

DUNES CITY PLANNING COMMISSION

REGULAR MEETING

August 18, 2005 --- 7:00 P.M.

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES - July 21, 2005
- III. ANNOUNCEMENTS AND CORRESPONDENCE - None
- IV. PUBLIC HEARINGS
 - A. Planned Unit Development Application - PUD & ZON 02-05 Sunset Cove Map 19-12-23-31, Tax Lots 3400, 3500 and Map 19-12-23-33, Tax Lot 1500, approximately 16.7 acres.
- V. NEW BUSINESS
 - A. Concept Assistance - Mel Bankoff, 19-12-26-13-3100
- VI. OLD BUSINESS - None.
- VII. ADJOURNMENT

**DUNES CITY PLANNING COMMISSION
REGULAR MEETING
August 18, 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, Susie Navetta, Les Zemlicka, George Burke; Recording Secretary, Christy Lewis; LCOG Planner, Hilary Dearborn; Teri Tinker and several citizens in the audience.

III. ANNOUNCEMENTS

Duane Thompson resigned, George Burke was appointed to the Planning Commission. There is still one vacancy.

Lee Riechel asked for a change in the order of the agenda to visit the Concept Assistance before the public hearing.

V. NEW BUSINESS

A. Concept Assistance - Mel Bankoff, Tax and Map Lot # 19-12-26-13-3100

Christina Voogd and Terry Buxton, P O Box 1737, Florence, OR 97439.

Buxton and Voogd represent Bankoff who could not be at the meeting. Buxton said they would like to know if the lot is buildable and if the access could be developed. Buxton said that they were also concerned about the creek.

Riechel said the Commission had met at the site previous to the meeting. The findings were that the lot could be accessed off an undeveloped portion of Helkat Trail that would cut across a ravine and drainage. The other access would be through easements across other property from Boy Scout Road. The owner could make a proposal at the time of development. Riechel said that the lot is steep, but there seems to be sufficient buildable area for a house and a septic system. If the house were placed on an area of slope in excess of 12%, a site review would be required. If the slope is 16% or greater, the site would require an engineered design. A right-of-way use permit would be needed to access the property off Helkat Trail. The City might require some tree removal. Riechel said the biggest concern is the drainage. Dunes City does not have any restrictions about crossing a drainage; however, the City would notify Division of State Lands (DSL) that a drainage is being crossed. Riechel said that from the evidence they could see, it appears the lot is buildable.

IV. PUBLIC HEARING

A. Planned Unit Development Application - PUD and ZON 02-05, Sunset Cove, Map 19-12-23-31, Tax Lots 3400, 3500 and Map 19-12-23-33, Tax Lot 1500, approximately 16.7 acres.

Lee Riechel notified the audience of their legal rights. Riechel explained how testimony would be taken and the hearing procedure.

Riechel asked if the Commissioners had any actual or potential conflicts of interest. There were none. Riechel asked if any Commissioner had ex parte contact. Riechel said all the Commissioners visited the site with Ward who explained the project. Navetta said she had two phone calls asking where the property was and when the meeting was being held. Riechel asked if there was any discovery of facts that are not included in the application or staff report. Riechel said there was a temporary gravesite that would have to be maintained by CC&Rs or removed. Riechel said that the cul-de-sac in the northwest corner would be moved one lot to the northeast.

Hilary Dearborn reviewed the staff report. Dearborn said the report recommends approval with conditions. Dearborn went over the items to be addressed and the conditions (See Exhibit B, pages 16 and 17). Riechel said there was a lack of detail of the lakefront and the riparian boundary.

Riechel opened the public hearing at 7:29 PM.

Rob Ward, 5411 Huckleberry Lane, Dunes City. Ward explained there was a headstone and urn that Mrs. Sauter will remove. Ward said the cul-de-sac is to be moved back between Lot 11 and 12 and the lighted gate will be moved back of the Clear Lake Road right-of-way. Ward said that in lieu of streetlights, mailbox/newspaper receptacles would be placed on the street by each driveway that would also include a lamppost. Ward said the CC&Rs would require the receptacles with the construction of the home using indirect lighting that would come on at night and be wired to each individual house (or could be handled by the Homeowner's Association). Ward said the maintenance of the lights could be built into the Homeowner's Association requirements. Ward said there would be five access points for water from Woahink Lake. Ward said he had no opposition to a site review for any lot with a 12% or greater slope. Ward talked about the percentage of open space. Ward said a trail from the picnic area to the lake would be a boardwalk 4' wide that would be shared by landowners.

Ward said that a PUD allows deviations from the City Code. The private streets will be 22' paved width with 2' rocked shoulders. The right-of-way will be 40' for inside streets with no on-street parking allowed. Ward said they would name the north and south streets something other than Sauter.

Riechel asked if there were anyone in the audience who wished to speak for the PUD. There were none.

Riechel asked if there were anyone who wished to speak against the PUD.

Mike Sherman, 5236 Russell Drive, Dunes City. Sherman said his family has lived to the north of the proposed development, for 30 years. Sherman remarked that there is more density than is called for in the Comprehensive Plan, which will have more impact on the environment and concentrate more people recreating in less area. Sherman said he was concerned about:

- 1) Lot size.
- 2) The PUD should be sensitive to the wetland setbacks and how household runoff and fertilizer might impact the creek. Sherman commented that there had been small fish living in the creek 30 years ago.
- 3) The proposed dock area and how many boats/people would be accommodated.

