



**CITY COUNCIL SPECIAL SESSION MINUTES ~ APPROVED
APRIL 4, 2011 AT 6:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded on tape and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at www.DunesCity.com

1. CALL TO ORDER

Mayor Eric Hauptman called the Special Session of the Dunes City Council to order at 6:04 pm.

2. ROLL CALL

Roll Call was taken by Fred Hilden, City Recorder.

Present: Mayor Eric Hauptman, Council President Rebecca Ruede, Councilor Richard Anderson, Councilor Richard Koehler, Councilor Jamie Mills, Councilor Troy Sathe, and Councilor Duke Wells.

Absent: None.

Also Present: City Recorder Fred Hilden, City Planner Lisa Ekelund, and several citizens.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

Mayor Eric Hauptman explained that a special meeting had been planned and that Lisa Ekelund is going to be out on medical leave for several weeks. The purpose of this meeting is for education and discussion and no decisions will be made.

Councilor Sathe made a motion to approve the Agenda as presented. Councilor Wells seconded the motion. The motion passed by unanimous vote.

5. CONSENT AGENDA - None

6. ANNOUNCEMENTS / CORRESPONDENCE - None

7. UNFINISHED / OLD BUSINESS - None

8. NEW BUSINESS

A. City Engineer's Report on Montgomery Application

Mike Dees reported on the Montgomery Application and presented a copy of the City Engineer's final report with recommendations to the tentative plan. This project required quite a few steps including reviewing the LUBA decision, the Court of Appeals ruling, a review of the volumes of materials provided by Dunes City, a number of iterations of Maps A thru F, Oregon subdivision law what is expected to get to the final plat. Enough material has been submitted for a legitimate tentative plan. Issues that they would be uncomfortable with would become conditions of the approval of the final plat. A field inspection with a survey to check points was instead done by table top review where the surveyor runs all the numbers and confirms the accuracy of the documents. Mr. Dees stated that it is very likely going to be correct.

In reviewing the report, one of the issues from the LUBA Remand was looking at the category of needed housing with a subjective review regarding aesthetics. The Dunes City Comprehensive Plan refers to needed housing and the state law objective criteria limits it. The Type III process is geared towards subjective review and evaluation. Mr. Dees stated the goal is to stay away from the subjective and try to go with Federal/State objectives and those that are spelled out in the Dunes City measurements, which should remain. Mr. Dees continued with saying that very little is required in the state ordinance to enable local communities to have the authority for the review. A definition of the plat gives specific information of what a developer has to provide to the review authority, whether it is for the City or the County. Mr. Dees stated that we conducted the review considering what would be in the best interest of Dunes City with respect to public liability issues, environment, erosion/silt, anything that could cause damage such as septic systems leaching, traffic, slope, and encroachment on future development, to minimize livability issues with neighbors.

Mr. Dees stated that a traffic study would be considered objective criteria. Looking at the City requirement and what the County might require showing that a normal rate of 300 trips per day, between 100 and 200 trips would be the likely daily volume. There is not an adequate City objective requirement and the City Engineer recommends not including it as a requirement. The next item was a request to waive the 600' block length standard. It was determined that additional cross streets would cause more environmental impacts. Mr. Dees went on to point out they compared the conditions of approval that the Dunes City Planning Commission adopted, the engineers' recommendations, the staff's list and merged it together to see if they all concurred. This included the staff report copy with all of the input. Mr. Dees stated that Lisa did a good job providing all of the reports and information from the engineers, staff, Council and, with distinct conditions of approval, concur with the staff recommendation, noting that they ended up with 11 conditions rather than 14.

Councilor Sathe inquired about the recommendation for 3 inspections regarding road surfacing and referred to his expertise with road building requirements and standards, recommending 2 rather than 3 inspections. The response was that the City was more comfortable with 3 inspections. Cost of inspections including travel and the report would be about \$450.00 per inspection.

Councilor Mills asked the engineers if the asphalt mix design is the standard used and the reply was yes.

Councilor Mills then asked if some of the recommendations were not the same as the Planning Commission's, such as the Fire Marshal requirements. Would that be an additional item that opens up the record, which is certainly something she would not want to do.

Mr. Dees stated that there is a new concept regarding the planning part which is a specialized field for engineers and planners, with many types of issues received for public safety it still doesn't excuse the developer from contacting the state for additional information.

