



PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED
THURSDAY, DECEMBER 11, 2014 AT 3:00 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 December 11th Planning Commission Special Session was called to order by Chairman Paul Gargis at 3:00 pm.

2. ROLL CALL

Roll Call was taken by Planning Secretary Rapunzel Oberholtzer.

Present: Chairman Paul Gargis, Vice Chairman Ken Henderson, Commissioner Norman Martin, and Commissioner Bonnie Allen. (As of October 3rd, 2014, there is one vacancy.)

Others Present: Planning Secretary Rapunzel Oberholtzer and several citizens. The Commission's unpaid consultant, George Burke, joined the meeting via telephone at approximately 3:30 pm.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

Chairman Gargis requested that Vice Chairman Henderson, who is a VFW chaplain in Florence, say a few words for the Hilden family. Vice Chairman Henderson remarked on the frailty of life as evidenced by the shocking suddenness of Sally Hilden's passing after her diagnosis. He went on to comment that the Planning Commission lost one of its own Commissioners, Darlene Beckman, not too long ago reminding us that as we get older we all attend more frequent memorial services and funerals for friends and acquaintances. He noted that the VFW group said prayers for the Hilden family asking for strength and serenity during this difficult time, and he asked the Planning Commission and Dunes City to continue to support Fred Hilden and his family, who is not only the City Administrator, but also a friend.

Chairman Gargis thanked Vice Chairman Henderson for his comments.

4. APPROVAL OF THE AGENDA

Vice Chairman Henderson made a motion to approve the Agenda. Commissioner Allen seconded the motion. The motion passed by unanimous vote.

5. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Special Session Meeting Minutes of November 13, 2014

Commissioner Allen made a motion to accept the Consent Agenda as submitted. Vice Chairman Henderson seconded the motion. The motion passed by unanimous vote.

6. ANNOUNCEMENTS /CORRESPONDENCE

Planning Secretary Rapunzel pointed out that the Commissioners' meeting packets contained a copy of a letter from city resident Fred Hilden about Ordinance Nos. 203 and 210A, which was essentially the same as the letter from Mr. Hilden included in a previous meeting packet; the difference—this version corrects a typographical error in an Ordinance number and was included because this corrected version will be part of the official record of citizen input.

Rapunzel announced that Dunes City is seeking sponsors for the 2015 Oregon Dunes Triathlon and Duathlon and sponsor packets are available at City Hall. She went on to announce the various City Committee and Commission vacancies, the Mayor's Banquet dinner and the application for appointment to the Planning Commission received from Susie Navetta.

Commissioner Allen asked whether it was appropriate to discuss Ms. Navetta's application. Rapunzel pointed out that the application would likely be considered by the City Council during its January meeting, with the City Council making the appointment then.

7. CITIZEN INPUT – None

8. UNFINISHED/OLD BUSINESS

A. Staff Update – Septic Inspection Fee

Planning Secretary Rapunzel presented an update about how the City's \$50 fee for septic inspections is used, noting that the fee essentially covers the cost of Staff's wages to enter information into the septic maintenance database, file the inspection reports in property files, do lien and real estate searches in the septic maintenance database, as well as send notices to residents and file reports required by the State. She went on to explain that the number of inspection reports received by the City varies from month to month, and Staff could, if asked to do so, prepare a report about septic compliance on a quarterly basis. Rapunzel also distributed a copy of a print out from the database to illustrate the content that is included.

There was some discussion about the database content and discussion about where in the City's budget the \$50 inspection fee is recorded as income.

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

Planning Secretary Rapunzel placed a telephone call to unpaid consultant George Burke at about 3:30 pm and put the telephone on speaker mode so that Mr. Burke and the Commissioners could converse.

Chairman Gargis directed the Commissioners' attention to the draft Ordinance document that was included in their meeting packets. There was some discussion about the title of the draft Ordinance in which there was a reference to "amending Title XIV of the Dunes City Code" and Vice Chairman Henderson asked whether Title XIV was correct. Mr. Burke said that it should be correct.

There was discussion about section 142.007, paragraph B, and section 142.010 where there was reference to "current Oregon State University Extension Service Septic Tank Maintenance Table, or such other document or documents as may be adopted by the City Council, as a guideline." It was noted that the April 2000 version of the Oregon State table was included in the draft Ordinance as Exhibit A and could change as updates become available.

Chairman Gargis expressed concern about how waterfront properties should be regulated. Commissioner Allen pointed out that since sewage runs downhill any seepage would impact the lake. She also pointed out that the draft Ordinance included language that cites the inspector's recommendation for inspection frequency in general but does not set a different guideline for inspections of waterfront systems. It was noted that the language in the draft Ordinance specifies that the inspector, as an expert on septic systems, determines the inspection intervals. There was some discussion about the definition of a qualified inspector, as written in the draft Ordinance. Commissioner Allen pointed out that the draft Ordinance language also stipulates that a resident can, at his own expense, ask for a second opinion about an inspection result.

