



PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED
WEDNESDAY, SEPTEMBER 10, 2014 AT 5:00 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 September 10th Planning Commission Special Session was called to order by Chairman George Burke at 5:02 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: Several citizens, including John Stead and Peter Howison, who arrived at about 5:45 pm.

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

Chairman Burke requested approval of the Consent Agenda, the only item being the Planning Commission Special Session Meeting Minutes of August 26, 2014.

Commissioner Henderson made a motion to approve the August 26, 2014 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 received an application from Ms.

Bonnie Allen for the vacant Planning Commission seat. She then distributed copies of a flyer describing a Planning Commissioner training opportunity sponsored by the Oregon City Planning Directors Association on September 25th.

7. CITIZEN INPUT

Chairman Burke noted that this Special Session of the Planning Commission was called so that the Commission, acting as a Dunes City Citizen Advisory Committee (CAC), could gather citizen input for any language changes to Ordinance No. 203 (Septic System Maintenance). Chairman Burke opened the meeting to citizen input at 5:08 pm, noting that the input was to be about Ordinance No. 203 only.

Chairman Burke recognized Mr. John Stead, who signed up for recognition during the Citizen Input section of the meeting, and asked him whether he intended to speak only to Ordinance No. 203 or address other issues. Mr. Stead replied that he only intended to talk about something that might be relevant to the subject at hand. Chairman Burke asked Mr. Stead to step up to the microphone.

Mr. Stead explained that he noticed some foam on the lake in the morning and scooped up a sample to bring to the meeting. He showed the Commissioners a smallish jar of clear liquid with a layer of white foam on top and explained that he hadn't shaken the sample, but the foam was still there. He went on to say that he hoped whatever "we do with these Ordinances, you will keep in mind the goal that many of us have, which is to return the water to its source, whether it's the lake or to a well or groundwater...in the same condition that it was in when we pulled it out." He went on to comment that in order to accomplish that goal there needed to be procedures and objectives in place and the Ordinances should be looked at with that goal in mind.

Chairman Burke asked if there was anyone else present who wished to talk about Ordinance No. 203. There was not and Chairman Burke closed this segment of Citizen Input.

8. NEW BUSINESS

A. Annual Report to City Council: Effectiveness of Dunes City's Citizen Involvement Program (CIP)

Chairman Burke explained this Agenda item by noting that the Annual Report is a report that he needed to deliver in October to the City Council about the effectiveness of the Dunes City Citizen Involvement Program (CIP). He went on to comment that, so far, the City is 0-2 for CACs. In light of that, he noted, he would attend the City Council meeting tomorrow (September 11th) to explain the actions of the Planning Commission in lieu of the CAC program.

Chairman Burke asked Commissioners to provide comments, if any, about the CIP that could be included in his written report to the Council. He went on to explain that part of the administrative rules of the CIP is for the program administrator to make an annual re-

port in October to the City Council. This year's report would be the first one. He went on to add that the Planning Commission also presents an annual report on its activities to the City Council and he would create that report as well.

Chairman Burke asked Commissioners to have their suggestions for the reports on hand for the Thursday, September 25th Regular Session of the Planning Commission.

Chairman Burke noticed two new audience members arriving and asked whether they had any interest in speaking about Ordinance No. 203. They did not and Chairman Burke closed Citizen Input for Ordinance No. 203 at approximately 5:15 pm.

B. Review Ordinance Nos. 203, 210A and 211A

Chairman Burke explained some of the background on these Ordinances by saying the Planning Commission was asked a couple of years ago to make a recommendation to the City Council on Ordinance Nos. 210A and 211A. After a lengthy deliberation, the Planning Commission recommended both Ordinances. The Council opted to adopt Ordinance No. 210A, which was ultimately overturned by LUBA leaving the City with Ordinance No. 203 in place. He went on to explain that the Council asked the Planning Commission to review Ordinance No. 203 for language changes, if any.

Chairman Burke noted that during the last meeting of the Planning Commission he asked the Commissioners to look at all three of the Ordinances and come up with suggestions for changes to Ordinance No. 203.

Chairman Burke asked Vice Chairman Gargis for comments. He did not have any comments at that time.

Chairman Burke asked Commissioner Henderson for comments. Commissioner Henderson noted that he was one of the citizens who had a hand in working on an earlier version of the septic maintenance ordinance and was not pleased that the City Council chose to amend the language that the Water Quality Committee provided the Council. He noted that seeing a water sample like the one brought in by Mr. Stead would make anyone cringe. He went on to explain that while he was on the Water Quality Committee there was a dedicated group of volunteers committed to testing and tracking the water quality, and that commitment to protect the water is still present—water is a lifeline to health, property values and the quality of life of the community. He added that the City should do everything it can to protect the purity of the water and, with that in mind, he was personally in favor of monitoring septic systems that are in place and testing them. He also noted that he had his own septic system inspected at the five-year anniversary of his new home, had the required reports submitted to the City, was happy to participate in the required inspection process, and would encourage others to do the same.

