman John Stead came forward and Chairman Burke thanked him for coming to the meeting.

Chairman Burke noted that copies of the, Thursday, July 24th Planning Commission meeting minutes were distributed to the Planning Commissioners as well as to the CAC members who were present. Chairman Burke explained that at the July 24th meeting the CAC applicants were provided with information, the CAC applicants were appointed and asked to begin their task. Before appointing the CAC members, Chairman Burke noted that he had asked everyone if they were on board and ready to take up the task of the CAC; they acknowledged that they were. Chairman Burke went on to note that during the first week or two after appointment the CAC members directed questions to City Staff about their ability to call a meeting; they were informed that a 24-hour notice was all that was required to notice a meeting date—there had been some confusion about the notification period.

Chairman Burke went on to reference the draft minutes from the CAC's first meeting, pointing out that the CAC's members continually referenced a specific sentence from the Public Notice announcing the formation of the CAC. He read the sentence aloud, "The CAC will provide a recommendation on proposed changes to Dunes City's Ordinance No. 203 regarding Septic System Maintenance." Chairman Burke went on to comment that the CAC has objected to the fact that it was not given proposed changes and added that the Commission had not intended to provide proposed changes; the CAC was to propose the changes. He acknowledged that the sentence may be subject to interpretation of semantics, but went on to note that in the July 24th Commission meeting, the CAC members were given copies of Ordinance No. 203 and two other recently proposed Ordinances to use for reference in making proposed changes to Ordinance No. 203. He went on to add that the instructions were communicated to the CAC by himself and by City Staff.

Further, he noted, City Staff at his request clarified in an email those same instructions and, at his direction, asked the CAC to reconvene and resume meeting. Because the CAC had not resumed meeting, its members were asked to attend this meeting.

Chairman Burke reiterated that it has been five weeks since the CAC was appointed, and added that nowhere in the process was the CAC assigned to review the CAC process and make a decision about whether or not they liked it. He noted that while most of the members of the CAC might not like the CAC process, their job is to do what the City Council and the Planning Commission asked, which was to review Ordinance No. 203. Chairman Burke read aloud an excerpt from the City Council's original motion instructing the Planning Commission, "a recommendation for language changes, if any." He pointed out that the full City Council motion was read aloud at the July 24th meeting.

Chairman Burke asked CAC Chairman Stead if he was prepared to call a meeting of the five members of the CAC and take on the task the City Council directed the Planning Commission to do, was he prepared to have a meeting and start with the work to review Ordinance No. 203 for word changes, if any.

CAC Chairman Stead said that he appreciated Chairman Burke's question and his introductory remarks. He noted that before he answered the question he would like to say a few words. He went on to say, "you will recall that the Planning Commission said, through the Staff, to go ahead and use the rules that were proposed for the CAC." He went on to note that before the CAC was appointed and before he was the Chairman, he asked specifically if the CAC was to follow those rules. The City Manager said that the CAC was to do so and the Planning Commission Chair did not disagree with that. He noted that the CAC tried to follow those rules, which said that the CAC had to have a public notice published in the newspaper prior to a meeting. He explained that after reading that rule he called Mr. Burke on a Saturday, but Mr. Burke did not return the call. On the following Monday, he sent an email to the City Manager who replied to the email a week later. During that week, emails were sent to him over the City Manager's name but with the name of another Staff member at the bottom of the email. CAC Chairman Stead noted that he would not comment further about that, but would let those present fill in the blanks about those sorts of things going on.

Chairman Burke asked CAC Chairman Stead what "sort of things going on" he meant. He noted that City Administrator Hilden was on vacation that week but was in communication with City Staff who sent an acknowledgement of the email and an answer.

During discussion, CAC Chairman Stead noted that Staff emails said to disregard "the instructions you were given for how this thing is supposed to operate" which was contrary to the Planning Commission. This led to confusion about whose instructions to believe, the Planning Commission's or Staff's. CAC Chairman Stead went on to note that the Planning Commission recommended using the rules that were provided and that, if changes were necessary, they could be made before the rules were sent to City Council. CAC Chairman Stead explained that the CAC was trying to comply and when things happen otherwise he has no control over them. If the CAC members make a motion to

suspend meetings until it has better direction from the Planning Commission, that is what he intended to do. CAC Chairman Stead apologized for the time it took to get direction and added that he hoped the CAC would get direction in this meeting. He added that, so far, he has not heard it. What he has heard is that the CAC is to take an Ordinance that everyone knows is no good “because we were told that by the State when... DLCD told Dunes City to get back to using 203.” The CAC is being told to take that Ordinance that is no good and look at it. Then the CAC is being told to take another Ordinance that has been rejected by the Planning Commission, look at it to see what can be made out of that, and then write something up.

