



PLANNING COMMISSION REGULAR SESSION MINUTES ~ APPROVED
THURSDAY, JULY 25, 2019 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 Bonnie Allen called the July 25, 2019, Planning Commission meeting to order at 6:02 pm.

2. OATH OF OFFICE

Administrative Assistant Rapunzel Oberholtzer administered the Oath of Office to newly appointed Commissioner Mr. Rodd Bench, whose term ending date is January 12, 2022.

3. ROLL CALL

Roll Call was taken by Administrative Assistant Rapunzel Oberholtzer.

Present: Chairman Bonnie Allen, Vice Chairman Ken Pesnell, Commissioners Barry Sommer, Jamie Gorder, and Rodd Bench.

Also present were City Administrator/Recorder Jamie Mills and City Attorney Ross Williamson, as well as several City residents.

4. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

5. APPROVAL OF THE AGENDA

Vice Chairman Pesnell made a motion approve the Agenda. The motion was seconded by Commissioner Gorder and passed by unanimous vote.

6. APPROVAL OF THE CONSENT AGENDA

A. Planning Commission Meeting Minutes of May 23, 2019

Commissioner Sommer made a motion to approve the Consent Agenda. The motion was seconded by Vice Chairman Pesnell and passed by unanimous vote.

7. ANNOUNCEMENTS /CORRESPONDENCE

Chairman Allen read from the list of announcements on the Agenda:

- A. The 8th annual Oregon Dunes Triathlon will be Saturday, June 13, 2020. It is not too early to volunteer! Registration for athletes will open in November.

8. CITIZEN INPUT

Chairman Allen recognized Mr. John Colwell, a Dunes City resident who volunteered to help staff the aid station at the bike turnaround on Canary in the 2020 Tri/Du!

9. NEW BUSINESS

- A. Review and Decision on Subdivision Final Plat

Chairman Allen explained that this Planning Commission meeting was scheduled to end at 8:00 pm but if no decision by the Commission has been made by then, discussion and consideration would continue during the August 22 meeting.

Mr. Williamson explained that the Planning Commissioners often have to “wear different hats” for their different functions on the Commission: One role is to recommend policy changes to the City Council, such as recommending changes to land use code; another role is to act as a judge, such as in a quasi-judicial hearing where Commissions make a recommendation based on a confined set of facts and a confined set of criteria. He went on to explain that the role for Commissioners this evening is essentially an administrative one (Type II), in which they will review a specific set of facts and a specific set of criteria to determine whether or not the requirements and criteria have been met, no discretionary decision is allowed in this case. He also explained that in this meeting the Commissioners could only consider the evidence that is presented as part of the record, which is all the material the applicant has presented and all the material the members of the public have presented, and compare the evidence to the criteria to determine if the criteria have been met. He pointed out that the Commissioners would determine whether or not any of the facts presented were relevant to the criteria; if they were not, they should not be considered or part of the decision process.

Mr. Williamson also pointed out that a partition or a subdivision application require a two-part process: The first is submission and approval of a preliminary plat which, in this case, has already happened, and the second part is the review and approval or denial of the final plat.

Chairman Allen read from a script prepared for the meeting by Staff.

“This evening we are reviewing the subdivision final plat for Little Woahink Lake Subdivision, Phase 3, as submitted by Mr. Len Blackstone, agent for the property owner. These proceedings will be recorded.”

“This meeting will be held in accordance with the land use procedures required by the City and the State of Oregon. This is a Type II, Administrative Procedure, for which public notice has been provided. We will make a decision during the meeting, but this is not a public hearing and public comments will not be heard.

“We will review the final plat and approve or deny the final plat based on findings regarding compliance with the approval criteria set forth in Dunes City Code Section 155.4.3.160(B) and the Conditions of Approval set forth in Resolution Series 2017, No. 10, for the preliminary plat to ensure that this final plat complies.

“Commissioners must make a decision in an impartial manner. A July 16, 2019, article published in ‘The Siuslaw News’ discussed the subdivision application and its extended history. Do any Commissioners wish to declare pre-judgment bias as a result of reading the article, or for any other reason?”

