



**CITY COUNCIL SPECIAL SESSION MINUTES ~ APPROVED
APRIL 18, 2011 AT 7:00 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 Rebecca Ruede called the Special Session of the Dunes City Council to order at 7:02 pm.

2. ROLL CALL

Roll Call was taken by Fred Hilden, City Recorder.

Present: Mayor Rebecca Ruede, Council President Jamie Mills, Councilor Duke Wells and Councilor Richard Anderson.

Absent & Excused: Councilor Troy Sathe, Councilor Richard Koehler.

Also Present: City Recorder Fred Hilden, Contract Planner Melissa Anderson and several citizens.

3. PLEDGE OF ALLEGIANCE

All who were present stood for the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA

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

5. CONSENT AGENDA - None

6. ANNOUNCEMENTS / CORRESPONDENCE - None

7. UNFINISHED / OLD BUSINESS

A. LUBA Remand Order 2008-135 Proceedings re: Montgomery View Estates, an application for a 20-lot Preliminary Subdivision Plan and Variance from Block Length Standards as applied for by Alan Montgomery (File SUB-01-07)

Mayor Ruede asked for any ex-parte contact or conflict of interest by the council and all responded that they had none.

Contract Planner Melissa Anderson provided an overview of the application and options for the Council to consider. She pointed out that looking at the LUBA Remand issues and responses to applicable criteria and findings of fact, and the request for continued processing received on February 9, 2011, the Council will have until May 10, 2011 to come to a decision.

Planner Anderson presented the options that the Council must ultimately consider as an action item tonight. The options are: to not open the record; to approve or approve with conditions; or deny this application. The Council could also open the record and postpone the decision, however, in considering postponing that decision, be advised a decision must be made by May 10, 2011. Another option would be to open the record for new information allowing 7 days to respond to the application and another 7 days for the applicant to respond. If the Council decides to consider that option, more details will be given by Staff.

The LUBA Remand had several issues and requirements, including the City Council would need to consider the Record and Supplemental Record. The entire Record has been available since the Remand was presented to the City Council. The Council must consider the entire narrative before making a decision. If the Council considers changing the decision of denial from October 30, 2007, Staff recommends approval of the Variance Application to the 600' block length standard basically because of the environmental impacts.

Also the City must provide a more complete explanation why the flood-base elevation information requirements were violated. With respect to lack of information, upon reviewing the Flood Insurance Map, the map was difficult to read and the development map indicated that the development site, appeared to be located in zone A (flood zone), when in fact almost 95% of the development is located in zone X and only lot #20, in certain areas, shows that some of the land is in the flood plain. On lot #20, no development is proposed at this time. Planner Anderson further stated that the City needs to explain why the Erosion Sediment Control Chapter of the Dunes City Code applies. When the application was submitted on October 1, 2007, at that time Title 14, Chapter 141, Erosion Sediment Control had already been adopted on August 19, 2007. In addition, there are findings that have been prepared addressing all of the criteria and applicable criteria.

After reviewing all of the criteria, Staff has found the request for a preliminary Subdivision Plat and the request to the Block Length Variance either meets the criteria or it can meet the criteria with conditions. The Staff recommendation is for Council not to open the record, to approve this application with conditions and those conditions are summarized as follows:

1. Re-Vegetation Plan: Prior to grading or land disturbance, the applicant shall provide a re-vegetation plan for approval of the City in accordance with City Ordinances.
2. Roadwork: Prior to any roadwork, engineering plans shall be presented to the City for review and approval by the City Engineer. Plans shall include asphalt mix design and specification for base material.

3. Lane County Access Permit: Prior to grading or land disturbance, provide the City with an approved Lane County Access permit for proposed Montgomery Road connection to Clear Lake Road.
4. Access to Adjoining Property: Provide an explanation of access easement to the adjoining portion of the subdivision property located within Lane County and indicate this easement is to be dedicated to the Homeowner's Association.
5. Wetlands, Streams and Lake: Prior to grading or land disturbance, provide evidence of satisfaction of requirements imposed by the Department of State Lands (DSL) concerning wetlands, streams and lakes (i.e. removal-fill permit, wetland delineation report and concurrence by DSL).
6. Wastewater Disposal: Prior to submission of Final Subdivision Plat application, provide DEQ evaluation report described in ORS 454.755. Provide documentation of approvable method of wastewater disposal.
7. Water: Prior to submission of Final Subdivision Plat application, provide documentation of approvable water system and response from Fire Marshal indicating compliance requirements. Clearly indicate where the water tank is to be located and dedicate an easement over that area to Homeowner's Association. The CC&Rs must provide details regarding the Home Owner's Association installation and maintenance of this facility.
8. Erosion and Sediment Control: Prior to grading or land disturbance, an Erosion and Sediment Control Plan, which includes specific Best Management Practice details including installation information for hay bales, check dams, silt fences, silt basins, etc., and an approved DEQ 1200-C permit and plan to the City.
9. Easements and Utilities: Prior to submission of Final Subdivision Plat application, clearly indicate legal descriptions of all easements and public use areas on Final Plat. Indicate which easements are to be dedicated to Dunes City and which are to be dedicated to the Homeowner's Association. If a homeowner association operated water system is provided, PUEs must be provided along Montgomery Road in addition to the proposed PUE along Kiechle Arm Road in order to avoid placing utilities on dedicated City roadway easement for which the City would have potential maintenance liability.
10. Stormwater Management: Prior to grading or land disturbance, provide stormwater design and data for the site based on a 25-year storm event for both the existing condition and the fully developed condition of the subdivision.
11. Excavation and Grading Plan: Prior to grading or land disturbance, provide an excavation and grading plan, which includes stump removal for review and approval by the City. Excavation and grading must be completed according to plan prior to submission of Final Subdivision Plat application. Grading plan must be coordinated with stormwater design and data requirements as listed in condition 6 above.

12. Buffering and Double-Frontage Lots: Prior to submission of Final Subdivision Plat application, a landscaped or natural vegetation buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard and the street on double-frontage lots. Additionally, buffering shall be provided on the side lot lines abutting the arterial (Clear Lake Road) on Lots 1 and 2. Maintenance of buffering shall be assured by the Homeowners Association in the CC&Rs.

Planner Anderson stated that Staff findings meet all the requirements for this application and does not recommend opening the record because it is adequate as it is.

Mayor Ruede referred to City Recorder Fred Hilden and he stated that Melissa Anderson's presentation is a high-level summary of the specific requirements of the conditions that are listed in the Final Order with the attached Findings of Fact that were emailed to the Council last Friday.

Mayor Ruede asked the Councilors if they have all had the opportunity, with their own free will, to review the Record and Supplemental Record as requested by Staff. The Councilors stated that they had.

Council President Mills made a motion not to open the record, to approve with conditions the Preliminary Plat for Montgomery View Estates and the conditions are those that are specifically delineated in the final order, which was prepared by Staff as confirmed in the Findings of Fact. This includes a review of the Comprehensive Plan and the applicability of the conditions of the preliminary plat to the Comprehensive Plan and that it does comply. Councilor Wells seconded the motion to not reopen the record and approve the Preliminary Plat for Montgomery View Estates with conditions. Councilor Mills requested amending the motion to include approval of the Variance from Block Length Standards. Mayor Ruede presented the amended motion with a 2nd from Councilor Anderson to include the addition of the Variance to the motion.

Discussion: Councilor Anderson asked by what means is the twenty-five year event calculated and where does the data come from. Planner Anderson referred to the Storm Water Code.

Mayor Ruede asked City Recorder Fred Hilden to take a roll call vote. Councilors Wells, Mills, Anderson all voted in favor of the motion to approve. Councilors Koehler and Sathe were absent and excused.

8. NEW BUSINESS - None

9. Citizen Input - None

10. UNSCHEDULED ITEMS NOT LISTED ON AGENDA - None

11. ADJOURNMENT

There being no further business to come before the City Council, Councilor Mills made the motion to adjourn the meeting.

Mayor Ruede adjourned the meeting of the Dunes City Council Special Session at 7:30 pm.

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