

WALDPOR PLANNING COMMISSION
February 22, 2016
MEETING NOTICE AND AGENDA

THE WALDPOR PLANNING COMMISSION WILL MEET ON MONDAY, FEBRUARY 22, 2016 AT 2:00 P.M. IN THE CITY COUNCIL MEETING ROOM, 125 ALSEA HIGHWAY, TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. MINUTES: (December 14, 2015)
3. CITIZEN COMMENTS AND CONCERNS
4. CORRESPONDENCE – January 16, 2016 Leland & Ann Stuart Letter
5. DISCUSSION/ACTION ITEMS:
 - A. Former Public Works Property – Potential Zone Change
 - B. Planning Report
 - C. Other Issues*
6. COMMISSION COMMENTS AND CONCERNS
7. ADJOURNMENT

*Denotes no material in packet

The Council Chambers are accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall at (541)264-7417 during normal business hours.

Notice given this 16th day of February 2016

City of Waldport

WALDPOR T PLANNING COMMISSION
December 14, 2015
City Council Meeting Room
MEETING MINUTES

1. CALL TO ORDER AND ROLL CALL: Chair Woodruff called the meeting to order at 2:00 p.m. Chair Woodruff and Commissioners Andrew, Peterson, Barham, and Quayle answered the roll. Commissioner Yorks was absent. A quorum was present.

2. CITIZEN COMMENTS AND CONCERNS: None.

3. MINUTES: The Commission considered the minutes from the July 27, 2015 Meeting. Commissioner Andrew **moved** to approve the minutes as written. Commissioner Peterson **seconded**, and the motion **carried** unanimously on a voice vote.

4. CORRESPONDENCE: None.

5. PUBLIC HEARING

Chair Woodruff opened the public hearing for Case File #2-PD-PC-15, calling for abstentions, bias, conflict of interest, or *ex parte* contact. No objections were raised to any Commissioner hearing the case.

Staff Report: City Planner Lewis reviewed the staff report, noting that the applicant was requesting approval of a Planned Development for 38 single family homes/lots. Eleven (11) lots are proposed to front Green Drive and 27 lots are proposed to front Green Lane. Written testimony included one letter submitted by a nearby property owner and signed by 15 additional people. The letter expressed opposition to the development citing concerns about housing congestion and fire safety, visual clutter, parking congestion, and traffic.

Applicant Kevin Kass and Owner Mark Campbell presented information and answered questions.

Oral testimony was provided by two people. In summary, questions and concerns about the proposed planned development included the density and side yard setbacks of proposed homes fronting Green Drive, traffic, and sidewalks.

In rebuttal, the applicant and owner responded to concerns and the proposed development.

There were no requests to leave the record open. Following deliberation by the Planning Commission, Commissioner Peterson **moved** to approve the application as submitted including the conditions recommended in the staff report. Commissioner Quayle **seconded** the motion, and the motion **carried** unanimously on a voice vote.

6. DISCUSSION/ACTION ITEMS:

A. Planning Report: Building permit and land use activity for October 1 through November 30, 2015 was reviewed.

B. Other Issues: None.

7. COMMISSION COMMENTS AND CONCERNS: Commissioner Peterson expressed concerns about 1) the need for sidewalks on Crestline Drive to the schools, 2) the need for a new road connecting Hwy 101 and Crestline Drive, and 3) visual problems for west bound Hwy 34 motorists as they approach Ray's at night. The headlights from vehicles in the parking light impair views. A visual barrier is needed. Chair Woodruff noted that the

speed limit on Crestline Drive should be corrected. Currently the speed limit goes from 25 to 40 to 20 mph. Chair Woodruff also noted that an additional fire hydrant may be required on Dahl Avenue with the expansion of the storage facility.

8. ADJOURNMENT: At 3:14 p.m., there being no further business to come before the Commission, Commissioner Peterson **moved** to adjourn. Commissioner Barham **seconded**, and the motion **carried** unanimously on a voice vote.

Respectfully submitted,

Reda Q. Eckerman
City Recorder

APPROVED by the Planning Commission this ____ day of _____, 2016.

SIGNED by the Chair this ____ day of _____, 2016.

Ray Woodruff, Chair

01/16/16

City of Waldport Planning Commission
P.O. Box 1120
Waldport, Oregon 97394

To the Commissioners:

In a December 3, 2015 letter to you, my wife and I explained objections to the Crestview Golf Club proposal for 38 single family homes/lots: Housing Congestion and Fire Safety; Visual Clutter; Parking Congestion; Traffic Congestion; Safety. Fifteen neighbors also signed our letter. We believe you made a decision based on inaccurate and/or misleading information and that your responsibility to do due diligence will prompt you to reconsider. We ask—on the grounds that you were given inaccurate and or irrelevant information—that you void the conclusion of December 14, 2015 and reconsider the proposal. You can and should do this. We hope the information and photographs in this letter will aid you.

Sufficient Drainage (photos provided): The developers' claim of sufficient drainage along the Green Drive is false. There are NO drains along the north side of Green Drive. The first drain along the gutter installed in 2008 is around the corner on Green Loop. Furthermore, a drainage problem already exists that will become even worse as run-off from roof and gutter systems of new residences pours into the street. [Note: this was not an issue we raised in our December 3 letter, but raise it now after reading the "Findings and Conclusions" document. See p. 7.]

Emergency Access and Exit (photos provided): The claim—presented in 2008 and made again in 2015—that an emergency access and exit route through the golf course exists and will provide relief against congestion is not true. According to information provided me by Mr. Larry Lewis who asked the Public Works Department about this on December 20, 2015, a week after your decision), the access/easement from Green Loop exists to provide the city access to the pumping station. Why then does the "Findings and Conclusions" state that "The new residential road is a cul-de-sac with emergency secondary exit that was built to public road standards including sidewalks." (p. 7) The reality is different, as you can see for yourself by visiting the site or looking at the photos, below. The statement is false.

Clutter on Streets: We question the relevance of testimony submitted in support of the developers' proposal. Residents—or vacation renters and guests—on the north side of Green Drive will certainly NOT be able to keep and streets uncluttered—unless, of course, they park vehicles across the street in front of current residents' houses. How seriously will part time resident "empty nesters" and/or vacation rental property investors take a set of covenants requiring them to keep the streets clear of vehicles or motor homes or travel trailers? (The idea that buyers may include part time residents and vacation rental property investors comes from Mr. Campbell.)

The inevitable clutter in front driveways and on streets will result directly from the density of the housing proposed for Green Drive. The developers argue that 38 houses built on 45 acres make for spacious residential areas indeed. ("Findings," p. 4.) This argument somehow allows them to then propose lot sizes of 3,348 square feet for the eleven houses along the north side of Green Drive—little more than half the size of the normally required minimum of 6,000 square feet for R-1 residences. The argument that "Lots have been created to a somewhat smaller depth than neighboring lots to allow more open areas" ("Findings," p. 6) is spurious. In 2008 lots of twice the size were approved and the current proposal simply seeks to cram five more buildings into the same amount of space.

Safety: Most important was the question of emergency access that we raised: How safe will a path to the main house entrance that is only three feet wide be for EMT or fire personnel or residents? This question was NOT answered by the building inspector's information that special fire walls do not have to be built. Our objection to waiving the normal five foot setback between buildings and property lines addressed the need for easy entry and egress of both safety personnel and residents in case of emergencies. Either our objection was not clearly made or you simply decided not to ask fire and EMT personnel the question we requested you ask. ("What is the opinion of the fire department on a proposal that would reduce the minimum space necessary for safe access and egress?") Is three feet truly enough? Does the waiver put you at a liability risk in the sad event it turns out NOT to be enough?

Traffic Congestion: Three issues. First, the research cited in the "Findings and Conclusions" (p. 7) is not current, and may not be applicable, anyway. It was conducted in 2008, before the new high school. When I asked Mr. Lewis whether the two intersections studied were "T" intersections with one street having no alternative exit available, he could not recall specifically and said that one of the two may have been. Thus, at best, only half the information could provide outdated comparative data; at worst, the information is useless altogether.

