



**PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED
OCTOBER 27, 2011 AT 6:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

The proceedings of the Dunes City Planning Commission were recorded on tape 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 Planning Commission meeting was called to order by Chairman Lee Riechel at 6:02 pm.

2. ROLL CALL

Roll Call was taken by City Recorder Fred Hilden.

Present: Chairman Lee Riechel, Vice-Chairman George Burke, Commissioner Darlene Beckman, Commissioner Paul Gargis, Commissioner Ken Henderson and Commissioner Norman Martin.

Others Present: City Planner Melissa Anderson.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Vice-Chairman Burke made a motion to approve the Agenda as presented. Commissioner Beckman seconded the motion. The motion passed by unanimous vote.

5. CONSENT AGENDA

Vice-Chairman Burke made a motion to approve the minutes of October 25, 2011 on the Consent Agenda as presented. Commissioner Beckman seconded the motion. The motion passed by a vote of 4 ayes, 0 nays and 1 abstain (Commissioner Henderson).

6. ANNOUNCEMENTS / CORRESPONDENCE

The City Council Meeting will be November 10, 2011 at 7:00 pm, at Dunes City Hall.

7. CITIZEN INPUT – None

8. PUBLIC HEARING

Ordinance Nos. 210A and 211A, Septic Maintenance

Two proposals to amend the Dunes City Code of Ordinances are being considered. Both proposals repeal Ordinance Number 203 entitled “Septic System Maintenance” from Title 15 of the Dunes City Code of Ordinances and replace it with an alternative septic system maintenance program: Option #1) Ordinance Number 210A repeals Ordinance Number 203 and replaces it with a new regulation to ensure proper septic system maintenance by adding a new Chapter 142 entitled “Septic System Maintenance” in Title 14 of the Dunes City Code of Ordinances, and Option #2) Ordinance Number 211A repeals Ordinance Number 203 and establishes an educational program to ensure proper septic system maintenance.

Chairman Lee Riechel opened the Public Hearing at 6:13 pm.

City Planner Melissa Anderson presented the Planning Commission Staff Report.

Andy Anderson, Dunes City Resident

“There seems to be a lot of controversy about these septic systems and all that and I just wanted to know what is the progress. I just had mine inspected because one of the relays or something had failed and it is all ok now but it looks like the City’s getting pretty well organized on this so I guess they are doing a good job. So that’s about it.”

Dr. Peter Howison, Dunes City Resident

“Thank you Chairman Riechel. Councilors, Commissioners, and the chair. I would like to at least say that our Septic Ordinance which was passed in 2006, and each time it has been passed it has been unanimous by, you know, I think by a well balanced group of councilors. About 70% of our residents have been inspected and pumped. Dozens or so have been found to be failed and were replaced, and I think saved the homeowners probably money or at least some of the people would say I haven’t been pumped because as a physician you know brushing your teeth, or at least as councilor Anderson would know brushing your teeth or flossing would be a really important thing to do. So the same thing with septic system you know it helps to, we have encouraged our citizens to pump and it has been successful, I think. 2003 [203] was passed in 2009 and Commissioner Burke was on the Ordinance Review Committee and we developed this Ordinance and the Water Quality Committee helped work on that and it allowed the flexibility so that if a system was inspected and found to be in good shape you could wait another five year period so that you didn’t have to pump every five years. It provided for pumping criteria such as checking the capacity of the septic system by running a lot of water in there to see if it works, by checking the stone layer and the solids and by checking the drain field to see if it was, you know, smelling bad and maybe failing. So those three things without pumping could be an adequate inspection because it is wedged in between pumping and because some people have low - use systems and I think that 210A does provide the Oregon State University Extension Service Septic Tank Maintenance Table and this would take a lot of people, used to pass out, but then we realized our code actually did not go along with it. And I think that, well, because I got this post card from somebody’s septic tank pumping system, I, I, I, hesitate to say the name but our records show that your septic tank was last pumped on January 14, 2006. Guess what, I got

pumped by this particular pumper in 2002 and another pumper in 2009. So, you know, citizens deserve to have better protection from the City and from unscrupulous pumpers. Of course, having said that I think Ordinance 203 has done a good job beginning to process and becoming more flexible. I think we probably can do better than that but I think we need to be very careful about how we design this new Ordinance. But I think we do need something new probably not until March but something to replace 2003 that is a little more flexible for our citizens. So that they are comfortable with what we are requiring them to do. Thank you very much.”

