



## MINUTES

**Dunes City Planning Commission**  
Regular Meeting – June 28, 2007 - 7:00 P.M.  
City Hall - 82877 Spruce St.  
Westlake, OR 97439

COMMISSIONERS PRESENT: George Burke, Chairperson; Richard Anderson, Darlene Beckman, Lee Riechel, Ron Shearer, Bill Tizzard

COMMISSIONERS ABSENT: None

STAFF PRESENT: Teri Tinker, Cynthia Carso

### **I. CALL TO ORDER**

Chairperson George Burke called the meeting of the Dunes City Planning Commission to order at 7:03 p.m.

### **II. APPROVAL OF MINUTES**

A. George Burke asked for the approval of the April 26, 2007 Minutes

~~56~~ ayes 0 nays- Approved.

B. George Burke asked for the approval of the May 1, 2007 Minutes

~~54~~ ayes 0 nays- Approved.

C. George Burke asked for the approval of the May 24, 2007 Minutes

~~54~~ ayes 0 nays-Approved

### **III. NEW BUSINESS**

Conservation report-Chapman/Leach Vegetation Removal Request

Originally a danger tree-

Tree #1 is a mature Shoreline growing at the top edge of the lakeside bank.

The tree is leaning toward the lake and the bank around the base of the tree is very

spongy with exposed roots. Tree #2 is similar with foliage that is uneven in pattern with

some dead. There are two stumps upslope from the two trees. It is the committees finding that should these Shorepines fall in a natural manner, they may cause a large hole in the bank next to the lake and present a serious erosion problem.

*Commissioner Bill Tizzard moved, seconded by Commissioner Darlene Beckman that the two trees be felled and the stumps left in place, and four native conifers of ten gallon size be planted to replace them. It is further recommended that typical native undergrowth, esp. Salal, should be planted or encouraged to re-grow in the shoreland areas where it has disappeared to ensure bank stabilization, except for the 8' path to the dock area. The Motion was adopted unanimously 8-0*

#### IV. REPORTS

George Burke read the Planning Secretary Report.

#### V. PUBLIC HEARINGS

##### 1. Conditional Use Permit by applicants Jack and Elizabeth Mobley.

George Burke read the "Public Hearing Introduction, Explanation of Hearing Procedures" at 7:26 p.m.

*Bill Tizzard*  
~~George Burke moved that the staff report and finding of fact be accepted as presented.~~

The applicant has requested a Conditional Use Permit to make the loft area of a new garage they are building to have a guest house/quarters with a bathroom.

##### Mark Chandler 4934 Lakeshore Drive, Florence, OR 97439

Mr. Chandler questioned if there was proper notice sent to neighbors within 300 ft., and twenty one days in advance regarding the Conditional Use Permit.

Teri Tinker, planning secretary responded yes.

George Burke agreed and stated that it was Oregon State Law.

**Commissioner Lee Riechel moved, seconded by Commissioner Darlene Beckman, that the application for the Jack and Elizabeth Mobley conditional use permit (CUP 01-07) can meet the conditional use permit criteria listed in section 155.4.4 and other applicable sections of the Dunes City Development Code with the following conditions:**

- 1. There will be no kitchen facilities in the proposed guesthouse.**
- 2. Approval from Lane County Sanitation for an authorization w/field visit to connect the proposed guest house/bedroom addition to the existing septic.**
- 3. Additional building permit for the bathroom added to the loft area of the new garage. The Motion was adopted unanimously 8-0**

**5**

## **2. Ordinance 99 Stormwater Pollution Reduction**

### **Norman Martin 83750 Rio Rd.**

Mr. Martin objected the Stormwater Pollution Reduction Ordinance and submitted documents for the record:

- A. DLCD, Notice of Proposed Amendment (exhibit A)**

### **Mark Chandler 4934 Lakeshore Drive**

Mr. Chandler said as development proceeds, erosion process will decrease overtime but the stormwater will increase.

