

**DUNES CITY PLANNING COMMISSION
REGULAR MEETING
JUNE 21, 2000 --- 7:00 P.M.**

I. CALL TO ORDER

II. APPROVAL OF MINUTES

- A. May 17, 2000 --- Regular Meeting Minutes

III. ANNOUNCEMENTS AND CORRESPONDENCE

New Planning Secretary - Introduction of Jeannie Cerda

IV. PUBLIC HEARINGS

- A. Variance - Robert Petersdorf, Applicant
19-12-26-2-1 Tax Lot 1000
- B. Minor Partition - David Davis
19-12-23-3 Tax Lot 301

V. NEW BUSINESS

- A. Septic System Setbacks

VI. OLD BUSINESS

- B. Tree Conservation Booklet - Discussion
- C. Subscription for Notification/ODF - Discussion

VII. UNSCHEDULED BUSINESS

VIII. ADJOURNMENT

**DUNES CITY PLANNING COMMISSION
REGULAR MEETING
JUNE 21, 2000 --- 7:00 P.M.**

I. CALL TO ORDER/ROLL CALL

Vice Chair, Lee Riechel called the meeting to order at 7:00 p.m.

Present: Bryce Spankroy, Lee Riechel, Dan Karnes, City Recorder, Mary Spankroy and Planning Secretaries Janet Hayes and Jeannie Cerda. Three people were in the audience at the beginning.

Excused/Absent: Steve Hardeman and Chair, Don Puderbaugh.

II. APPROVAL OF MINUTES

Action: A motion was made by Dan Karnes, and seconded by Bryce Spankroy, to approve the minutes of the May 17, 2000, regular meeting of the Planning Commission. The voting was unanimous with 3-Aye 0-Nay and 2-Absent, the motion carried.

III. ANNOUNCEMENTS AND CORRESPONDENCE

Jeannie Cerda was introduced as the new Planning Secretary.

IV. PUBLIC HEARINGS

A. Variance Application - Robert D. Petersdorf

Vice Chair, Lee Riechel announced the public hearing for Robert D. Petersdorf's request for a variance to encroach approximately seven (+/-) feet into the side and rear building setback. The property is identified as tax lot 1000 on map 19-12-26-2-1. The address is 5273 Hilltop Drive.

The public hearing rules and procedures were explained and the "raise it or waive it" rule was read. The Conditional Use criteria were projected on the wall. Vice Chair, Riechel stated for the record that there had been a public meeting at the site. He said that he and Commissioners; Karnes, Riechel and Spankroy along with City Recorder, Mary Spankroy, and Planning Secretaries Janet Hayes and Jeannie Cerda had visited the site. Vice Chair, Lee Riechel asked the Commissioner if they had discovered any additional findings or facts

during the site visit.

No additional findings or ex parte were declared.

Vice Chair, Lee Riechel expressed concern that there may be a potential conflict of interest since the applicant, Robert D. Petersdorf, is a member of the city council. Vice Chair, Lee Riechel posed two options; the first would be to declare a conflict of interest and continue with the meeting and forward the application onto the city council without a recommendation, or forward the application to the city council with a recommendation declaring that there is a potential conflict of interest.

After a brief discussion, it was agreed upon that there is no conflict of interest, since Mr. Petersdorf is acting as a citizen and is not in the decision making process.

It was agreed upon by Dan Karnes, Bryce Spankroy and Vice Chair, Lee Riechel to proceed with the normal process and would recommend a decision to the city council.

Vice Chair, Lee Riechel stated that he chose to not read excerpts from the staff report unless someone so requested. No request was made.

The public hearing was open at 7:07 P.M.

Vice Chair, Lee Riechel asked Mr. Petersdorf to address the commission stating his name, address and the intent of the application.

Mr. Petersdorf stated that he resides at: 5273 Hilltop Drive, Dunes City. Mr. Petersdorf stated that he requires a variance to encroach seven feet of the setback on the north, east and west part of his property for construction and remodeling purposes.

