

**WALDPORT CITY COUNCIL
MARCH 8, 2018
MEETING NOTICE AND AGENDA**

The Waldport City Council will meet at 2:00 p.m. on Thursday, March 8, 2018 in the City Council Meeting Room, 125 Alsea Highway to take up the following agenda:

1. CALL TO ORDER
2. ROLL CALL
3. MINUTES: *February 8, 2018, February 22, 2018 (to be distributed)*
4. PUBLIC COMMENTS/PRESENTATIONS
 - County Presentation on Proposed Marijuana Substance Abuse Education and Prevention Pilot Project **
 - Dahl Disposal Update on Changes in Recycling Program*
5. DISCUSSION/ACTION ITEMS
 - A) Consideration of Findings for Appeal of Planning Commission Preliminary Plan Approval - Vista View Planned Development*
 - B) Consideration of Bid Award for McKinney Slough Bridge Waterline Improvements*
 - C) Other Issues*
6. COUNCIL COMMENTS AND CONCERNS
7. REPORTS
 - City Manager **
 - City Librarian*
 - Public Works Director **
 - Code Compliance Officer*
8. EXECUTIVE SESSION(S)
 - A) Pursuant to ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*
 - B) Pursuant to ORS 192.660(2)(i): To review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing.*
9. ACTIONS, IF ANY, FROM EXECUTIVE SESSION
10. GOOD OF THE ORDER
11. ADJOURNMENT

The City Council Meeting Room is accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall, (541)264-7417, during normal office hours.

* Denotes no material in packet

Notice given this 5th day of March, 2018 - Reda Q. Eckerman, City Recorder

**WALDPORT CITY COUNCIL
FEBRUARY 8, 2018
MEETING MINUTES**

1. CALL TO ORDER AND ROLL CALL: Mayor Woodruff called the meeting to order at 2:03 p.m. Mayor Woodruff and Councilors Swan, Dunn, Dennis and Cutter answered the roll. Councilor Holland was excused. A quorum was present.

2. MINUTES: The Council considered the minutes from the January 11 Council meeting. Councilor Cutter **moved** to approve the minutes as presented. Councilor Dunn **seconded**, and the motion **carried** unanimously.

3. PUBLIC COMMENTS/PRESENTATIONS: Newport Public Works Director Tim Gross provided a PowerPoint presentation on the collaborative water planning process to address future water needs county-wide.

4. DISCUSSION/ACTION ITEMS:

A. City Facilities - Reserve Study: City Manager Kemp reviewed the two submitted proposals from IBI and Reserve Advisors. He noted that IBI was based in Portland, and Reserve Advisors was based in Milwaukee, WI but had experience with coastal Oregon. Discussion ensued. Consensus of the Council was that what they were looking for was not addressed by either proposal.

B. Goal Review: Councilor Cutter suggested postponing the goal review to a workshop session as part of the budget process. Mayor Woodruff agreed. Staff will poll the Council to determine an acceptable date and time.

Discussion ensued regarding need for possibly scheduling a special meeting for the bid award on the McKinney Slough Bridge project. The Council decided to meet in a special meeting on March 12th at 5:30 p.m.

C. Development Code Amendments: The Council reviewed the list of proposed amendments. It was noted that this is an ongoing process for the Planning Commission, and no Council action was needed at present.

D. CWACT Alternate Member Appointment: Councilor Cutter indicated that he has been the primary appointed member and would be more than willing to be the alternate rather than the primary if any other Council member wished to serve. He explained that the committee reviews the State Transportation Improvement Program (STIP) and prioritizes and recommends actions to the Oregon Transportation System. They generally meet on the 4th Thursday of the month in the evening, and though the meetings can be attended by video conferencing he felt it was much more productive to attend in person. No Council members volunteered, so Councilor Cutter indicated he will continue on as the primary member.

E. Other Issues: None.

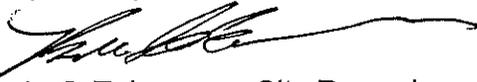
5. COUNCIL COMMENTS AND CONCERNS: Mayor Woodruff noted receipt of a thank-you card from the family of Councilor Christenson. Staff noted that the Council position would be on the November ballot.

6. REPORTS: The written reports from the City Manager, City Librarian, Public Works Director and City Planner were included in the packet materials. A brief discussion ensued regarding the recent distant tsunami watch on January 23, and the difficulties encountered during the phone notification process. City Manager Kemp noted that there would be an emergency preparedness presentation on March 15 from 10:30 to noon at the Community Center. Additionally, Lincoln County Emergency Management has scheduled a tsunami workshop on February 24th from 10:00 to noon, also at the Community Center. Mr. Kemp reminded the Council about the upcoming annual Statement of Economic Interest filings for government officials, noting that there are penalties associated with non-compliance. With regard to the proposed disc golf course, Mr. Kemp reported that though the City did not get the additional funding from the County, the developer of the Land and Sea subdivision was amenable to working with us on the use of his property for a couple of the holes. Mr. Kemp provided a verbal code enforcement report, and noted that Ms. Davies had given notice to the City of Yachats. Waldport and Yachats will go out together for a code compliance contract, and if the individual wishes to provide services for both communities she will step aside. Otherwise, she will continue on working for Waldport.

7. GOOD OF THE ORDER: Nothing further.

8. ADJOURNMENT: At 4:24 p.m., there being no further business to come before the Council, the meeting was adjourned.

Respectfully submitted,



Reda Q Eckerman, City Recorder

APPROVED by the Waldport City Council this ___ day of _____, 2018.

SIGNED by the Mayor this ___ day of _____, 2018.

Susan Woodruff, Mayor



Oregon

Kate Brown, Governor

Department of Environmental Quality

Western Region Salem Office

4026 Fairview Industrial Dr SE

Salem, OR 97302

(503) 378-8240

FAX (503) 373-7944

TTY 711

February 12, 2018

TRANSMITTED VIA ELECTRONIC MAIL

Mr. Clay Warner, Recycling Service Manager
Garten Services Inc.
3334 Industrial Way NE
Salem, OR 97301

RE: Conditional Material Handling Concurrence

Dear Clay,

As you are aware, China prohibited the import of certain mixed paper and plastic grades beginning on Jan. 1, 2018. Additionally, China has announced a new and exceedingly stringent recyclable contamination standard of 0.5 percent. China is the main market for Oregon's recyclable mixed paper and plastic. This has created a condition where the primary market for much of Oregon's recyclable materials is severely constrained and in jeopardy of disappearing.

In an effort to meet the tightened contamination standards, recycling processing facilities have slowed their sorting lines. This has resulted in a slower throughput of materials. The flow of materials from Oregonians sent for recycling has not slowed to match this constraint. Without an outlet for the collected materials, sorting and storage capacity have become constrained. In some cases, processing and storage capacity have already been exceeded and recycling costs exceed disposal costs.

DEQ, working closely with representatives from the recycling industry and local governments has initiated a short-term stopgap solution to help alleviate the flow of materials throughout the collection and processing system. When all options to find markets for recyclable commodities have been exhausted, DEQ concurs that landfilling these materials on a temporary basis is an unfortunate but needed option at this time.

This concurrence is subject to the conditions set forth below:

Effective date: February 12, 2018.

Duration: May 1, 2018 expiration date. Adjustments may be made if conditions change.

Required conditions

The following required conditions must be met prior to disposal of the materials identified below. DEQ may in the future also verify that the conditions continue to be met.

- 1.1. Prior to disposal, good faith efforts were made to find recycling processors or end markets for the materials. (Documentation that at least three processors or end markets were solicited should be available upon DEQ request); and
- 1.2. The material disposed of can no longer be collected (including consideration of storage, processing and safety constraints) and sold at a net cost equal to or less than the cost of collection and disposal. (Financial documentation demonstrating this should be available

upon DEQ request). Where no feasible market exists, costs for recycling are assumed to exceed the costs for disposal; and

1.3. Impacted local governments have been informed and required approval obtained.

Notification Summary

The following information has been provided to DEQ:

1.4. Material type(s)

- #3-7 Plastic
- Rigid Plastic
- Mixed Waste Paper

1.5. Estimated amount(s) of material to be disposed per month

- #3-7 Plastic 25 tons/month
- Rigid Plastic 14 tons/month
- Mixed Waste Paper, 800 tons to start, then 300 tons/month

1.6. Estimated amount of recyclable material sent to market or a processing facility for recycling

- 0 tons/month for materials listed above

1.7. Source(s)

- Residential and commercial curbside commingle

1.8. Geographic area of material origin

- Salem, Dallas, Eugene, Monmouth, Independence, Keizer, Waldport, and Newport

1.9. Proposed start date

- February 12, 2018

1.10 Proposed disposal site

- Coffin Butte Landfill or Covanta Waste to Energy Facility

Reporting Requirements

The following information shall be completed by an authorized representative and submitted to DEQ by the 15th of the following month until the end date or expiration date. A web link to date submittal will be provided.