Second, the conclusion in the "Findings" that "There is a minimal amount of increased traffic expected from this proposal of 38 single family homes." is ludicrous. (p. 7) Presently, the area has 26 residences. The planned development proposes an increase to 64 residences. A 229 percent increase! Of course there will be a substantial increase in traffic. How can you not question the accuracy of such a finding? Perhaps you might even find the statement insulting.

Third, one of the developers told the Commission that he lives along Crestline Drive and is not bothered by traffic congestion. Such testimony was not only self-serving but failed to disclose two important facts. First, traffic nearest his residence is regulated by stop signs in all directions. Second, from his corner residence he has immediate access to either Range Drive or Crestline Drive. The advantages he appreciates—a regulated traffic flow and more than one exit—are EXACTLY what we and our neighbors wish for ourselves and that he and his partners argue we do not need.

What follows are photographs taken on December 18 and 19, 2015 that show (1) drainage problems along Green Drive and especially at the intersection with Green Loop where water percolates year around. And (2) the site of the fictional emergency access route from Green Loop through the golf course. We hope you find them useful as you think through the consequences of the December 14, 2015 decision. If you agree with us that you did not have adequate information, please reconsider as your due diligence responsibility requires you to do. You may not agree with us on the importance of all the questions we raise, but I'm sure that neither we nor you would like to see the city put at risk because of accidents on icy corners or life-saving delays due to inadequate space for access.

Thank you very much for your attention.



Leland E. Stuart
425 SW Green Drive
Waldport, Oregon



Ann B. Stuart

Emergency Access and Exit

Both in 2008 and again in December, 2015 the developers argued that an access and exit route through the golf course would (a) provide emergency access and exit, and (b) relieve problems that might be caused by congestion at the intersection of Green Drive and Crestline. As the photographs below show, the most likely emergency would be caused by someone trying to use the route.

The entrance from Green Loop to the emergency access and exit—between the two white markers.



White road markers at the bottom of the hill—AND, the middle of the “road” obstruction.



From the bottom looking toward the top.



At the bottom of the hill, turn left. (See below.) Good Luck!



In an emergency, put traction tires on your four-wheeler.

February 15, 2016

To Waldport Planning Commission

From: Larry Lewis, City Planner

Re: 1/16/16 Stuart Letter Regarding Crestview Hills Planned Development Approval

Sufficient Drainage

The Stuarts state “The developer’s claim of sufficient drainage along the Green Drive is false.” Staff notes that Green Drive is an existing street that has been in existence for years. Staff recognizes there are drainage issues on Green Drive that exist with or without development of the Crestview Hills PD. It is not the developer’s responsibility to ‘fix’ existing drainage issues on Green Drive. It is the developer’s responsibility to not exacerbate the Green Drive drainage issues. Crestview Hills PD development consists of single family home construction. Waldport Public Works reviews and approves storm drainage plans for all new construction to ensure there are no adverse impacts to adjacent properties or to the storm drainage system. This development does not exacerbate existing storm drain conditions.

Emergency Access and Exit

The Findings state “The new residential road is a cul-de-sac with emergency secondary exit that was built to public road standards including sidewalks.” The Stuarts claim the emergency secondary exit does not exist. Staff notes that the purpose of the emergency secondary exit is to provide secondary emergency service to homes to be constructed on Green Lane. The alignment of this secondary access currently provides access for the City Public Works Department to a city pump station. The access is currently a dirt road that is accessible during dry weather. The developer is committed to improving this secondary emergency access/exit (for homes on Green Lane) as development begins on Green Lane.

Clutter on Streets

The Stuarts claim Green Drive will be cluttered with vehicles. Staff notes that vehicles are allowed to be parked on streets unless ‘No Parking’ signs are posted in order to maintain adequate width for emergency vehicle access. Green Drive is constructed with an approximate width of 34 feet which is adequate width to allow parking while maintaining adequate width for emergency vehicles and motorists.

Safety. The Stuarts question how safe a 3 foot side yard setback is to the main entrance of homes (fronting Green Drive) for emergency personnel or residents. They asked that the fire department be asked this question. Both the Central Oregon Coast Fire & Rescue District (COCFRD) and the Lincoln County Building Official reviewed and approved this request prior to the public hearing. (The Lincoln County Building Official confirmed that the 3’-1” side yard, or minimum 6’-2” distance between houses will not result in the need for fire walls or other mitigation measures.) Additionally, a response has been made that the proposed emergency access to these single level homes will be easier for emergency personnel than accessing the second level of a home.

Traffic Congestion. The Stuarts express issues regarding traffic congestion. City staff reviewed the average daily traffic of other ‘T’ intersections in Waldport. Based on review of those traffic conditions, the Green Drive/Crestview Drive intersection will continue to operate at an acceptable level of service (average daily traffic) with the increased traffic resulting from the Crestview Hills development.

Process

The Stuarts allege that the Planning Commission’s decision was based on inaccurate or misleading information, and ask the Planning Commission to void the conclusion of December 14, 2015 and reconsider the proposal. The City follows Waldport Development Code review procedures (WDC Section 16.108.020) when processing land use applications. This procedure is consistent with Oregon Revised Statutes. WDC Section 16.108.020.H states in part that “an appeal shall be filed with the City Recorder within fifteen (15) days of the subject decision of the Commission.” The Stuarts received notice of the decision and appeal period. No appeal was filed.

February 15, 2016

To: Waldport Planning Commission

From: Larry Lewis, City Planner

RE: POTENTIAL ZONE CHANGE – FORMER PUBLIC WORKS PROPERTY

The City of Waldport is interested in rezoning the former public works property located on Lint Slough Road from Public Facilities (P-F) to Retail Commercial (C-1). The P-F zone limits the allowed uses on the site. The C-1 zone would provide greater opportunity for future development and use of the property.

One example of a future use for the property was identified in the September 2015 3-day design charrette. The concept plan identified a restaurant and brewery overlooking the Lint Slough with a public kayak launch. No decision has been made on the actual use, although most all potential uses would require a commercial zoning classification.



The Process

Zone changes require public hearings by both the Planning Commission and the City Council. The first step is for staff to prepare and submit the Oregon Department of Land Conservation and Development (DLC) Notice of Proposed Amendment at least 35 days prior to the Planning Commission holding a public hearing. Notices of the Planning Commission hearing will be mailed to all directly affected property owners at least 21 days prior to the meeting. At the public hearing, the Planning Commission will take public testimony and make a recommendation to be forwarded to the City Council.

**City of Waldport
2016 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
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For the Period December 14, 2015 through December 31, 2015

12/17/15	On-site Waste Management Permit	Randy & Danny Guidry	R-3	13-11-29AB/600 2280 Merten Dr	Septic tank replacement	Approved 12/18/15
12/23/15	Building Permit	Paul Wilson	R-3	13-11-19AB/4100 780 Bay St	Replace pier pads, add stem wall, new floor	Approved 12/28/15
12/30/15	Land Use Compatibility Statement (LUCS)	Pauline Gates	D-D	13-11-19BD/7500 250 Hwy 101	LUCS for marijuana facility	Approved 1/4/16

For the Period January 1, 2016 through February 15, 2016

1/8/16	Building Permit	Michael Schlosser	R-1	13-11-20CA/1100 1423 High Meadows Waldport Heights	New single family dwelling	Approved 1/8/16
1/11/16	Building Permit	Approved Home Solutions – Paul Lopez	D-D	13-11-19BD/7000 190 Hwy 101 Waldport Inn	Remodel motel (add dormers, reroof, new siding windows, interior remodel) and construct covered parking structure	Approved 1/11/16
1/28/16	On-Site Waste Management Permit	Michael Schlosser	R-1	13-11-20CA/1100 1423 High Meadows Waldport Heights	New septic system for single family dwelling	Approved 1/28/16
1/29/16	Building Permit	Nancy & Joe Penzola	D-D	13-11-19BD/3500 140 Verbina	Interior remodel	Approved 1/29/16
2/5/16	Building Permit	Lawrence Calkins	R-1	13-11-30BA/1800 1440 Forest Pkwy	Replace roof trusses on single family dwelling	Approved 2/5/16
2/12/16	Building Permit	Margarita Underwood	R-1	13-11-30BB/6400 1445 Fairway Dr	New single family dwelling	Approved 2/15/16