

DUNES CITY PLANNING COMMISSION

REGULAR MEETING

MARCH 15, 2000 --- 7:00 P.M.

I. CALL TO ORDER

II. APPROVAL OF MINUTES

February 16, 2000, Regular Meeting

III. ANNOUNCEMENTS AND CORRESPONDENCE

IV. PUBLIC HEARINGS

A. Variance Application - Larry Prescott and Teresa Callaway
Tax Lot 1603 --- Map 19-12-27-1-1

B. Site Review Permit Application - William Benson Applicant
Tax Lot 106 --- Map 19-12-34-2-1

V. UNSCHEDULED BUSINESS

VI. ADJOURNMENT

**DUNES CITY PLANNING COMMISSION
REGULAR MEETING
MARCH 15, 2000 --- 7:00 P.M.**

I. ROLL CALL

Present: Bryce Spankroy; Steve Hardeman; Chair, Don Puderbaugh; Lee Riechel; Dan Karnes; City Recorder, Mary Spankroy; and Planning Secretary, Janet Hayes. There were five people in the audience at the beginning of the meeting.

II. APPROVAL OF MINUTES

Action A motion was made by Lee Riechel and seconded by Steve Hardeman to approve the minutes of the February 16, 2000, regular meeting of the Planning Commission with the following correction: Item III. , C., March 16, 2000. should be March 15, 2000. The voting was unanimous and the motion carried.

III. ANNOUNCEMENTS AND CORRESPONDENCE

Natural Hazards Planner and Alternatives to Growth Oregon

After a brief review of these documents, Chair Puderbaugh requested the planning secretary keep them on file.

March 16, 2000 Workshop Dan Karnes announced the time and place for the workshop sponsored by the Siuslaw Watershed Council about riparian trees.

March 17, 2000 Workshop Erosion Prevention and Sediment Control Workshop sponsored by the Siuslaw Soil and Water Conservation District and the Pacific States Marine Fisheries Commission and the City of Florence.

IV. PUBLIC HEARINGS

A. Variance Application - Larry Prescott and Teresa Callaway

Chair, Don Puderbaugh announced that the public hearing for Larry Prescott and Teresa Callaway was for a variance to encroach 3.1 ft. (+/-) into the 25 ft. front yard building setback. John La Rocco is their authorized agent. The property was identified as tax lot 1603 on map 19-12-27-1-1. The address is 4980 Panorama Dr.

The public hearing rules and procedures were explained and the “raise it or waive it” rule was read. The Variance criteria were projected on the wall. Chair, Puderbaugh stated for the record that there had been a public meeting at the site. He said that he and Commissioners; Karnes, Riechel, Hardeman and Spankroy, along with City Recorder, Mary Spankroy and Planning Secretary, Janet Hayes, had visited the site. Chair, Puderbaugh asked the Commissioners if they had discovered any additional findings or facts during the site visit.

No additional findings, ex-parte or conflicts of interest were declared.

Don Puderbaugh read the following excerpts from the staff report to be entered into the record: Larry Prescott and Teresa Callaway have applied for a Variance to encroach 3.1 (+/-) feet into the 25 ft. front yard building setback. John La Rocco has been designated as their authorized agent. There is a staff recommendation that approval of a Variance may be granted only if substantive and probative evidence shows that said Variance conforms to the required criteria.

The rules of procedure for the public hearing were explained by the Planning Commission Chair, Don Puderbaugh.

The public hearing was opened at 7:10 p.m.

Chair. Puderbaugh asked Mr. La Rocco to address the commission stating the intent of the application. John La Rocco explained the chain of events that led up to the Variance application. He said the excavator had offset the pins and consequently the foundation was placed accordingly. Mr. La Rocco said the framing had already been started when they discovered the error.

Proponents

None

Opponents

None

Dan Karnes asked how often does this type of thing happen? Mr. La Rocco said he had experienced it only one other time in 24 years of building in the Florence area. For clarification Don Puderbaugh verified the event sequence as follows; #1. the surveyor set the stakes, #2 the excavator offset the stakes, #3 the foundation contractor laid out the house from the erroneously placed stakes. A

brief question and answer period followed.

Chair, Puderbaugh closed the public hearing at 7:20 p.m.

The Commissioners agreed that it appeared to be an honest mistake. There was a brief discussion relating to the criteria and the staff report.

Motion

Lee Riechel made a motion to accept the staff report as written. Steve Hardeman seconded the motion. The voting was unanimous and the motion carried.

Deliberations followed regarding Conclusions of Law. The Commissioners agreed on the following Conclusions of Law:

1. If a Variance is not granted, the northeast corner of the residence would need to be torn down or a relocation of the structure would be required, causing both a practical difficulty and a hardship.
2. After excavation was done, the corner pins were reset incorrectly, causing the placement of the structure to encroach approximately 3.1 (+/-)feet into the 25 ft. building setback. This is not an ordinary occurrence.
3. Relative to health and safety, a 3.1 ft. encroachment of the 25 ft. building setback, does not appear to interfere with adjacent water, utility, or vehicular access. Nor does it appear that it would be detrimental to adjacent property values.

Motion

Lee Riechel made a motion to recommend to the City Council that it approve the request of Larry Prescott and Teresa Callaway for a Variance to encroach 3.1 feet into the 25 ft. front yard building setback because having considered the evidence presented by those for the proposal as well as the evidence against the proposal, I find by the weight of the evidence 'for' that the proposal should be approved. Bryce Spankroy seconded the motion. The voting was unanimous and the motion carried.

Chair Puderbaugh announced that this application would be heard by the City Council on April 13, 2000, at 7:00 p.m.

