



are in Lane County jurisdiction since the Dunes City boundary is the meander line around the lakes. Also, the boundary does not remain static, since that meander line fluctuates with the level of the water. Riechel said it would be desirable to adjust the UGB to have a boundary that goes from point to point including the portion of the lake that is within the boundary that would be subject to Dunes City's influence even though the lands under the lakes belong to the Division of State Lands.

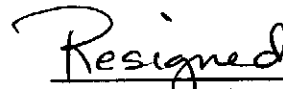
#### III. Adjournment

Chair Riechel adjourned the meeting at 8:55 p.m.

  
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Chair, Lee Riechel

  
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Recording Sec'y, Christina Lewis

  
\_\_\_\_\_  
Les Zemlicka

  
\_\_\_\_\_  
Bud Maxwell

  
\_\_\_\_\_  
Duane Thompson

  
\_\_\_\_\_  
Susie Navetta

**DUNES CITY PLANNING COMMISSION  
REGULAR MEETING  
March 17, 2005**

**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, Duane Thompson, Susie Navetta, Les Zemlicka, Bud Maxwell and Planning Secretary Jeannie Cerda. There were seven people in the audience at the beginning of the meeting.

**III. APPROVAL OF MINUTES**

March 17, 2005 Planning Commission Regular Meeting

**ACTION:** L. Zemlicka made a motion to approve the minutes of the March 17, 2005 Planning Commission Meeting. S. Navetta seconded the motion. There was no discussion. The motion passed 5 aye 0 nays.

**IV. ANNOUNCEMENTS AND CORRESPONDENCE**

None

**V. PUBLIC HEARING**

**A. Minor Partition Application – MP0305, Par Shoaii, Rob Ward, Agent  
Map 19-12-27-14 • Tax Lots 900 & 1300**

Chair Riechel, announced the hearing was for a Minor Partition request by Par Shoaii. to create three parcels. The property is identified as Tax Lots 900 & 1300 on Map 19-12-27-14. Clear Lake Road, in Dunes City.

Chair Riechel noted that there were several people in the audience.

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 the record that Commissioners D. Thompson, S. Navetta, L. Zemlicka and Planning Secretary J. Cerda had visited the property site. No discovery of any additional findings, ex-parte, or conflicts of interest was declared.

Agent R. Ward and applicant P. Shoaii met the Commission out at the property. Mr. Ward showed where the property lines were, the terrain, access points and stated they will be applying for a water right and showed where the approximate water lines would be.

The introduction to the staff report was read.

Chair Riechel asked the applicant to address the criteria in his presentation and to state how the application meets that criterion:

Chair Riechel opened the public hearing at 7:11 p.m.

**Agent: Robert Ward, Ward Northwest, President  
5441 Huckleberry  
Florence Oregon 97439**

**Owner: Par Shoaii  
Laguna California**

Mr. Ward stated the following:

The property is owned and has been recorded in Mr. Shoaii's name.  
The request is a three-lot partition. Access can be taken from:  
Parcel One - Clear Lake Road

Parcel two - West gravel right-of-way

Parcel 3 - Currently a small house on parcel three that currently accesses the property from an easement to the property, which was granted in 1938. Or could possibly access the east unimproved right-of-way which has a Lane County Facility Permit.

Parcel 3 would be granted a 60' easement from tax lot 800, which is also owned by Mr. Shoaii, to access the East unimproved right-of-way.

Water will come from Siltcoos Lake. Waterline easement will be granted.

The request meets access requirements, water requirement and subsurface capability testing is not a prerequisite.

A lengthy question and answer period followed regarding access points and easements.

L. Riechel stated that the Water Quality Control Commission had discussion regarding septic systems. It was pointed out that there were at least three State and county approved above grade sanitary disposal facilities available, that the Planning Commission would not place a requirement for pre approval for septic facilities. It's a cost that is not justified.

Commissioner Riechel asked if there was anything else to present. There was not.

**Proponents**

None

**Opponents**

None

**Other**

Tim Myers  
Property owner east of East undeveloped right-of-way

Mr. Myers expressed concern about the East Right of way. The R.O.W. is a private access for Tsiltcoos Club Plat. When he tried to get permits to run a water line down to the lake he was denied a permit to do so because ownership of the ROW was not clear. Mr. Myers objected to the ROW being developed because the ownership is still not clear and any road would be directly in front of his home. He also stated that there was a steep grade at one point in the ROW that exceeds Dunes City's requirements. Mr. Myers stated that Mr. Shoai does not need to develop the ROW because there is already access to the properties.

L. Riechel stated that Dunes City does not issue permits for water lines and does not know what the issue was. He also explained that as an owner of property abutting the right of way has the right to apply for a permit to develop the ROW so long as it complies with Dunes City standards.

