

**DUNES CITY PLANNING COMMISSION**

**REGULAR MEETING**

**SEPTEMBER 19, 2001 --- 7:00 P.M.**

- I. CALL TO ORDER
- II. ROLL CALL
- III. APPROVAL OF MINUTES  
August 15, 2001 Regular Meeting
- IV. ANNOUNCEMENTS AND CORRESPONDENCE
  - a. Bob Anderson Letter in support of amending Minor Partition Application.
  - b. Letter to Duck Creek Associates regarding timbering of property.
- V. PUBLIC HEARINGS
  - a. Minor Partition Application - David Davis, Applicant  
Parcel Three of Map 19-12-23-3 • Tax Lot 301 Partition Plat 2000-P1432
- VI. OLD BUSINESS
  - a. Minor Partition - Norman C. & Judy C. Martin  
Map 19-12-23-2 • Tax Lot 402
  - b. TGM Code Assistance Grant - Notice of Partial Award
  - c. City Council recommendation regarding amending requirements for  
minor partition application.
- VII. NEW BUSINESS
- VIII. UNSCHEDULED ITEMS NOT LISTED ON AGENDA
- IX. ADJOURNMENT

**DUNES CITY PLANNING COMMISSION  
REGULAR MEETING  
SEPTEMBER 19, 2001**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

**Present:** Chair Lee Riechel, Commissioners, Don Puderbaugh; Dan Karnes; Steve Hardeman; Bryce Spankroy, and Planning Secretary Jeannie Cerda. There were four people in the audience at the beginning of the meeting.

**III. APPROVAL OF MINUTES**

**Action:** A motion was made by S. Hardeman and seconded by B. Spankroy, to approve the minutes of the August 15, 2001 regular meeting of the Planning Commission, with changes. The voting was unanimous and the motion carried.

5-Aye, 0-Nay, 0-Abstain

**IV. ANNOUNCEMENTS AND CORRESPONDENCE**

- A. Bob Anderson letter in support of amending Minor Partition application requirements. No action or response required,
- B. Letter to Duck Creek Associates regarding timbering of property. No action or response was required.

**V. PUBLIC HEARINGS**

**A. Minor Partition - David R. & Christina G. Davis, Applicants.**

Chair Riechel, announce the hearing was for a Minor Partition request by David R. & Christine G. Davis, to partition parcel 3 of tax lot 301 on Map 19-12-23-3, Partition Plat 2000-P1432, into two parcels. Parcel one approximately 1.52 (+/-) acres; parcel two approximately 3.90 (+/-) acres.

The public hearing rules and procedures were explained and the "raise it or waive it" rule was read. The Minor Partition Criteria were projected on the wall. Chair, Riechel stated for that there had been no public meeting at the site as it had been visited recently on a previous application.

No ex-parte contacts or conflicts of interest were declared.

Chair Riechel opened the public hearing at 7:13 p.m.

Mr. Davis addressed the commission on his own behalf. He stated that at a concept assistance earlier in the year regarding the property he is now partitioning, he did make the changes suggested by the Planning Commission, and addressed the following issues:

1. **Access:** Approval and requirements to create a road and dedicated it to the City of Dunes City has been granted by the road commission and the City Council. Once the road is completed to Dunes City specifications, it will then be dedicated to the City. Therefore eliminating the need to limit access to three parcels off of the driveway easement, and giving the proposed parcels access to Clear Lake Road.
2. A waterline easement has been added to the most southerly portion of the parcels to allow water utility access to the lake.

Mr. Davis stated that a "hammerhead" style turn-around at the end of the road would adequately service any emergency vehicles that would require access. Mr. Davis informed the Planning Commission that they septic test holes are indicated on the preliminary plat map. He also informed the Planning Commission that Lane County would not accept a preliminary plat map with the test holes indicated on the plat map. He asked the Planning Commission if he should remove them from the preliminary plat map or wait until the City Council has reviewed the minor partition. Chair Riechel directed Mr. Davis to leave the test holes on the preliminary plat map until the City Council has reviewed the request.

### **Proponents**

None.

### **Opponents**

None.

A brief question and answer period followed.

Chair Riechel closed the public hearing at 7:28 p.m.

Chair Riechel started the commissioners discussion stating that he felt that the application presented addressed all Dunes City requirements for a Minor Partition with the exception of the completion of the road. It was suggested that the final approval be conditioned upon the city councils acceptance of the road. It was also suggested that the requirement for site review and/or engineering be placed upon the final plat map.

### **Motion**

Steve Hardeman made a motion to accept the staff report and the conclusions of law as written. Bryce Spankroy seconded the motion. The voting was unanimous and the motion carried.

5-Aye, 0-Nay, 0-Abstain

The commissioners concurred on the following Conclusions of Law:

1. The request is made by the owner of the property in compliance with DCCO 155.030.
2. The proposed minor partition meets the definition of Minor Partition.
3. The data contained in the Minor Partition application conforms with Dunes City Code for access to lots, lot size and lot numbers. Each lot is over the one-acre minimum requirement.
4. The steepness of the property requires a site review.
5. The steepness of the property requires an engineering report for any building or structure to be placed upon slopes greater than 16%.
6. The property will be divided into two parcels. Parcel one is 1.52 acres; parcel two is 3.90 acres.

