

**DUNES CITY PLANNING COMMISSION  
REGULAR MEETING  
July 20, 2006, 7:00 p.m.**

**I. CALL TO ORDER:**

Chair George Burke called the meeting to order at 7:00 p.m.

**ROLL CALL**

**Present:** Chair George Burke; Commissioners, Susie Navetta, Ron Shearer, David Bellemore, Richard Anderson; Planning Secretary, Teri Tinker, and seven citizens in the audience.

**II. APPROVAL OF MINUTES:**

**ACTION:** Ron Shearer made a motion to accept the 4/20/06, 5/18/06, 5/23/06, and 6/15/06 minutes. Dick Anderson seconded the motion. There were 5 ayes, 0 nays. Motion carried.

**III. ANNOUNCEMENT AND CORRESPONDENCE:**

George Burke made the following announcements:

- A. Festival of Lakes (Exhibit A)
- B. Land Application of sludge (Exhibit B)
- C. Carol Retzer, Christine May letter and Teri Tinkers response (Exhibit C)
- D. Planning Commission Training on September 16, 2006 in Eugene. (Exhibit D)

**ACTION:** David Bellemore made a motion to ask the City Council if the City could fund the Planning Commission to attend the training seminar.

- E. Drake Study (Exhibit E)
- F. John Carlson Letter (Exhibit F)

**IV. NEW BUSINESS:**

**A. Stop Work order on Cloud Nine Road – Esrig property:**

George Burke described what happened at the site and that DSL has decided to fine \$600.00 and that the Esrig's are allowed to remove the logs that are laying next to the lake.

Navetta said that it would cost more than the \$600.00 to re-vegetate.

Burke said we also need to address the contractors. Burke said Gary Rose of Leisure Excavation is the new owner and has not had trouble with the City in the past.

Tinker explained how the stop order came about and the conversations that have taken place between both contractors and the Esrig's.

Navetta said the Conservation Committee should have gone out.

Burke said if they did not turn in an application, there would be no reason to send out the Conservation Committee.

Bellemore said the Esrig's are new residences from outside the area, but ignorance is not an excuse and it will take a long time to repair the damage.

Navetta said she wanted to make a recommendation to fine both contractors.

Burke said you can fine both contractors and fine owner and make them have a vegetation plan with the City's approval.

Navetta asked if codes were given to the owners.

Tinker said she was not the one who was asked the questions, but understood that the questions were about logs in the lake.

Burke said staff needs to tell people to come in and get permits so they will come in and ask the right questions.

Bellemore said staff needs to slip in a comment as to how sensitive the lake is while telling them about permits.

Anderson asked if the City can be notified of all sales.

Burke said not at this time but will check into it.

Discussion and suggestions of what could be done to each the owner and contractors.

**ACTION:** David Bellemore made a motion that the homeowner needs to provide a professional re-vegetation plan approved by the Planning Commission. The re-vegetation must be completed by October 1, 2006 or the City will have it done and bill the homeowner. No further permits will be issued until work is completed. The homeowner will be fined \$1,500.00. Susie

**ACTION:** Ron Shearer made a motion that Leisure Excavation be fined \$2,500.00 and Florence marine fined \$500.00, with a letter to both of disapproval and they need to verify all permits. Susie Navetta seconded the motion. There were 5 ayes and 0 nays. Motion passed.

**B. Don Jewell, Complaint by property owners.**

**Wally Schoults, 4988 Lake Drive, Florence, OR**

Mr. Schoults said when they bought their property, they were assured the area was single family, shared dock with beach, and community water. Schoults said the neighbor has doubled the size of their home from a two bedroom, one bath home to four bedrooms with four baths, and rents to multiple families. Schoults said they are going to install a \$18,000.00 water filtration system, and can't control the use from all the people in the home. Schoults said he has to design an emergency system for water and can't do what is mandated because they have to control of water as there are 16-18 people there at a time. Schoults said they don't have fire hydrants, and the renters can't smoke inside the rental, so they smoke out on the decks and lawn and throw cigarettes down on the ground. Schoults said the renters tear up the boat dock area.

Navetta asked who can use the docks.

Schoults said the CC&R's say owners of the property, and the bylaws now say property owners and guests with close supervision, and the renters are not being supervised.

Bellemore asked Schoults what he wants from the City.

Schoults said "... If it gets to the point where I actually file a law suite, I don't negotiate from that point on. I go for the throat, right out of the bag, and I don't stop until I get it, and would just as soon not do that. I don't like putting myself in that mindset. But that has to be done if you're going to win a law suit. I'd just as soon not put myself in that mindset, I came here to retire, to go fishing, enjoy the Oregon coast. So I would hope that perhaps that through the Planning Commission and through the City Council that they would find within city government, that the City can remedy this situation with perhaps enforcement of the regulations that pertains to this, and if there are none, developing an ordinance that may prevent this from happening in the future. Something that we were hoping to get a remedy from local government so that I won't have to do a law suit including joint and several, which means lots of other folks are going to get pulled into it."

Navetta asked if this were a bed and breakfast, as stated in advertisement, for every bed there has to be a parking space.

