



**PLANNING COMMISSION SPECIAL SESSION MINUTES ~ APPROVED
THURSDAY, JULY 21, 2016 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

Chairman Paul Gargis called the July 21st Planning Commission's special session to order at 5:01 pm.

2. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

3. ROLL CALL

Roll Call was taken City Administrator/Recorder Jamie Mills.

Present: Chairman Paul Gargis, Commissioner Brett McKnight and Commissioner Ken Pesnell.

Absent and Excused: Vice Chairman Bonnie Allen.

Absent and Unexcused: Commissioner Steve Galbraith.

Others Present: City Administrator/Recorder Jamie Mills and Administrative Assistant Rapunzel Oberholtzer.

4. APPROVAL OF THE AGENDA

Commissioner McKnight made a motion to approve the Agenda. There was no second. The motion passed by unanimous vote.

5. ANNOUNCEMENTS /CORRESPONDENCE

Chairman Gargis read aloud from the list of announcements on the Agenda.

A. At the July 14th City Council meeting, the Council awarded 2016 Volunteer of the Year to Mr. and Mrs. Norman Martin. Both Norman and Judy have been dedicated supporters of Dunes City and both served on the Planning Commission.

6. CITIZEN INPUT

There was none.

7. PUBLIC HEARING

A. Variance Application – Robert and Cindy L. Forsythe

Chairman Gargis read from the script prepared for conducting a Public Hearing:

“This evening we have a public hearing on a request for a variance to waive rear yard setback requirements for a property located on the corner of North Pioneer Road and Darlings Loop, as applied for by Robert and Cindy L. Forsythe.

“These proceedings will be recorded.

“This hearing will be held in accordance with the land use procedures required by the City and the State of Oregon. This is a Type III Quasi-Judicial Procedure.

“Staff will identify the applicable substantive criteria which have also been listed in the Staff Report. These are the criteria the Planning Commission must use in making its decision. All testimony and evidence must be directed toward these criteria or other criteria which you believe applies to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the City and parties involved an opportunity to respond to the issue would preclude an appeal to the Oregon Land Use Appeals Board based on that issue.

“Any party interested in a land use matter may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Commissioner’s bias, prejudice, conflict of interest, or other facts from which the party has concluded that the Commissioner will not make a decision in an impartial manner.”

Chairman Gargis asked if any Commissioner wished to declare a conflict of interest, bias or ex-parte contact. None did.

Chairman Gargis asked whether any member of the public wished to challenge a Commissioner’s impartiality. None did.

Chairman Gargis opened the public hearing on the variance application at 5:07 pm and requested the Staff Report.

City Administrator/Recorder Mills explained that Mr. and Mrs. Forsythe applied for a variance to waive rear yard setback requirements for their property located on the corner of North Pioneer Road and Darlings Loop. She referred Commissioners to the plat map

for the Tsiltcoos Lake Club subdivision which was included in their meeting packets (and submitted with the variance application), and pointed out the property location, Lot 700, and pointed out the mapped roadway easement also shown on the map. She went on to explain that the roadway is undeveloped and currently owned by Lane County but Dunes City has requested that the County vacate it and other undeveloped roadways of the subdivision to Dunes City. Dunes City could later vacate the roadway land to adjoining property owners if the adjoining property owners asked the City to do so. She noted that the City did not intend to develop any of the platted roadways, but did intend to maintain utility easements on them, in case there is a need in the future.

Commissioner McKnight asked if any of the other tax lots shown on the plat map would be land locked if the roadway was eliminated. Commissioner Pesnell expressed the same concern. There was some discussion about the question during which City Administrator/Recorder Mills pointed out that the lots would not be land locked as there is another roadway for access. She explained that the platted subdivision was originally recorded in 1908 with the intent that the subdivision would provide small lots for camping, cabins, etc. mostly for recreational purposes. She further explained that the purpose of the City's request to maintain an easement on the roadways would be to allow for potential City sewer or water lines, or other utilities, in the future.