There was some discussion about the number of homes in Dunes City that may not have had septic system inspections. It was noted that under previous Ordinances some residents may not have been required to get inspections if they could show that they had already had one within a certain period of time or if they could show that their system had been pumped. There was some discussion about the City's septic maintenance database in which some properties are identified as vacant. Mr. Burke explained that that meant a house was vacant, not that a lot was vacant.

Chairman Gargis asked Mr. Burke for comments on the draft Ordinance. Mr. Burke pointed out that he thought the draft, which is essentially the content of Ordinance No. 210A, resolved some of the problems with Ordinance No. 203, placed the responsibility for maintaining septic systems on the appropriate parties, is less onerous than Ordinance No. 203, and is easier for Staff to work with. Mr. Burke noted that he thought Ordinance No. 210A was a good Ordinance for the City.

Commissioners generally agreed that the draft Ordinance was adequate to send to City Council and the addition of the Oregon State septic maintenance table as Exhibit A provided clarity on the frequency of inspections. Commissioners agreed to change “the current Oregon State University Extension Service Septic Tank Maintenance Table...” to “the *most* current Oregon State University Extension Service Septic Tank Maintenance Table...”

Commissioner Allen directed Commissioners’ attention to page 6 of the draft Ordinance, item D, specifying that the City shall send periodic reminder notices and suggested adding “the City shall send an acknowledgement when the requirements have been met” and “the City will report summary figures on compliance to the City Council on a quarterly basis.” There was some discussion about the suggestions. Mr. Burke pointed out that the City Administrator should determine the frequency of reporting to the City Council and that the inspector sends the City a copy of the homeowner’s inspection report—sending an acknowledgement to the homeowner would be extra work Staff might not need to do. Commissioner Allen clarified her position noting that by receiving an acknowledgement from the City the homeowner is sure that he is in compliance with the septic maintenance requirements.

Chairman Gargis recognized Susie Navetta who was in the audience and gave her permission to comment. Ms. Navetta explained that the reason the Oregon State septic tank maintenance table was not included in previous Ordinances is that its content is subjective, it is prepared by someone from out of the area who does not live on the lake or drink the water and, “it’s a different table.” She went on to note that there are circumstances that can cause septic system malfunction and the inspector should be making the decision about inspection frequency. She also noted that there are residents who live in the City only part of the year and they should not be treated the same way as full-time residents.

There was a brief discussion about using inspectors from outside the local area as suggested by DEQ’s Randy Trox. The advantage being that they might charge less.

Chairman Gargis asked Commissioners for comments. Commissioner Martin pointed out that there should be a definition for lakefront, perhaps one from the County or the State. Vice Chairman Henderson noted that the draft Ordinance contained a definition for lakefront but Commissioner Martin thought the definition was ambiguous. During further discussion it was noted that the siting of a house and its septic field would not affect the definition of lakefront property and the County approves the location of the septic field (not the City). Commissioner Allen remarked that she thought the draft Ordinance did a good job of protecting water for the community, as requested by the citizen letters to the Planning Commission and went on to reiterate that she would like to see added to City responsibilities a letter sent to homeowners acknowledging receipt of inspection reports and a periodic summary report to the City Council. Chairman Gargis asked if City Staff

was prepared to send acknowledgement letters and prepare Council reports. Rapunzel noted that it would be up to the City Administrator to determine and Chairman Gargis suggested that the inquiry to the City Administrator be made before incorporating any such new language into the draft Ordinance.

Chairman Gargis went on to suggest adding language to Exhibit A to clarify that the table from the Oregon State University Extension Service may be updated. Vice Chairman Henderson suggested that with the exception of the possible language additions requested by Commissioner Allen and clarifying the Exhibit A with a phrase such as “the most currently published standard from Oregon State University Extension Service” the draft Ordinance was suitable for submitting for legal review and then City Council. Mr. Burke pointed out that the draft Ordinance addressed Exhibit A’s relevancy with the phrase, “the current Oregon State University Extension Service Septic Tank Maintenance Table, or such other document or documents as may be adopted by the City Council, as a guideline.” Mr. Burke explained that the next steps, if the Commissioners wanted to accept the draft Ordinance, would be to accept it as a recommendation to the City Council and forward it to legal for review and approval before presenting it to the City Council. He pointed out that the draft Ordinance was reviewed by the City Attorney at one time a few years ago so, if there are no major changes being made, it would not take long for a new legal review.

Vice Chairman Henderson made a motion to accept the draft Ordinance with the suggested changes and send it to legal for review before submitting it to the City Council. Commissioner Allen seconded the motion. The motion passed by unanimous vote.