Chairman Allen asked each of the Commissioners if they had read the article or had any other pre-judgment bias to declare. Commissioners Bench, Gorder and Sommer all said they had not read the article and had no other bias. Vice Chairman Pesnell said that he had read the article but had no pre-judgment bias; he noted that he had ridden his mountain bike through the property months before he became aware of the subdivision final plat application. Chairman Allen declared that she had read the article but had no pre-judgment bias.

Commissioners read aloud the Approval Criteria from Section 155.4.3.160, agreeing to discuss each of them later:

- 1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied.*
- 2. All public improvements required by the preliminary plat have been installed and approved by the City. Alternatively, the developer has provided a performance guarantee in accordance with Section 155.4.3.180.*
- 3. The streets for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street and easements for public utilities.*
- 4. The streets held for private use have been approved by the City as conforming to the preliminary plat.*
- 5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, and storm drainage.*
- 6. The applicant has provided copies of all recorded homeowners association Codes, Covenants and Restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat.*
- 7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval).*

8. *Certification by the State of Oregon and Lane County, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with Section 155.3.4-Public Facilities Standards, and the bond requirements of Section 155.4.3.180. A registered professional engineer, subject to review and approval by the City shall determine the amount of the bond, contract or other assurance by the subdivider.*
9. *The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the US Geological Survey or giving two or more permanent objects for identifying its location.*

Chairman Allen requested Staff to present the summary of the project memorandum prepared by Staff. City Administrator/Recorder Mills read aloud from the memorandum:

HISTORY OF PROJECT

In April of 2006, Dunes City received an application for a Preliminary PUD Subdivision and Zone Change requesting approval of a 23-lot PUD and a zone change to add the PUD suffix to the Residential Zoning District for parcel 19-12-11-40, Tax Lot 100. The application was deemed complete in October and Public Hearings on the application were held by the Planning Commission on November 21 and December 28, 2006. According to the minutes of the December 28 Planning Commission meeting, after discussion and citizen comments, the Commission voted to approve the application with 14 conditions of approval and two modifications. The vote was three in favor with two abstentions.

In March, April, May, June and July of 2007, the City Council met to review the above referenced application. City residents and Councilors expressed many concerns about the proposed project during that time and Applicant responded to the concerns, eventually proposing to reduce the number of lots from 23 to 13. In the June Council meeting, Councilors voted to deny the application for a zone change and the application for a PUD. In August of 2007, Applicant filed a Petition for Alternative Writ of Mandamus in the Circuit Court of the State of Oregon for Lane County. On August 31, 2007, the Court ruled in favor of the Plaintiffs, ordering the City to approve the subdivision tentative plan for 15 lots.

In 2017, a representative of the current owner of the property met with City Administrator/Recorder Jamie Mills to convey the owner's desire to move forward with the proposed subdivision, with the understanding that the final approval of the subdivision will be subject to the conditions set forth in the Circuit Court Judgment, and in compliance with current Dunes City laws, rules, regulations, and ordinances that have been adopted and are in force since the entry of said Judgment on August 31, 2007. Subsequent to that meeting, City Staff was unable to find any record that the Dunes City Council complied with said Circuit Court Judgment. To comply with said Circuit Court Judgment, the Dunes

City Council adopted Resolution Series 2017, No. 10, on May 11, 2017, in which the Council resolved to approve the tentative subdivision plan, subject to the conditions set by the Circuit Court of Oregon.

Dunes City Staff notified the owner of the property, and his representative, in writing that the Council's approval had been entered and those parties had 180 days within which to file the final subdivision plan. On May 25, 2018, Applicant asked for and was granted a one-year extension of time to submit the final subdivision plan.

On April 29, 2019, City Staff met with Applicant to review what was needed to submit the final subdivision plan and supporting documents, and to discuss with Applicant the conditions imposed by the Circuit Court Judgment and the current Dunes City Code that would need to be met. Applicant was given a deadline of May 15 to submit the required documents. A meeting for the Planning Commission to consider approval of the final plat was scheduled for May 23, 2019, but subsequently cancelled because Applicant failed to supply the correct documents by the May 15 deadline. Applicant submitted the required documents May 29, 2019.

There was a question about the number of lots in the proposed subdivision as the number has changed over the history of the project. Staff noted that the number of lots is fifteen, with one of them reserved as common area.

City Administrator/Recorder Mills continued to read from the prepared memorandum.

CONDITIONS OF APPROVAL

August 31, 2007, in a Stipulated General Judgment; Peremptory Writ of Mandamus the Circuit Court ordered and adjudged, *“that judgment is hereby entered in favor of Plaintiffs-Relators as follows: (1) The City of Dunes City shall approve a subdivision tentative plan for the property that is the subject of the petition filed herein for 15 lots in a configuration as depicted in Exhibit A attached hereto and by their reference incorporated herein; (2) Said approval is subject to conditions set forth on Exhibit B attached hereto and by this reference incorporated herein; (3) In addition to the conditions set forth in Exhibit B, the City's approval will include the following supplemental conditions: (a) A 100-foot setback from Little Woahink Lake shall be established on the final plat of the subdivision together with restrictions against removal of trees and native vegetation except for the establishment of trails, the construction of the main road through the subdivision and the removal dead, diseased and dangerous trees; (b) A conservation easement shall be established for Little Woahink Lake which will limit uses of the lake to those that will not impact surrounding properties and Woahink Lake, particularly with regard to its use as a source of domestic drinking water; (c) A covenant shall be imposed on all the lots which will limit the size of lawns to no more than 8000 square feet with the additional provision that said covenant may be enforced by Dunes City.”*

Conditions of approval stipulated in Resolution Series 2017, No. 10, and its Exhibit B:

1. A 100-foot setback from Little Woahink Lake shall be established on the final plat of the subdivision together with restrictions against removal of trees and native vegetation except for the establishment of trails, the construction of the main road through the subdivision and the removal of dead, diseased and dangerous trees.

Commissioners referenced final subdivision maps in their meeting packets to make sure that the setback and the restriction referenced above in item one were included. They were. City Administrator/Recorder Mills continued reading.

2. A conservation easement shall be established for Little Woahink Lake which will limit uses of the lake to those that will not impact surrounding properties and Woahink Lake, particularly with regard to its use as a source of domestic drinking water.

Commissioners referenced final subdivision maps in their meeting packets to make sure that the restrictions referenced above in item two were included. They were. City Administrator/Recorder Mills continued reading.

3. A covenant shall be imposed on all lots which will limit the size of lawns to no more than 8,000 square feet with the additional provision that said covenant may be enforced by Dunes City.

Commissioners agreed that this item number three was included both on the final map and in the subdivision's CC&Rs included in their meeting packets. City Administrator/Recorder Mills continued reading.

4. The final plat shall have a deed restriction and declaration of covenant with a note on each lot that all dwelling units constructed within the subdivision, including the existing platted 1st Addition to Little Woahink, be equipped with acceptable and approved residential sprinkler systems, to specifications supplied by the Siuslaw Valley Fire and Rescue District Fire Chief. Applicant is granted a modification of DCC Section 155.111 that requires that the developer install suitable fire hydrants meeting city specifications to serve fire flow requirements of the subdivision. This modification will not be substantially injurious to the best use and value of the property in the neighboring vicinity because the proposed is conditioned on the prevision of sprinkler systems with the residential units.

City Administrator/Recorder Mills pointed out that the First Addition to Little Woahink subdivision has been platted since 1969 and is not subject to any conditions of this application, although the applicant has taken the lots into consideration and applied special setbacks to those adjoining lots. Commissioner referenced the final subdivision maps in their meeting packets to make sure that the restriction referenced above in item four was included. It was. City Administrator/Recorder Mills continued reading.

5. Little Woahink Drive shall bear the name Little Woahink Drive. As a point of information, the other public cul-de-sac shall bear a name approved by the Dunes City and Lane County Road Naming Committee.

City Administrator/Recorder Mills pointed out that the street name is included on the final map and has been approved by the Lane County road naming committee. Commissioners agreed that the condition number five above was met. City Recorder/Administrator Mills continued reading.

6. The final plat shall include notation in each lot of average slopes in the combined areas shown as building and drainfield locations, and shall note recommendations for excavation, grading, and foundation drainage. Roadway embankment drainage notes shall also be included as per Preliminary Geotechnical Assessment page 5. Prior to building permit issuance, plans shall be reviewed for recommended procedures regarding excavation, grading, and foundation construction as recommended in the Geotechnical Assessment.

City Administrator/Recorder Mills read from the referenced Geotechnical Assessment (page 5) included in Commissioners' meeting packets as Exhibit G.

Excavation and Grading

All units at the site can be excavated using conventional means (backhoe, dozer). It is recommended to place permanent cut banks in SU-D at slope angles not exceeding 2H:1V. Temporary cut banks in these deposits appear stable at near-vertical angles as long as the soil is moist. In the upper weathered portions of the dune sand deposits, cut banks can be installed at 1.5H:1V as long as the sand is weakly cemented. If uncemented and less weathered sand is encountered in deeper excavations, the slope angle will need to be reduced to 2H:1V.

Areas which are slated to receive fill should be prepared by stripping of the organic-rich upper layers of the soil. Fill slopes should be installed no steeper than 2H:1V.

Recommendations

The stabilized dune deposits underlying the proposed Little Woahink PUD appear well-suited for residential development. No evidence of previous slope movement was noted at the site and if the following recommendations are followed, no adverse impacts on slope stability is expected.

Foundations

Foundations can consist of shallow spread footings or concrete slabs-on-grade, which can be placed on any of the soil units after removal of the near-surface organic-rich layers. Due to the presence of potentially under-consolidated dune sand, it is recommended to design foundations for a maximum bearing pressure of 1,000 psf.

City Administrator/Recorder Mills pointed out that site plans will be evaluated by the City prior to issuance of any building permits and this requirement is included on the fi-

nal map included in the Commissioners' meeting packets. Commissioners agreed that this condition number six was met. City Administrator/Recorder Mills continued reading.

7. The applicant shall either install required improvements or file an agreement with the City Recorder.

City Administrator/Recorder Mills pointed out that this requirement is included in the applicant's Performance Guarantee, included in the Commissioners' meeting packets as Exhibit E. Commissioners agreed that condition number seven was met. City Administrator/Recorder continued reading.

8. Prior to final plat approval, the applicant will demonstrate approval of the community water system by the Lane County Government Boundary Commission and the State Health Division.

Commissioners agreed that this condition was included in the CCRs and the Performance Guarantee included in the meeting packets. City Administrator/Recorder pointed out that the City would need to see the Certificate issued by the State for the water system. The Commissioners agreed that condition item eight above was met. City Administrator/Recorder Mills continued reading.

9. Onsite septic systems shall utilize the technology, including a 100-foot setback from Little Woahink Lake and shallow disposal fields, as recommended by EGR & Associates in application materials and letter dated February 27, 2007, and shall be subject to Lane County sanitation requirements.

City Administrator/Recorder Mills pointed out that this requirement was included in the applicant's CC&Rs on page 10. She read from the referenced EGR letter included in the Commissioners' meeting packets as Exhibit H.

Wastewater Treatment System Design

Advanced wastewater treatment units such as Orenco's Advantex unit or sandfilters provide approximately a 20 to 30 percent reduction in phosphorous levels as the effluent enters the drainfield. Thus a PUD condition requiring such treatment units is more protective of the environment and will result in approximately a 20-30 percent reduction in the discharge of wastewater related phosphorous to the environment.

The applicant has concurred that a condition requiring advanced treatment units would be an acceptable condition of approval for the PUD.

Drainfield Orientation

Groundwater flow at this site (and thus migration of phosphorous via groundwater flow) is generally perpendicular to the slope toward Little Woahink Lake or the drainage features discharging into Little Woahink Lake. Movement of phosphorous through the groundwater is a function of the distance of travel from the drainfield to the water resource, the ability of the soil to adsorb or retard the movement of phosphorous as it

moves through the soil profile along this path, and the unit hydraulic loading rate of the effluent through a given width of soil.

We have recommended that as few as possible individual sewage disposal lines (counted perpendicular to the slope) be installed and that they be oriented generally parallel to the contours of the site (correspondence dated June 22, 2006). This recommendation is designed to reduce the hydraulic loading rate of phosphorous loading on the soil. Implementing this recommendation likely will increase the difficulty of the installation but will provide greater protection of the resource. Rate of travel of phosphorous through the soil is roughly linear to the unit hydraulic loading rate thus a drainfield with three parallel disposal lines will discharge phosphorous to surface water in 2/3 the time that [sic] would a drainfield with two parallel disposal lines.

The Applicant has concurred that a condition adopting these recommendations would be an acceptable condition of approval for the PUD.

Chairman Allen pointed out that in a letter submitted by Katherine Davidson prior to the meeting, Ms. Davidson requested a failsafe mechanism to prevent water contamination by failing septic systems. She noted that Advanced Treatment Systems (ATS) can be monitored for leakage 24/7/365 without owner intervention. She went on to suggest that the Commission recommend enhancing the condition of approval to require not only the ATS but also automatic monitoring for systems throughout the subdivision.

Following discussion, it was agreed that a requirement for monitoring was outside of the Commission's authority. Commissioners agreed to enhance condition number nine to require the subdivision use Advanced Treatment Technology or sandfilters with as few as possible individual sewage disposal lines, that sewage disposal lines be installed and oriented generally parallel to the contours of the site and utilize shallow pressure drainfields. With that enhancement, Commissioners agreed that condition nine was met. City Administrator/Recorder Mills continued reading.

10. The stormwater system for the subdivision shall be designed and constructed in accordance with the recommendations and plans set forth in letters dated February 27, 2007, and April 24, 2007, from EGR & Associates and a plan, dated April 12, 2007. All stormwater collection infrastructure and the vegetated treatment areas shall be located on common areas in the subdivision, or they will have associated easements to allow passage and maintenance of the stormwater system. CC&Rs shall require the owners association to maintain the system.

Commissioners reviewed the stormwater and drainage descriptions in the applicant's CC&Rs. City Administrator/Recorder Mills noted that City stormwater management regulations are quite stringent, and stormwater management plans are required to be reviewed and approved by the City prior to issuance of any building permit. After discussion, Commissioners agreed that condition ten was met. City Administrator/Recorder Mills continued reading.

11. Site review will be conducted prior to final plat approval to ensure the slopes greater than 12% are not subject to slippage or inundation in its post-developed state, and to ensure the public health and safety. Where slopes exceed 16%, proof of the safety of the proposed development will be required.

City Administrator/Recorder Mills pointed out that current City code requires a site review where building on slopes over 12% is proposed and the City requires an engineer's review and approval on slopes over 16%. With condition eleven also listed on the subdivision final map, Commissioners agreed that the condition was met.

12. Street lights shall be installed at the end of each cul-de-sac.

Chairman Allen pointed out that this condition is specified in the applicant's Performance Guarantee and is met. City Administrator/Recorder Mills continued reading.

13. An architect shall be consulted prior to final plat approval to provide any necessary recommendations for construction of dwellings on specific lots with slopes greater than 16%.

City Administrator/Recorder Mills pointed out that this condition was specified in the applicant's CC&Rs and is a requirement of City Code. Commissioners agreed that condition was met. City Administrator/Recorder Mills continued reading.

14. The landscape plan shall be revised to show pedestrian trails not in excess of 12% in grade and shall provide details of trail construction to indicate erosion control measures.

City Administrator/Recorder Mills pointed out that this condition was specified in the applicant's Performance Agreement. Commissioners were satisfied that the condition was met and City Administrator/Recorder Mills continued reading.

15. The final plat shall provide conservation easement for the total common space and will be under the riparian shoreline area restrictions of the DCC 154.03(A)(2)(B). A 10-foot buffer on the North and East boundary to include the 11 lots in the 1st Addition and to the Southeast a no cut zone per DCC 154.03(A)(2)(a).

City Administrator/Recorder Mills pointed out that this condition was listed on the applicant's final map. Chairman Allen referred to a letter from Mr. John Colwell that was submitted prior to the meeting in which he expressed concern about the impact of any development within the riparian zone and the zone was not indicated on the plat map. City Administrator/Recorder noted that the City has adopted riparian inventory maps, which are updated from time to time, and illustrate riparian areas and creeks on record. She also noted that the proposed subdivision map shows a 100-foot setback from Little

Woahink Lake and that prior to any construction, the City will review site plans to ensure compliance with all setback requirements. Commissioners agreed that condition fifteen was met. City Administrator/Recorder Mills continued reading.

16. Final plat shall indicate roads and cul-de-sacs dedicated to the City of Dunes City.

With the dedications listed on applicant's map, Commissioners agreed that this condition sixteen was met. City Administrator/Recorder Mills continued reading.

17. Removal of existing beach house in the riparian area at the end of existing road.

The beach house was removed years ago. Commissioners agreed that this condition seventeen was met. City Administrator/Recorder Mills continued reading.

18. Require fire resistant roofs and sprinkler systems within the residential units.

This requirement is on the applicant's map and included in the CC&Rs. Commissioners agreed that this condition eighteen was met.

Chairman Allen read excerpts of written comments and concerns from residents submitted prior to the meeting:

Rick Briggs: Phosphate and storm water runoff and the introduction of non-native invasive species pose significant threats to the water quality. Commissioners agreed that the map covenants and restrictions, CC&Rs and conditions of approval sufficiently addressed water quality concerns.

Pat Briggs: The natural beauty of the area and the purity of the water. Commissioners agreed that State and local regulations were in place to protect the land and water quality was protected by the CC&Rs, the map covenants and restrictions and the conditions of approval. *The involvement of appropriate agencies.* Commissioners agreed that State, local and County review processes and regulations address this concern.

John Colwell: Concerns about development in the riparian zone. Commissioners agreed that the map covenants and restrictions, CC&Rs and conditions of approval sufficiently addressed protection of the riparian zone.

Woahink Lake Association, Water Quality Committee: The final plat does not show the current locations of the streams and spring which feed Little Woahink Lake which is required in order to protect these riparian areas. Commissioners agreed that the storm-water management plan, septic system requirements, and protection of the riparian area have been discussed and addressed.

Melvin Panter: Street run off into Little Woahink and the suitability of the road for increased traffic and construction vehicles. Commissioners agreed that the run off has been addressed. City Administrator/Recorder Mills pointed out that the traffic issue was ad-

dressed earlier during the preliminary plat approval process and there is no condition of approval to require a new assessment so the concern has been answered.

Aaron Bowen: Issues raised and discussed at the Woahink Lake Association picnic. Commissioners agreed that these have been addressed.

Katherine Davidson: Current regulations and building codes need to be followed to protect water sources, roads need to be adequate, lot sizes should be greater than one acre, and there should be a failsafe to protect water sources from contamination by failing septic systems. Commissioners agreed that they have discussed these issues and the concerns have been addressed.

Carol Martin: Environmental impact on the lake and surrounding area and limiting the number of houses in the subdivision. Commissioners agreed that they have discussed protections for the area and, with the reduction in the number of buildable lots to 14, and the concerns have been addressed.

Vice Chairman Pesnell noted that one letter referred to a time when the property was deemed unsuitable for subsurface wastewater systems and he asked where that originated. Staff explained that a Comprehensive Plan map listed the subdivision area as “Severe Limitation or Unsuitability.” It was noted that before lots are developed, each property owner will have to comply with State and County septic requirements before any building permits will be issued.

Commissioners returned to discussion of the Approval Criteria at Section 155.4.3.160.

1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied.