In some further discussion about the map of the subdivision, City Administrator/Recorder Mills showed Commissioners that Dorothy Lane provides access to some of the lots they were concerned about and explained that the other lots were currently owned by Darlings Marina and Resort and the owners have no intention of selling them. She noted also that Darlings owners are supportive of the Forsythes' application.

Commissioner Pesnell asked if the City had received any public comments opposing the application. City Administrator/Recorder Mills replied that no comments on the application were received at all.

Chairman Gargis noted that where he used to live there was a similar situation and, in that instance, the adjoining land owner paid for the costs associated with the road vacation. City Administrator/Recorder Mills verified that that would be the case here in Dunes City as well.

Chairman Gargis asked for an explanation of how the roadways came to be owned by the County. City Administrator/Recorder Mills explained that the roadways were originally dedicated to the property owners in the subdivision who were supposed to pay the taxes on the land, but never did. At some point the County foreclosed on the land for failure to pay the taxes.

Commissioner Pesnell asked for an explanation of why the City would maintain an easement on the lands. City Administrator/Recorder Mills explained that the easement could be used for piping if the City ever decided to put in a City-wide sewer system or water system.

Chairman Gargis asked if Commissioners had any other questions for Staff. They did not. Chairman Gargis announced that the Commission would take testimony and invited the variance applicant, Robert Forsythe, to testify.

Mr. Forsythe explained that he has been working with the County for eighteen months trying to get the undeveloped roads vacated, so far without success. The variance application is necessary because the County has made no forward progress on vacating the roads and is the next step that allows him to start building his house on his lot. He went on to explain that a lot the size of his would not normally require a variance but his particular lot is on a steep hillside with a drop off on the north side leaving just a small footprint suitable for a house. He noted that earlier in the meeting, Commissioners expressed concern that lots 300, 400 and 500 shown on the subdivision plat map would be land locked. He explained that those lots are currently owned by his father-in-law, and he and his wife are negotiating to purchase them.

Chairman Gargis asked if the steep hillside had flooding or run off issues. Mr. Forsythe replied that it did not cause problems and he has installed culverts under his driveway to allow drainage and will also provide drainage ditches for the culverts. There is some flooding in the rainy season that is caused by run off from Clear Lake Road onto North Pioneer, which is not ditched. He went on to explain that he intended to work with the City on permissions to install adequate ditches on Pioneer to alleviate that flooding.

Commissioner McKnight asked for an explanation of how much of the undeveloped roadway would be occupied by Mr. Forsythe's house. Mr. Forsythe explained that the house would not be built within the right-of-way, but would be very close to the right-of-way.

There were no further questions of the applicant and no other citizens present to give testimony in favor of or opposed to the application.

Chairman Gargis asked Mr. Forsythe if he wished to hold the record for the hearing open. Mr. Forsythe did not and Chairman Gargis closed the public hearing at 5:22 pm.

8. NEW BUSINESS

A. Deliberation and Decision: Variance Application

Chairman Gargis explained that the Commission could: a) recommend approval of the variance with the Conditions of Approval specified in the Staff Report/Findings of Fact, b) recommend approval of the variance with modified Conditions of Approval and/or Findings of Fact, or c) recommend denial of the variance based on Findings of Fact or other information identified by the Commission but not included in the Staff Report/Findings of Fact.

Chairman Gargis went on to note that if the Commissioners wished to recommend approval of the variance with the Conditions of Approval specified in the Staff Report/Findings of Fact a motion was required.

Commissioner Pesnell made a motion to accept the recommendation of Staff and approve the variance. Commissioner McKnight seconded the motion. The motion passed by unanimous vote.

9. UNFINISHED/OLD BUSINESS

There was none.

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

There were none.

11. ADJOURNMENT

Chairman Gargis adjourned the Planning Commission meeting at 5:24 pm. No motion for adjournment was made and no vote was taken.

APPROVED BY THE PLANNING COMMISSION ON THE 22nd DAY OF SEPTEMBER 2016.

[Signed copy available at City Hall]

Bonnie Allen, Vice Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder