

DUNES CITY PLANNING COMMISSION

REGULAR MEETING

~~August 18, 2005~~ --- 7:00 P.M.
Sept 15

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES - August 16, 2005 and August 18, 2005
- III. ANNOUNCEMENTS AND CORRESPONDENCE - None
- IV. PUBLIC HEARINGS
 - A. Planned Unit Development Application - PUD & ZON 03-05 Little Woahink Lake Map 19-12-11-40, Tax Lot 100, approximately 34.65 acres.
 - B. Subdivision - SUB 02-05 The Pointe at Summberbell, Map 19-12-23-10, Tax Lot 209, approximately 10 acres.
- V. NEW BUSINESS - None.
- VI. OLD BUSINESS - None.
- VII. UNSCHEDULED BUSINESS
- VIII. ADJOURNMENT

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**DUNES CITY PLANNING COMMISSION
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September 15, 2005**

I. CALL TO ORDER

In the absence of Chair, Lee Riechel, Vice Chair Susie Navetta called the meeting to order at 7:04 p.m.

ROLL CALL

Present: Chair Susie Navetta; Commissioners, Les Zemlicka, George Burke; Recording Secretary, Teri Tinker; LCOG Planner, Hilary Dearborn; several citizens in the audience.

Absent/Excused: Lee Riechel

II. APPROVAL OF MINUTES

August 18, 2005 minutes: Susie Navetta wanted minutes changed to reflect that gating for the safety of the children be changed. Navetta said there is no road and a request for a fence was recommended so children could not wander to the lake.

ACTION: Les Zemlicka made a motion to accept the August 18, 2005 minutes. George Burke seconded the motion. There were 3 ayes, 0 nays, 1 absent, and 1 vacant. Motion carried.

ACTION: Les Zemlicka made a motion to accept the August 16, 2005 minutes. George Burke seconded the motion. There were 3 ayes, 0 nays, 1 absent, and 1 vacant. Motion carried.

III. ANNOUNCEMENTS

Navetta announced that the hearing on the Little Woahink PUD had been postponed and would be heard on October 20, 2005, but that anyone who would not be able to attend that meeting, would be allowed to give testimony tonight since there was no open hearing.

V. OPEN TO TESTIMONY OF LITTLE WOAHING PUD

Arlin Smith, 5455 Little Woahink Dr., Florence, OR 97439

Smith said that he oppose the development. Smith said this is run-off area for the watershed and if the previous platted area would be revamped into 11 larger parcels, it would make less congestion for septic tanks and create high-end-homes generating greater value. Smith said the roadway that already facilitates 21

residences would max out by adding 11 more, and if water became an issue, it would be much less of an impact with 11 lots. Smith said his greatest concern is septic tank concentration and that gravity pulls downhill, with Little Woahink Lake below. Smith said noise is another concern due to traffic, families, pets, etc. so that a 42 lot subdivision is not desirable, but an 11 lot area would be more attractive. Smith would like the Planning Committee to turn down the 42 lot scheme.

Bill Robinson, 5441 Little Woahink Dr., Florence, OR 97439

Robinson said the water right certificate that Rob Ward plans to use to take water from Little Woahink Lake belongs solely to he and his wife Della, and the right retained for recreational use only. Robinson said the State of Oregon does not issue a certificate for domestic use out of a recreational lake. Robinson wanted to know what his certificate was doing in Ward's file. Robinson said four or five of the subdivisions that are being considered right now are being proposed by our Mayor, Rob Ward. Robinson said there is a very inexperienced staff, in fact, the new planning clerk has only been on the job for two-three weeks and that the five subdivisions are a strain for the inexperienced people. Robinson said that three of the applications are PUD's and the staff does not fully understand and there is a big difference between PUD's and subdivisions. Robinson said if all five are approved, (80 lots in total) an increase of 225 people, or about 18%, in a period of 2 months is excessive growth. Robinson wanted to know the name of developer. Robinson said his biggest concern is that the five subdivisions put before us are by Mayor Ward and Robinson feels this is not only a conflict of interest, but a breach of trust to the citizens of Dunes City. Robinson said Ward is using his office for personal gain and it is a conflict of interest in the purest form. Robinson urges the Commission to deny any and all subdivisions that Mayor Ward is proposing. Robinson said if these subdivisions proceed, it could be an embarrassment to Dunes City and a drain on the City's finances. Robinson said Ward should be either Mayor or developer, but not both, and that the citizens of Dunes City is watching to make sure they are getting fair representation.

Richard Long, 5458 Canary Rd, Florence, OR 97439

Long said on the issue of the gate, there is a road for the kids to go down to the lake and invited the Commission to go look at the site. Navetta noted that the road is not where the fence is going. Long said you can walk 150' to the Cocciolo property and then right down to the beach. Long said he moved here to get away from greedy, corruptness over development in California, and the problem he has with the Woahink property is critical. Long said when the roads are cut, about half way up there is a layer of sand where water runs out of the interface and into the lake. Long said the property is steep with a lot of cuts and will be cutting into the same interface. Long said that septic drainage will do the same, and it will become a mess. Long said that Lane County will not allow a septic system in this

situation. Long said sewage will run out into the wetlands and into a little cove that people use for drinking water, and then into the lake.

Bob Caporgno, 5496 Little Woahink Dr., Florence, OR 97439

Caporgno said he has lived in the area for 13 years. Caporgno said he got a letter in the mail that there would be 31 units and then a posting that there would be 42 units, and 42 families concerns him about the additional traffic. Caporgno said at the top of the hill there is a tee intersection and this will add 150-170 more vehicles at that intersection. Caporgno said if the City goes ahead with this plan, knowing the possibility of accidents, the city would be liable for any serious accidents.

Carol Retzer, 5445 Little Woahink Dr., Florence, OR 97439

Retzer agrees with everything that has been said and is very concerned about the environmental impact and traffic issues.

Wayne O'Toole, 5461 Little Woahink Dr., Florence, OR 97439

O'Toole said the previous statements echoed all his thoughts and concerns, environmentally, and feels the PUD invades his privacy. O'Toole said the average home has 2-1/2 cars, hot tubs, flushing toilets, and will be making a mud flat on Little Woahink. O'Toole said he feels like Custer at Little Big Horn, playing a game with a stacked deck, and that all will have to answer to a higher court.

Greg Barnes, 05425 Canary Rd., Florence, OR 97439

Barnes said his wife had a head-on collision at the Canary Rd./Little Woahink Dr. intersection and considers this intersection to be dangerous on a sunny day, not to mention inclement weather. Barnes said he has concerns about adding traffic to an un-policed town and concurs with the people that have spoken previously.

Rob Ward

Ward asked if he could speak. Susie Navetta asked Hilary Dearborn of LCOG if that was permissible. Ward said that it was not related and, "just a wanted to make a general comment". Dearborn said that if it was not directly related to the project, he could make a comment. Ward said "his main concern is the comment made by Mr. Robinson regarding... and I feel it was a personal assault on me". Navetta interrupted Ward and said that she thought he was not going to speak about the development. Dearborn then noted that Ward's comments were related and that he could not speak. Ward said he would have to write a letter to the editor. The audience then broke into multiple comments and the meeting was called to order by Navetta who said the meeting would move on.

IV. PUBLIC HEARING

A. Subdivision - SUB 02-05, The Pointe at Summerbell, Map 19-12-23-10, Tax Lot 209, approximately 10 acres.

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

Navetta asked if the Commissioners had any actual or potential conflicts of interest. There were none. Navetta asked if any Commissioner had ex parte contact. Navetta said all the Commissioners and the Planning Secretary visited the site with Ward who had explained the project. Navetta asked if there were any discovery of facts that were not included in the application or staff report. There were none.

Navetta opened the public hearing at 7:31 PM.

Navetta asked for the presentation of the staff report. Hilary Dearborn reviewed the Staff Report and the Facts of Finding. Dearborn said the report recommends approval with conditions. Dearborn went over the items to be addressed and the conditions (See Exhibit B, pages seven and eight). Dearborn noted that a letter dated September 9, 2005 from the Siuslaw Fire Marshall was received with an approval of subdivision.

Navetta opened the meeting to the applicant to present evidence.

Rob Ward, 5411 Huckleberry Lane, Dunes City.

Ward said he is the agent for Dennis and Marlene Grant who are present. Ward said the Staff Report seems complete and the applicant has no problems with the conditions, but would ask for modification of cul-de-sac. Ward said the Grants tried to get access through Salal Street, and was turned down, so had to end the street with a cul-de-sac. Ward said staff reported an 80% slope that is confined to an 1/8 of an acre, but the actual slope is 30% which is less than 10% of the property overall. Ward said the streets are paved to City standards with minimum widths and all lots are one acre in size with access off Cloud Nine Rd.

Navetta asked if there was anyone in the audience who wished to speak for the PUD.

Dennis Grant, 3434 NE Haugen Rd., Newberg, OR 97132

Grant said he and his wife are the owners of the property and supports the development of the property.

James Grant, 84000 Cloud Nine Rd., Florence, OR 97439

Grant owns lot 214 east of subdivision and wants to voice support.

Navetta asked if there was anyone who wished to speak against the subdivision.

Bill Robinson 5441 Little Woahink Dr., Florence, OR 97439

Robinson said he wants to know who the developer is and does not mean the owner. Robinson said he wants to know who is going to pay for the roads and put the sewers in. Robinson said that one of the conditions that should go into this proposal should be that the Mayor of this town, his business associates, nor anyone in his office have anything to do with the development of this property, or there is going to be big problems with conflict of interest, and Ward is already walking a thin line. Robinson then asked Dearborn if that was not true, and Dearborn said she couldn't answer legal questions since she does not have legal knowledge. Robinson then said that his attorney said Ward is walking a thin line. Robinson said he is not against the subdivision as this one might be a real good one, but he has a real problem with an elected official profiting from a deal such as this, using his public office as private gain, and if it continues there is going to be some real embarrassments in this town.

Arlan Smith, 5455 Little Woahink Dr., Florence, OR 97439

Smith wants to know who owns and will be putting in the roads, and if it is a Dunes City right-of-way, who pays for the roads. Navetta explained that it is a subdivision and the applicant will pay for the road and dedicate it to the City.

