

DUNES CITY PLANNING COMMISSION

CONTINUANCE OF JULY MEETING

August 16, 2005 --- 7:00 P.M.

I. CALL TO ORDER

II. PUBLIC HEARINGS

- A. Variance Application - VAR 2005-01 Reedal Variance
Map 19-12-23-33-14, Tax Lot 900**

Rebuttal received from Richard Reedal and Alice Helmuth.

- B. Planned Unit Development Application - PUD 2005-01 Woahink Ridge Estates
Map 19-12-11-4, Tax Lot 1400, 20.3 acres**

Dennis Smith requested that the record remain open for 10 days due to non-notification of all property owners within 300 feet of the PUD.

III. OLD BUSINESS

- C. Final Decision: Subdivision Application - SUB 2005-01 The Woods on Woahink
Map 19-12-23-1, Tax Lot 299**

Presentation of the updated Staff Report and Final Findings of Fact.

IV. ADJOURNMENT

**DUNES CITY PLANNING COMMISSION
CONTINUANCE OF THE JULY MEETING
August 16, 2005**

I. CALL TO ORDER

Chair Lee Riechel called the meeting to order at 7:03 p.m.

II. ROLL CALL

Present: Chair Lee Riechel; Commissioners, Susie Navetta, Les Zemlicka, George Burke; Recording Secretary, Christy Lewis; City Attorney, Gary Darnielle; and several citizens in the audience.

Resigned: Duane Thompson

V. PUBLIC HEARING

A. Variance Application - VAR 2005-01 Reedal Variance, Map 19-12-23-33-14, Tax Lot 900

Darnielle said that George Burke would not be able to participate, since he had not been present at the July Planning Commission Meeting. Burke recused himself from all three agenda items.

Riechel said the public hearing was closed at the July meeting and letters from Reedal and Helmuth were accepted into the record. Riechel said that the staff recommendation had not changed due to the rebuttal letters.

There were no comments from the Planning Commission.

ACTION: Les Zemlicka made a motion to accept the staff report for VAR 2005-01 Reedal Variance, Map 19-12-23-33-14, Tax Lot 900. Susie Navetta seconded the motion. There were 3 ayes, 0 nays, 1 recused, and 1 vacant. Motion carried.

ACTION: Susie Navetta made a motion to accept the recommended final order for VAR 2005-01 Reedal Variance, Map 19-12-23-33-14, Tax Lot 900. Les Zemlicka seconded the motion. There were 3 ayes, 0 nays, 1 recused, and 1 vacant. Motion carried.

ACTION: Lee Riechel made a motion to recommend to the City Council to disapprove the request of George and Rosemary Reedal for both conditions of the variance request, because having considered the evidence presented by those for the proposal, as well as against the proposal, it was found by the weight of the evidence

“against” that the proposal should be denied. Susie Navetta seconded the motion. There were 3 ayes, 0 nays, 1 recused, and 1 vacant. Motion carried.

Riechel announced that there would be a Special City Council Meeting for September 1, 2005 at 7 p.m. for public hearings for Reedal Variance and the fence infraction. There will be a work session prior to the meeting at 6 p.m. The work session is open to the public.

B. Planned Unit Development Application - PUD 2005-01 Woahink Ridge Estates, Map 19-12-11-4, Tax Lot 1400, 20.3 acres.

Riechel explained that this public hearing was continued from the July Planning Commission meeting. Riechel read the instructions and rights of a Public Hearing. There were no declarations of conflicts of interest or ex parte contact. There were no additional facts.

Rob Ward explained the planned unit development to the audience by request.

Riechel opened the public hearing at 7:36 PM.

Proponents:

Mike Cocciolo, 5456 Canary, Dunes City. Cocciolo said he had not received notice of the public hearings for Woahink Ridge PUD. Cocciolo read a letter into the record (See Exhibit A). Cocciolo is for the development, but requested a common area buffer around the perimeter of the PUD and an 8' metal chain link fence along the western perimeter of the development that borders his property. Darnielle informed Cocciolo that the Planning Commission makes a recommendation to the City Council; therefore, a second public hearing would be held at the September City Council meeting.

John Baker, 84409 Green Gate Rd, Dunes City. Baker was for the PUD; however, Baker would like a push button gate where the public street meets the private road.

Peggy Long, 5458 Canary Rd, Dunes City. Long was for the PUD, but echoed Baker's concern about the need for the private road to be gated for the safety of children who might follow the road down to the lake. *Peggy Long requested a fence so children wouldn't wander to the lake.*

Opponents: None.

Rebuttal: Rob Ward

Ward said he would be glad to accommodate the 5' common area buffer strip. The 8' fence would be in violation of City Code. Ward said the lots were big and could build into the CCRs a 20' to 25' building setback. Ward said Dunes City

*Change per
Sept 15th
minutes of
Planning
Commission.*

lots are not isolated, and the code calls for potential fencing, but is subjective. Ward said the fence could be built on either side of the line allowing Cocciolo to provide his own fence. Ward said that the Master Road Plan calls for the future extension of Green Gate Road and the gate would never be allowed on a City street.

The public hearing was closed at 7:56 PM.

Cocciolo requested a recess for 5 minutes to talk to Ward.

The meeting recessed at 8:00 PM and reconvened at 8:05 PM.

Planning Commission Deliberations:

Navetta had a few concerns with the findings of fact:

Page 4, Item I, Grades and Curves: Navetta was concerned about the turn radius at the northwest corner of the PUD. Riechel said the Siuslaw Valley Fire and Rescue would sign off on the corner.