2.1. Actual material types disposed

2.2. Actual amounts of materials disposed

2.3. Actual sources of materials – Commercial, Residential or Depot

2.4. Actual geographic area of material origin (City, County, etc)

2.5. Actual disposal date(s)

2.6. Actual disposal location(s)

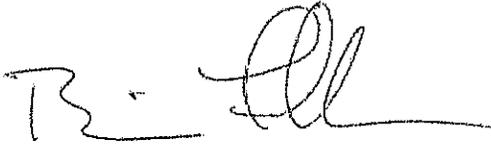
2.7. Actual amounts of recyclable material sent to market or a processing facility for recycling

2.8. What efforts have you made to determine if recycling of this material can resume?

Provided all the information submitted above is correct, DEQ concurs that landfilling of this material on a temporary basis is an unfortunate but necessary option. Please let DEQ know if any of the above information changes. DEQ will provide a web link to you for you to submit your monthly report to us. We will notify you when it is available.

If you have any questions, please contact Cathie Rhoades at 503-378-5089 or rhoades.cathie@deq.state.or.us.

Sincerely,



Brian Fuller
Manager Western Region
Materials Management and Hazardous Waste Programs

BRF/cdr

cc: Brian May, Marion County Environmental Services, Wasteshed Representative:
BMay@co.marion.or.us
Jim Solvedt, Polk County Community Development, Wasteshed Representative:
solvedt.jim@co.polk.or.us
Mark Saelens, Lincoln County Solid Waste District, Wasteshed Representative:
mraelens@co.lincoln.or.us
Sarah Grimm, Lane County Waste Management, Wasteshed Representative:
Sarah.GRIMM@co.lane.or.us
Steve Powers, City Manager, Salem OR: manager@cityofsalem.net
Chris Eppley, City Manager, Keizer OR: eppleyc@keizer.org
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David Clyne, City Manager, Independence OR: clyne.david@ci.independence.or.us
Scott McClure, City Manager, Monmouth OR: smcclure@ci.monmouth.or.us
Spencer Nebel, City Manager, Newport OR: s.nebel@newportoregon.gov
Kerry Kemp, City Manager, Waldport OR: kerry.kemp@waldport.org
David Lear, Mid-Valley Garbage & Recycling Association: david@mrrf.net
Casey Holiday, Brandt's Sanitary Service: casey@brandtssanitary.com
Rachel Snyder, Republic Services: RSnyder2@republicservices.com
Rob Thompson, Thompsons Sanitary Services: rob@thompsonsanitary.com
Zack Dahl, Dahl & Dahl Inc.: z.dahl@dahl Disposalservice.com
Aaron Donley, EcoSort LLC: aarond@wasteconnections.com
Cathie Rhoades, MMTA, DEQ – Salem
Ms. Denise Miller, WR Solid Waste Permit Coordinator, DEQ – Eugene



East County Transfer Center
5441 W. Hwy 20
PO Box 357

Toledo, OR 97391
Office: 541.336.2932
Fax: 541.336.4817

South County Transfer Center
235 SW Dahl Ave.
PO Box 1059

Waldport, OR 97394
Phone: 541.563.3888
Fax: 541.563.7373

Suggested List of Materials to Include in Comingled Recycling Programs

1. Paper

- a. Newspaper including adds and inserts
- b. Corrugated Cardboard Boxes
- c. Direct Mail
- d. Cereal, Cracker & Shoe Boxes (Chipboard)
- e. Office paper- copier and printer paper, note paper, computer paper, brochures
- f. Magazines & Catalogs

2. Metal

- a. Steel (Tin) Cans
- b. Aluminum Cans

3. Plastic

- a. Plastic Bottles- #1 PET & #2 HDPE- Soda bottles, water bottles, milk jugs, Orange Juice bottles & jugs, detergent & cleaning solution bottles

*This is the most comprehensive list of materials to include, as of 2/21/2018.

Suggested List of Items to Exclude from Comingled Recycling Programs

1. Plastic Bags & Plastic Film of all kinds
2. #3-#7 Plastic Items
3. Flower pots
4. Paper Milk & Paper Juice Cartons
5. Aseptic Packaging
6. Shredded Paper
7. Trash
8. Medical Waste of any Type
9. Diapers
10. Fabric (Textiles) of any type
11. Wire, Rope, Chain, Garden Hoses & Christmas Lights
12. Wood

Suggested informational video:

Plastic China <https://www.youtube.com/watch?v=ooRVhRt1p54>

**BEFORE THE CITY COUNCIL
OF
WALDPORT, OREGON**

**Appeal of Planning Commission Preliminary Plan Approval
Vista View Planned Development**

Case File #1-PD-PC-17

Applicant: Tidewater Development LLC

Agent: Dennis L. Bartoldus, Attorney

FINDINGS AND CONCLUSIONS

Nature of the Application

The proposed Vista View Planned Development is a planned 34 single family lot development on 7.75 acres. Lot sizes are proposed to range between 4,810 and 9,041 square feet.

Access to the development is proposed at the south end of Norwood Drive. This is the only current legal access to the site. A future second access is planned at the south end of the site. Within the property, a circular street system is proposed to access the lots/homes.

A tract of land along the north and east side of the property is proposed as open space. The applicant proposes the establishment of an easement and construction of a public nature trail through the open space and along the south edge of Lots 11-13.

Appeal of the Planning Commission's Preliminary Plan Approval

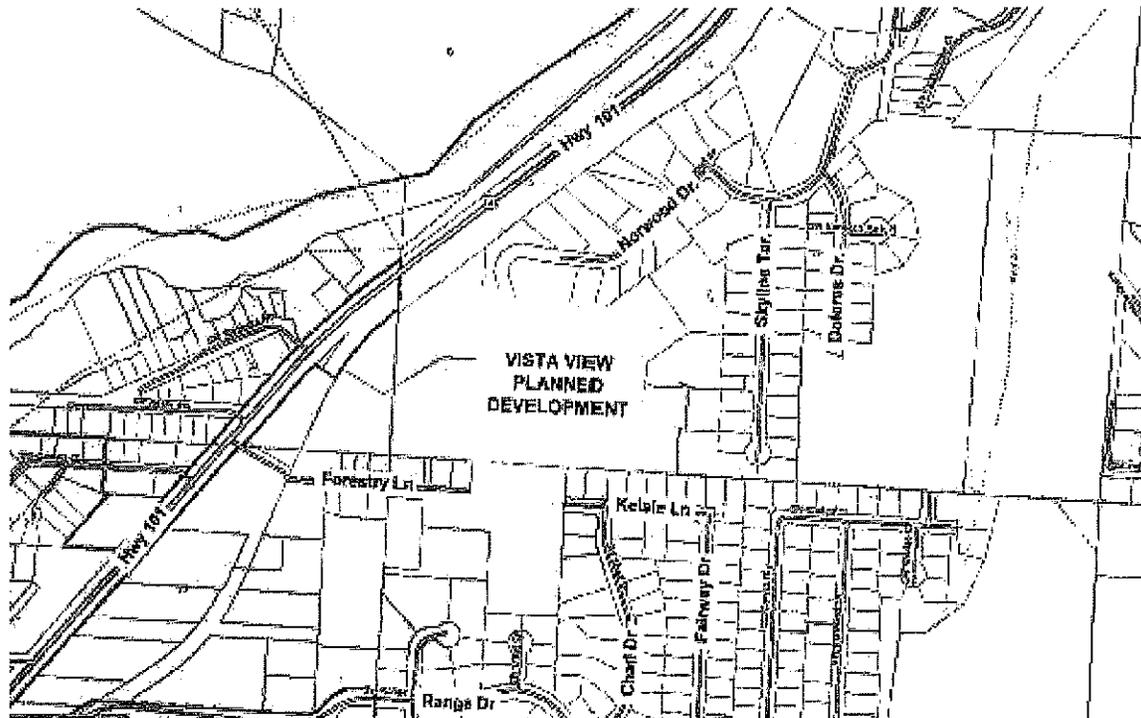
The Planning Commission granted Preliminary Plan approval of the Vista View Planned Development on December 18, 2017. The approval was appealed by Hollis Lundeen on January 2, 2018. The City Council held a public hearing on February 22, 2018 to consider the appeal. Following public testimony and deliberations, the City Council upheld the Planning Commission's Preliminary Plan approval with modification to one condition of approval.

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

- A. **Property Location:** The subject property is located at the south end of Norwood Drive; and further described on Lincoln County Tax Assessor's Map 13-11-19CC as tax lot 120.
- B. **Zoning:** Residential Zone R-1
- C. **Plan Designation:** Residential Single
- D. **Lot Size:** 7.75 acres
- E. **Existing Structures:** None

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- F. Topography:** The majority of the property is gently sloped to the west. The highest point on the property is in the southeasterly portion of the property. The steepest slopes are on the north end and the northeasterly portion of the property. Most of the property that has steeper slopes is proposed for open space.
- G. Surrounding Land Use:** Single family residential development is generally located to the north and east (Norwood Heights Subdivision) with some undeveloped residential zoned property. Undeveloped residential zoned land and single family residential development (Forest Hills Subdivision) are south of the site. The U.S Forest Service Station and limited single family development is west of the site.
- H. Utilities:** The following utilities currently serve or are available to the subject property:
- a. Water: City of Waldport
 - b. Sewer: City of Waldport
 - c. Electricity: Central Lincoln P.U.D.
- I. Development Constraints:** There is a steep ravine and drainage way along the north and a portion of the east boundaries.
- J. Public Testimony.** The Planning Commission received written and oral testimony that is summarized in the Planning Commission’s Findings and Conclusions and herein incorporated into the record.

For the appeal, written testimony included seven emails/letters with six people expressing opposition to or concerns with approval of the Vista View Planned Development (PD) and one person in favor of the Vista View PD approval. In summary, opposition or concerns expressed included:

- the need to improve area infrastructure or have an agreement for traffic flow to the south,
- increased traffic and safety on Norwood Drive,
- future cost to existing property owners to improve Norwood Drive,

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- steep terrain,
- density,
- lot sizes,
- Who will pay for infrastructure?
- Opinion that a south access to Kelsie Ln. is more appropriate than a north access to Norwood Dr.
- Concern that this is a burden to taxpayers of Waldport.
- Is the land stable? Have geological studies been prepared?
- How will the watershed be protected and not impact fishing and commerce directly below in the bay?
- Are there ecological surveys on the water ways and impacts of runoff and rainfall?
- Proof of ownership.

At the February 22, 2018 City Council meeting, the appellant, the applicant's agent, and five citizens provided oral testimony. In summary, the appellant addressed items included in her written submittals including, but not limited to, the seven appeal items, concern that the Waldport Development Code does not cover concerns, proof of land ownership, existing power pole obstruction, unstable ground, questioning the right for someone to develop a public way, drainage, erosion, the need for a wetlands inventory update, bald eagle habitat disturbance, the need for a cultural resource inventory, water and sewer capacity, additional traffic, lot sizes, request for copy of geotechnical report, and the proposed road surface is not specified.

In summary, citizens expressed concerns about traffic, the need for direct access to Hwy 101, ground stability, and code violations.

The applicant's agent addressed how the application and Planning Commission's preliminary plan approval was in accordance with relevant Waldport Development Code and Comprehensive Plan criteria; addressed the seven appeal items, and addressed additional concerns expressed at the February 22, 2018 City Council meeting.

The appellant provided a rebuttal and, in summary, addressed the final plan review procedure, cultural resources, property ownership, and Norwood Drive alignment issues.

The minutes of the February 22, 2018 City Council meeting, and all written and oral testimony are herein incorporated into the record.

Relevant Criteria

Relevant Waldport Development Code criteria is identified below by title only. Full descriptions of relevant criteria were included as an attachment to the Planning Commission staff report and are herein incorporated into the record.

Chapter 16.12 Residential Zone R-1

Chapter 16.60 Planned Development Zone P-D (relevant sections)

Chapter 16.72.020 Off-street Parking and Off-Street Loading Requirements

Chapter 16.96 Development Guidelines

Chapter 16.100 Land Division

Waldport Comprehensive Plan – Yaquina John Point Land Use & Transportation Plan

Applicant's Original Proposal

The applicant originally submitted the Planned Development application form and fee, a narrative describing the general nature of the request and addressing the information required for a land division/replat, Declaration of Conditions, Covenants and Restriction of Vista View, and a site plan showing the proposed street and lot layout, topography, water and sewer, open space, and public access easement for a nature trail. Following the October 23, 2017 Planning Commission meeting, the applicant submitted additional material. All material submitted by the applicant is herein incorporated into the record.

Public Agency Comment:

The Waldport Public Works Department and the Central Oregon Coast Fire & Rescue District (COCFRD) provided the following comments related to water service and the proposed private street.

- The 20' street width within a 30' right-of-way is good as long as "No Parking" signs are posted. If the street width is a minimum 26' then parking would be allowed on one side of the street.
- The City recommends construction of sidewalks at the time the street is constructed versus the request for sidewalks to be installed as each house is built.
- The Public Works Department and COCFRD request review and approval of engineering plans prior to construction. The developer shall be responsible for all costs the City incurs for review and approval of plans.

Following the December 4, 2017 Planning Commission meeting, COCFRD confirmed that a 26 foot pavement is adequate to allow for two travel lanes and parking on one side of the street.

Appellant Submittal

The Appellant (Hollis Lundeen) submitted the form and fee and the following information:

- Signature Page including 20 signatures of residents and citizens who concur with this appeal
- Narrative with identification and description of seven appeal items, a conclusion, and an immediate concern related to this appeal. In summary, the seven appeal items include:
 - The Findings and Conclusion of the Planning Commission were signed prior to the Planning Commission's approval.
 - Relevant Waldport Development Code criteria in Section 16.60.030 C3 & C4 were not addressed. Subsection C3 states that the proposed development will provide amenities or protections at a higher level than would otherwise be provided under conventional land development procedures. Subsection C4 states that the Planning Commission shall seek to determine that the development will not overload streets outside the planned development area, nor will the proposed development create drainage or pollution problems outside the planned area.
 - The Preliminary Plan approval was made without relative, current, and accurate traffic data.
 - The Preliminary Plan approval is in conflict with the Waldport Yaquina John Point Land Use & Transportation Plan because the Preliminary Plan will result in inadequate utility facilities.
 - Requirements regarding lot size, lot width, road right-of-way and road width were not observed and required, nor was a site plan provided reflecting the Preliminary Plan approval.
 - The Preliminary Plan was approved without verification of ownership regarding the plat that borders the applicant's property.
 - Except for the October 23, 2017 meeting, no additional verbal testimony was allowed.
- Appeal Exhibits
 - Final signed and dated page of Planning Commission Findings and Conclusions

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- Title page of Statewide Planning Goal 5 and Goal 17, city of Waldport Periodic Review, June 30, 1999
- Photographs (3)
- Copy of Norwood Height Dedication of streets and utilities
- Oregon Department of Land Conservation & Development Notice of Adopted Amendment, December 6, 2007
- City of Waldport Ordinance No. 716 (Revised several sections of the Waldport Development Code)
- Photographs (15) of Norwood Drive, utilities, etc.
- Portion of tax map showing south end of Norwood Drive
- Nov. 28, 2017 email from City Planner

The appellant's submittal is herein incorporated into the record.

Applicant Submittal

Dennis L. Bartoldus, Attorney for the Applicant, Tidewater Development LLC, submitted a written response to the appeal filed by Hollis Lundeen. The submittal provides a response for each of the appellant's seven allegations.

The applicant's submittal is herein incorporated into the record.

Findings

Following public testimony presented at the February 22, 2018 City Council meeting, the City Council deliberated and addressed each of the seven appellant allegations. The seven allegations are identified in *italics* below and followed by the City Council findings. (Please note the full descriptions of the appellant's allegations and the applicant's responses are available for review as part of the record.)

Appeal Item #1. The Findings and Conclusion of the Planning Commission were signed prior to the Planning Commission's approval.

City Council Findings: This appeal item is irrelevant because the land use decision for this application is now before the City Council. The Findings and Conclusions of the City Council will be the final document of which the decision is based on.

Additionally, the City Council finds the Planning Commission Findings & Conclusions could not have been signed prior to the Planning Commission's decision because the Findings & Conclusions include deliberation and findings that occurred at the December 18, 2017 Planning Commission meeting.

Appeal Item #2. Relevant Waldport Development Code criteria in Section 16.60.030 C3 & C4 were not addressed. Subsection C3 states that the proposed development will provide amenities or protections at a higher level than would otherwise be provided under conventional land development procedures. Subsection C4 states that the Planning Commission shall seek to determine that the development will not overload streets outside the planned development area, nor will the proposed development create drainage or pollution problems outside the planned area.

City Council Findings: The Planned Development ordinance allows exceptions and the Planning Commission followed procedures in hearing and making a decision on this application. The Planned Development ordinance allows a design that is tailored to the property. Exceptions to residential and land division standards are allowed in exchange for tradeoffs, which are typically the establishment of open spaces, natural resources and public benefits, e.g. dedication of open space, preservation of natural drainage ways, public pedestrian facilities such as trail connections.

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The drainage way located along the northern portion of the subject property is not subject to restrictions and setbacks stated by the appellant because those cited restrictions and setbacks apply to properties along the Pacific Ocean and Alsea River. The drainage way on the subject property is not designated as a wetland or riparian area.

The alleged bald eagle habitat disturbance is not a relevant criteria in making a decision on this case.

Appeal Item #3. The Preliminary Plan approval was made without relative, current, and accurate traffic data.

City Council Findings: Traffic data used in the evaluation of the application included reliable and substantiated data. For example, the Institute of Traffic Engineers (ITE) Trip Generation Report, 8th Edition was researched to obtain average daily traffic data, i.e. a single family house generates approximately 10 trips per day. The City Council finds the proposed extension of Norwood Drive for the development of the Vista View PD is well within the development rights of the property owner. The City Council affirmed that the future extension of Norwood Drive was in place at the time Norwood Drive residence purchased and developed lots along Norwood Drive.

Appeal Item #4. The Preliminary Plan approval is in conflict with the Waldport Yaquina John Point Land Use & Transportation Plan because the Preliminary Plan will result in inadequate utility facilities.

City Council Findings: The City Council finds the Waldport Development Code and Planning Commission Findings & Conclusions have measures in place to ensure that adequate utilities facilities will be design, approved, and constructed. The Planning Commission's condition of approval #8 requires the applicant to submit final engineering plans for water, sewer, storm drainage, and streets to the City of Waldport and other applicable agencies for review and approval prior to construction.

Appeal Item #5. Requirements regarding lot size, lot width, road right-of-way and road width were not observed and required, nor was a site plan provided reflecting the Preliminary Plan approval.

City Council Findings: Section 16.60 Planned Development Zone P-D of the Waldport Development Code allows modifications to standards when it is determined there are benefits to both the city and the property owner, e.g. dedication of open space, preservation of natural drainage ways, and public pedestrian facilities such as trail connections as proposed in the Vista View PD.

Appeal Item #6. The Preliminary Plan was approved without verification of ownership regarding the plat that borders the applicant's property.

City Council Findings: The City Council finds the developer has the right to develop a street and associated infrastructure within public right-of-way. City review and approval of final engineering plans include verification that proposed new streets are being constructed within a public way or on private property with property owner consent.

Appeal Item #7. Except for the October 23, 2017 meeting, no additional verbal testimony was allowed.

City Council Findings: This appeal item is irrelevant because the land use decision for this application is now before the City Council. The Findings and Conclusions of the City Council will be the final document of which the decision is based on. The February 22, 2018 public hearing before the City Council allowed for public testimony from any resident or citizen.

Public Trail. The City Council raised questions about when the public trail would be constructed. There was discussion and confirmation from the applicant's agent that the public trail would be constructed in

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Appeal Findings & Conclusions**

Phase 1. The City Council passed a motion to include the condition of approval that the trail be constructed in Phase 1. This requirement is added to Condition of Approval #7 Public Nature Trail.

Conclusions

Based on the above facts and findings:

- A. The City Council finds the Planning Commission based their decision on relevant criteria and procedures described in the Waldport Development Code and Comprehensive Plan.
- B. The City Council affirms the Planning Commission findings that the proposed development adheres to the purpose and general requirements of a planned development.
- C. This application and conceptual plan satisfy the provisions of the Waldport Municipal Code and Comprehensive Plan.

Order

It is ORDERED by the Waldport City Council that the Planning Commission decision is upheld, and the Preliminary Plan for the Vista View Planned Development be and is hereby approved. Said approval is subject to the following conditions:

1. **Planned Development.** Development shall occur in accordance with the approved plan including a maximum 34 single family lots on 7.75 acres. Access to the development shall be from the south end of Norwood Drive. A second access shall be provided for a future extension at the south end of the site. Within the property, a circular street system shall provide access the lots/homes. Streets shall have a minimum 26 foot pavement width within a minimum 32 foot right-of-way width. A tract of land along the north and east side of the property shall be maintained as open space. The applicant shall authorize an easement and construct a public nature trail through the open space that will connect the east edge of the property to the west edge, and continue along the south edge of Lots 11-13, and south to Kelsie Lane. Any substantial change in the plan shall require a new application to be reviewed and approved by the Planning Commission.
2. **R-1 Residential Standards and Modifications.** Development shall occur in accordance with R-1 standards and the following modifications:
 - 2a. **Lot Area.** Twenty-three (23) lots may be less than 6,000 square feet including four (4) lots under 5,000 square feet. The smallest lot shall be not less than 4,810 square feet.
 - 2b. **Lot Width.** Lots shown on the proposed plat with an average lot width of less than 60 feet may be developed with lot widths less than 60 feet.
3. **Proposed Street and Extension of Norwood Drive.** The Vista View PD shall be accessed from Norwood Drive near the northwest corner of the property as shown on the submitted plan. Streets within the property shall be within public right-of-way. The street shall extend south into the property, then a circular street will provide access to the lots. The Vista View streets shall have a minimum 26 foot wide pavement with one travel lane in each direction and parallel parking on one side of the street, a minimum 1 foot wide standard curb and gutter on each side, and a 4 foot wide sidewalk on one side for a minimum right-of-way width of 32 feet. The sidewalk shall be constructed when the street is constructed. Two on-site parking spaces shall be provided for each lot.

Each phase of development shall include an emergency vehicle turnaround. The turnaround requires approval of dimensions and materials by the Central Oregon Coast Fire & Rescue District prior to construction.

**#1-PD-PC-17 Vista View Planned Development
Appeal Findings & Conclusions**

Norwood Drive shall be improved from the property to the existing Norwood Drive pavement (approximately 330 feet) and include a minimum 26 foot wide pavement with curb and gutter, and 4 foot wide sidewalk on one side. The applicant shall work with the City to determine the best side for a sidewalk. The sidewalk shall be constructed when the street is constructed.

4. **Proposed Street Extension to South Property Line.** The street shall extend to the south property line to allow for future street extension to the south. The street extension to the south property line shall be constructed when the Vista View development exceeds 19 lots (Phase 2).
5. **Open Space and Drainage Way.** The drainage way and ravine along the northern and portion of the eastern edge of the property shall be dedicated as open space in accordance with the approved plan. The developer or homeowners association shall be responsible for maintenance of the open space.
6. **Park Assessment Fee.** A park assessment fee totaling \$16,879.50 shall be paid to the City. The park assessment fee may be paid by phase. The fee per phase shall be calculated as follows: Gross area of the phase x 5% x \$1 per square foot. The park assessment fee shall be paid prior to final approval of each phase.
7. **Public Nature Trail.** The applicant shall authorize an easement for a public nature trail through the open space that will connect the east edge of the property to the west edge, and continue along the south edge of Lots 11-13. The applicant shall coordinate with the City to determine the best trail route given topographic constraints and future trail extensions. The public nature trail shall be constructed prior to final approval of Phase 1.
8. **Water, Sewer, Storm Drainage, and Other Utilities.** The applicant shall coordinate with the City Public Works Department on the design and construction of water, sewer, and storm drain facilities. If the sewer connects to the existing pump station near Hwy 101, the applicant shall provide required upgrades to the pump station to accommodate increased flows. Utility easements shall be provided to the City as requested by the Public Works Director. All utilities shall be placed underground.

Final engineering plans for water, sewer, storm drainage, and streets shall be reviewed and approved by the City Public Works Director. The developer shall be responsible for any costs incurred by the City to have a professional registered engineer review and approve development plans. Final engineering plans for water and the street shall also be reviewed and approved by COCFRD.
9. **Geotechnical Analyses.** Geotechnical analyses shall be required where development of both roads and lots are proposed on slopes greater than twenty (20) percent.
10. **Off-Street Parking.** New single family homes are required to have a minimum of two on-site parking spaces including at least one covered parking space, i.e. garage or carport.
11. **Phasing and Time Limits of a Preliminary PD Approval.** Phase 1 shall consist of 19 lots including lot numbers 11-24 and 25, 34, 33, 32 and 31 as shown on the submitted plan. The number of lots in additional phases shall be determined by market conditions and the rate of sale of developed lots. The street extension to the south property line shall occur in Phase 2. The phasing plan shall be as follows:

Phase 1: January 2018 – January 2020

Phase 2: January 2020 – January 2022

#1-PD-PC-17 Vista View Planned Development
Appeal Findings & Conclusions

Phase 3: January 2022 – January 2024

Phase 4: January 2024 – January 2026

12. **Final Plan Review Procedure.** When the city planner determines that all of the certifications set forth below have been met and that the plat conforms in all respects to the tentative plan as approved, consideration of the plat will be placed on the next practical scheduled meeting of the Planning Commission for determination that all requirements have been met. The Commission shall then approve, disapprove or, when further information is required, postpone a decision on the plat. Requests for final plan approval of a planned development shall be accompanied by the following certifications:
- a. A certified copy of all covenants and restrictions;
 - b. Certified copies of legal documents required for dedication of public facilities or for the creation of a homeowner's association;
 - c. The certification, performance agreement or statement regarding the availability of water and sewerage services;
 - d. As-built certifications for all required roads and utilities unless otherwise guaranteed by a performance agreement;
 - e. A plat and one exact copy meeting the requirements of Section 16.100.060 of this chapter and ORS 92.050-92.100.
 - f. A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property, issued not more than thirty (30) days prior to the date the final plat is submitted for final approval. Such a report shall also identify all easements of record.

This ORDER was presented to and approved by the Waldport City Council on March 8, 2018.

Susan Woodruff, Mayor

Date

Attachments: Planning Commission Findings & Conclusions
Preliminary PUD Layout

**BEFORE THE PLANNING COMMISSION
OF
WALDPOR, OREGON**

Request for Planned Development

Case File #1-PD-PC-17

Applicant: Tidewater Development LLC

Agent: Dennis L. Bartoldus, Attorney

FINDINGS AND CONCLUSIONS

Nature of the Application

The proposed Vista View Planned Development is a planned 34 single family lot development on 7.75 acres. Lot sizes are proposed to range between 4,810 and 9,041 square feet.