CAC Chairman Stead went on to say that when he reviewed what the public was told and what the Planning Chair said, “it’s different from the verbal instructions that were piled on top by the Planning Commission Chair.” Chairman Burke asked CAC Chairman Stead what the difference was.

CAC Chairman Stead went on to add that if the Planning Commission is asking whether he is ready to call a meeting now, if the CAC is being instructed to do what the Council asked, the answer is, “Yes.” Chairman Burke pointed out that that was the instruction from the beginning. CAC Chairman Stead pointed out that the Council did not make any recommendation to review any other Ordinances. Chairman Burke noted that those decisions are not the Council’s, the Council asked the Planning Commission to form a CAC and the Planning Commission is in charge of the process of a CAC. He went on to add that the Planning Commission is following the administrative rules that were accepted by the City Council and the Commission made the recommendation for the CAC to meet once a week—the Council didn’t weigh in on that and the administrative rules don’t call for it. The Commission thought that eight weeks was time enough to complete the task. CAC Chairman Stead noted that eight weeks was more than adequate, especially if the CAC has good direction.

Noting that he was now responding as a private citizen, not a CAC Chairman, Mr. Stead apologized for this situation and added that the reason that there aren’t more people present at the meeting, even though the City Manager invited the CAC members, the reason there is no quorum is for a specific reason. Chairman Burke asked Mr. Stead what the reason was. Mr. Stead explained that the reason is that “we are a governmental agency and the meeting has not been properly announced.” There was some discussion about the notification for this meeting, after which Mr. Stead explained that if the Planning Commission is willing to give “adequate direction that is in keeping with the Council’s direction to the Planning Commission, we are ready to meet and I will call a meeting.” He went on to add that until such time he was bound to comply with the motion made at the Planning Commission [*sic*] meeting.

Chairman Burke thanked Mr. Stead for his comments, noting that this was not the place to argue semantics. He went on to explain that if the CAC, through its spokesman, was not ready to move forward, discussion of this portion of the meeting was over. He asked that the record show the end of discussion at 2:27 pm.

Chairman Burke went on to ask for a motion to disband the CAC, noting that the Planning Commission would take on the task assigned to the CAC, keeping in line with the September 18th deadline that was given to the CAC, and a recommendation will come from the Planning Commission at its next regular meeting.

Vice Chairman Gargis made a motion to disband the CAC. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

Chairman Burke thanked Mr. Stead and Ms. Allen for coming to the meeting, noting that “we can’t go along at this pace,” and “we’re going to do the work that the City Council asked us to do.”

Chairman Burke called for a five minute break at 2:40 pm. Ms. Allen asked for and was granted recognition. She noted that she signed in to give public input but when the Citizen Input portion of the Agenda was announced, it was announced as “citizen input on Chapter 155.” She asked when input on the CAC for 203 would be allowed. Chairman Burke explained that Mr. Stead provided the input for the CAC. Ms. Allen reiterated that she signed up to give public input and again asked when she would be allowed to give it. Chairman Burke explained that the CAC was requested to be here to explain its actions which is what Mr. Stead did. He went on to add that he would not accept further input on the CAC. Ms. Allen asked for this to be noted. Chairman Burke replied that it would be and that he earlier said there would be no input on the CAC.

Vice Chairman Gargis asked to be recognized to make a comment, and he was. Vice Chairman Gargis commented that he moved here five years ago to retire and, as a resident of Dunes City, volunteered to serve on the Planning Commission. He went on to explain that the Planning Commission had been meeting three hours a week for a couple of years, in addition to the regular business meetings. He went on to add that it seemed that some people did not appreciate the fact that the Commission was trying to make this a better place to live. He expressed frustration with this situation, noting that it was “disheartening” to try to do a job when there’s an attitude from other citizens.