Burke said that add has been pulled.

Anderson said Mr. Shouts if he appeared before City Council and the City Attorney directed him to find an attorney and follow up legally with Circuit.

Schoults said "Excuse me by I have been through this drill before folks, ok, this is somebody that is ducking and dodging, I mentioned joint and several and I mean not just Mr. Jewell, not just Dolphin Realty, If it turns out you folks are failing or remising your duties or obligations, because I might add, Governments obligations and first duty is to protect it's citizens.

Anderson said "Your threatening us."

Schoults said "I'm not threatening, I'm just stating a simple fact. I never threaten sir. I'm just stating a simple fact, if you folks are failing or remising your duties or responsibilities. I won't have any control, the attorney will make the decision. He is going to look for pockets to put his hands into. I am just simply saying, I want to avoid these things, I don want to go there."

Burke said we will finish this after the public hearings as it is 8:30.

## **V. PUBLIC HEARINGS:**

### **A. MP 04-06 Marvin and Darlene Beckman Minor Partition** Tax lot 20-12-00-00-200, 11.49 acres.

Burke read information, and opened Public Hearing at 8:35 pm.

Tinker pointed out partitions on map and gave Staff Report and Findings.

Navetta asked where the test holes are.

Tinker said they only need to show feasibility and they have done that.

Burke asked if the Applicant wanted to say anything.

Beckman's only asked if there were any questions. There were none.

Burke asked if anyone wanted to speak in favor of the proposal. There were none.

Burke asked if anyone wanted to speak in opposition of the proposal. There were none.

Burke asked Beckman's if they had anything else to add. Beckman's said no.

Burke closed the public hearing at 8:45 pm.

**Deliberation:**

Bellemore said he admired the way the Beckman's have done this proposal, but what about what comes next, and new owners want to break down further.

Tinker said deed restrictions can be added to the final plat as a condition, and new Ordinances have been passed to prevent division also.

**ACTION:** Richard Anderson made a motion to approve the Minor Partition with one condition of deed restrictions of the final plat. Ron Shearer seconded the motion. There were 5 ayes and 0 nays. Motion passed.

**B. MP 05-06 Beckman Enterprises Minor Partition**  
Tax lot 20-12-03-10-3000, 15.25 acres.

Burke read information, and opened Public Hearing at 8:50 pm.

Tinker pointed out partitions on map and gave Staff Report and Findings.

Burke asked if the Applicant wanted to say anything.

Beckman's said they are still the Beckman's

Burke asked if anyone wanted to speak in favor of the proposal. There were none.

Burke asked if anyone wanted to speak in opposition of the proposal. There were none.

Burke asked Beckman's if they had anything else to add. Beckman's said no.

Burke closed the public hearing at 8:53 pm.

**Deliberation:** NONE

**ACTION:** Ron Shearer made a motion to approve the Minor Partition with one condition of deed restrictions of the final plat. Ron Shearer seconded the motion. There were 5 ayes and 0 nays. Motion passed.

**VI. OLD BUSINESS:**

**Final Plat – Sunset Ridge**

**Michael Farthing and Mark Harrison, Eugene, OR**

Michael Farthing and Mark Harrison went over all conditions and showed in notebook where each had been addressed. (See Exhibit G)

**ACTION:** Susie Navetta made a motion to extend the meeting past 9:00. Ron Shearer seconded the motion. There were 5 ayes, and 0 nays. Motion passed.

Tinker pointed out that the letter from the bank would not be sufficient and that Gary Darnielle had sent an e-mail stating the same, and that there needed to be a line of credit or escrow account or bond.

**ACTION:** Ron Shearer made a motion to recommend approval of the final plat to the City Council for the Sunset Ridge Subdivision. Susie Navetta seconded the motion. There were 2 ayes, 1 nay (Susie Navetta), and 2 abstained (Richard Anderson and David Bellemore). Motion passed.

**RETURN TO THE NEW BUSINESS – Don Jewell rental.**

Tinker gave a brief breakdown of the prior complaints and that they were told to call Lane County Sanitation, and exercise their CC&R's. Tinker also gave them a print out of the property listing showing the rooms in the home.

Burke said he talked to John Scott to talk to George Ehlers as the septic is not acceptable. Burke said he and Tinker would research further before going to City Council. Burke said code needs to be established as to when a rental becomes a vacation rental.

Navetta said the parking is a code violation.

Burke said Judy Martin is handling the nuisance on this and asked if the City has written a letter to Mr. Jewell.

Tinker said none that she knows of.

Mr. Schouts said he heard Jewell told Dolphin to stop renting.

Burke said whatever he can get arranged with the septic system which is what he will be working on, he will go to City Council with recommendation himself, and if he can't get any thing, will ask for the City Council's help.

**VII. UNSCHEDULED BUSINESS - None**

**VIII. ADJOURNMENT**

Burke adjourned the meeting at 9:50 p.m.

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George Burke, Chairperson

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Teri Tinker, Planning Sec'y

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Richard Anderson, Planning Commissioner

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David Bellemore, Planning Commissioner

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Susie Navetta, Planning Commissioner

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Ron Shearer, Planning Commissioner