Commissioner Henderson expressed some concern about the ability of some residents to afford the maintenance of their septic systems and defer doing so. He also noted that there may be some homes that at one time were occupied seasonally or part time but are

now occupied full time and may have septic systems that are not adequate for the increased use. He went on to say that there could be sources for funding to help people who could not afford to maintain or repair their systems. Chairman Burke explained that the City Council has looked into the funding issue and, so far, has found that funds are available only to help people whose septic systems have failed. In discussion, Chairman Burke and Commissioner Henderson agreed that kind of funding is too little too late and the goal is to prevent failures.

Chairman Burke asked Commissioner Martin for his comments. Commissioner Martin had no comments at the time.

Vice Chairman Gargis commented that Commissioner Henderson's remarks reflected his own thoughts on the subject.

Chairman Burke explained that he was on the Ordinance Review Committee that created Ordinance No. 178 and he was on the Ordinance Review Committee that wrote 211A and asked for citizen input at every meeting over a period of about six months. Eventually, 210A was written which changed the mandated pumping to allow the inspector to determine the frequency of pumping. Chairman Burke went on to note that the feedback he has heard is that the cost of inspections has risen significantly. He described his own recent experience with an inspection that was required for the sale of his house noting that his original inspection was one of the first done in Dunes City and included the required mapping and report. He had a vendor out to do the inspection for selling his house and was disturbed by what was required. The vendor did not check with City Hall for the original maps and did not have maps in their records; instead, the vendor said that he would have to do the map and would not perform an inspection unless he did the map. Chairman Burke went on to say that the first inspection cost about \$95 and this time the cost was about \$200 and included probing for the drain field even though that was done originally. There was also a \$50 fee for filing the report with City Hall.

Chairman Burke pointed out that inspectors are not referring to City records for inspections, but are referring to their own records and, if there are changes that need to be made to Ordinance No. 203, correcting that situation could be one of the changes. He added that controlling the increasing cost of inspections should be another consideration.

Chairman Burke went on to note that there might be a way for the City to have a utility district that deals with septic tank situations. The utility district could have the ability to approve the cost. He added there could, instead, be a special district, which would require a vote of all of the residents of Dunes City; it would be governed by a Board and operate under state rules. These ideas would, he added, likely require advice from the City Attorney but at some future point he intended to propose the ideas to the City Council. In short, the advantages of a utility for septic maintenance would be that the utility could negotiate inspection fee rates and could keep the inspection records and the maps. The requirement for a City utility would not be part of a septic maintenance ordinance, but would be a suggestion for the Council to think about and a way to help control costs associated with inspections and mapping.

Chairman Burke reiterated that he was part of the group that created Ordinance No. 210A and commented that it did a good job of protecting the lakes and water resources and is a good alternative to Ordinance No. 203.

There was some further discussion about the costs for inspections, pumping and filing fees. Discussion included comments about the fact that vendors may be taking advantage of Dunes City's inspection requirements, charging more than they should, and the formation of a wastewater management utility could give the City some clout in negotiating inspection fees similar to negotiating its franchise fees for cable and garbage collection. There was some discussion about whether a City utility would require funding and discussion about the process for notifying residents when inspections are due and how the results are tracked by City Staff. Chairman Burke elaborated on the difficulties of early attempts to have all of the City's septic systems inspected, residents refusing to comply and the City Council's decision to stop trying to enforce Ordinance No. 203 and its mandatory inspections. Chairman Burke went on to explain that the only way to enforce the inspection requirements of Ordinance No. 203 is to go to court and, of course, the City does not want to do that.

Discussion turned to County regulations over septic systems and whether the County should or would get involved with septic system maintenance. Chairman Burke explained that the County's septic system regulations are mandated by the state and the County has no interest in being involved except to determine the type of system that must be used on any new construction. The only time the County is otherwise involved is when there is a system failure, which requires County approval to rebuild.

Discussion returned to the idea of a City utility and how it would potentially control the cost of inspections, which can vary considerably among various vendors. Chairman Burke explained that the federal Clean Air and Water Act dictates what controls states have and states then mandate what county's control. There was some further discussion about how to enforce the requirement for septic inspections. Chairman Burke explained that a certain amount of enforcement might be accomplished via the City's Chapter 36 but that is still being researched by City Staff. Chairman Burke volunteered to determine the status of discussions about Chapter 36 and report back to the Commissioners.

Chairman Burke explained that this meeting was for discussion purposes only, no action was required. The next regular Planning Commission meeting scheduled for September 25th would include a section for citizen input about changing Ordinance No. 203.

Commissioner Henderson reiterated the potential cost advantages of having some type of municipal wastewater management district. Chairman Burke explained that he would present the idea to the City Council during its September 11th meeting—the City would need to determine if it can franchise septic tank maintenance, inspections and pumping or if it would need to have a special water district. Chairman Burke reminded Commissioners that a septic maintenance ordinance will not include any kind of utility—that would require the City to come up with a franchise agreement which the City Council and the City Attorney will have to create.

Chairman Burke asked the Commissioners to continue to think about changes to Ordinance No. 203 and bring their ideas to the September 25th meeting. Planning Secretary Rapunzel was asked to prepare the required public notice for the meeting on the 25th.

9. UNFINISHED/OLD BUSINESS – None

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA – None

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 at 6:03 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 25th 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