**Condition**

1. The plat map state, before any development of any lot, an application for a site review must be filed with and approved by Dunes City.
2. The plat map state, a geological engineering report is required for any building or structure(s) to be placed upon slopes greater than 16%.
3. City Council's acceptance of the proposed road must be obtained before filing the final plat map.

**Action**

Dan Karnes, made a motion to recommend to the City Council that it approve the request of David R. & Christine G. 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 should be approved with the specified conditions stated in the staff report and the conditions previously stated. Don Puderbaugh seconded the motion. The voting was unanimous and the motion passed.

5-Aye, 0-Nay, 0-Abstain

Chair Riechel announced that this application would be heard by the City Council on October 11, 2001, at 7:00 p.m.

**VI. OLD BUSINESS**

**A. Minor Partition - Norman C. & Judy C. Martin  
Map No. 19-12-23-2, Tax Lot 402**

Chair Riechel asked Mr. Martin if he had new information regarding the minor partition application that was tabled at the August 2001 planning commission meeting. Mr. ~~martin~~ Martin indicated that he did have the information the Planning Commission requested and would like to proceed with the public hearing.

Chair Riechel announced that the public hearing for Norman C. & Judy C. Martin to minor partition Tax Lot 402 of Map 19-12-23-2, approximately 7.56 acres (+/-), into three parcels. Parcel one approximately 3.37 acres (+/-), parcel two approximately 2.00 acres (+/-), parcel three approximately 2.19 acres (+/-). The address is 83750 Rio Road, Florence, Oregon.

Chair Riechel opened the public hearing at 7:45 p.m.

Chair Riechel asked Mr. Martin to present to the commission the issues outlined in the August 2001 Planning Commission meeting.

1. **Lot Dimensions:** Mr. Martin stated that the lot dimensions have been corrected and presented on the revised preliminary Plat 01 Cad 29.

D. Puderbaugh stated that there is still a discrepancy on the revised preliminary plat. He stated that the calculations are off in excess of 20-feet as well as the scale is incorrect. Mr. Martin agreed that the plat does appear to be off scale and there does appear to be a discrepancy.

2. **Lot Depth & Width Ratio:** Mr. Martin stated that he changed the configuration and locations of the proposed parcels two and three to meet the lot depth to width ratio.

Chair Riechel pointed out that the new configuration of lots presented on the amended preliminary plat plan has created an illegal lot of proposed parcel one, which does not now meet lot depth to width ratio. Mr. Martin stated that the reason for the discrepancy is for future partitioning requirements.

Mr. Martin stated that he had prepared an alternate preliminary plat map for the Planning Commission to review, but was not allowed to submit two differing plat maps with the minor partition application. Mr. Martin submitted preliminary plat map Oregon Cad 22, which reconfigured the parcel lay out of the proposed minor partition, and rescinded Plat 01 Cad 29. ~~This to address lot size.~~

Chair Riechel called for a recess at 8:10, allowing planning secretary time to copy the newly submitted preliminary plat map.

Reconvened at 8:18

Mr. Martin stated that the newly submitted preliminary plat map addresses lot to width ratio.

3. **Easements:** Mr. Martin stated that easements are not an issue. The Planning Commission concurred.
4. **Wetland/Riparian Area:** Mr. Martin stated that the proposed driveway crosses over a mapped riparian area. He stated that he had been in contact with DSL regarding a fill permit for the area as well as spoke with DSL about reclassifying the area as in his opinion it is neither a wetland nor a riparian area, but feels that the area is not a riparian area but is simply a drainage ditch.

Chair Riechel stated that although the "drainage ditch" may not meet LSW classifications, it is still considered a riparian area through DSL and Dunes City does not have the expertise or authority to reclassify the riparian area. He stated that the Planning Commission could make the reclassification of the riparian area condition of approval.

Mr. Martin stated that even if the area was not reclassified, it still does not affect what they are proposing at this time. The Planning Commission informed him the Dunes City is bound by Division of State lands classification, and until or unless it is reclassified, Dunes City cannot authorize any work to be done within the riparian area, which is the area of the proposed driveway.

Mr. Martin stated that they requested the Dunes City do something about the culvert that was placed that they feel created this riparian area.

Chair Riechel asked Mr. Martin if he were expecting a reclassification of the riparian area from DSL. Mr. Martin stated that he is expecting a reclassification but even if a reclassification is not issued by DSL, that it does not matter because they do not propose to use more than 50-cubic yards of fill. He stated that he was informed by DSL that if he did not exceed the 50-cubic yards, he would not be required to obtain a permit. Chair Riechel, informed Mr. Martin that even if a fill-permit was not required, through DSL, a permit may be required from Dunes City.

D. Puderbaugh stated that it was not within the Planning Commissions jurisdiction to reclassify wetland or riparian areas recorded with Division of State Lands. The Planning Commission can however make the riparian area reclassification a condition of approval. Unless the area is reclassified, the 50-foot setback must be adhered to.

Chair Riechel, asked Mr. Martin about the septic test holes on the map. Mr. Martin stated that they are simply preliminary and the tests have not been completed and will not be until the City Council instructs him specifically where to place the test holes. Chair Riechel informed Mr. Martin that it does not matter so much as to where the test holes are conducted, but that they are in fact conducted. Mr. Martin stated that he spoke with Lane County and they informed him that they will not conduct the tests until the City Council approves the minor partition. Mrs. Martin stated that she spoke with Councilor David Jackson and he informed her that the City Council could approve the minor partition subject to making the septic test holes a condition of approval.

Chair Riechel closed the public hearing at 9:02 p.m.

Chair Riechel started the discussion regarding the new information submitted and the details of the minor partition application.

D. Puderbaugh stated that he had a list of items that he would like to make as conditions of approval:

1. The preliminary plat map submitted indicates a 1"= 40'. However, the maps submitted are reduced print. He stated that when presented to the City Council, it should be a condition that ~~they be the print~~ submitted be 1"=50'.
2. A reclassification by DSL stating there are no wetlands or riparian areas within 50-feet of any construction, grading or fill. Which means the wetland/riparian area issue must be settled with DSL to reclassify the area as having no wetland/riparian area otherwise, there will be a 50-foot setback from any proposed work in order to comply with Dunes City ordinance.
3. Prior to the recording of the final plat, final septic approval must be completed.
4. Site review required for any properties over 12% is noted on final plat map.
5. Engineering report for any construction or structures on slopes over 16% be noted on final plat map.
6. Resolve all dimensions indicated on preliminary plat map before presentation to the City Council.

Chair Riechel recapped the conditions:

1. Map scale 1"=50' in full print-out.
2. Wetland/Riparian area issue resolved
3. Sewage capability test holes
4. Site review for slopes 12%
5. Engineering report for slopes 16%
6. Resolve dimensions

D. Karnes indicated that the shoreline dimension is not indicated on the preliminary plat map. L. Riechel stated that the shoreline dimension must be on the preliminary plat map when presented to the City Council for the review.

~~D. Puderbaugh if the Planning Commission would recommend that the preliminary plat map submitted~~ asked if Mr. Martin should be required to have the plat map engineered or surveyed prior to the City Council for review meeting. L. Riechel stated that he does not think that should be required at this time. That it should be noted to the City Council that the map presented is not prepared by a licensed surveyor or engineer.

There was discussion relating to the criteria, and the staff report.

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

1. The request is made by the owner of the property in compliance with DCCO 155.030.
2. The proposed minor partition meets the definition of Minor Partition.

3. The data contained in the Minor Partition application conforms with Dunes City Code for access to lots, lot size and lot numbers. Each lot is over the one-acre minimum requirement.
4. The steepness of the property requires a site review.
5. The steepness of the property requires an engineering report for any building or structure to be placed upon slopes greater than 16%.
6. The property will be divided into three parcels. Parcel one is 3.41 acres; parcel two is 2 acres and parcel 3 is 2.15 acres, and cannot be further divided within a current calendar year.

**Motion**

D. Karnes made a motion to approve the staff report with additions of revised plat map Cad Or 22, Wilbur Ternyik's report, and additions and conclusions of law, S. Hardeman seconded the motion. The voting was unanimous and the motion carried.

~~3-Aye~~, 5-Aye, 0-Nay, 0-Abstain

**Conditions**

1. Full size map provided at a 1"-50' or larger scale.
2. A reclassification by DSL stating there are no wetlands or riparian areas within 50-feet of any construction, grading or fill.
3. Final subsurface sewage tests required before final plat approval.
4. Plat map state that site review is required on slopes 12% or greater.
5. Plat map state that engineering report is required on slopes 16% or greater.
6. ~~Resolve all dimensions on~~ Add corrected dimensions to plat map.

**Motion**

S. Hardeman made a motion to recommend to the City Council that it approve the request of Norman C. & Judy C. Martin 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 evidence 'for' that the proposal be approved with the six conditions previously stated. B. Spankroy seconded the motion. The voting was unanimous and the motion carried.

~~3-Aye~~, 5-Aye, 0-Nay, 0-Abstained.

Chair Riechel announced that this application would be heard by the City Council on October 11, 2001, at 7:00 p.m.



- B. TGM Code Assistance Grant - Notice of Partial Award. No action required.
- C. City Council recommendation regarding amending requirements for minor partition application. No action required.

**VII. NEW BUSINESS**

None

**VIII. UNSCHEDULED ITEMS NOT LISTED ON AGENDA**

None

**IX. ADJOURNMENT**

Chair Riechel adjourned the meeting at 9:37 p.m.

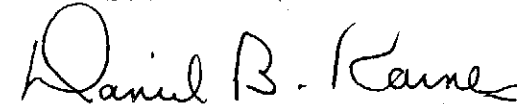
  
DON PUDERBAUGH

  
PLANNING SECRETARY, J. CERDA

  
BRYCE SPANKROY

\_\_\_\_\_  
STEVE HARDEMAN

  
LEE RIECHEL - CHAIR

  
DAN KARNES