B. Site Review Application - William Benson

The public hearing for William Benson was announced by Chair, Don Puderbaugh. He said the application was for a Site Review Permit so Mr. Benson

could apply for a building permit. Ken Carter of Carter Bros. Construction is their authorized agent.

The public hearing rules and procedures were explained and the “raise it or waive it” rule was read. The Site Review Permit criteria were projected on the wall. Chair, Don Puderbaugh stated for the record that there had been a public meeting at the site. He said that he and Commissioners; Hardeman, Karnes, Riechel, Spankroy; City Recorder, Mary Spankroy, and Planning Secretary Janet Hayes had been present at that meeting, along with Ken Carter. Chair Puderbaugh polled the Commissioners for discovery of any additional facts that were found during the visit.

He stated for the record that Ken Carter was at the site meeting and answered questions from the Commissioners about the location of the proposed structure.

No additional findings, ex-parte, or conflicts of interest were declared.

Don Puderbaugh read the following excerpts from the staff report into the record: “Recommendation” - Approval if the concerns of erosion control, vegetation, re-vegetation, and other slope related concerns are satisfied. He said the staff report also pointed out that although the property is zoned R-1 there is an OSS overlay zone. The primary reasons for this Site Review application are a “condition of approval” attached to the Foothill Dunes Subdivision and because portions of the site exceed a 16% slope that also requires a site review.

The rules of procedure for the public hearing were explained by Don Puderbaugh.

Chair Puderbaugh opened the public hearing at 7:40 p.m.

As authorized agent for the applicant, Ken Carter gave a brief statement and explained that he had applied for a building permit and was told he needed a Site Review Permit.

Proponents

None

Opponents

None

Don Schwantes - 4777 Pacific Ave. Westlake

Mr. Schwantes stated he was not a proponent or opponent of the application however, he did want to make a comment. He said he had watched the

excavation of the subdivision when they created it. Mr. Schwantes said the material from the cut bank was used to stabilize the slope. His concern was the development limitation on the east portion of the lot. The public hearing notice did not include information about the OSS boundary. Mr. Schwantes was assured that the OSS overlay would be protected.

A brief question and answer period followed. They discussed concerns regarding plans for re-vegetation of the slope west of the proposed building site.

The public hearing was closed at 7:42 p.m.

The Commissioners' discussion and deliberation included ground cover for the unstable sand, the percentage of slope, and the removal of "Scotch Broom."

Motion

Lee Riechel made a motion to accept the staff report as written. Dan Karnes seconded the motion. The voting was unanimous and the motion carried.

The Commissioners concurred on the following Conclusions of Law:

1. The proposed building location suggests a building and development that fit the site.
2. The application complies with the Foothill Dunes Subdivision Condition of Approval to obtain a Site Review Permit before a building permit can be issued.

Motion

Lee Riechel made a motion to recommend to the City Council that it approve the request of William Benson for a Site Review Permit with the following condition:

1. A re-vegetation plan for erosion control of the westerly slope of the application site is to be submitted to the City Council for approval. The re-vegetation plan is to be submitted to the City Recorder by April 6, 2000.
2. Within 12 months of the issuance of an occupancy permit the planting of the approved re-vegetation plan is to be completed.

Because having considered the evidence presented by those for the proposal as well as the evidence against the proposal, I find by the weight of the evidence 'for' that the proposal should be approved. Dan Karnes seconded the motion. The voting was unanimous and the motion carried.

V. UNSCHEDULED BUSINESS

Stewart R. Myrick - PO Box 1500, Florence, OR 97439

Mr. Myrick said he lives in a home built in 1956 at 84576 North Green Gate Rd. on a 1.17 acres. He wants to partition the lot and build a home on the new lot. He said many

parcels adjacent to his property are less than a ~ acre. He felt the zoning ordinance created in 1978 ordinance requiring parcels to be a one acre minimum was outdated in the year 2000.


The Commissioners explained that the current zoning ordinance does not allow a partition that would create a lot of less than one acre. His request to partition and create two lots less than one acre would be denied based on the zoning ordinance. Mr. Myrick asked who, as a higher authority, could he take his request to? The Commissioners explained their power and authority as a recommending body to the council. He was told he could take his request to the city council. Chair, Don Puderbaugh suggested Mr. Myrick review the ordinances before taking it to the city council.

B. April Planning Commission Meeting

It was the consensus of the commission to cancel the regularly scheduled meeting of April 19, 2000, if a land use application was not received by the March 21, 2000-deadline. They asked the planning secretary to email the Commissioners regarding the status of the April meeting.

VI. ADJOURNMENT

Don Puderbaugh adjourned the meeting at 8:20 p.m.


CHAIR, DON PUDERBAUGH


PLANNING SECRETARY, J. HAYES


BRYCE SPANKROY


STEVE HARDEMAN


LEE RIECHEL


DAN KARNES

DUNES CITY PLANNING COMMISSION MEETING

MARCH 15, 2000

PLEASE PRINT YOUR NAME AND ADDRESS BELOW IF YOU WISH TO SPEAK
REGARDING THE PUBLIC HEARING APPLICATION FOR A VARIANCE
APPLICATION, APPLICANT(S), **LARRY PRESCOTT AND TERESA
CALLAWAY**

PROponents

OPponents

DUNES CITY PLANNING COMMISSION MEETING

MARCH 15, 2000

PLEASE PRINT YOUR NAME AND ADDRESS BELOW IF YOU WISH TO SPEAK
REGARDING THE PUBLIC HEARING APPLICATION FOR A **SITE REVIEW PERMIT,**
APPLICANT, ***WILLIAM BENSON***

PROPONENTS

OPPONENTS