### **John Stead 82505 South Cove Way**

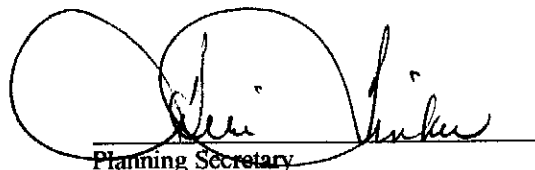
Submitted the watershed health hydrologic processes. (exhibit B)

**Commissioner Lee Riechel moved, seconded by Commissioner Bill Tizzard, to make a recommendation to the City Council to send the proposed Stormwater Pollution Reduction, Chapter 99, back to the Stormwater Subcommittee for completion as it is incomplete without the manual to support it. The Motion was adopted unanimously 8-0**

**5**

The meeting adjourned at 8:28 p.m.

  
George Burke, Chairperson

  
Planning Secretary

# DUNES CITY PLANNING COMMISSION

## REGULAR MEETING

June 28, 2007 --- 7:00 P.M.

Commission Meeting will adjourn at 11:00 p.m. If agenda items are not completed the meeting will continue at the next scheduled meeting. The chairman has the discretion to add or remove any items from the agenda.

### AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF MINUTES -  
April 26, 2007  
May 1, 2007  
May 24, 2007
- III. ANNOUNCEMENTS AND CORRESPONDENCE - NONE
- IV. NEW BUSINESS - NONE
- V. REPORTS  
Planning Secretary Report  
Year end applications
- VI. PUBLIC HEARINGS -
  1. Conditional Use Permit - CUP 01-07 Jack & Elizabeth Mobley  
To make the loft area of a new garage a guest house/quarters with  
bathroom
  2. Ordinance 99 - STORMWATER POLLUTION REDUCTION
- VI. OLD BUSINESS - None.
- VII. UNSCHEDULED BUSINESS -

ADJOURNMENT

## **Teri Tinker**

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**From:** "loonie bin" <gr8m8s@oregonfcu.com>  
**To:** <teridunescity@charterinternet.com>  
**Sent:** Tuesday, June 26, 2007 2:20 PM  
**Subject:** the mystery email

Hello Teri.

Thank you for your assistance this morning. I appreciate it. I am not so good on computers so please let me know this made it through to you.

Thanks again,

tom

**TO: The Dunes City Planning Commission**

Turning onto South Pioneer Road there stands a sign. The sign, which has been there more years than any of us care to remember, reads: "This little area is like heaven to us, so please don't drive like hell in it."

We admit that's pretty corny but it points out a long standing view of South Pioneer Road; the view that this little area is like heaven to us. Now our little area is being threatened by a building of unimaginable size which, if we understand correctly, has already passed through this Planning Commission. Were it not for the public notice we recently received we would have no idea this project were even happening.

The purpose of this instrument is to share with you the many concerns my wife and I have regarding the proposed building cited in the public notice. My wife and I know little about the laws and statutes and rules and regulations and sub-paragraphs and codes. We are simple people who know little more than the human heart. It's that humanity to which we now appeal.

The proposed structure is 2,000 square feet and two stories high. Our little house was built '*back in the day*' and as a result is about two feet from the property line. This immense structure will be less than fifteen feet away. If the structure, presumably a workshop, were to become ablaze, what chance would we have? For that matter what chance would the entire lower end of South Pioneer Road have? South Pioneer is a narrow, tree-lined street and would offer more than a few challenges to emergency services.

Turning onto South Pioneer Road you will notice one other thing: it's all downhill from there. After driving past Lot 1200 there is a significant drop-down. It's adjacent to this drop-down that the two story building is to be erected.

6/26/2007

**own property. These are necessary rules so that we can have some assurance of what our neighborhoods will generally be like in the future.**

Developers should be able to put the proper type of construction in the right place with the least damage to the environment. **New citizens may be attracted by having some assurance of what their future surroundings will look like. Residents who are already here should gain confidence that their city will not deteriorate as has been the case in so many unplanned communities.**

...The purposes of this Comprehensive Plan are to formulate guidelines under which **Dunes City will develop in an orderly manner, and to reflect the desire of its people to maintain the City as a predominantly rural residential community.**

Growth for growth's sake should not be encouraged. **Single-family residences are more desirable... in order to preserve the rural atmosphere and to keep an attractive, natural setting".**

We feel helpless and defenseless so we come to you, our community officials, in search of humanity. The erection of such a gigantic building will leave a noticeable footprint, is an insult to South Pioneer Road and an even greater insult to us. This little area was like heaven to us a decade ago and still should be. We are asking that construction on this structure be halted until such time that the issue may be presented to the Committee for Citizen Involvement.

Thank you very much for your considerations and time.

Gratefully,

Beverly & Tom Curtis

83148 South Pioneer Road

902.9204

No virus found in this incoming message.

Checked by AVG Free Edition.

Version: 7.5.476 / Virus Database: 269.9.9/870 - Release Date: 6/26/2007 10:07 AM

**OBJECTIONS TO STORMWATER POLLUTION REDUCTION ORDINANCE  
AT PLANNING COMMISSION - JUNE 28, 2007**

**THIS PC MEETING WAS ADVERTISED AS A "FIRST EVIDENTIARY HEARING." ALSO THE DLCD NOTICE OF PROPOSED AMENDMENT GAVE THE FIRST EVIDENTIARY HEARING DATE AS 6/28/2007. THE DLCD PLAN AMENDMENT TRACKING SHEET, FOR AMENDMENT PROPOSED No. 16112, DLCD FILE No. 003-07, STATES THE PROPOSAL WAS RECEIVED 41 DAYS BEFORE THE FIRST EVIDENTIARY HEARING**

**1. THE PLANNING COMMISSION IS A GOVERNING BODY OF DUNES CITY. (DC) AS THIS IS THE FIRST PUBLIC HEARING FOR THIS LAND USE REGULATION AMENDMENT THERE MUST BE A 45 DAY PRE-HEARING NOTICE TO DLCD THAT CONTAINS A FINAL DRAFT OF THE ORDINANCE. THAT NOTICE WAS NOT SENT TO DLCD 45 DAYS PRIOR TO THIS FIRST EVIDENTIARY HEARING..**

**2. I LAY BEFORE YOU THE FOLLOWING DOCUMENTS, LISTED HERE IN A SEPARATE DOCUMENT "STORMWATER CONTROL ORDINANCE FOR THE RECORD", TO BE PART OF THE RECORD FOR THIS OBJECTION TO THE ORDINANCE NO. 99.**

**3. I CONTEND THE CHALLENGED LAND USE REGULATION AMENDMENT FAILS TO COMPLY WITH THE REQUIREMENTS FOR AMENDING CITY LAND USE REGULATIONS OR ADOPTING NEW CITY LAND USE REGULATIONS FOUND IN ORS 197.610 TO 197.625, STATEWIDE PLANNING GOALS 1, 2 AND 5, AND IMPLEMENTING RULES.**

**4. GOAL 1 (CITIZEN INVOLVEMENT) REQUIRES A LOCAL GOVERNMENT TO ADOPT A CITIZEN INVOLVEMENT PROGRAM (CIP). DUNES CITY HAS NO ACKNOWLEDGED CIP.**

**5. THE DOCUMENT "CITIZEN INVOLVEMENT PROGRAM" IS NOT A CIP FOR LAND USE REGULATION AMENDMENTS AND PLAN AMENDMENTS. AS THE COMMITTEE WRITING THE PROGRAM HEADS THE DOCUMENT IT IS A "DUNES CITY COMPREHENSIVE ADVISORY COMMITTEE" PROGRAM, FORMED TO HELP WRITE THE DC COMPREHENSIVE PLAN . IN ADDITION THE DOCUMENT "CITIZEN INVOLVEMENT PROGRAM - DUNES CITY, OREGON" IS NOT AN ACKNOWLEDGED CITIZEN INVOLVEMENT PROGRAM.**

**6. IF LUBA ACCEPTS EITHER DOCUMENT LISTED IN ITEM 5. ABOVE AS AN ACKNOWLEDGED CITIZEN INVOLVEMENT PROGRAM THEN DC HAS VIOLATED THE GIVEN PURPOSE IN THE 1<sup>ST</sup> PARAGRAPH OF THE "CITIZEN INVOLVEMENT PROGRAM" DOCUMENT THAT INSURES ALL CITIZENS CAN BE INVOLVED IN ALL PHASES OF THE PLANNING PROCESS.**

**7. ORS 197.835(7) PROVIDES IN RELEVANT PART, "(7) THE BOARD SHALL REVERSE OR REMAND AN AMENDMENT TO A LAND USE REGULATION OR THE ADOPTION OF A NEW LAND USE REGULATION IF:...(B) THE COMPREHENSIVE PLAN DOES NOT CONTAIN SPECIFIC POLICIES OR OTHER PROVISIONS WHICH**