Wayne O'Toole, 5461 Little Woahink Dr., Florence, OR 97439

O'Toole asked if an environmental impact study had been done? Navetta said that the City recently had a buildable lands analysis done and it showed that we did need more homes built in the area. O'Toole asked what about the environmental impact study? Navetta said that the Dunes City Codes regulates any environmental concerns. O'Toole said he stands corrected. George Burke added that all the water and septic things are dealt with by the State or County and regulate the water and septic use.

John Stead, 83505 S. Cove Way, Florence, OR 97439

Stead said he is concerned about water supply for Dunes City. Stead said the developer is proposing one diversion point per three residences and wanted to point out that when the pump fails it effects three families. Stead asked who pays for the electricity. Stead said his biggest concern is that the development is going to get water rights through the city. Stead gave the Planning Committee a copy of

the water permit that says "status under review" and wants to know how the City is going to give water rights to citizens when the permit is under review. Stead wants the Planning Committee to include findings that the tentative plan meets all requirements applicable to provisions of State laws and requirements of City policies and ordinances.

Richard Long, 5458 Canary Rd., Florence, OR 97439

Long said last month at the City Council meeting there was legal council present who brought up a lot of requirements that were not being met. Long wanted to know if all requirements are being met or are they being pushed through?

Greg Barnes 05425 Canary Rd., Florence, OR 97439

Barnes said Cloud Nine road would have to be widened since pulling out into the main road is unsafe, and Barnes added that the narrowness of the street is a hazard for fire equipment to access that area.

Rebuttal by Dennis Grant.

Grant said that he and his wife are the land owners and developers of the development and Grant said he hired Ward NW Engineering as land surveyors and civil engineers to help with this application as it ties directly to a neighboring parcel and that lot adjustments are critical to provide adequate development. Grant said it is their intent to put in streets, water and lighting as required by City, State and County regulations and requirements. Grant said he wanted to make sure that if there were any questions as to who the developer is that they know he is the developer.

Rebuttal by Rob Ward

Ward said that as far as the water rights permit process, Dunes City has water rights with the State and that 130 people are already permitted. Ward said under the water right the city has capacity of 2000-3000 people and the City is currently way under that threshold. Ward said that Bob Rice, Oregon Water Resources Department, has no intention of not letting the city have access to water and the City has a memorandum of understanding being finalized that will be clarifying those issues.

Navetta closed the public hearing at 8: 00 PM.

Deliberations:

Les Zemlicka said that there was no decision from the Road Commission and wonders if they have been notified. Hilary Dearborn said that Phil Fields, Lane County Transportation Planning, sent a e-mail with a one sentence comment, but did not bring the e-mail. Zemlicka said that they should have got something from Bob Petersdorf with the Road Commission. Dearborn said they did not receive any comments.

Susie Navetta said one of her main concerns is how narrow Cloud Nine road is and on #13 says they confirm a non-remonstrance agreement, which is good. Navetta said the City needs to take a serious look at Cloud Nine Road, since there is nowhere to pass another car.

Susie Navetta said one concern is the water permit situation. Les Zemlicka said they are one acre lots and are large enough to drill wells. George Burke said that home owners would need to get water permits prior to construction.

CONDITION #16 (NEW): The Road Committee of Dunes City approve the plan, and a street light required at the cul-de-sac.

CONDITION #8 (MODIFIED): That over 16% would need to be designed and approved by an engineer.

ACTION:

George Burke made a motion to approve the request by Dennis Grant for (1) a Subdivision to Tax Lot 209, Assessor's Map 19-12-23-10 and (2) the preliminary plat for The Pointe at Summerbell 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 16 conditions of the Planning Commission.

This approval is based upon the Draft Findings of Fact and Conditions of approval, as modified, for file numbers SUB 02-05, dated September 15, 2005, that are adopted by reference in support of this decision. Les Zemlicka seconded the motion. There were 3 ayes, 0 nays, 1 absent, 1 vacant. Motion carried.

VII. UNSCHEDULED BUSINESS

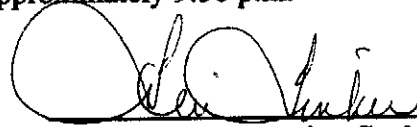
George Burke noted that there are over 30 people in the audience and asked Hilary Dearborn to introduce herself. Dearborn introduced herself as being from Lane Council of Governments, and is temporarily contracting with Dunes City to help with planning during the transition between Planning Secretaries and will also be training the new Planning Secretary. Dearborn said she has been assisting for the last three months.

VIII. ADJOURNMENT

Susie Navetta adjourned the meeting at approximately 9:50 p.m.



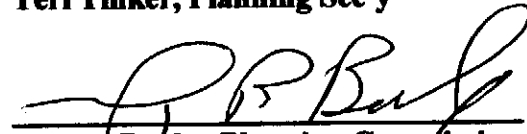
Susie Navetta, Chairperson



Teri Tinker, Planning Sec'y



Les Zemlicka, Planning Commissioner



George Burke, Planning Commissioner