Chairman Gargis called for a break at 4:25 pm and reconvened the meeting at approximately 4:29 pm.

Rapunzel pointed out for the record that the draft Ordinance just reviewed by the Commissioners contained incorrect section numbers that Staff would correct before sending it for legal review.

C. Chapter 155 Detached Building Code Recommendations

Chairman Gargis opened discussion by reading aloud Dunes City Code Section 155.2.1.220 (Accessory Buildings) as edited by the City Attorney during review of Chapter 155 earlier this year, “Accessory buildings in the residential zone include detached garages, sheds, workshops, green houses, guesthouses and similar structures. No accessory building in the residential zone may have a kitchen facility. Accessory buildings may not be sited prior to the issuance of a residential building permit.” He went on to express reservations with the word “sited” and suggested eliminating it.

There was some discussion about the word “sited” during which Mr. Burke explained that the intent was that the City would not allow an accessory building to be built before the residence was built. Chairman Gargis directed the Commissioners’ attention to a handout illustrating proposed new language for the section and pointed out that he recommended changing “sited” to “constructed.” He read aloud a new paragraph he suggested adding, “The accessory buildings are limited in size not to exceed the livable square footage of the primary residence and will not exceed the height of the primary residence. The accessory building will be constructed from materials that resemble style and design of the primary residence.”

Commissioner Allen pointed out that the phrase “livable square footage” would allow a homeowner with a two story home on a one thousand square foot footprint to build a two thousand square foot single story accessory building. She suggested massaging that phrase. Vice Chairman Henderson suggested, “...not to exceed the square footage of the footprint of the primary residence...” There was some further discussion about the language applicable to the design criteria. It was noted that the word “resemble” was not clear and objective and should be replaced with a more specific term.

Mr. Burke pointed out that the City Attorney’s suggested language, “Accessory buildings may not be constructed until the primary residence has had a final inspection” could hamper construction on the site because it would generally be easier and less costly to build both buildings at the same time. He suggested changing that to, “Accessory buildings may not be issued an occupancy permit until the occupancy permit for the primary residence has been issued.” There was some discussion about the permit process and how illegal occupancy is prevented.

Discussing the suggested language about building materials for an accessory building, Mr. Burke suggested, “The accessory building will be constructed from the same materials and style and design of the primary residence.” Chairman Gargis pointed out that a property owner could apply for a variance to construct an accessory building out of other material and asked if the Commissioners agreed with the language suggested by Mr. Burke.

Commissioner Allen made a motion to adopt the 155.2.1.220 amendments as discussed as the final recommendations for accessory buildings. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

Commissioner Allen made a motion to send the draft ordinance [sic] for 155.2.1.220 to the City Attorney for legal review. Vice Chairman Henderson seconded the motion. The motion passed by unanimous vote.

9. NEW BUSINESS

A. Lane County Notice of Proposed Road Vacation

Commissioner Allen asked about the meaning of the proposed zoning change from F/F2 to R/RR10. Vice Chairman Henderson asked if the property in question was where there had once been an illegal gazebo that was torn down. Mr. Burke explained that the gazebo had been in the general area of the property to be vacated and went on to point out that the entire plat for that area and the roads was created in about 1913, and designed for numerous small lots that would not meet current County requirements for minimum lot sizes. Mr. Burke added that he, personally, had no objection with the County vacating the roads back to the property owner in light of the fact that the entire area would have to be replatted to meet current building requirements.

Mr. Burke explained that the County is required to send these notifications of proposed road vacations to the affected areas and suggested that the Planning Commission, if it agreed on the matter, make a recommendation to the City Council for no objection to the road vacation. Chairman Gargis pointed out that the notice stated that a response is not necessary because if none is received the County Surveyor's Office automatically assumed there was no objection from the noticed parties.

Commissioner Allen reiterated her question about the zoning change. Mr. Burke explained that FF designated forest land and R designated residential zoning.

Commissioner Martin made a motion to inform the City Council that the Planning Commission has no objection to the road vacations. Commissioner Allen seconded the motion.

In a brief discussion it was noted that the County's Notification letter included an incorrect site address, stating that the property is west of US Highway 101 but is actually east of the Highway. Mr. Burke pointed out that the property is just outside the Dunes City boundary. *It was suggested that the error should be pointed out to the City Council when it is considering the notification.*

There were no objections to the motion. The motion passed by unanimous vote.

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA – None

Commissioners agreed to meet as regularly scheduled on January 22nd, 2015, at 5:00 pm.

11. ADJOURNMENT

Commissioner Allen made a motion to adjourn. Commissioner Martin seconded the motion. The motion passed by unanimous vote.

Chairman Gargis adjourned the Planning Commission Special Session at 5:00 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 22nd DAY OF JANUARY 2015.

[Signed copy available at City Hall]

Paul Gargis, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Planning Secretary