Sherman's last comment was that the wetland and creek be traversed with sensitivity.

Riechel addressed some of Sherman's concerns. Riechel explained that the total acreage in the PUD could not be less than one acre per lot. Riechel said the wetland had been delineated and there would be a setback of 50'. No construction would be allowed in that area. Riechel explained that the dock is required to be registered with the Division of State Lands (DSL) and a dock over 1000 sq ft would require a lease from the state. Riechel explained the City requires a building permit of a dock 640 sq ft or less, but greater than 640 sq ft would require a conditional use permit that would include a public hearing.

Sherman said the plan says that the water runoff would be directed into the wetland. Riechel said there is not a storm water management plan at this point in the process, but will require one before the Final Plan. Riechel stated that a PUD requires a meeting on the Final Plan.

Joyce Keener, 5385 Canary Rd, Dunes City. Keener asked if the common areas are going to be landscaped. Keener said Woahink Lake had an algae bloom this year. Keener said she is not in favor of development around the lake until Dunes City enforces some type of care for the lake.

Tom Cheronos, 5385 Canary Rd, Dunes City. Cheronos said he has been a resident since 1987 and feels there are too many houses in the PUD. Cheronos said that he was denied a 15' deck due to runoff concerns. Cheronos said the City should think twice about this much construction.

Edgar Hall, 83490 South Cove Way, Dunes City. Hall said that if someone couldn't build a 15' deck and then the mayor develops lots less than an acre, it looks bad. Hall said it should not be allowed.

Riechel explained that the 1978 law allows for two types of subdivisions, which includes a PUD. Riechel explained the PUD. Riechel said that the only thing the Planning Commission enforces is setbacks and does not manage storm water on individual lots. Dearborn added that a PUD starts with a minimum of a five-acre parcel.

Debbie Sherman, 83655 Hwy 101. Sherman sees so much pollution in the lake and worries about the algae bloom and weed growth. Sherman said she is very concerned about fertilizer draining into the lake.

Rebuttal by Rob Ward.

Ward said that the common area would not be lawn, but natural area. Ward said that the closest lot would be 100' back from the shoreline, which is further from the wetland than the neighbor to the northwest. Ward said his engineer would submit plans required by the DEQ. Ward said the PUD abides by the Code and in his opinion, Woahink Lake is not in trouble. Ward said the boardwalk to the lake is being use to protect the wetland.

Riechel closed the public hearing at 8:13 PM.

Deliberations:

There was a discussion concerning the percentage of the common area coming from property line setbacks. It was decided that a condition in the findings of fact would not be needed, since the Code provides for 25% of the total 40% open space can be roads or setbacks. Burke asked Ward about septic test holes. Ward said the septic would not be pre-approved since the septic system depends on where the house will be placed (unknown).

The Commission modified or included conditions that are listed below:

CONDITION #2 (MODIFIED): The 50' of road right-of-way requirement can be waived to 40' of road right-of-way with a 22' paved street with 2' of rockered shoulder. The 92' of right-of-way requirement on the road turnarounds can be waived to 80' right-of-way with 70' paved.

CONDITION #4 (MODIFIED): The Final Plat Plan shall have street names approved by LCOG.

CONDITION #5 (MODIFIED): The applicant proposes individual residence lampposts at the intersection of the driveway and the street. The Homeowner's Association shall ensure that lights remain operational.

CONDITION #8 (MODIFIED): Designate lots that are 12% slope or greater on the Final Plat Map.

CONDITION #12 (MODIFIED): The Final Plat Map shall show the private open space areas where they abut the common areas. The CC&Rs shall include that the common areas are to be maintained in natural vegetation with the exception of the designated picnic area.

CONDITION #13 (NEW): The Plot Plan shall show the riparian area boundary.

CONDITION #14 (NEW): Change to Lot 7 so that there is 60' frontage to the street.

CONDITION #15 (NEW): Septic feasibility shall be documented for final plan.

CONDITION #16 (NEW): As built drawing of utility improvements shall be provided to the City.

CONDITION #17 (NEW): Recommend to the City Council that the hydrant requirements for subdivisions be waived.

ACTION: Lee Riechel made a motion to approve the requests by Ruby Sauter for (1) a zone change to add a PUD-suffix to Tax Lots 3400 and 3500, Assessor's Map 19-12-23-31 and Tax Lot 1500, Assessor's Map 19-12-23-33, and (2) the preliminary plat for the Sunset Cove PUD/Subdivision. The Planning Commission has 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 17 conditions of the planning commission.

This approval is based upon the Draft Findings of Fact and Conditions of approval, as modified, for file numbers ZON 02-05 and PUD 02-05, dated August 18, 2005, that are adopted by reference in support of this decision. Les Zemlicka seconded the motion. There were 4 ayes, 0 nays, 1 vacant. Motion carried.

VII. UNSCHEDULED BUSINESS

Riechel mentioned that Linda Lauck has completed a report on behalf of the Road Commission requesting a change in the Master Road Plan that would address upgrading substandard City streets that are impacted by increased traffic due to development. Riechel asked to put the topic on the October Planning Commission Agenda.

Riechel asked Teri to establish a process to get a reasonable response from Siuslaw Valley Fire and Rescue.

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



George Burke, Planning Commissioner