



PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED
THURSDAY, SEPTEMBER 25, 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 25th Planning Commission Regular Session was called to order by Chairman George Burke at 5:05 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.

Absent and Excused: Commissioner/Appointee Bonnie Allen (not yet sworn to office).

Others Present: Several citizens, including Dale West and Dunes City resident Dr. Peter Howison, who arrived at about 5:30 pm.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Chairman Burke requested that Unfinished/Old Business agenda item 8B (Review Ordinance Nos. 203, 210A and 211A) be changed to New Business item 9B.

Commissioner Henderson made a motion to approve the Agenda as amended. 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 Minutes of September 10, 2014.

Commissioner Henderson made a motion to approve the September 10, 2014, meeting minutes as submitted. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS /CORRESPONDENCE – None

7. CITIZEN INPUT – None

8. UNFINISHED/OLD BUSINESS

A. Planning Commission Acting as Citizen Advisory Committee (CAC)
Re: Ordinance No. 203

Chairman Burke recognized Dale West, who signed in to make comments. Mr. West introduced himself, noting that he was from Wally's.

Mr. West remarked that as a local septic system inspector he has heard a lot of comments and complaints from people in Dunes City about the cost and the various interpretations of the Ordinance. He went on to say that the Kla-ha-nee subdivision has a Homeowners Association (HOA) fund that all residents pay into every month at a cost of about \$9 per month. The HOA sends Wally's a letter every month that tells Wally's which homes need septic systems pumped and the HOA pays Wally's from the fund. Mr. West explained that the cost for pumping a 1,500 gallon tank, which is common in Dunes City, is about \$650. Mr. West thought that \$9 per month was easier to come up with than \$650 at one time.

Mr. West explained that in Kla-ha-nee's case, where there are about 300 residents, the annual amount contributed by residents is about \$32,000 and the fund balance collects interest. If Dunes City could establish an HOA type of arrangement, the interest from the fund could possibly be used elsewhere. Given the low monthly cost to residents and the fact that the contribution is not a tax a similar situation could be a win-win situation for the City.

Chairman Burke thanked Mr. West for his comments, noting that it could be one of several options to consider.

Chairman Burke noted that he would leave this citizen input portion of the meeting open while Commissioners discussed other agenda items so that other people arriving late could make comments at any time. *See also Dr. Peter Howison's comments later during discussion of New Business.*

9. NEW BUSINESS

A. Committee for Citizen Involvement Annual Report to City Council

Chairman Burke explained that the Planning Commission, acting as the City's Committee for Citizen Involvement (CCI), is required to present report every October to the City Council about the effectiveness of the City's Citizen Involvement Program (CIP)—this

requirement is outlined in the City's CIP adopted in January of 2014. He went on to note that he planned to present the report at the October 9th City Council meeting and would work with City Staff to write it.

Chairman Burke went on to explain some of the details that could be included. He noted that the Planning Commission's first advertisement for CAC applications had no response. That first CAC was intended to review the Master Road Plan; since there were no CAC applications, the City assumed the role of CAC.

Chairman Burke went on to note that the City's second attempt to utilize a CAC failed, for other reasons, and he explained that he attended the City Council's September 11th meeting where that CAC activity was discussed at length. He summarized the Council's discussion noting that there were some legal concerns about the dissolution of the CAC and the Planning Commission's decision to assume the role of the CAC, but after discussion among the Councilors it was agreed that the Planning Commission should move forward in its role as CAC. Since then, he explained, the City Attorney has confirmed that there are no legal issues resulting from the Planning Commission actions regarding the CAC.

There was some discussion about the report, during which Chairman Burke clarified that the CCI's annual report would not include the Planning Commission's recommendation on Ordinance No. 203, only comments about the CAC process. Discussion included comments about the CAC's inability to agree to perform the task assigned to it and the CAC's rationale for that. There were some comments about the future of the CAC process during which it was noted that, in general, citizens seem satisfied with the City processes—if they were not satisfied, they would probably attend the meetings to voice their complaints.

Following the discussion, Chairman Burke noted that he would incorporate the comments in the report and would work with City Staff to write it.

Chairman Burke reminded Commissioners about their previous discussions about the possibility of a City franchise for septic maintenance or a possible water district that could control costs for inspections and pumping required by Ordinance No. 203. He explained that he presented those ideas to the City Council during its September 11th meeting and recommended that City Staff and the City Attorney look into those possibilities. He explained that because the discussion was not an agenda item, the Council could not take any action or make any decision, but the discussion, and possible action decision, would be on the agenda for the October 9th meeting.

Chairman Burke summarized the next steps in reviewing Ordinance No. 203 by explaining that the Commissioners would review all of the citizen input received by the City, determine whether there have been enough meetings and outreach efforts to gather input, and then work on recommendations for changes.

Vice Chairman Gargis noted that some of the data submitted by citizens might not be accurate and would need to be researched. Chairman Burke suggested discussing that issue further during the next agenda item, Review Ordinance Nos. 203, 210A and 211A.

Commissioner Henderson pointed out that despite the Planning Commission being short-handed it has managed to keep up with the bulk of the work it has undertaken this year.

Chairman Burke reminded everyone that the period for citizen input on Ordinance No. 203 was still open and recognized Dunes City resident Dr. Peter Howison who had just arrived. He asked Dr. Howison if he would like to make any comments pertaining to Ordinance No. 203.

Dr. Howison noted that he had taken time to review both Ordinance No. 203 and Ordinance No. 210A. He explained that Ordinance No. 203 was an amendment to Ordinance No. 173 which inadvertently allowed for pumping without initial inspections. 203 corrected that problem so that residents could not just pump their septic tank, but had to have it inspected as well. He went on to note that 203 has the simplicity of a five-year inspection cycle, although there has been some discussion about trying to make that requirement more flexible. He added that a good computer system could help make that possible. Dr. Howison explained that 210A provides that flexibility because it uses the Oregon State University Exchange rules to give recommendations on how frequently inspections should be made.

