



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED**  
**THURSDAY, JANUARY 22, 2015 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](http://www.dunescity.com).

**1. CALL TO ORDER**

The January 22<sup>nd</sup> Planning Commission Regular Session was called to order by Chairman Paul Gargis at 5:00 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 3<sup>rd</sup>, 2014, there is one vacancy.)

**Absent and Excused:** City Administrator/Recorder Fred Hilden

**Others Present:** Planning Secretary Rapunzel Oberholtzer, several citizens and the Commission's unpaid consultant, George Burke.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. SWEARING IN OF NEWLY APPOINTED PLANNING COMMISSIONER**

Planning Secretary Rapunzel administered the Oath of Office to Paul Gargis who was unanimously re-appointed to the Planning Commission by the City Council during its January 8<sup>th</sup>, 2015 meeting. Everyone present applauded Mr. Gargis' re-appointment.

**5. ELECTION OF OFFICERS**

**Commissioner Allen made a motion to elect Paul Gargis as Chairman of the Planning Commission and Ken Henderson as Vice Chairman. Commissioner Martin seconded the motion. The motion passed by unanimous vote.**

Mr. Burke thanked the Commissioners for continuing their commitments to the Commission, noting that the Commissioners worked hard on City Code over the last few years, have learned more about it and have gained expertise that is valuable to the City. Chairman Gargis thanked Mr. Burke for continuing to work with the Commission.

## 6. 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.**

## 7. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Special Session Meeting Minutes of December 11, 2014

**Commissioner Allen made a motion to accept the December 11, 2014 Special Session minutes as submitted. Vice Chairman Henderson seconded the motion. The motion passed by unanimous vote.**

## 8. ANNOUNCEMENTS /CORRESPONDENCE

Planning Secretary Rapunzel announced that she met with the City Administrator/Recorder to discuss the Planning Commission's recommendations on a new septic maintenance ordinance. During the meeting, the City Administrator/Recorder agreed with the Commission's suggestion for City Staff to send residents an acknowledgement when the City receives septic inspection reports. The City Administrator/Recorder also agreed with the Commission's suggestion that City Staff report septic compliance progress to the City Council and recommended that Staff do so on a semi-annual basis. Appropriate language will be inserted into the draft septic ordinance for presentation to the City Council. In addition, Rapunzel reported that there is an error in the Title of the draft ordinance and references in the text—references to Title XIV should be to Title XV. Staff will review and make the necessary corrections prior to submitting the draft to City Council.

There was some discussion about the Planning Commission's recommendation that the draft ordinance be sent to legal counsel for review prior to sending it to City Council. Rapunzel explained that the City Administrator/Recorder suggested sending the draft to Council (and possibly a CAC) *before* a legal review in order save time and the cost of the attorney. There was a short discussion about the CAC process during which Mr. Burke noted that the City Attorney recommended that a CAC take a look at the proposed draft ordinance, and the Council will likely follow that recommendation, but the Planning Commission will set the CAC's timeline and guidelines for review and will select the CAC members. Mr. Burke recommended that the Commission follow the attorney's advice for a second CAC review, if the Council requests one, and use that CAC input to make a final recommendation on the draft ordinance to send to legal counsel for review before the public hearing process. He went on to remind Commissioners that the Planning Commission solicited citizen input for about three months last year and received several written comments. Mr. Burke also pointed out that the draft ordinance considered by the Commission was reviewed by legal counsel some time ago.

There was a short discussion about the Planning Commission's role in appointing a CAC. Commissioner Allen asked where to find instructions for the Commission to follow when appointing a CAC. City Staff was asked to email the Commissioners electronic versions of the appropriate documents, the Goal 1 revisions to the Comprehensive Plan and the Citizen Involvement Policy.

Vice Chairman Henderson requested to leave the meeting due to a commitment to another meeting. Chairman Gargis excused Vice Chairman Henderson, noting that the discussion about the next steps for the draft septic maintenance ordinance was concluded. Vice Chairman Henderson departed at approximately 5:25 pm.

Chairman Gargis requested City Staff to provide Commissioners with copies of the citizen comments on septic ordinance changes that were received last year while the Planning Commission, acting as a CAC, was soliciting citizen input.

## **9. CITIZEN INPUT – None**

## **10. UNFINISHED/OLD BUSINESS**

### **A. Review City Attorney Recommendations**

Re: Commissioner Questions on Chapter 155

Mr. Burke reminded Commissioners that the list of 17 questions submitted to the City Attorney was developed during the Planning Commission's intensive review of the City Attorney's changes to and comments on Chapter 155. He went on to explain that the City Attorney's recommended answers to those questions came from a conference call that included the City Attorney, himself, Chairman Gargis and the City Administrator/Recorder.

Commissioner Allen requested to clarify whether or not new language needed to be written regarding criteria for approval of an RV site plan (Chapter 155, page 180, comment 284). Mr. Burke pointed out that no new language is needed, the City Attorney's recommendation that the City decision-maker will articulate reasons for a land use decision is just a reminder that any decision must specifically list applicable Code upon which an application is denied.