He went on to state that a barn and dog run was built in 1973. The barn is set approximately two feet from the east side of the property. He stated that he wanted to move the barn towards the dog run which would then be three feet from the east side property line and three feet from the north side property line. Mr. Petersdorf wanted to clarify what appeared to be an error regarding the encroachment. It was his intention to encroach the setback by seven feet, not seven feet from the property line.

Dan Karnes asked that since the new building Mr. Petersdorf is proposing on building is so close to the west property line, was he proposing on building a one story building with an attic. Mr. Petersdorf said it would be one story with a maximum height of 12', that it would be a flat roof.

Mr. Karnes asked if the workshop would be part of the garage. Mr. Petersdorf said it would

be.

Mr. Karnes inquired about parking. Mr. Petersdorf stated that he was going to keep parking as it is that he had no intention of expanding the driveway or utilizing the new garage for parking.

Mr. Karnes inquired about the total square footage of the proposed building and the square footage of existing buildings. It was determined that Mr. Petersdorf is well within the 30% maximum lot coverage.

Proponents

None

Opponents

None

Vice Chair, Lee Riechel closed the public hearing at 7:20.

A brief question and answer period followed.

Vice Chair, Lee Riechel stated the commissioners' discussion stating that an 1100' square foot home and roughly 1300' sq. ft. of new construction for a rough total of 2300' sq. ft. on a 11,500 sq. ft. lot is well within the 30% maximum lot coverage allowed.

Vice Chair, Lee Riechel addressed the variance issue. He did not see any problem with the drainfield or well.

Bryce Spankroy inquired as to if there were any other alternatives regarding the construction of the garage which would not require a variance. Mr. Petersdorf assured him that given the size and shape of the lot and the placement of existing structures, this plan was the only option available to him. Mr. Petersdorf went on to explain that he had investigated other options.

There was a brief discussion relating to the criteria and the staff report.

Vice Chair, Lee Riechel asked if there were any conditions that should be imposed. Dan Karnes, suggested that upon final inspection of the building permit, the barn must be moved three feet from the east property line.

Motion

Vice Chair, Lee Riechel made a motion to accept the staff report with the condition. Dan Karnes seconded the motion. The voting was unanimous and the motion carried.

3-Aye, 0-Nay, 2-Absent.

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

1. A literal interpretation and enforcement would result in both a practical and unnecessary hardship to the applicant. By not allowing the variance, the applicant would not be able to build a garage that would provide adequate space which the now existing single car garage does not provide. In order for Mr. Petersdorf to build, utilize, and enjoy a standard size garage (average size and shape for the surrounding area) it is necessary for the construction of this garage to encroach the existing variance by seven feet.
2. The granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties of improvements in the near vicinity. This property is served by a community water system and would not be impacted by a variance. Nor does it appear that it would be detrimental to adjacent property owners.

Motion

Dan Karnes made a motion to recommend to the City Council that it approve the request of Robert D. Petersdorf for a Variance to encroach seven (+/-) feet into the north, east and west sides and rear building setback because having considered the evidence presented by those for the proposal as well as the evidence against the proposal, it is found by the weight of the evidence 'for' that the proposal be approved with a condition. Bryce Spankroy seconded the motion. The voting was unanimous and the motion carried.

3-Aye, 0-Nay, 2-Absent/Excused

Vice Chair, Lee Riechel announced that this application would be heard by the City County on July 13, 2000, at 7:00 P.M.

B. Minor Partition - David Davis

Vice Chair, Lee Riechel announced the public hearing for David Davis' request to Partition a parcel of approximately 15.66 acres into three parcels. Proposed parcel one is approximately 4.72 (+/-) acres; proposed parcel two is approximately 2.11(+/-) acres ;

proposed parcel three is approximately 5.83 (+/-) acres. The tax lot is 301 on map 19-12-23-3. The property is located on Clear Lake Road. Rob Ward of Ward Northwest, Inc. is the authorized agent for Mr. Davis on this application.

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. Vice Chair, Lee Riechel stated for the record that there was a public meeting at the site. He said that the planning commission did not visit the site since the site had been visited many times previously due to other proposals.

Vice Chair, Lee Riechel asked the Commissioner if there were any additional findings or facts, ex-parte or conflicts of interest.

There were not any additional findings, ex-parte or conflicts of interest declared.

Vice Chair, Lee Riechel chose not to read the staff report unless any person so requested. There was no request.

The rules of procedure for the public hearing were explained by Vice Chair, Lee Riechel.

The public hearing was open at 7:45 P.M.

Vice Chair, Lee Riechel asked the authorized agent for the applicant to state his name, address, and to make his presentation on behalf of the applicant.

The authorized agent so stated: Rob Ward, 5441 Huckleberry Lane, Dunes City, Oregon. Regarding the responses received on this partition, one referred to wildlife which was a personal preference. The other response was from Lane County who made the comment about the right away being 60 feet. He recalls the city tried to get an extra 5 feet on another partition and then they had to go back and remodify it because they found out they could not do it as a city. The city cannot require a landowner through a partition process to give up an extra five feet of their property on behalf of the county. That is something the county has to deal with the landowner on those issues. The county wants to change the 60 foot right-of-way to a 70 foot right-of-way which means they are looking for five feet on each side and they asked the city why doesn't the city make it a requirement that the landowner's, out of generosity, give the property to the county as part of their approval. The only easement that is going to be required is a 30 foot easement off of Jensen Lane. If a second parcel is created at a later time, that will also be serviced by that easement. Parcel #1 does not require an easement because it fronts Jensen Lane. Parcel #3 does not require an easement because it fronts Clear Lake Road. Mr. Ward then requested that he be able to respond to questions or anything else that may come up as part of the public hearing.

Proponents

None

Opponents

None

Vice Chair, Lee Riechel closed the public hearing at 7:53 P.M.

A brief question and answer period followed.

Vice Chair, Lee Riechel inquired about the existing easement on parcel three. Mr. Ward explained that the issue is that parcel three does not require an easement so the easement criteria does not apply.

A lengthy discussion followed regarding the now existing easements on this property and the maximum number of easements allowed..

Rob Ward stated that when he read the code, parcel three does not require an easement because it owns the land all the way to the street.

Vice Chair, Lee Riechel addressed the width of easements. He stated that he has no problem with a 30 foot easement but we do have a code stating that an easement minimum is 50 feet (City Ordinance 155.089 Access 155.089(C)(3) "Easements used as access to lots or parcels shall meet the following criteria:" 155.089(C)(3)(c) "The minimum width of roadway easements shall be 50 feet."). Mr. Ward pointed out that the County requirements for a driveway easement is 20 feet. Mr. Ward agreed to make change the easement to 50 feet.

Vice Chair, Lee Riechel stated that there is a finding of fact that would impose the easement to parcel two across parcel one be changed from 30 feet to 50 feet.

There was a brief discussion relating to the criteria and the staff report.

Motion

Dan Karnes made a motion to accept the staff report with the addition of the finding of fact, Bryce Spankroy seconded the motion. The voting was unanimous and the motion carried.

3-Aye, 0-Nay, 2-Absent/Excused

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

1. The data contained in the application conforms with city code for access to lot lot size and lot numbers. Each lot is well over the one acre requirement.
2. The minor partition does not impede the future best use of the remainder of the property or adversely affect the safe and healthful development of such remainder or any adjoining land or access hereto. Parcel one has direct access to Jensen Lane, parcel two has an easement across parcel one to Jensen Lane and parcel three has direct access to Clear Lake Road.

Condition

The partition plan be changed to reflect a 50 foot easement as required by city ordinance instead of the proposed 30 foot easement.

Motion

Vice Chair, Lee Riechel made a motion to recommend to the City Council that it approve the request of David Davis for a Minor Partition because having considered the evidence presented by those for the proposal as well as the evidence against the proposal, it is found by the weight of the evidence 'for' that the proposal be approved with the condition previously stated. Bryce Spankroy seconded the motion. The voting was unanimous and the motion carried.

3-Aye, 0-Nay, 2-Absent/Excused

Vice Chair, Lee Riechel announced that this application would be heard by the City Council on July 13, 2000, at 7:00 P.M.