Ms. Allen commented that she felt as if her sentiments about the City were like those of Vice Chairman Gargis. She added that she lived here to enjoy and better the community and that she felt misunderstood and denigrated by this process. She went on to say that this was the first CAC she served on, there was honest confusion in the group “that could have been corrected by honest communication at this meeting” and she was sincerely disappointed to see “us at this point.” Chairman Burke and Vice Chairman Gargis both expressed their disappointment as well.

The meeting’s break commenced at 2:45 pm. Chairman Burke reconvened the meeting at 3:08 pm.

9. UNFINISHED/OLD BUSINESS

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

Chairman Burke directed the Commissioners' attention to Chapter 155, page 177, to begin review of the City Attorney's comments.

Page 177: Comment 279: Commissioners agreed with the attorney's changes and no further action was required.

Page 178: Comment 280: Commissioners agreed with the attorney's deletions.
Comment 281: Commissioners agreed with the attorney's deletions.

Page: 179: Comment 282: Commissioners agreed with the attorney's deletions.
Comment 283: Commissioners agreed with the attorney's changes.

Page 180: Comment 284: Commissioners agreed that the attorney needs to provide further explanation of the criteria and Staff was directed to add the attorney's comment to the list of questions for her.
Comment 285: Commissioners agreed that the attorney seems to have made the necessary changes.

Page 181: Comments 286: Commissioners agreed that Chairman Burke and Staff would discuss the attorney's comment re CUP for non-residential use in an RV park with the attorney.

Page 182: Comment 287: Commissioners agreed with the attorney's additions.
Comment 288: Commissioners agreed with the attorney's additions.

Page 183: Comment 289: Commissioners agreed with the change made by the attorney.

Page 187: Comment 290: Staff agreed to ask the attorney for clarification. (This ties to comments on page 40 re 155.2.2.112.)

Page 188: Comment 291: Commissioners agreed with the attorney's deletion of items H/G 1-4 and changes to H/G.

Page 189 Comment 292: Commissioners agreed with the attorney's deletion of 155.5.1.2 Variance Application.
Comment 293: Commissioners agreed with the attorney's deletion of 155.5.2.1 Procedure.
Comment 294: Commissioners agreed with the attorney's deletion of paragraph C.

Page 191: Comment 295: Commissioners agreed no action was required, the attorney agrees with the deletion suggested by the Planning Commission.
Comment 296: Commissioners agreed no action was necessary.

Page 192: Comment 297: Commissioners agreed Chairman Burke and Staff will ask the attorney to provide better language.
Comment 298: Commissioners agreed that Chairman Burke and Staff will discuss the attorney's comment with her.

This fifth, and final, session to review the City Attorney's comments and recommendations on Chapter 155 ended at 3:30 pm with the completion of page 192. Commissioners agreed that the City Attorney did an exceptional job of reviewing Chapter 155.

Chairman Burke announced that the next action for Chapter 155 would be to have a conference call with the City Attorney to resolve remaining questions and gather any necessary clarifications. Participating in the call with the City Attorney will be Chairman Burke, Vice Chairman Gargis, City Administrator/Recorder Fred Hilden, and Planning Secretary Rapunzel.

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

There being no new regular business for the Planning Commissioners to consider, Commissioners agreed to cancel the August 28th 5:00 pm meeting.

Chairman Burke suggested that the Commissioners take time to review Ordinance Nos. 203, 210A and 211A and think about possible language changes for Ordinance No. 203.

Chairman Burke suggested that the Commissioners schedule a Special Session for the Planning Commission, acting as the CAC, to take public input on Ordinance No. 203. It was agreed that the Special Session would be held on September 10th at 5:00 pm. Staff was directed to prepare and post the proper public notices.

There was some discussion about the timeline for reviewing and, potentially, revising Ordinance No. 203. Chairman Burke explained that it would take time to gather citizen input, craft the new language and have it reviewed by the City Attorney before presenting anything to the City Council.

11. ADJOURNMENT

Commissioner Henderson made a motion to adjourn the meeting. Vice Chairman Gargis seconded the motion. There was no vote taken.

Chairman Burke adjourned the Planning Commission Special Session 3:45 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 10th DAY OF SEPTEMBER 2014.

[Signed copy available at City Hall]

George Burke, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Planning Secretary