



PLANNING COMMISSION REGULAR SESSION MINUTES~APPROVED
TUESDAY, AUGUST 13, 2013 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 Planning Commission meeting was called to order by Chairman George Burke at 5:02 pm.

2. ROLL CALL

Roll Call was taken by City Recorder Fred Hilden.

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

Absent/Excused: Commissioner Ken Henderson.

Others Present: City Recorder Fred Hilden, LCOG Contract Planner Jacob Callister,

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. ANNOUNCEMENTS / CORRESPONDENCE

- A. Chairman Burke announced a Planning Commission Special Session has been scheduled for Tuesday, August 27, 2013 at 2:00 pm to continue review of Title XV Land Use.
- B. City Recorder Hilden reminded everyone that the Paddle Only Poker Run would be held Saturday, August 17, with registration beginning at 8:00 am and bar-b-que lunch served at 12:00.

6. CITIZEN INPUT – None

7. PUBLIC HEARING

A. Preliminary Plat – Lori G. Robertson, two partition applications for properties located adjacent to 83430 Clear Lake Road, map 19-12-26-22 Tax Lots 2802 and 2803

Chairman Burke stated that this hearing will be held in accordance with the land use procedures required by the City and the State of Oregon.

Prior to the hearing tonight, staff will identify the applicable substantive criteria which have also been listed in the staff report. These are the criteria we must use in making a decision. All testimony and evidence must be directed toward these criteria or other criteria which you believe applies to the decision.

A. Public Hearing – Robertson

Chairman Burke opened the public hearing for the Robertson partition applications at 5:06 pm.

Chairman Burke requested the staff report.

Mr. Callister began by saying that this application was for two preliminary partition plats. He noted that a year ago the parent lot, described as Puzzle Forest Subdivision, was partitioned into three lots, including the two under consideration with this application and that the original partition from a year ago had been thoroughly reviewed and vetted prior to approval. He described the partitions as: Lot 2802 consisting of Parcel 1 at 1.04 acres, Parcel 2 at 1.28 acres and Parcel 3 at 1.87 acres, and Lot 2803 consisting of Parcel 1 at 3.57 acres, Parcel 2 at 1.79 acres and Parcel 3 at 1.25 acres.

Mr. Callister noted that he was aware of one public statement that was submitted to identify specific issues of concern and that statement would be addressed. Mr. Callister went on to highlight key findings in the staff report.

He noted that the existing easement and proposed cul-de-sac were in compliance with standards to serve the lots that have been described and went on to summarize key criteria staff considered in preparing its report and recommendations for conditions of approval.

Mr. Callister noted that as part of the original Puzzle Forest Phase 1 plat process, the applicant submitted potential well water location information and sewage disposal information, but that plat did not include this proposed property division. Staff is recommending that prior to approval of the Final Partition, the location of all utilities must be clearly labeled on the plat, along with all of the necessary permits obtained.

Mr. Callister also noted that staff is recommending that the driveway and cul-de-sac must meet the requirements set forth in Dunes City Code for Street Right-of-Way and Paving

Widths as well as Siuslaw Valley Fire and Rescue requirements, and that if any driveway slope exceeds 10% it must be designed by an engineer licensed in Oregon.

Mr. Callister pointed out that the lot sizes and layout meet City standards and as much as practicable the lot lines run at right angles. He noted that the applicant had submitted all of the necessary preliminary plat submission requirements and that staff had issued all of the required notices. He stated that staff recommends approval of the partition, subject to certain conditions which are as follows:

1. Prior to the approval of the Final Partition Plats for both tax lots, the location of utilities shall be clearly labeled on the plat with appropriate county or other necessary permits obtained and submitted. This includes access to water, adequate sewage disposal, and adequate storm water drainage for all proposed parcels in accordance with Local, State, and Federal rules. The applicant shall provide domestic water service to each parcel either through the South Coast Water District or demonstrate the ability to develop domestic water wells. If individual wells are proposed for each lot, the applicant shall show the required Oregon Department of Health setbacks for well placement with respect to envelopes for septic (absorption) field and redundant septic (absorption) field, and show that the building site can accommodate a legal well location on each lot.
2. Prior to final approval of the partitions the applicant will need to provide evidence that each lot will support a septic system and repair area. Site Evaluations for septic will need to be applied for through Lane County each proposed lot to confirm septic approval. For the proposed parcel with the existing dwelling they will need to locate the existing septic system and repair area, and show that both will be within the proposed property boundaries. Envelopes of septic fields shall be in accordance with the Oregon Administrative Rules for Onsite Wastewater Treatment Systems (OAR 340-071).
3. An engineer licensed in Oregon shall document the safety of any development proposed on slopes in excess of 16 percent in compliance with Dunes City Code Section 155.4.3.140 (5) Preliminary Plat Approval Criteria.
4. Prior to Final Plat approval, Doonbrae Lane and cul-de-sac shall be constructed to meet the standards of a local street set forth in Table 155.3.4.1 Street Right-of-Way and Paving Widths, Dunes City Code as follows:
 - a. Local streets in single-family density areas – streets which in the judgment of the Planning Commission will never be more than 2400 feet in length, and which will have a relatively even division of traffic to two or more exits shall have a Right-of-Way width of 50 feet and pavement width of 22 feet.
 - b. Cul-de-sacs (measured by diameter of circle constituting circular end) shall have a 92-foot Right-of-Way and a 70-foot Paving Width.
5. Prior to Final Plat approval, the private driveway that is proposed to extend beyond the Doonbrae Lane cul-de-sac shall be designed in accordance with Section 155.3.1.2K (a,b,c,d,e) which states that the driveway shall be constructed with no less than a 12-foot asphalt or concrete running surface with 2.5 feet of rockered shoulders and any driveway with a slope in excess of 10% shall be designed by an engineer licensed in Oregon.

6. The partition approval will expire one year from the date of final approval, if the Final Plat Map is not submitted to Dunes City for approval with all conditions fulfilled on or before that date, as per Dunes City Code Section 155.4.3.160 Final Plat Submission Requirements and Approval Criteria.
7. Following Dunes City approval of the Final Plat, the applicant shall record the partition with the Lane County Surveyor's Office in compliance with ORS Chapter 92.
8. The application for Final Partition Plats shall include:
 - a. Legal descriptions of all utility easements shall be provided, recorded with the final partition and clearly indicated on the partition maps;
 - b. Dedication of the 60-foot wide public right-of-way and cul-de-sac;
 - c. Reciprocal private access easements from the new city right-of-way shall be provided to each of the proposed parcels, recorded with the final partition maps, and clearly indicated on the final partition maps; and
 - d. Reservations, restrictions and maintenance of the private access easement shall be clearly defined and recorded on the final partition maps.
9. Prior to recordation of the final partition, the applicant shall submit construction plans for the public street improvements, obtain city approval, and complete construction in accordance with the Dunes City Engineering Standards and Specifications.
10. Prior to grading or land disturbance, the applicant shall provide five (5) copies of an Erosion and Sediment Control Plan (at a scale of 1 inch = 100 feet or larger) and Best Management Practices (BMP) details. Best Management Practices details shall include installation information for hay bales, check dams, silt fences, silt basins, etc. For land disturbances greater than one (1) acre, obtain a DEQ 1200-C permit. Provide the city a copy of the DEC-approved 1200-C permit and plans.
11. As per Lane County Transportation referral and Lane Code 15.070 – Building Setback Requirements: Clear Lake Road is functionally classified as an Urban Major Collector that has a 70-foot minimum right-of-way width for building setback purposes [Lane Code 15.070(1)(c)(i)(cc)]. Where the existing right-of-way width is greater than the 70-foot minimum right-of-way width, the building setback line shall be measured from the existing right-of-way line [Lane Code 15.070(1)(d)]. A 10-foot additional setback from Clear Lake Road is required [Lane Code 15.083(1)].
12. In accordance with Lane Manual 15.515, storm water runoff from private property shall not be directed to the Lane County road right-of-way, or into any Lane County drainage facility, including roadside ditches. Ditches adjacent to County roads are designed solely to accommodate roadway storm water runoff.

After reading the conditions of approval, Mr. Callister went on to note that there are other requirements that the applicant will be required to meet, such as compliance with Dunes City Code for landscaping, setback and density standards for the Residential District, etc., but that those were not conditions of approval.

Chairman Burke noted that since there are two separate applications the final approval process would require two separate documents with the conditions of approval attached to both. Mr. Callister agreed that the staff would prepare two documents as requested.

Mr. Callister concluded the staff report and noted that staff recommends approval of the applications for partition subject to the conditions outlined above.

A copy of the Staff Report and its exhibits is attached as EXHIBIT A.

Chairman Burke thanked Mr. Callister for his detailed report and went on to note a concern about the possibility of development on the large Parcel 1 of lot 2803. Following a short discussion among those present, it was agreed that staff would add language to the Information section of the staff report to the effect that future development of Parcel 1 lot 2803 would require changes in the access plans for the driveway.

Chairman Burke asked whether any Commissioners had any other questions for the staff.