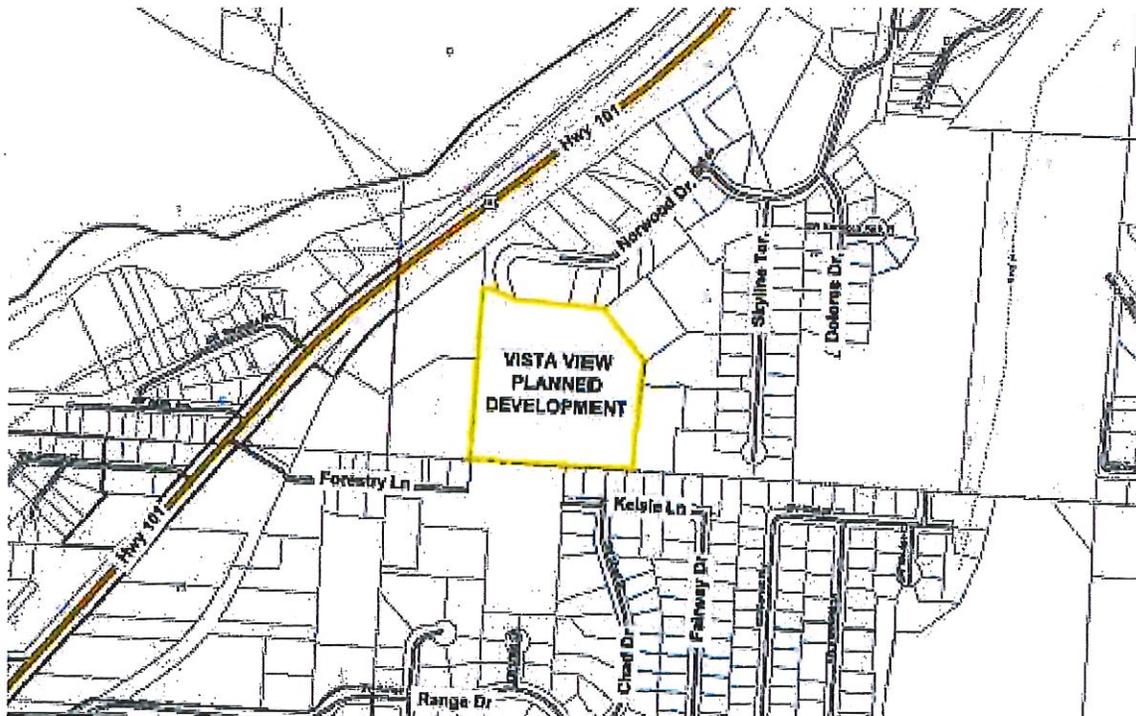
Access to the development is proposed at the south end of Norwood Drive. This is the only current legal access to the site. A second access is planned at the south end of the site. Within the property, a circular street system is proposed to access the lots/homes.

A tract of land along the north and east side of the property is proposed as open space. The applicant proposes the establishment of an easement and construction of a public nature trail through the open space, along the south edge of Lots 11-13, and south to Kelsie Lane.

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

- A. **Property Location:** The subject property is located at the south end of Norwood Drive; and further described on Lincoln County Tax Assessor's Map 13-11-19CC as tax lot 120.



B. Zoning: Residential Zone R-1

C. Plan Designation: Residential Single

D. Lot Size: 7.75 acres

E. Existing Structures: None

F. Topography: The majority of the property is gently sloped to the west. The highest point on the property is in the southeasterly portion of the property. The steepest slopes are on the north end and the northeasterly portion of the property. Most of the property that has steeper slopes is proposed for open space.

G. Surrounding Land Use: Single family residential development is generally located to the north and east (Norwood Heights Subdivision) with some undeveloped residential zoned property. Undeveloped residential zoned land and single family residential development (Forest Hills Subdivision) are south of the site. The U.S Forest Service Station and limited single family development is west of the site.

H. Utilities: The following utilities currently serve the subject property:

- a. Water: City of Waldport
- b. Sewer: City of Waldport
- c. Electricity: Central Lincoln P.U.D.

I. Development Constraints: There is a steep ravine and drainage way along the north and a portion of the east boundaries.

J. Public Testimony. Prior to the October 23, 2017 Planning Commission meeting, written testimony included eleven (11) letters from nearby property owners. A summary of concerns is provided below. All letters are herein incorporated into the record

- Is Norwood Drive capable of accommodating increased traffic? (2 letters).
- Norwood Drive is narrow (4 letters).
- Norwood Drive lacks pedestrian facilities, i.e. sidewalks (4 letters).
- Concern for appropriate roadway engineering and construction.
- Concern that drainage way and ravine improvements are according to city and state standards (2 letters).
- Proposed nature trail needs to be shown and have an appropriate route (2 letters).
- Who will pay for infrastructure?
- Opinion that a south access to Kelsie Ln. is more appropriate than a north access to Norwood Dr.
- Concern that this is a burden to taxpayers of Waldport.
- Is the land stable? Have geological studies been prepared?
- How will the watershed be protected and not impact fishing and commerce directly below in the bay?
- Are there ecological surveys on the water ways and impacts of runoff and rainfall?
- Request to expand the notification of the application and hearing to surrounding property owners.

At the October 23, 2017 Planning Commission meeting, the applicant's agent, Dennis L. Bartoldus, presented information, provided rebuttal to opposition, and answered questions. Oral testimony was provided by eight people including seven people in opposition and one in favor of the application.

**#1-PD-PC-17 Vista View Planned Development
Findings & Conclusions**

Concerns cited included potential drainage issues, the proposed trail access, impact of increased traffic on the existing Norwood Drive with regard to truck traffic during construction as well as property owner traffic upon completion, surrounding property notification requirements, street width and pedestrian access, fire/like safety, school bus and emergency vehicle access, geological hazards and erosion, affordable housing, and the timeline for the street extension to Kelsie Lane.

At the conclusion of the hearing, the Planning Commission kept the record open for a period of 14 days, to November 6, 2017 for the submission of additional information. The Planning Commission continued deliberations on the matter until December 4, 2017. Additional written testimony included additional applicant material, three letters by area residents, and the City Attorney's opinion on exactions related to questions regarding improvements to Norwood Drive.

Additional submittals on behalf of the applicant included a narrative addressing 1) The Issue of Commissioner Barham Hearing This Case, 2) Issues Raised by Opponents, 3) Addressing the Issue of Exactions; Maps and Photos; and Proposed Findings and Conclusions.

In summary, the three letters addressed concerns about geology, affordable housing, access, Norwood Drive traffic, impacts on existing streets and intersections, street width, pedestrians, fire safety and on-street parking, plans for growth and housing prices, impacts to existing undeveloped lots in the area, impacts to property and wildlife, density, infrastructure costs, burden on taxpayers, disruption during construction, impact to the watershed, ecological surveys, public trail, access to the south, emergency access, lot sizes, and lot width.

Regarding the City Attorney's opinion on exactions related to questions regarding improvements to Norwood Drive, the City Attorney stated, in part, that the planned development and related conditions (as currently drafted) appear to be roughly proportionate based upon the information provided. He states, in part, that to go beyond the specific conditions imposed upon the builder and demand additional public improvements is inadvisable.

At the December 4, 2017 Planning Commission meeting, the Commission continued deliberations including consideration of the additional material submitted by the November 6, 2017 deadline.

All written and oral testimony is herein incorporated into the record.

Relevant Criteria

Relevant Waldport Development Code criteria is identified below by title only. Full descriptions of relevant criteria were included as an attachment to the staff report and are herein incorporated into the record.

Chapter 16.12 Residential Zone R-1

Chapter 16.60 Planned Development Zone P-D (relevant sections)

Chapter 16.72.020 Off-street Parking and Off-Street Loading Requirements

Chapter 16.96 Development Guidelines

Chapter 16.100 Land Division

Waldport Comprehensive Plan – Yaquina John Point Land Use & Transportation Plan

Applicant's Proposal

The applicant originally submitted the application form and fee, a narrative describing the general nature of the request and addressing the information required for a land division/replat, Declaration of Conditions, Covenants and Restriction of Vista View, and a site plan showing the proposed street and lot layout, topography, water and sewer, open space, and public access easement for a nature trail. Following the October 23, 2017 Planning Commission, the applicant submitted the additional material identified above. All material submitted by the applicant is herein incorporated into the record.

Public Agency Comment:

The Waldport Public Works Department and the Central Oregon Coast Fire & Rescue District (COCFRD) provided the following comments related to water service and the proposed private street.

- The 20' street width within a 30' right-of-way is good as long as "No Parking" signs are posted. If the street width is a minimum 26' then parking would be allowed on one side of the street. (The applicant prefers the 20' width and no parking.)
- The City recommends construction of sidewalks at the time the street is constructed versus the request for sidewalks to be installed as each house is built.
- The Public Works Department and COCFRD request review and approval of engineering plans prior to construction. The developer shall be responsible for all costs the City incurs for review and approval of plans.

Following the December 4, 2017 Planning Commission meeting, COCFRD confirmed that a 26 foot pavement is adequate to allow for two travel lanes and parking on one side of the street.

Findings

The following is a summary of the Planning Commission findings:

1. Planned Development Request

The proposed Vista View Planned Development is a planned 34 single family lot development on 7.75 acres. Lot sizes are proposed to range between 4,810 and 9,041 square feet.

Access to the development is proposed at the south end of Norwood Drive. This is the only current legal access to the site. A second access is planned at the south end of the site. Within the property, a circular street system is proposed to access the lots/homes.