In further discussion, Mr. Burke and Chairman Gargis remarked that they were confident in the City Attorney's recommendations despite the fact that this attorney was not the same one who originally reviewed and recommended changes to Chapter 155. There was some discussion about whether or not Chapter 155 would need to undergo another, more thorough review by the City Attorney prior to presenting the proposed changes to the City Council. Mr. Burke pointed out that the initial legal review focused primarily on the sections of Code where the Commission made significant changes with a more cursory review of the sections that were not changed by the Commission. It was generally agreed that the Planning Commission would work on presenting the revised Chapter 155 draft to the City Council and, if the City Council wished to request another more thorough review by legal counsel, it could do so.

Mr. Burke suggested a motion to recommend that the Commission incorporate the City Attorney's suggested changes into Chapter 155.

**Commissioner Martin made a motion to accept the recommendations of the City Attorney. Commissioner Allen seconded the motion. The motion passed by unanimous vote.**

B. Review City Attorney/Unpaid Consultant Recommendations  
Re: Property Line Adjustments

Mr. Burke explained that he prepared his Property Line Adjustment list of recommendations based on his review of sample language for Property Line Adjustments that was submitted last year by the City Attorney. He went on to note that the language provided by the City Attorney was more thorough than the current Dunes City Code and he would also suggest inserting language that addresses non-conforming lots elsewhere in Chapter 155. Mr. Burke also pointed out that he changed the reference to Type I applications to Type II, which is more suitable for Dunes City, given that City Staff does not necessarily have planning experience; the change means that property line adjustment applications would be considered and decided by the Planning Commission.

**Commissioner Allen made a motion to adopt the recommendations for updating Property Line Adjustment Code submitted by Mr. Burke and insert the revisions into Chapter 155. Commissioner Martin seconded the motion. The motion passed by unanimous vote.**

C. Review City Staff Recommendations  
Re: Chapter 155 Accessory Building Language Change

Planning Secretary Rapunzel pointed out that City Staff recommends a minor change to the language suggested for Accessory Buildings by the Planning Commission at its last meeting. The change is to replace "occupation permit" to "certificate of occupancy" as used elsewhere in Chapter 155. In addition Staff recommends a minor change to the language describing the footprint requirements.

**Commissioner Allen made a motion to adopt the recommendations on accessory building guidelines. Commissioner Martin seconded the motion. The motion passed by unanimous vote.**

## 11. NEW BUSINESS

A. Appoint Road Commission Liaison

Mr. Burke explained that the Road Commission Liaison role has traditionally been filled by the Planning Commission Chairman, although a Vice Chairman has also filled the po-

sition in the past. The purpose of the liaison is to attend the Road Commission's meetings and help ensure that the Road Commission is following City Code, but the liaison is also available to answer Road Commission questions about City Code and planning. He went on to explain that the liaison is not an official City-designated function but serves as a valuable resource to keep communication open between the two Commissions, especially when the Road Commission is considering a recommendation to the Planning Commission.

Chairman Gargis acknowledged the practicality of a Planning Commissioner attending the Road Commission meetings and volunteered to do so. He asked City Staff to let him know when Road Commission meetings are held and Staff agreed to do so.

There was some discussion about the Road Commission's authority to determine where a driveway could be placed and the fact that the City Attorney, making recommendations for changes to Chapter 155, suggested limiting the Road Commission's authority to making recommendations to the Planning Commission on driveway access permits. Mr. Burke explained that the City Attorney is recommending that the Road Commission visit the site indicated on the permit and then vote on a recommendation to the Planning Commission, but the Road Commission would not approve or deny the permit—the Planning Commission would do so as part of its oversight of land use decisions.

There was a brief discussion about how City Staff processes the driveway access permits and determines whether the access is on public roadways and legal or whether the roadway is private. Mr. Burke reminded Commissioners that the driveway access requirements and design standards are included in City Code.

## **12. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA**

Commissioners discussed the possibility that the City Council could review the Planning Commission's draft septic maintenance ordinance at the Council meeting on February 12<sup>th</sup> and could, at that time, instruct the Planning Commission to appoint a CAC to review the proposed ordinance language. City Staff will try to have the draft ordinance available for the Council meeting on the 12<sup>th</sup>. Commissioners agreed that, if the Council, asked for a CAC review, the Planning Commission should advertise for and then appoint applicants as soon as possible.

After discussion, it was agreed to tentatively schedule a Planning Commission Special Session for Tuesday, February 17<sup>th</sup> at 4:00 pm for the purpose of discussing the CAC task assignment and timeline, if a CAC review is requested by the Council. City Staff was asked to follow up with the meeting notice and determine whether all Commissioners are available for the 17<sup>th</sup>.

### **13. ADJOURNMENT**

**Commissioner Allen made a motion to adjourn. There was no second and there was no vote taken.**

Chairman Gargis adjourned the Planning Commission Special Session at 6:10 pm.

**APPROVED BY THE PLANNING COMMISSION ON THE 26<sup>th</sup> DAY OF FEBRUARY 2015.**

[Signed copy available at City Hall]

Paul Gargis, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]

Rapunzel Oberholtzer, Planning Secretary