Recess 8:10

Reconvene: 8:25

V. NEW BUSINESS:

A. Septic System Setbacks

Vice Chair, Lee Riechel announced that this was not a public hearing.

In City code, the setback is for structures and does not specify if a septic system is a structure as it is underground.

Vice Chair, Lee Riechel makes reference to a letter submitted by Bob Anderson outlining DEQ Minimum Separation Distances of 10 feet from property lines for sewage disposal areas or 5 feet for septic tanks or other treatment units. When talking about disposal areas the state says 10 feet.

Rob Ward points out that if the state mandates 10 feet, we should comply.

Mr. Bob Anderson expressed his concern that when the county determines the property line, they go by what the property owner tells them and not by a surveyor's report. Mr. Anderson suggested that Dunes City requires that before permits be issued, all properties must be surveyed in order to protect all parties.

Vice Chair, Lee Riechel pointed out that Dunes City does not have the capability over and above anything that Bruce Mower of Lane County.

Rob Ward inquired as to when a person turns in a site plan, how accurate is Dune City going to require that to be since it is equally important for the house to meet the setback requirements as anything else. Should the city require a licensed surveyor to certify that this plan is correct or is the city going to require something less. What should the city do to ensure that the site plan is accurate. Since the city ordinance does not address septic setback, the city is unable to grant a variance to the non-conforming lots and therefore, these non-conforming lots are unable to improve their septic systems. How as a city do we address this issue.

Mr. Bob Anderson suggested that Dunes City require all lots to be surveyed that to ensure that all septic systems are where they are required to be.

Mr. Ward pointed out that the cost of a project would be increased considerably if a survey is required. However it could be viewed as an insurance policy of sorts. He went on to suggest that the city can require a survey if it appears that they are within a certain threshold of the property. That to eliminate the unnecessary surveys of large parcels of land that obviously are not encroaching the setbacks required by state or county. However if it is apparent that a person will be within 20 feet or 30 feet of the property line, maybe then the city can require a survey.

Vice Chair, Lee Riechel thought the septic setback issue is clarified by the DEQ table defining minimum separation distances.

Mr. Rob Ward inquired that if you go by these standards, how does the city deal with non-conforming lots?

Mr. Bob Anderson brought up the issue of water quality and protecting the water quality.

Vice Chair, Lee Riechel pointed out that the septic setback refers to inland and does not affect the water as there are separate rules governing the water.

Mr. Rob Ward stated that he would like the city to pursue a grant to do an independent unbiased study of the overall impact of the way dunes city handles sewage and the long term impact on our lakes and suggested that the city follow-up on acquiring a grant for a study.

The commissioners had extensive discussion regarding options available to the city.

Motion:

A motion was made by Vice Chair, Lee Riechel that the planning commission respond to the city councils request a recommendation:

1. The City pursue a grant for a water quality study in relation to septic system usage current and future impact.
2. The City use a 10 foot setback for new sewage disposal areas. For existing systems or systems on non conforming lots, the city rely on the expertise of the county.
3. The City change its code to require periodic maintenance and inspection of sewage disposal facilities.

Bryce Spankroy seconded the motion. The voting was unanimous and the motion carried.

3-Aye, 0-Nay, 2-Absent/Excused

VI. OLD BUSINESS:

A. Tree Conservation Booklet - Discussion

Janet Hayes reported that the city council feels that the booklet is a good idea and suggests that the planning go forward with the booklet.

B. Subscription for Notification/ODF - Discussion

Janet Hayes reported that the city council felt that the suggestion that the charter be changed for their conservation group to look at the properties to that are logged to be follow up with the forestry was not what the y wanted the conservation committee to do. They did not want the city taking on the responsibility or overseeing forestry practices. They also felt the expertise was not here to do that. The city council would like to have a joint meeting with the representative Greg Wagonblast, and possibly have him as a speaker so as to obtain more information before we go any further.