Councilor Sathe asked about Section #3 on roads and the final proposed roadway to minimize impact to conifer trees. He stated that the road is already laid out where the road is going to be and is moot with only 3 conifer trees in that location.

Councilor Sathe asked about Section #6 regarding the DEQ evaluation and the lay out of septic tanks on this property. No one is going to know where the location of the septic sites will be and the County would be responsible for that determination. Mr. Dees responded that there has been a developer's report with potential building sites and enough land proposed for house sites with subject and alternate fields. Layout of all of the county land recommends defining the line of Lane County and Dunes City boundaries, showing plot line to plat.

B. Preliminary Staff Report on LUBA Remand Proceedings re: Montgomery Application

Lisa Ekelund presented a detailed summary on the Montgomery application process beginning in July 2008 and the history of the application for the subdivision, including a request for variance of the roadway from Clear Lake to Kiechle Arm. Based on the LUBA remand back to Dunes City, the applicant requested the continued processing of the application in February 2011. Clarification on the ESC (Erosion and Sediment Control) was provided to the Council.

Further direction with engineering plans and recommendations were given, together with Lane County codes, and issues for location of roads described. A description of the location of wetlands, along with the DEQ reports for wastewater disposal and alternative methods with evaluations and recommendations were presented. Recommendation for providing the required documentation for approval of a water system pertaining to fire code that clearly indicates location of the water tank was discussed.

C. Review of the Record re: Montgomery Application - Discussion

Councilor Sathe stated that he does not think it is prudent to open up the record with 90 days to complete the process. He questioned whether 3 inspections would be required criteria and he thinks Mr. Montgomery would agree to 2 inspections rather than create more burden.

Lisa stated that due to the steeper slopes created by the road development that an extra inspection was recommended. She respects that decision based on looking at other developments that do not have as much slope.

Mayor Hauptman stated that speaking to past inspections, “why not be safe than sorry.”

Councilor Sathe continued questioning the process and stated that it seems to be excessive inspection requirements.

Moving to the next topic for discussion, Councilor Sathe stated there needs to be clearly defined lines where the County and Dunes City lines of jurisdiction are located.

City Recorder Fred Hilden referred to Points of Record and that the final plat approval goes before Lane County. At that time, the legal description must be defined and then it will come back to the City for signatures.

Councilor Sathe then raised the question regarding recommendation #4 from the Planning Commission on the Hydrologist Report and referred to the letter submitted by Mr. Reavis.

Discussion continued with the Council referencing the letter of record concerning the creek and the widening of the road.

Councilor Sathe stated, to be careful how this is expanded or we will have to open the record.

Councilor Koehler asked what is the length of a road that can be cut and why is a long road not permitted? Responses were that due to State Fire Code requirements and the escape route, 2 exits are required.

Mayor Hauptman explained how they would continue the meeting with questions for the engineers, beginning with taking questions from Mr. Montgomery. He stated, it’s been mentioned about a need to survey the lots again. The Engineer responded that the County will complete another survey before the final plat is issued by the County.

Councilor Mills stated it’s a good thing to have surveys checked by a 2nd or even a 3rd party.

Councilor Koehler stated that reading the letter there was not much information to spur the hydrologist to inspect further. It wasn’t clear to him referring to the Planning Commission’s recommendation.

Lisa stated that staff took out the recommendation because it is the responsibility of DSL, and they will decide what Mr. Montgomery should do.

Mr. Montgomery stated that he would like more information about the outside road right of way erosion control.

Mayor Hauptman stated that they would meet again on the 18th of April to further discuss and to review all of the information. He further expressed to everyone to feel free to continue the conversation with Fred or the Mayor. He did give a word of caution to Mr. Montgomery that he needs to meet with Lane County to get the access permit, because of the slower pace of processing permits.

Mayor Hauptman thanked those in attendance for an outstanding effort made by all involved with the work effort and expressed his sincere thanks to Lisa. "You're Special!"

9. CITIZEN INPUT - None

10. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA - None

11. ADJOURNMENT

There being no further business to come before the City Council, Councilor Ruede made a motion to adjourn the meeting. Councilor Koehler seconded the motion. The motion passed by unanimous vote.

Mayor Hauptman adjourned the meeting of the Dunes City Council Special Session.

APPROVED BY THE DUNES CITY COUNCIL ON THE 12th DAY OF MAY 2011.

[Signed copy available at City Hall]

Rebecca Ruede, Mayor

ATTEST:

[Signed copy available at City Hall]

Fred Hilden, City Recorder