Dr. Howison went on to comment that he liked Ordinance No. 203 in some ways because it gives some specifics about what an inspection involves—it does not limit it but refers to thickness of the scum layer, percentage of solids and how well water flows through the system. This gives the homeowner an idea of what the inspector is supposed to be looking at. He added that if the inspectors were good and were licensed there wouldn't be a problem, but after Ordinance No. 173 was passed the price for pumping went up and Ordinance No. 203 was an attempt to fix that problem.

Dr. Howison went to comment that he thought 210 was a good effort and, at the time, he supported it. It allowed for a second opinion about an inspection result and it uses the Oregon State University Extension Service Septic Tank Maintenance Table, or another document the Council could substitute in the event that the Table became outdated.

Dr. Howison noted that he was pleased the City is taking testimony and seeking information to try to come up with a septic system maintenance program that will work without being too onerous but still protect the water.

Chairman Burke thanked Dr. Howison for his comments and taking time to attend the meeting. He noted that Dr. Howison supported 210A when it was proposed and it sounded like Dr. Howison would support modification of 203 along the lines of 210A. Dr. Howison agreed with Chairman Burke's assessment of his comments and added that one

of the other ideas that has been discussed is a City utility which would somewhat control prices, although it might be complicated to develop. He went on to note that enforcement is always an issue, but if an ordinance was law, more people would comply because it is City Code and most people want to comply with Code. Chairman Burke explained that the City has better enforcement code now that allows the City to enforce Ordinances.

Resident Judy Martin, who was present in the audience, requested and was granted permission to comment. She noted that the City's Charter requires any type of utility district type of action to be voted upon by the residents of the City. Chairman Burke agreed noting that any utility district or special district would have to go to a vote. He added that in most cases a tax would be levied to manage the district and Dunes City residents are not used to paying taxes, which is why he has suggested that the Council enlist the City Attorney to explore the possibility of a franchise arrangement in which there would be a set price for services and no tax.

Commissioner Henderson explained that he was involved in a special district in California for many years that had no tax revenue. It was called an Enterprise District which was paid for by rate payers on a use basis. He went on to note that if there were upfront fees paid for pumping, inspecting, filing reports, etc. it might be possible to look at those numbers and find a way to underwrite a small special district, perhaps staffed by volunteers. Chairman Burke noted that the City currently charges septic inspectors a \$50 fee to file their reports and that fee for managing the septic system maintenance database. There was a short discussion about the possibility of using that fee to fund a special district—Commissioners generally agreed that the City should explore all such possibilities.

Chairman Burke suggested keeping the citizen input open, if there were no objections from other Commissioners. There were no objections.

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

Chairman Burke pointed out that the Planning Commission is still gathering citizen input and reminded Commissioners that he had asked them to review and become familiar with all three of the latest Ordinances about septic system maintenance. He went on to point out that the Commissioners now have written comments submitted by eight individuals and those should also be reviewed and considered, along with the comments presented during this meeting.

Chairman Burke explained that at least one additional meeting, if not more, would be noticed and open for gathering citizen input so that anyone who has comments on the Ordinances can present those to the Commission.

Vice Chairman Gargis explained that after the last Planning Commission meeting he met with a septic pumping company to discuss questions he had. That meeting resulted in

more questions, which he wanted to discuss. First, Vice Chairman Gargis mentioned the \$50 inspection fee paid to the City. He wondered how that money was accounted for. Chairman Burke described how the money is used for Staff to maintain the septic system database, record the inspections and send notices of required inspections. Vice Chairman Gargis requested a report on septic system compliance for the next meeting. Chairman Burke mentioned that City Administrator/Recorder Hilden had such a report that he presented to the Woahink Lake Association and to the City Council; he would ask City Administrator/Recorder Hilden to present it to the Planning Commission as well.

Vice Chairman Gargis explained the pumping costs he was given by the inspector: \$350 for a 1,000 gallon tank, \$400 for a 1,500 gallon tank and, for some older systems with a built-in tank, an additional \$150. He went on to express concern about the cost for inspection and pumping. He noted that septic inspectors create maps for the systems that are filed with the City but the City should not have to keep them on file, the County should. There was some discussion about the mapping requirements with Chairman Burke explaining that the maps are required as part of the building permit process.

Vice Chairman Gargis mentioned that there is a company that will perform an inspection free of charge, as long as digging to find the tank is not required. He remarked that inspection or pumping should be the only requirements.

Chairman Burke thanked Vice Chairman Gargis for his comments and asked Commissioners Henderson and Martin for comments. They had none. Chairman Burke asked the Commissioners to continue to review the citizen comments that were submitted and the Ordinances and to be prepared for further discussion at the next meeting. Chairman Burke asked Rapunzel to transcribe the citizen comments made during the meeting for the minutes and also include those comments in a file for citizen input. He went on to say that the Commissioners would continue to solicit citizen input until citizens stopped providing it.

There was a discussion about scheduling the next meeting. After discussion, it was agreed to hold the next special session on Thursday, October 9th at 3:00 pm, just before the scheduled City Council meeting. Chairman Burke requested that Staff post public notice for the next meeting so that citizens know input is still being taken and considered. He asked Staff to also post notice for citizen input prior to the regular meeting set for Thursday, October 23rd.

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 5:55 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 9th DAY OF OCTOBER 2014.

[Signed copy available at City Hall]

Paul Gargis, Planning Commission Vice Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Planning Secretary