Mary Jo Leach, Dunes City Resident

“I am here as a homeowner who has invested upwards of \$800,000 in the City in real estate improvements, permits, you name it. And I have a neighbor who is dumping septic onto my property and has continued. The state will not step in to do anything and you know the county is not going to do anything so I could look to the City to do something. I was counting on the Ordinance and I waited three years before I found out that he hadn’t noticed. Three years before despite of all my requests to find out the status. So this has gone on for a long time. There is a lot at stake here. There is a lot at stake for me, for everybody who owns money and has invested here, is to try to protect it. It seems like the smallest thing we could do is to follow rules on the Septic. I grew up in The Great Lakes and The Finger Lakes and watch them be destroyed by the septic. It’s not fiction it is based on science. It will take place. I just implore you. I was at the original , I went to all the Ordinance Review Meetings and each one they broke 210, I think George 210.” Vice-Chairman Burke responded, “yes”. Mary Jo Leach continues, “I am a proponent of 210. I see no problem with 210. As long as it was a course of the caveat that 203 was enforced properly. Which is was not so, we do have that little hamstring mess right now but the other thing is you, one of the first questions I remember at the first meeting when Steve and George and Jamie were talking is how are you going to enforce anything? And my question to you is, I can remember at that meeting it had all these Ordinances to go through because a meeting has gone through, just as you are going through everything that needs to be straightened out, but that yeah we need to be able to enforce something somehow. But we will get to that and your still not at that point where you know how your going to enforce some of this stuff. And I am telling you it needs to be enforced. And I can tell you the Site Review Committee was ineffective the, county was ineffective, the state is ineffective and other than keep testing my water and seeing all the nitrates in it, there is not a whole lot I can do to stop it and it is up to a municipality to protect the citizens. You owe us something. You owe us the protection and the other thing it protects all real estate values. Because don’t you see we have to drink this water, you are bringing this water into your house and bathing in it and it can go into your eyes. People that don’t drink it, hey they get it into their eyes in the shower it goes into your body, don’t think it isn’t. The minute that some contamination takes place you’re going to see, then you’ll see, these people who want nothing to do with dealing with a small bit of enforcement that they could go along with protecting them. You will see them all step in and can take over. And the City will have nothing to say about it. It will up to me for the costs and the treatments and other things and I don’t think that the Septic Ordinance will be, it will be effective. It’s a step. It’s not the perfect thing we can’t control every site there are a lot of things that we can’t control but in the City you owe to the citizens to control the things you can. You have to say this right in prayer and understand that you have to control the things that you can and that’s what the City needs to do. So, I would like to see 203 finish out. An education program it will be ineffective against a neighbor like mine who is polluting my property that’s not going to do anything, uh, just as this

ineffective Ordinance with no teeth in it is not helping and we are suffering a loss. And I would like the City to be able to address that in an effective way. Thank you.”

David Dumas, Dunes City Resident

“I would just like to ask you folks to be proactive in your decisions about the septic. I think it is better to catch a problem then to break for it and basically it just that it is such an important subject for us to deal with it and deal with properly if like I say a lot about what happens to our City. We would like to keep control of our City. We would like to keep our citizens and I think that’s one of the important things that we can do for the citizens here and that is to keep the quality and to make sure things are right for them.

We deserve as much as citizens and we are placing our trust in your decisions. That’s about it. Thank you.”

Chairman Riechel closed the Public Hearing at 6:37 pm.

Vice-Chairman Burke made a motion to approve the staff report as presented.

Commissioner Henderson seconded the motion. The motion passed by unanimous vote.

Commissioner Martin made a motion to put whichever Ordinance gets approved into the Land Use section of the City Code. Vice-Chairman Burke seconded the motion. The motion failed by a vote of 1 aye (Commissioner Martin), and 4 nays.

Chairman Riechel re-opened the Public Hearing at 7:15 pm.