Navetta was concerned with how close the wetland is to the street and would like to require a Storm Water Management Plan. Darnielle said the City could define that a drainage plan is feasible. Standards could then be set to keep the water on the property and a final check by the City Engineer could be required.

Navetta addressed fire hydrants and the availability of water to fight fires. Darnielle said if there is a condition in the Code that cannot be met, the condition should be taken out of the Code or write the condition so that it could be met. Riechel explained to Navetta the lack of water from the lake to supply a hydrant.

Navetta asked if the common area include the streets. Ward said that Green Gate was not included in the common area, but the private road is part of the 40% of common area.

Navetta questioned the frontage being less than 60' at Lot # 8.

Navetta stated that she is not in favor of panhandle lots. Riechel said that if there is 60' of frontage on a street, it is not considered a panhandle lot.

Navetta asked if owners could put in a well. Ward said they could as long as they could meet the setback from the septic system. Navetta was concerned about heat pumps and the availability of water. Ward said there are heat pumps that do not require water and even if a homeowner chose, the pumps they will be using would more than adequate to run a heat pump.

Condition 10 will be changed to "The applicant shall decommission the septic system per Lane County Code.

ACTION: Les Zemlicka made a motion to approve the Staff Report for PUD01-05 and ZON01-05, Woahink Ridge PUD 19-12-11-40-1400. Susie Navetta seconded the motion. There were 3 ayes, 0 nays, 1 recuse, and 1 vacant. Motion carried.

Riechel considered the Cocciolo letter saying that Dunes City had never required a fence to protect privacy, with fences being contrary to maintaining the rural integrity of the area. There were commission deliberations that discussed the need for a fence given that a City street would be cutting through the middle of the PUD. Riechel said that the Code is subject to interpretation. Zemlicka thought the property owners should decide between themselves concerning a fence.

ACTION: Susie Navetta made a motion to approve the Draft Findings of Fact for PUD01-05 and ZON01-05, Woahink Ridge PUD 19-12-11-40-1400, with the following corrections to the conditions:

10. The applicant shall decommission the septic system per Lane County Code.
11. Prior to the final plat approval, the applicant shall submit a detained storm drainage plan indicating how runoff from the streets and wetland area will be treated and prevented from flowing onto adjacent property not part of the development.
14. Lot 8 and 7 are to be reconfigured to provide a minimum of 60' of street frontage.

Les Zemlicka seconded the motion. There were 3 ayes, 0 nays, 1 recused, and 1 vacant. Motion carried.

ACTION: Lee Riechel motion to amend the motion accepting the Findings of Fact to include the addition of a condition that a 5' buffer be included on the western boundary of the PUD that is to be maintained with planted native vegetation. Susie Navetta seconded the motion. There were 3 ayes, 0 nays, 1 recused, and 1 vacant. Motion carried.

ACTION: Lee Riechel made a motion to approve the request of Ron Mann for PUD 01-05 and ZON 01-05 for Woahink Ridge PUD 19-12-11-40-1400, because having considered the evidence presented by those for the proposal, as well as against the proposal, and it has found by the weight of the evidence that the proposal should be approved with the 15 conditions of the Planning Commission. Les Zemlicka seconded the motion. There were 3 ayes, 0 nays, 1 recused, and 1 vacant. Motion carried.

VI. NEW BUSINESS – None.

VII. OLD BUSINESS

A. Final Decision: Subdivision Application - SUB 2005-01 The Woods on Woahink, Map 19-12-23-1, Tax Lot 299

Rob Ward, agent, said that Lot #4 will be modified to have 60' of street frontage.

The Planning Commission reviewed the conditions of approval. The Commission talked about removing the Road Commission condition of clearing all trees in the 50' right-of-way. The Planning Commission does not support the recommendation of removing large evergreens from the right-of-way; therefore, the condition will be removed from the findings of facts on page 5.

Riechel said it is Dunes City policy that there be a streetlight at all intersections.

ACTION: Lee Riechel made a motion to accept the staff report for the Wood on Woahink. Les Zemlicka seconded the motion. There were 3 ayes, 0 nays, 1 recused, and 1 vacant. Motion carried.

Riechel said on the findings of fact, the condition regarding installation of sprinkler systems would be removed. Darnielle said he would double check the Uniform Fire Code before striking the condition. Riechel said there is a need to improve Cloud Nine Road, and could be handled four ways:

1. Non-Remonstrance Agreement.
2. System Development Charge.
3. Require the developer to improve the street.
4. Do nothing at all.

Ward said that the City Council had set a precedent on Cloud Nine Road by requiring two parcels of a minor partition to sign a non-remonstrance agreement. Ward also said that there is a condition for a non-remonstrance agreement already present in the findings of fact.

ACTION: Lee Riechel recommended to the City Council for the approval of a Subdivision Application by Don Rase, SUB 2005-01, The Woods on Woahink, Map 19-12-23-1, Tax Lot 299, with the revised conditions on the findings of fact as follows:

Prior to Construction and Construction Document approval:

3. A street light meeting the specifications of the Central Lincoln People's Utility District is required at the turnaround at the end of Cloud Nine Road.

Prior to Building Permit approval....

1. Remove condition,


because having considered the evidence presented by those for the proposal, as well as against the proposal, and it has found by the weight of the evidence that the proposal should be approved with the 21 conditions of the revised findings of fact. Les Zemlicka seconded the motion. There were 3 ayes, 0 nays, 1 recused, and 1 vacant. Motion carried.

VIII. ADJOURNMENT

Chair Riechel adjourned the meeting at approximately 9:50 p.m.



Lee Riechel, Chairperson



Christina Lewis, Recording Sec'y



Les Zemlicka, Planning Commissioner



Susie Navetta, Planning Commissioner