A tract of land along the north and east side of the property is proposed as open space. The applicant proposes the establishment of an easement and construction of a public nature trail through the open space, along the south edge of Lots 11-13, and south to Kelsie Lane.



2. Density

Based on code criteria, the allow density based on the size of the property is 56 lots. The applicant is requesting 34 lots and requesting that the property be designated as a Planned Development.

3. R-1 Residential Standards and Requested Planned Development Modifications

R-1 residential standards address lot size and dimensions, yards (building setbacks), lot coverage, building height, and other standards. In a Planned Development modifications to the required standards may be requested. Modifications are requested for the minimum lot size and lot width.

In the R-1 zone the ordinance calls for 6,000 square foot lots. While the overall development exceeds this standard, twenty-three (23) of the lots being proposed are less than 6,000 square feet because of the amount of area created for open space. Of the twenty-three lots under 6,000 square feet, four are under 5,000 square feet (the smallest being 4,810). The remaining 19 lots under 6,000 square feet average 5,588 square feet. The standard R-1 lot width is a minimum 60 feet and 65 feet for corner lots. Modifications to the lot width are proposed per the submitted preliminary site layout. Some lots are less than 60 feet wide however all lots exceed a 50 foot width. In exchange for having some lots under 6,000 square feet and some less with less than a 60 foot lot width, the applicant is creating a large open space and creating an easement for a nature trail. The easement will be available for public use.

4. Proposed Streets and Extension of Norwood Drive

The Vista View PD proposes to provide vehicular access from Norwood Drive near the northwest corner of the property. This is the only current legal access to the property. The street is proposed to extend south into the property, then a circular street will provide access to the lots.

The applicant proposed a 30' right-of-way width and a 20' pavement width. The standard per Waldport Development Code standard for a local street is a 56' right-of-way and minimum 28' pavement width. The standard street section for local streets is two 14' travel lanes, 2' curb and gutter, 5' sidewalk and 7' utility strip. This may be altered upon approval by the Waldport Public Works Department, utility companies, and the Planning Commission.

The Waldport Public Works Department and the Central Oregon Coast Fire & Rescue District (COCFRD) approve of the reduced right-of-way width and pavement width provided 'No Parking' signs are posted. The applicant would be required to improve Norwood Drive from the property to the existing Norwood Drive pavement (approximately 330 feet). If the development is approved for a sidewalk on one side versus both sides, the applicant will need to work with the City to determine the best side for a sidewalk. City staff recommended the sidewalk be installed when the street is constructed versus the applicant's request to install the sidewalk as each house is built.

The Planning Commission determined that there is a need for on-street parking on at least one side of the streets. The Commission determined an appropriate street section for the Vista View streets would be a minimum 26 foot wide pavement that would include one travel lane in each direction and parallel parking on one side of the street, a minimum 1 foot wide standard curb and gutter on each side, and a 4 foot wide sidewalk on one side for a minimum right-of-way width of 32 feet. The Planning Commission finds that the sidewalk shall be constructed when the street is constructed. The Planning Commission also determined that two on-site parking spaces would be required for each lot.

5. Proposed Street Extension to South Property Line

The street is proposed to extend to the south property line. This is consistent with the Waldport Comprehensive Plan – Yaquina John Point Land Use & Transportation Plan which calls for a Norwood Drive Extension (Project #S4) to "provide a new north-south connection from the south terminus of Norwood Drive to the new Forestry Way-Kelsie Way extension."

The adjacent property to the south is undeveloped private property. The street would be extended south beyond the Vista View PD when the property to the south is developed unless the property owner agrees to have the street extended prior to development.

A traffic issue to consider is the capacity of Norwood Drive to adequately accommodate increased traffic from the Vista View development. Per the ITE Trip Generation Report, 8th Edition, a single family house generates 10 trips per day. The daily capacity of a two lane local street is 1,000 vehicles per day. There are 72 lots within the Norwood Heights subdivision including lots on Norwood Drive, Skyline Terrace, and Dolores Drive/Norwood Park Place. The Vista View PD plans for 34 lots which would result in 106 lots accessing Norwood Drive. Given this exceeds the recommended capacity, a consideration is to require the street extension to the south property line in Phase 2 of the Vista View Development. Phase 1 is proposed to have 19 lots which results in 91 homes accessing Norwood Drive if all lots in the Norwood Heights Subdivision and Vista View PD Phase 1 are developed. The Planning Commission finds the

street extension to the south property line will be required in Phase 2, following development of the Phase 1 19 lots.

The Planning Commission finds that each phase of development will be required to include an emergency vehicle turnaround. The turnaround will require approval of dimensions and materials by the Central Oregon Coast Fire & Rescue District prior to construction.

6. Open Space and Drainage Way

The drainage way and ravine along the northern and portion of the eastern edge of the property is proposed to be open space. This totals roughly 1.93 acres which is 25% of the property. The drainage way is identified in the Waldport Local Wetlands Inventory as a drainage way with no significant wetlands or riparian area. The developer or homeowners association would be responsible for maintenance of the open space.

In subdivisions or planned developments the city shall require the subdivider to pay a park assessment fee based on the size of the subdivision. The current park assessment fee to be charged to the developer, per Resolution No. 875, sets the fee at \$1 per square foot of 5% of the total acreage. Specifically stated: "The park assessment fee shall be assessed based upon gross acreage of the parcel to be subdivided, without deductions for rights of way or other easements, and the formula for calculating the fee is as follows: Gross parcel size (in sq. ft.) x .05 x rate per sq. ft. (\$1.00)." 5% of 7.75 acres is 0.3875 acres or 16,879.5 square feet. Therefore the total park assessment fee is \$16,879.50. The park assessment fee may be paid by phase.

7. Public Nature Trail

The applicant agrees to establish an easement and construct a public nature trail through the open space that would connect the east edge of the property to the west edge, and along the south edge of Lots 11-13. This trail would connect to a planned trail identified in the Yaquina John Point Land Use & Transportation Plan (Project #P12), i.e. from the Norwood Drive extension to Kelsie Lane/Forestry Lane, and to Hwy 101. The applicant and the City will need to work together to determine the best trail route given topographic constraints and future trail extensions.

8. Water, Sewer, Storm Drainage, and Other Utilities

Water and sewer are proposed to be placed within the street right-of-way. Sewer is proposed to extend west to an existing sewer pump station near Hwy 101. The applicant will need to coordinate with the City Public Works Department regarding sewer line routing and improvements. If the sewer connects to the existing pump station near Hwy 101, the applicant will need to provide upgrades to the pump station to accommodate increased flows. Water is proposed to connect to the existing city water system to the south in Kelsie Lane. Utility easements will be provided to the City as requested by the Public Works Director. All utilities shall be placed underground.

Final engineering plans for water, sewer, storm drainage, and streets must be reviewed and approved by the City Public Works Director. The developer shall be responsible for any costs incurred by the City to have a professional registered engineer review and approve development plans. Final engineering plans for water and the street shall also be reviewed and approved by COCRFD.

9. Off-Street Parking

WDC requires one parking space per single family dwelling. New single family homes are required to have one covered parking space, i.e. garage or carport. The Planning Commission

finds that it is appropriate for each lot to have two on-site parking spaces in combination with parking on one side of the streets.

10. **Geotechnical Analyses.** The Planning Commission finds that, per WDC 16.96, site specified geotechnical analyses shall be required where development of both roads and lots are proposed on slopes greater than twenty (20) percent.

11. **Conditions, Covenants and Restrictions (CC&Rs)**

The applicant provided the Declaration of Conditions, Covenants and Restrictions of Vista View (CC&Rs) (attached to this staff report). The CC&Rs include Architectural Control and Use Restrictions. The CC&Rs recognize and are in conformance with City of Waldport provisions and provide additional restrictions, e.g. size of homes, color and materials of homes, view protection, landscaping, etc.

12. **Phasing and Time Limits of a Preliminary PD Approval**

The applicant provides the following narrative regarding phasing and timing of development:

The applicant is planning on developing the property in up to 4 phases. The first phase would consist of what are shown as lot 11-24 and 25, 34, 33, 32 and 31 (19 lots). The additional phases would all consist of a series of additional lots. The exact number of lots developed in each phase would be determined by market conditions and the rate of sale of developed lots. The applicant is requesting 20 years to complete the four phases. In the event there is demand for lots, then phases may be combined for development and the 20 year period may be shortened. However, the applicant wants to be reasonable in its expectations of how quickly the lots will sell.

Currently, WDC 16.60.030 allows a preliminary plan approval per phase for 2 years with the possibility of three one-year extensions. The City has discussed amending this time limit to better reflect typical market conditions however that amendment has not yet occurred. The timing would begin upon approval of the preliminary plan. Therefore, assuming a January 2018 preliminary plan approval, the phasing plan would be as follows with the possibility of three 1-year extensions:

- Phase 1: January 2018 – January 2020
- Phase 2: January 2020 – January 2022
- Phase 3: January 2022 – January 2024
- Phase 4: January 2024 – January 2026



13. Final Plan Review Procedure

Requests for final plan approval of a planned development shall be accompanied by the following certifications:

- a. A certified copy of all covenants and restrictions;
- b. Certified copies of legal documents required for dedication of public facilities or for the creation of a homeowner's association;
- c. The certification, performance agreement or statement regarding the availability of water and sewerage services;
- d. As-built certifications for all required roads and utilities unless otherwise guaranteed by a performance agreement;
- e. A plat and one exact copy meeting the requirements of Section 16.100.060 of this chapter and ORS 92.050-92.100.
- f. A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property, issued not more than thirty (30) days prior to the date the final plat is submitted for final approval. Such a report shall also identify all easements of record.