John Stead, Dunes City Resident

“I appreciate being considered in, given the opportunity. I am sorry that I didn’t realize that time had gotten away from me as it often does. But the draft Ordinance that is before you this evening are designed to repeal Ordinance 203 including the requirement for inspection of the septic systems every five years, with the implementation of these proposed Ordinances. The question is, will the implantation of these proposed Ordinances, either of them, improve septic system maintenance? The taking of actions necessary to keep system components properly functioning as designed. Will the repeal of Ordinance 203 serve to restore and improve the water quality of Woahink Lake, Little Woahink Lake, and Siltcoos Lake for the benefit of Dunes City residents and the public. The Planning Commission has darn duty to recommend to the Council Ordinances that are intended to carry out the purpose, principals, and proposals expressed in the comprehensive plan. That’s Ordinance 3267. Policies B5-B9 address the Lakes. General Policy E1-E6, address water quality and statewide planning goals 6. I call your particular attention to Policy E6, and I quote: The City shall adopt a program to improve maintenance of septic systems for the benefit of all residents. It’s the Commissions responsibility to promote Ordinances in keeping with the carrying capacity of the land. A level of use which can be accommodated and continue without irreversible impairment of natural resources, productivity, the ecosystem and the quality of air, land and water resources. That to me is kind of the whole problem in a nut shell. I looked at the definitions that are provided in 203 and definitions that were provided in the book Ordinance and it is interesting to note that when you compare those with DEQ’s Division 71 on Waste Water Treatment Systems we’ve got something like more than 141 definitions. And

many of them do apply that have not been incorporated in any of the Ordinances that we have. Another closely related piece of this is that the Dunes City Drinking Water Assessment and potential planning strategies document that was presented in December and accepted in December 2002 through a grant received from DEQ and Coastal Management Program. On page 13 that talks about development of a septic maintenance and upgrade program and one of those items is require periodic testing and inspection of septic systems. And that says the same thing and we can look onto DEQ documents or other documents that talk about inspections being required from three to five years and there is at least one model Ordinance that spells out that the septic system needs to be inspected when it is installed and then five years later. So, there is a lot going for this, tying these things down. In closing, I would like to mention that one of the things that Dunes City is having to deal with at the present time is a matter of writing Ordinances and implementing Ordinances that have specific measurable standards attached to them. And when I look at either of the proposed Ordinances I see lots of issues that hopefully we're getting away from. And the Planning Commission is working at the present time to try to clean up some of that mess. And either of the proposed Ordinances will simply intensify the problem. Thank you very much."

Chairman Riechel re-closed the Public Hearing at 7:21 pm.

Vice-Chairman Burke made a motion for the Planning Commission to recommend the adoption of 210A to the City Council. Commissioner Gargis seconded the motion. The motion did not pass by a vote of 2 ayes, (Commissioner Gargis and Vice-Chairman Burke), and 3 nays (Commissioner Henderson, Commissioner Beckman, and Commissioner Martin).

Commissioner Beckman made a motion for the Planning Commission to recommend the adoption of 211A to the City Council. Commissioner Martin seconded the motion. The motion failed by a vote of 2 ayes (Commissioner Beckman and Commissioner Martin), and 3 nays (Commissioner Gargis, Commissioner Henderson and Vice-Chairman Burke).

Commissioner Henderson made a motion for the Planning Commission to recommend keeping 203 and adding the provisions of 211A, along with an education program (to be done within one year), and citizen involvement program to investigate grants and low interest loans to the City Council. Commissioner Martin seconded the motion. The motion failed by a vote of 1 aye (Commissioner Henderson) and 4 nays.

Vice-Chairman Burke made a motion to recommend the adoption of 210A. Commissioner Gargis seconded the motion. The motion failed by a vote of 2 ayes (Commissioner Gargis and Vice-Chairman Burke) and 3 nays (Commissioner Henderson, Commissioner Beckman and Commissioner Martin).

Commissioner Martin made a motion to recommend the adoption of 210A and 211A to the City Council. Vice-Chairman Burke seconded the motion. The motion passed by a vote of 3 ayes (Commissioner Gargis, Vice-Chairman Burke and Commissioner Martin) and 2 nays. (Commissioner Henderson and Commissioner Beckman).

Vice-Chairman Burke made a motion to extend the meeting from 8:30 pm to 8:45 pm. Commissioner Beckman seconded the motion. The motion passed by a unanimous vote.

9. UNFINISHED/OLD BUSINESS – None Scheduled

10. NEW BUSINESS – None Scheduled

11. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA – None

12. ADJOURNMENT

There being no further business to come before the Planning Commission, Commissioner Beckman made a motion to adjourn the meeting. Commissioner Gargis seconded the motion. The motion passed by unanimous vote.

Planning Chairman Lee Riechel adjourned the meeting of the Planning Commission at 8:37 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 8th DAY OF NOVEMBER 2011.

[Signed copy available at Dunes City Hall]

Lee Riechel, Planning Commission Chairman

ATTEST:

[Signed copy available at Dunes City Hall]

Fred Hilden, City Recorder