**PROVIDE THE BASIS FOR THE REGULATION, AND THE REGULATION IS NOT IN COMPLIANCE WITH THE STANDARD PLANNING GOALS.**

**THE COMPREHENSIVE PLAN DOES NOT CONTAIN SPECIFIC POLICIES OR OTHER PROVISIONS AS THE BASIS FOR THE STORMWATER REGULATIONS AND THE REGULATIONS ARE NOT IN COMPLIANCE WITH THE MANDATED GOALS 1' 2 AND 5.**

**8. TO SATISFY ORS 197.835(5)(b) THE DC COMPREHENSIVE PLAN MUST CALL FOR A SPECIFIC LAND USE REGULATION TO PROVIDE THE BASIS FOR THE CHALLENGED LAND USE REGULATION AMENDMENT AS REQUIRED BY ORS 197.835(5)(B). SEE CHURCHILL V. TILLAMOOK COUNTY, 29 Or LUBA 68, (1995).**

**9. AT A CCI MEETING I WAS VOTED ONTO A SUBCOMMITTEE TO FORMULATE AN EROSION CONTROL ORDINANCE. I ATTENDED THE NEXT MEETING OF THE SUBCOMMITTEE ( SEE PUBLIC DOMAIN MINUTES OF THE MEETING.) THE CITY FAILED TO PROVIDE NOTICE TO ME FOR ANY SUBSEQUANT MEETINGS OF THE SUBCOMMITTEE WHICH EFFECTIVELY DENIED ME THE RIGHT TO PARTICIPATE IN THE PROCESS AND CONSEQUENTIALLY MY SUBSTANTIAL RIGHT THE PARTICIPATE IN ALL ASPECTS OF THE PLANNING PROCESS WERE VIOLATED.**

**10. THE "DOMINANT CHARACTER" OF THE STATE LAND USE PROGRAM, EMBODIED IN STATUTE, GOAL AND ADMINISTRATIVE RULE IS SUSTANTIVE IN NATURE: LAND USE REGULATION IS ADDRESSED PRIMARILY TO SUBSTANTIVE SOCIAL, ECONOMIC OR OTHER REGULATIVE OBJECTIVES OF THE STATE".**

**THIS MEANS THAT STATE STATUTES, SUCH AS GOALS 1, 2 AND 5 FOR LAND USE TAKE PRECEDENCE OVER CITY ORDINANCES.**

**11. CITY CONSTANTLY FAILED TO PROPERLY NOTICE HEARINGS AS REQUIRED BY STATE LAW, CITY ORDINANCES AND THE PUBLIC MEETINGS LAW.**



PORT

Holman Martin

# 1 DLCD Notice of Proposed Amendment

in person  electronic  mailed

For DLCD Use Only

**THIS FORM MUST BE RECEIVED BY DLCD AT LEAST 45 DAYS PRIOR TO THE FIRST EVIDENTIARY HEARING**  
 PER ORS 197.610, OAR CHAPTER 660, DIVISION 18

Jurisdiction: **Dunes City** Local file number: **N/A**  
 Date First Evidentiary hearing: **6/28/2007** Date of Final Hearing: **8/9/2007**  
 Is this a **revision** to a previously submitted proposal?  Yes  No Date submitted: **5/16/2007**  
 Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment  
 Land Use Regulation Amendment  Zoning Map Amendment  
 New Land Use Regulation  Other:

Briefly Summarize Proposal. Do not use technical terms. Do not write "See Attached" (limit of 500 characters):

**Stormwater Ordinance that implements Policy E-7 that calls for regulation of all nonpoint source polluted runoff into lakes and streams.**

Has sufficient information been included to advise DLCD of the effect of proposal? **Yes**

Plan map changed from: To:

Zone map changed from: To:

Location of property (do not use Tax Lot):

Previous density: New density: Acres involved:

Applicable statewide planning goals:

- 

Is an exception to a statewide planning goal proposed?  YES  NO Goals:

Affected state or federal agencies, local governments or special districts (It is jurisdiction's responsibility to notify these agencies. DLCD only reports this information.):

**DLCD**

Local Contact: **Teri Tinker**

Phone: **(541) 997-3338** Extension:

Address: **PO Box 97**

Fax Number: **541-997-5751**

City: **Westlake**

Zip: **97493-**

E-mail Address: **teridunescity@charterinternet.**

**DLCD file No.** \_\_\_\_\_

Norman  
Martin

## SUBMITTAL REQUIREMENTS

**This form must be received by DLCD at least 45 days prior to the first evidentiary hearing**  
per ORS 197.610 and OAR Chapter 660, Division 18

1. This form must be submitted by local jurisdictions only (not by an applicant).
2. When submitting, please print this form on light green paper.
3. Send this Form and **TWO COPIES** of the proposed amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

4. **Electronic Submittals:** At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
5. Unless exempt by ORS 197.610(2), proposed amendments must be received at the DLCD's Salem office at least 45 days before the first evidentiary hearing on the proposal. (The clock begins on the day DLCD receives your proposal.) The first evidentiary hearing is usually the first public hearing held by the jurisdiction's planning commission on the proposal.
6. Submittal of a proposed amendment to the text of a comprehensive plan or land use regulation must include the text of the amendment and any other information the local government believes is necessary to advise DLCD of the effect of the proposal. "Text" means the specific language being added to or deleted from the acknowledged plan or land use regulations. A general description of the proposal is not adequate.
7. Submittal of a proposed map amendment must also include a map of the affected area showing existing and proposed plan and zone designations. The map should be legible and on 8½ x 11 inch paper. Please provide the specific location of property, such as an address and/or tax lot number. Include text regarding background and/or the justification for the change, such as the application accepted by the local government.
8. Submittal of proposed amendments that involve a goal exception must include the proposed language of the exception.
9. **Do not submit this form without supporting documentation.**
10. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

WATERSHED HEALTH  
HYDROLOGIC PROCESSES

John Stead  
Exhibit B

**Reasons for Stormwater Ordinance**

**A. Effects of Stormwater Runoff.**

1. All property drains into either surface waters or the groundwater. The flow volumes of surface water and the amount of nonpoint source pollution are directly related to development of property and the creation of impervious surface.
2. The city's growth and development has and will continue to increase the volume of stormwater runoff
3. Stormwater runoff may cause property damage and erosion. It can carry concentrations of nutrients, sediments, other pollutants into receiving waters and groundwater.

**1. Statewide Goals**

**Goal 5 – Natural Resources** gives Dunes City three policy choices: Preserve the resource, allow proposed uses that conflict with it or strike a balance between the resource and the uses that would conflict with it.

**Goal # 6: Air, Water and Land Resources Quality**

**GOAL:** To maintain and improve the quality of the air, water and land resources of the state. It requires the City's Comprehensive Plan and Ordinances to be consistent with state and federal regulations on matters such as pollution.

**2. Comprehensive Plan**

**Comprehensive Plan Policy B9.**

*(Calls for new development to provide a storm water management system.)*

Nonpoint pollution sources are a threat to the water quality of the city's lakes and streams. There shall be no direct urban run off into the city's lakes and streams. New construction and site development, including roads, shall provide a storm water management system consistent with sound engineering practice and the requirements of this policy. Owners of existing homes are to be encouraged to contain their run off as well. Site construction procedures shall not contribute to erosion into lakes and streams. [Page 49]

**Policy E7.** The city shall draft city ordinances regulating nonpoint source polluted runoff into lakes and streams. . .

### **3. DC Ordinances**

- **Storm Water Facility** – A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment. [DCC § 155.13]

- To ensure proper storm water management, any driveway with a slope in excess of 10% shall be designed by an engineer licensed in Oregon. [DCC § 155.3.1.2 K. d.]

- The City shall issues a development permit only where adequate provisions for storm water and floodwater runoff have been made in conformance with the City's stormwater regulations, when adopted. [DCC § 155.3.4.4 A., Page 80]

#### **155.3.4.4 Storm Drainage Improvements**

**A. General Provisions.** The City shall issue a development permit only where adequate provisions for storm water and floodwater runoff have been made in conformance with the City's stormwater regulations, when adopted.

**B. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City.

**C. Effect on Downstream Drainage.** Where it is anticipated by the Planning Commission that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

**D. Easements.** Where a development is traversed by a watercourse, drainage way, channel or stream., there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance. [DCC § 155.3.4.4 D.]