Commissioners agreed that the criterion was met, but the final order will include a condition for execution of the Performance Guarantee and would also include specific requirements for the subdivision to use Advanced Treatment Technology or sandfilters with as few as possible individual sewage disposal lines, and sewage disposal lines be installed and oriented generally parallel to the contours of the site and utilize shallow pressure drainfields.

2. All public improvements required by the preliminary plat have been installed and approved by the City. Alternatively, the developer has provided a performance guarantee in accordance with Section 155.4.3.180.

Commissioners agreed that the criterion was met, but the final order will include a requirement for execution of the Performance Guarantee.

3. The streets for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street and easements for public utilities.

Commissioners agreed that the criterion was met.

- 4. The streets held for private use have been approved by the City as conforming to the preliminary plat.*

Commissioners agreed that the criterion was not applicable in this case.

- 5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, and storm drainage.*

Commissioners agreed that the criterion with regard to the streets was met but the other criteria were not applicable.

- 6. The applicant has provided copies of all recorded homeowners association Codes, Covenants and Restrictions (CC&Rs); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat.*

Commissioners suggested the final order require these instruments be provided to the City before recording of the final plat. Commissioners agreed that the criterion was met.

- 7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval).*

Commissioners agreed that the criterion was met.

- 8. Certification by the State of Oregon and Lane County, as applicable, that water and sanitary sewer service is available to each and every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider to the City that such services will be installed in accordance with Section 155.3.4-Public Facilities Standards, and the bond requirements of Section 155.4.3.180. A registered professional engineer, subject to review and approval by the City shall determine the amount of the bond, contract or other assurance by the subdivider.*

Commissioners agreed that the criterion was met.

- 9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the US Geological Survey or giving two or more permanent objects for identifying its location.*

There was some discussion during which it was noted that the Council would not sign the final plat until the developer has met all the conditions of approval. Commissioners agreed that the criterion was met.

City Administrator/Recorder pointed out that it was 8:00 pm.

Commissioner Gorder made a motion to continue the meeting until 8:15 pm. Commissioner Bench seconded the motion. The motion passed with three votes in favor (Pesnell, Gorder and Bench) and one opposed (Sommer).

Vice Chairman Pesnell noted that in one of the letters submitted prior to the meeting there was a comment about Shigella recently found in the lake. He expressed concern about it and pointed out that it was important for the public to be aware that Commissioners are reading the letters submitted to them and following up on concerns. Commissioners agreed that this should be a concern but that it is not relevant to the approval criteria for this application. Staff agreed to find the specific reference so that it could be discussed at the next meeting, and noted that the concern would be entered as part of the record.

Commissioner Gorder made a motion to approve the final plat with Conditions of Approval to include the Applicant will complete and sign the Performance Agreement and, with regards to septic systems, include a requirement to use Advanced Treatment Systems or sandfilters with as few as possible individual sewage lines, install and orient sewage disposal lines oriented generally parallel to the contours of the site, and utilize shallow pressure drainfields. Vice Chairman Pesnell seconded the motion. In a roll call vote, Commissioners Pesnell, Bench and Gorder voted in favor of the motion, Commissioner Sommer voted against the motion. The motion passed.

There was a discussion about preparation of the Commission's Final Order.

Vice Chairman Pesnell made a motion to direct Staff to prepare the Final Decision for review and signature at the August Planning Commission meeting. Commissioner Bench seconded the motion. The motion passed by unanimous vote.

10. UNFINISHED/OLD BUSINESS

There was none scheduled.

11. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA/FOR THE GOOD OF THE ORDER

There was none.

12. ADJOURNMENT

Commissioner Sommer made a motion to adjourn. Vice Chairman Pesnell seconded the motion. The motion passed by unanimous vote.

Chairman Allen adjourned the meeting at 8:10 pm.

APPROVED BY THE PLANNING COMMISSION ON THE 22nd DAY OF AUGUST 2019

[Signed copy available at City Hall]

Bonnie Allen, Chairman

ATTEST:

[Signed copy available at City Hall]

Jamie Mills, City Administrator/Recorder