A short discussion ensued about the conditions as contained in the staff report, their language and their applicability, as well as provisions for future development.

It was agreed by all that staff would add language to Condition 1 that clarifies that the water service must be provided prior to final plat approval. It was also agreed that staff would change "recordation" in Condition 9 to "approval."

Chairman Burke opened the hearing to comments from the public at 5:50 pm and called upon Ms. Jo Owen.

Ms. Owen introduced herself by saying that she was a member of the Board of the South Shore Homeowners Association which has property adjoining the proposed partition. She expressed concern about the potential for future development of Parcel 1 on Lot 2803. She noted that that parcel has a creek running through it to the lake and that the lake is a source of drinking water for several residences. She asked that the City be mindful of the possibility of water contamination from runoff before and after development.

Chairman Burke called Mr. Ron Stanley to speak next.

Mr. Stanley introduced himself by saying that he lived on Siltcoos Drive near the proposed partition and stated that although many of the concerns he had were being addressed, he would read a brief statement, as follows:

Whereas the city of Dunes City chose to aggressively enforce a recent ordinance, I feel all legalities must be completely considered and understood by the residents before approval on these properties. And, whereas the wording of the calling of the meeting suggests my only opportunity to relate such concerns for now or in the future is tonight, the following issues must be brought before this meeting for the benefit of the entire community.

1. Do all lot sizes and shapes meet every city use standard completely including any possible sewage issues regarding septic tanks and proper safety regulations involving contamination of any neighboring water source including wells?

2. Have environmental impact issues relating to all Federal, State, County and City requirements been officially addressed, with results properly filed and available to the public to view?
3. Have deed restrictions been considered for each proposed property concerning tree removal in order to lessen potential wind damage to nearby properties by the removal of trees?
4. Any information relating to these properties that may come to light in the future must be able to be addressed at a later date if needed. This relates directly to the wording in the calling of this meeting which suggests otherwise.
5. Since these and other issues need to be considered in a thoughtful and logical manner, I suggest the process not be rushed, meaning a proper amount of time should be set aside to address all concerns verbally, legally, and on paper with proper documents filed.

A copy of Mr. Stanley's written statement is attached as EXHIBIT B.

Chairman Burke thanked the speakers for attending the hearing and voicing their concerns. There being no others signed in to address the Commission on this issue, Chairman Burke closed the public hearing at 6:00 pm.

Chairman Burke then called on Mr. Gordon Robertson to speak.

Mr. Robertson requested an amendment to the conditions of approval as written by staff. He noted that Condition 2 erroneously references an existing dwelling and asked that staff remove the sentence, "For the proposed parcel with the existing dwelling they will need to locate the existing septic system and a repair area, and show that both will be within the proposed property boundaries." Staff and Commissioners agreed to make the change. In order to clarify Condition 9, it was agreed by all that staff would add "engineer" to clarify that it was the City Engineer, not the city would approve construction plans for street improvements. After a short discussion of Condition 1, Mr. Robertson, staff and Commissioners agreed to amend the language stating that utilities should be clearly labeled on the plat to read that they would be "indicated on as-built plans."

Chairman Burke requested a motion to accept the Staff Report, Conditions of Approval and the Findings of Fact as amended.

Commissioner Riechel made a motion to accept the Findings of Fact and staff report as amended. Commissioner Beckman seconded the motion. The motion passed by unanimous vote.

8. UNFINISHED / OLD BUSINESS – None

9. NEW BUSINESS

A. Deliberation and Decision: Robertson Partitions (2).....**Action Item**

Chairman Burke requested a motion to approve the preliminary plat for the first partition.

Vice Chairman Riechel made a motion to approve the application for partition of Lot 19-12-26-22-02802 to create three lots. Commissioner Gargis seconded the motion. The motion passed by unanimous vote.

Chairman Burke requested a motion to approve the preliminary plat for the second partition.

Vice Chairman Riechel made a motion to approve the application for partition of Lot 19-12-26-22-02803 to create three lots. Commissioner Gargis seconded the motion. The motion passed by unanimous vote.

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA – None

11. ADJOURNMENT

Chairman George Burke asked for a motion to adjourn. Commissioner Beckman made a motion to adjourn the meeting. Commissioner Gargis seconded the motion. The motion passed by unanimous vote.

Chairman Burke adjourned the meeting of the Planning Commission at 6:18 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 26th OF SEPTEMBER 2013.

[Signed copy available at City Hall]
George Burke, Planning Commission Chairman

ATTEST:

[Signed copy available at City Hall]
Fred Hilden, City Recorder