Final plan approval criteria. The Commission shall approve a final plan of a planned development, provided that the submitted final plan is in substantial conformance with the approved preliminary plan; and all of the certifications required above have been submitted in proper form.

Conclusions

Based on the above facts and findings, the Waldport Planning Commission finds:

- A. The Planning Commission finds the proposed development adheres to the purpose of a planned development.
- B. The Planning Commission finds the proposed development adheres to the general requirements of a planned development.
- C. This application and conceptual plan satisfy the provisions of the Waldport Municipal Code and Comprehensive Plan.

Order

It is ORDERED by the Waldport Planning Commission that the requested Planned Development be and is hereby approved. Said approval is subject to the following conditions:

This ORDER was presented to and approved by the Waldport Planning Commission on December 18, 2017.

- 1. **Planned Development.** Development shall occur in accordance with the approved plan including a maximum 34 single family lots on 7.75 acres. Access to the development shall be from the south end of Norwood Drive. A second access shall be provided for a future extension at the south end of the site. Within the property, a circular street system shall provide access the lots/homes. Streets shall have a minimum 26 foot pavement width within a minimum 32 foot right-of-way width. A tract of land along the north and east side of the property shall be maintained as open space. The applicant shall authorize an easement and construct a public nature trail through the open space that will connect the east edge of the property to the west edge, and continue along the south edge of Lots 11-13, and south to Kelsie Lane. Any substantial change in the plan shall require a new application to be reviewed and approved by the Planning Commission.

2. **R-1 Residential Standards and Modifications.** Development shall occur in accordance with R-1 standards and the following modifications:
 - 2a. **Lot Area.** Twenty-three (23) lots may be less than 6,000 square feet including four (4) lots under 5,000 square feet. The smallest lot shall be not less than 4,810 square feet.
 - 2b. **Lot Width.** Lots shown on the proposed plat with an average lot width of less than 60 feet may be developed with lot widths less than 60 feet.
3. **Proposed Street and Extension of Norwood Drive.** The Vista View PD shall be accessed from Norwood Drive near the northwest corner of the property as shown on the submitted plan. Streets within the property shall be within public right-of-way. The street shall extend south into the property, then a circular street will provide access to the lots. The Vista View streets shall have a minimum 26 foot wide pavement with one travel lane in each direction and parallel parking on one side of the street, a minimum 1 foot wide standard curb and gutter on each side, and a 4 foot wide sidewalk on one side for a minimum right-of-way width of 32 feet. The sidewalk shall be constructed when the street is constructed. Two on-site parking spaces shall be provided for each lot.

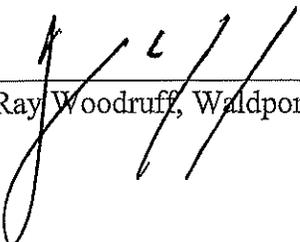
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Norwood Drive shall be improved from the property to the existing Norwood Drive pavement (approximately 330 feet) and include a minimum 26 foot wide pavement with curb and gutter, and 4 foot wide sidewalk on one side. The applicant shall work with the City to determine the best side for a sidewalk. The sidewalk shall be constructed when the street is constructed.
4. **Proposed Street Extension to South Property Line.** The street shall extend to the south property line to allow for future street extension to the south. The street extension to the south property line shall be constructed when the Vista View development exceeds 19 lots (Phase 2).
5. **Open Space and Drainage Way.** The drainage way and ravine along the northern and portion of the eastern edge of the property shall be dedicated as open space in accordance with the approved plan. The developer or homeowners association shall be responsible for maintenance of the open space.
6. **Park Assessment Fee.** A park assessment fee totaling \$16,879.50 shall be paid to the City. The park assessment fee may be paid by phase. The fee per phase shall be calculated as follows: Gross area of the phase x 5% x \$1 per square foot. The park assessment fee shall be paid prior to final approval of each phase.
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8. **Water, Sewer, Storm Drainage, and Other Utilities.** The applicant shall coordinate with the City Public Works Department on the design and construction of water, sewer, and storm drain facilities. If the sewer connects to the existing pump station near Hwy 101, the applicant shall provide required upgrades to the pump station to accommodate increased flows. Utility easements shall be provided to the City as requested by the Public Works Director. All utilities shall be placed underground.

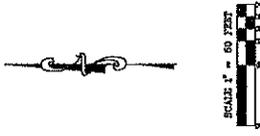
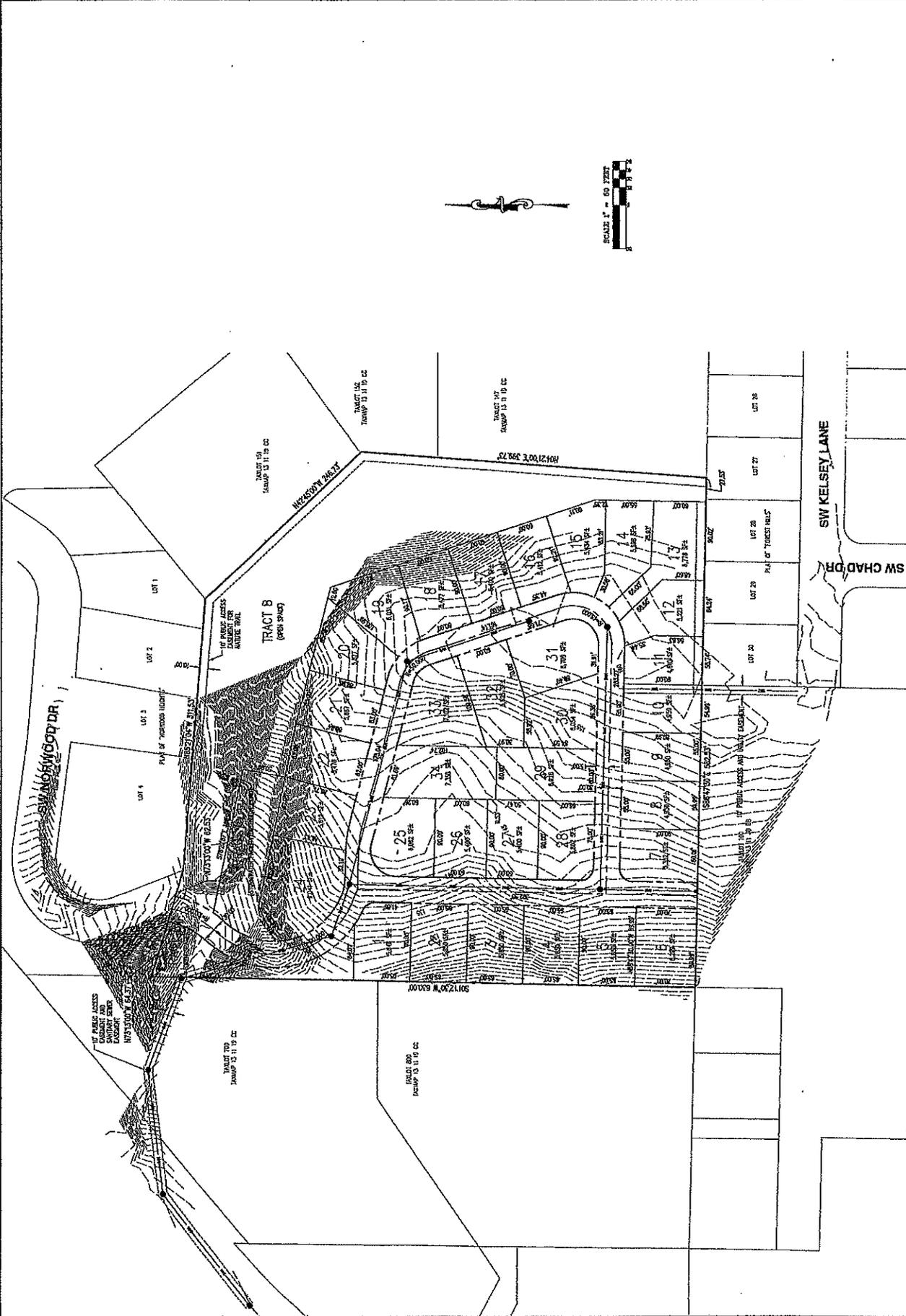
#1-PD-PC-17 Vista View Planned Development
Findings & Conclusions

Final engineering plans for water, sewer, storm drainage, and streets shall be reviewed and approved by the City Public Works Director. The developer shall be responsible for any costs incurred by the City to have a professional registered engineer review and approve development plans. Final engineering plans for water and the street shall also be reviewed and approved by COCFRD.