VII. UNSCHEDULED BUSINESS

- A. Planning Secretary Janet Hayes requested a letter of reference from the Planning Commission. Vice Chair, Lee Riechel, Bryce Spankroy and Dan Karnes agreed that they would be happy to do so. Dan Karnes wanted to make special note to thank Janet for all the wonderful work and help she has given the planning commission.
- B. There are no public meeting requirements for the month of July. Therefore there will be no Planning Commission Meeting in July, 2000.

II. ADJOURNMENT

Acting Chair Lee Riechel adjourned the meeting at 9:20 P.M.

CHAIR, DON PUDERBAUGH



PLANNING SECRETARY, JEANNIE CERDA



BRYCE SPANKROY

STEVE HARDEMAN



LEE RIECHEL



DAN KARNES

DUNES CITY PLANNING COMMISSION MEETING

JUNE 21, 2000

PLEASE PRINT YOUR NAME AND ADDRESS BELOW IF YOU WISH TO SPEAK
REGARDING THE PUBLIC HEARING APPLICATION FOR A VARIANCE

APPLICANT(S), *ROBERT D. PETERSDORF*

PROPONENTS

OPPONENTS

DUNES CITY PLANNING COMMISSION MEETING

JUNE 21, 2000

PLEASE PRINT YOUR NAME AND ADDRESS BELOW IF YOU WISH TO SPEAK
REGARDING THE PUBLIC HEARING APPLICATION FOR A MINOR PARTITION

APPLICANT(S), *DAVID DAVIS*

PROPONENTS

OPPONENTS



-1-

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Exhibit A, Page 2 of 11





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Exhibit A , Page 3 of 11

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Exhibit A , Page 5 of 11

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Exhibit A , Page 7 of 11

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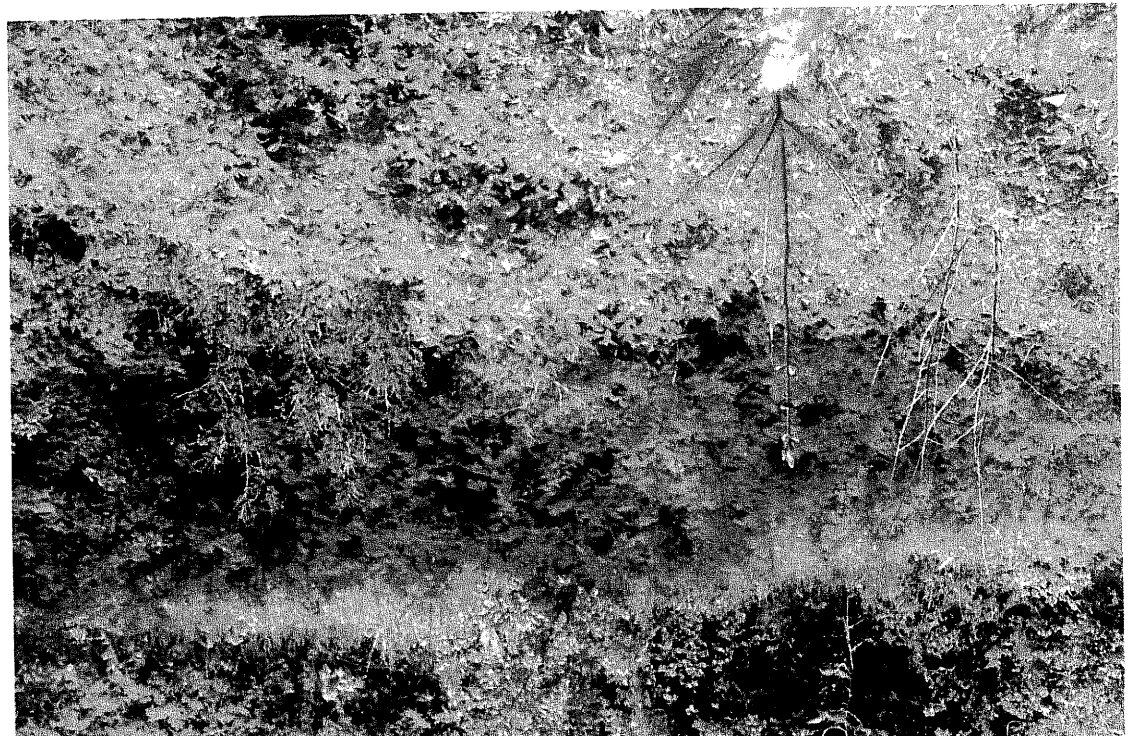
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Exhibit A , Page 10 of 11