Mr. Myers stated that he does not object to the minor partition he objects to a dirt road/driveway being placed in front of his house because of the dirt and mess it creates. L. Riechel assured Mr. Myers that any development of the ROW would be required to meet Dunes City standards.

There was a lengthy discussion regarding the slopes on the property.

It was noted that the steep grade is not going to be an issue since the access does not encroach into the slope areas.

There was a lengthy discussion regarding 50' easements and 60' frontage requirement. The proposal did not provide for 60' of frontage.

It was noted that a 60' easement (length & width) would satisfy the requirement of the 60' frontage.

There was a lengthy discussion regarding utilities, phone and water lines. It was concluded that there is service currently available to the properties however there should be an easement granting each property access to the lake for water line.

L. Riechel stated for the record that there is a non-conforming home on proposed parcel three that does not currently meet City setbacks. However' this partition in no way expands or changes the non-conformity and therefore is not and issue.

Public Hearing was closed at 7:50.

- ACTION:** L. Zemlicka made a motion to accept the staff report as corrected.  
B. Maxwell seconded the motion. There was no discussion.  
The motion passed 5 aye 0 nays.
- ACTION:** L. Zemlicka made a motion to accept the Findings of Fact and Conclusion of Law with the additional finding of fact regarding the location of the non-conforming house on proposed parcel 3. S. Navetta seconded the motion. There was no discussion. The motion passed 5aye 0nay.
- ACTION:** L. Zemlicka made a motion to approve the minor partition application with the following conditions:
1. The applicant shall provide to the City proof that a 50' wide roadway/driveway

easement providing proposed parcel 3 with access has been recorded on the affected properties. DCC §155.089(C)(3)(c).

2. The applicant shall provide to the City proof that an easement has been recorded for proposed parcel 3 that provides for the continuation of the 50' wide roadway/driveway easement referred to in condition #1 to provide proposed parcel 3 with at least 60' of frontage on that roadway/driveway easement. DCC §155.089(C)(1)(a).
3. The applicant shall provide to the City proof that the recorded easements referred to in #1 and #2 above also provide for the installation, construction and maintenance thereof and for access for public utilities and facilities. Installation, construction and maintenance shall be carried out only in accordance with the requirements in DCC §90 regarding permits for private excavation and driveway construction and maintenance. DCC §155.089(C)(3)(d).
4. The applicant shall provide to the City proof that the recorded easements referred to in #1 and #2 above contain the grantor, grantee, a description of dominant and servient tenements, a description of the intent and purpose of the easement, and a statement of maintenance responsibility. DCC §155.089(C)(3)(g).
5. The final plat map provided the city shall include a note stating: Prior to approval of a building permit for residential use of each parcel of this partition the applicant shall provide the city with certification from the Siuslaw Valley Fire and Rescue that the proposed access to the parcels is sufficient for purposes of fire protection. Dunes City Master Road Plan Chapter 2, Section 9, A2.
6. The Minor Partition approval will expire on one year from the date of final approval if the Final Plat Map is not submitted to Dunes City for approval with all conditions fulfilled on or before that date.
7. The applicant shall provide documentation verifying domestic water access to parcels 1, 2 & 3.

B. Maxwell seconded the motion. There was no discussion. The motion passed 5 aye 0 nays.

L. Riechel announced that the next public hearing will be at the April 14, 2005 City Council Meeting at 7:00 p.m.

## **VI. NEW BUSINESS**

None

## **VII. OLD BUSINESS**

- A. Conditional Use Permit Revocation  
Fisher Conditional Use Permit - CUP0201

J. Cerda stated that Dunes City Code states that after two years if a conditional use permit has not met all the conditions then the permit is revoked without action. To date the only condition fulfilled has been the submission of a pasture rotation plan.

S. Navetta stated that her last visit to the property she noted that the terrain was very steep and it appeared that no pasture would ever grow on a hillside. There was no barn on the property but there has been one built without a permit. S. Navetta stated that she feels the Fishers have not shown good faith.

L. Riechel reviewed the conditions of the CUP, conditions 1-7 and asked J. Cerda to indicate which conditions have not been met.

J. Cerda stated:

- Condition 1: Not completed
- Condition 2: Not Completed
- Condition 3: Unknown because Condition 1 has not been completed
- Condition 4: Unknown because Condition 1 has not been completed
- Condition 5: Fishers just recently applied for a driveway permit for the illegal driveway installed two years ago.
- Condition 6: Fishers recently applied for a building permit for the barn that was illegally placed.
- Condition 7: Unknown

A discussion was had regarding the topography of the property, status of a survey, streams, creeks and fence line.

J. Cerda asked the Planning Commission for a recommendation as to whether or not the CUP is "automatically revoked".

The Planning Commission recommended that the Fishers CUP be deemed as failure to meet conditions and send it back to the council on the grounds that the Fishers failed to meet the conditions placed after consultation with City attorney regarding procedure and opinion as to whether or not the conditions have been met. If the attorney concurs that the CUP is void then J. Cerda is directed to void the permit. If the city attorney feels the failure fall under 2, which the revocation be sent to the city council.

L. Riechel made a motion that if the City attorney finds that conditional use permit falls under the H2 revocation definition that the Planning Commission recommends to the City Council that the Fisher conditional use permit be revoked.

S. Navetta seconded. 5 aye 0 nay, no discussion.

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

- A. Sassi-Sinclair - Hilltop Drive RV Occupancy violation:  
19-12-26-21 TL 1200 & 1300  
5279 Hilltop Drive  
Florence, Oregon 97439**

J. Cerda: The owners of the burned down house are residing in an RV. The property owners have been ignoring all violation notices. Gary Darnielle informed me that we could fine up to \$1000 per day for each day the violation occurs. Gary recommends we fine \$500 per day. Gary Darnielle recommended that the Planning Commission make a recommendation to the City Council of fines.

- S. Navetta: Is this a travel trailer?
- L. Zemlicka: It's an RV. It's a motor home.
- J. Cerda: They are living in the garage and RV.
- L. Zemlicka: They are living partially in the garage and partially in the motor home.
- S. Navetta: It says you can live there 21-days.
- L. Zemlicka: They've been there six-months.
- J. Cerda: This notice went out in February 4<sup>th</sup>.
- S. Navetta: Have they been to the city to apply for a permit to stay longer?
- J. Cerda: No.
- S. Navetta: While they rebuild?
- J. Cerda: They are not rebuilding. Last February they were actually renting out the RV for someone else to live there and was running raw sewage into the creek.
- L. Zemlicka: Right. They had another trailer in there before that. That's the one I called Lane County on for the sewage and septic.
- J. Cerda: Then they got out at that time. Now they are back and I know there's no septic.
- S. Navetta: So what do they do, septic wise or the water?
- J. Cerda: I don't know. That's the problem, we know nothing.
- L. Zemlicka: Let's put it this way, there's a 4" PVC pipe running down the hillside and Lane County won't come out and inspect. When I turned it in, that's the one I was talking about and Lane County would not come out. They said they were 8-weeks away. I said what if they were contaminating the soil.
- S. Navetta: Did you as a resident call or did the city call?
- J. Cerda: The City called to. The City asked they get out there as soon as they can.
- L. Zemlicka: They move in and out all the time. Anytime they get a notice they disappear for a while.
- J. Cerda: What we need is a recommendation from the Planning Commission for a per day penalty. Gary recommends \$500 per day.
- S. Navetta: I think you need to set it high enough that it makes them mad enough to come in here and do something about it.
- L. Riechel: I don't have a problem with \$500 per day. If Gary recommends \$500, half

of what the maximum is and they've been ignoring what we've been doing for a long time. Let's make a motion that the City Council start abatement procedures on the RV and trailer living that's going on at Hilltop, Tax lot 1200 & 1300, Tax map 19-12-26-21. That the City Council applies a fine of \$500 per day for each day the RV remains on the premises.

S. Navetta: Starting when?

L. Riechel: That's up to the City Council. Starting with passage of the abatement.

S. Navetta: You're not going to go backwards?

L. Riechel: No.

J. Cerda: You could recommend a fine of \$1000 plus \$500 per day from the passage of abatement.

L. Riechel: That makes sense. Let's modify that motion to fine a \$1000 for current violations and \$500 per day at passage of the abatement until such time as the trailer/RV are removed.

**ACTION:** L. Riechel made a motion that the City Council fine Tax lot 1200 & 1300, Tax map 19-12-26-21, \$1000 for the current violation and \$500 per day at the passage of the abatement.

B. Maxwell seconded the motion. 5-Aye, 0-Nay. No discussion. The motion passed.

#### IX. ADJOURNMENT

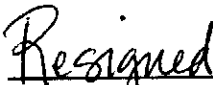
Chair Riechel adjourned the meeting at 9:07 p.m.

  
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CHAIR, LEE RIECHEL

  
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LES ZEMLIKA

  
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DUANE THOMPSON

  
\_\_\_\_\_  
PLANNING SECRETARY, J. CERDA

  
\_\_\_\_\_  
BUD MAXWELL

  
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SUSIE NAVETTA