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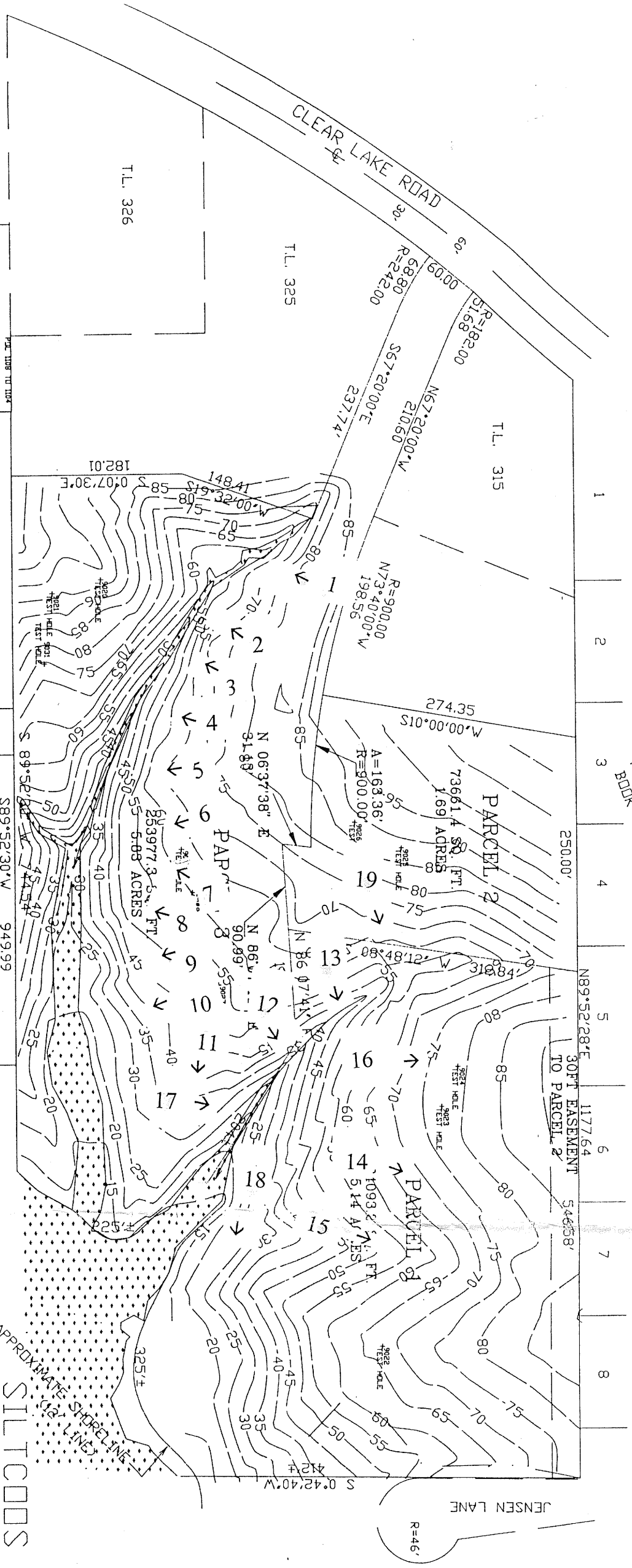
FIRST ADDITION TO
TSILTCODS HEIGHTS
BLOCK 48, PAGE 3

DSPREY ESTATES 181
FILE 75, SLIDE 281

DSPREY WAY
(UNIMPROVED)

APPROXIMATE SHORELINE
SILTCCODS
LAKE

Exhibit A Page 11 of 11



MANLY 45, P. 10
BOOK 45, P. 10

30 FT EASEMENT
TO PARCEL 2

JENSEN LANE

R=46'