9. **Geotechnical Analyses.** Geotechnical analyses shall be required where development of both roads and lots are proposed on slopes greater than twenty (20) percent.
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 - b. Certified copies of legal documents required for dedication of public facilities or for the creation of a homeowner's association;
 - c. The certification, performance agreement or statement regarding the availability of water and sewerage services;
 - d. As-built certifications for all required roads and utilities unless otherwise guaranteed by a performance agreement;
 - e. A plat and one exact copy meeting the requirements of Section 16.100.060 of this chapter and ORS 92.050-92.100.
 - f. A preliminary title report, lot book report, subdivision guaranty report or equivalent documentation of the ownership of the subject property, issued not more than thirty (30) days prior to the date the final plat is submitted for final approval. Such a report shall also identify all easements of record.


Ray Woodruff, Waldport Planning Commission Chair

12-16-2018
Date





WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS & PLANNERS

March 2, 2018

The Honorable Mayor and City Council
City of Waldport
PO Box 1120
Waldport, OR 97394

RE: Recommendation for Award – McKinney Slough Bridge Waterline Improvements
J.O. 3008.4001.0

Ladies and Gentlemen:

Bids for the above referenced project were received and opened at our office at 2:00 p.m. on March 1, 2018. There were a total of two bids received from qualified bidders.

The low bid was submitted by Pacific Excavation, Inc. of Eugene, Oregon. The bid prices, are shown in the table below. Complete bid tabulations are also attached for your review and records.

Summary of Bids – McKinney Slough Bridge Waterline Improvements

Bidder	Bid Total	Difference from Low Bid
Pacific Excavation, Inc.	\$248,276.00	0%
Trenchline Excavation, Inc.	\$277,800.00	+11.8%

Pacific Excavation is a well-established firm that has successfully completed projects similar to the McKinney Slough Bridge Waterline Project. We have worked with Pacific on projects in the past and believe they are capable of performing this work for the City.

If it is the City's desire to proceed with the project at this time, we recommend that the City authorize award of a contract to Pacific Excavation, Inc..

We have sent out the Notice of Intent to Award to all bidders as required by OAR 137-049-0395.1 (the notice is subject to final authorization by the City Council). Sending out the Notice of Intent to Award will start the statutory time limit for the 7 day bid protest period.

Upon authorization from the Council and expiration of the 7 day protest period (assuming no bid protests), we will then proceed to issue a Notice of Award to the Contractor, after which we will proceed with obtaining the required signatures for the Contract Documents, and schedule a preconstruction conference with the Contractor, the City and any affected utilities.

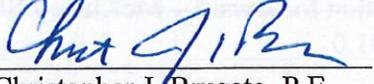
We hope this information is useful and will assist the City Council in making a final decision on the award of this project. We are happy to attend the City Council meeting and to answer questions or to discuss the project in more detail if you desire.

The Honorable Mayor and City Council
City of Waldport
March 2, 2018
Page 2

If you have any questions or need additional information regarding this matter, please contact us at (503) 585-2474.

Sincerely,

WESTECH ENGINEERING, INC.



Christopher J. Brugato, P.E.
Project Manager

cjb
encl.

Summary of Bids - McKinney Slough Bridge Rehabilitation

Bidder	Low Bid	High Bid
Francis Excavation, Inc.	\$248,115.00	0%
Francis Excavation, Inc.	\$377,000.00	+11.5%

City of Waldport
McKinney Slough Bridge Waterline Improvements

3008.4001.0
 March 1, 2018 2:00 p.m.
 Bid Tabulations

Item No.	Description	Estimated Unit Quantity	Engineer's Estimate		Pacific Excavation		Trenchline Excavation	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
A.	Mobilization, Bonds, Permits and Insurance	ALL	L.S.	\$20,000.00	L.S.	\$45,500.00	L.S.	\$43,338.00
B.	ODOT Bonds and Insurance	ALL	L.S.	\$15,000.00	L.S.	\$4,150.00	L.S.	\$4,500.00
C.	Temporary Work Zone Traffic Control	ALL	L.S.	\$16,000.00	L.S.	\$2,200.00	L.S.	\$22,000.00
D.	Erosion Control and Cleanup	ALL	L.S.	\$11,000.00	L.S.	\$380.00	L.S.	\$13,000.00
E.	Survey Work During Construction, Complete	ALL	L.S.	\$5,000.00	L.S.	\$3,200.00	L.S.	\$4,500.00
F.	As-Constructed Drawings, (Stipulated Price)	ALL	L.S.	\$5,000.00	L.S.	\$5,000.00	L.S.	\$5,000.00
G.	Trench Foundation Stabilization, (Stipulated Price)	25	C.Y.	\$1,125.00	\$45.00	\$1,125.00	\$45.00	\$1,125.00
H.	Mainline Connections, Excluding Valves	ALL	L.S.	\$3,000.00	L.S.	\$5,500.00	L.S.	\$5,000.00
	1) Connection Detail 1 Drawing C4.0	ALL	L.S.	\$12,000.00	L.S.	\$10,150.00	L.S.	\$11,000.00
	2) Connection Detail 2 Drawing C4.0	ALL	L.S.	\$5,000.00	L.S.	\$5,600.00	L.S.	\$6,100.00
	3) Connection Detail 3 Drawing C4.0	ALL	L.S.	\$6,500.00	L.S.	\$6,450.00	L.S.	\$6,700.00
	4) Connection Detail 4 Drawing C4.1	ALL	L.S.	\$3,000.00	L.S.	\$4,150.00	L.S.	\$4,100.00
	5) Connection Detail 5 Drawing C4.1	ALL	L.S.	\$2,000.00	L.S.	\$1,440.00	L.S.	\$1,600.00
	6) Connection at Station 15+99	ALL	L.S.	\$5,000.00	L.S.	\$5,890.00	L.S.	\$5,900.00
	7) Connection at Station 20+00	ALL	L.S.	\$3,000.00	L.S.	\$1,850.00	L.S.	\$1,900.00
	8) Tee Removal and Spool at Moffitt Road							
I.	Buried Water Mainline Pipe, Fittings, & Couplings (Excluding Valves)							
	1) 4-inch AWWA C900 PVC, Crushed Rock Backfill	75	L.F.	\$4,125.00	\$83.00	\$6,225.00	\$87.00	\$6,525.00
	2) 6-inch AWWA C900 PVC, Crushed Rock Backfill	222	L.F.	\$16,872.00	\$73.00	\$16,206.00	\$76.00	\$16,872.00
	3) 8-inch AWWA C900 PVC, Crushed Rock Backfill	436	L.F.	\$34,008.00	\$86.00	\$37,496.00	\$100.00	\$43,600.00
J.	6-inch Class 52 Restrained Joint Ductile Iron Waterline Mounted to Bridge (Sta 16+32 to Sta 17+01)	ALL	L.S.	\$25,000.00	L.S.	\$26,000.00	L.S.	\$25,000.00

City of Waldport
McKinney Slough Bridge Waterline Improvements

3008-4001.0
 March 1, 2018 2:00 p.m.
 Bid Tabulations

Item No.	Description	Estimated Quantity	Engineer's Estimate		Pacific Excavation		Trenchline Excavation	
			Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
K.	Service Lines and Connections 1) 1" Far Side Service in 4" PVC Sleeve	1 Each	\$2,500.00	\$2,500.00	\$2,550.00	\$2,550.00	\$2,600.00	\$2,600.00
L.	Fire Hydrant Assembly, Complete Incl. Valve	1 Each	\$6,000.00	\$6,000.00	\$5,450.00	\$5,450.00	\$6,700.00	\$6,700.00
M.	Valves Complete with Valve Box 1) 2-inch Gate Valve 2) 4-inch Gate Valve 3) 6-inch Gate Valve 4) 8-inch Gate Valve	1 Each 2 Each 5 Each 5 Each	\$1,500.00 \$1,700.00 \$1,800.00 \$2,300.00	\$1,500.00 \$3,400.00 \$9,000.00 \$11,500.00	\$380.00 \$580.00 \$680.00 \$1,080.00	\$380.00 \$1,160.00 \$3,400.00 \$5,400.00	\$700.00 \$850.00 \$1,000.00 \$1,300.00	\$700.00 \$1,700.00 \$5,000.00 \$6,500.00
N.	AC Waterline Removal and Disposal	130 L.F.	\$90.00	\$11,700.00	\$98.00	\$12,740.00	\$70.00	\$9,100.00
O.	Surface Restoration 1) Class B Asphalt Street Restoration (Detail 3020, 6-inches thick) 2) Gravel Surface Restoration 3) Temporary AC Trench Patching 2-inches Thick	363 L.F. 612 L.F. 200 L.F.	\$30.00 \$6.00 \$10.00	\$10,890.00 \$3,672.00 \$2,000.00	\$64.00 \$4.50 \$53.00	\$23,232.00 \$2,754.00 \$2,600.00	\$60.00 \$5.00 \$23.00	\$21,780.00 \$3,060.00 \$4,600.00
GRAND TOTAL				\$254,292.00	Actual:	\$248,276.00		\$277,800.00

Submitted As: \$248,178.00
 Difference of: \$98.00

**Waldport Public Library
Board of Trustees
Minutes of Regular Meeting January 16, 2018**

Members Present:

Shirley Hanes, Chair
Jan Hansen, Vice Chairman
Brian Fodness
Barbara Smith-Huggins
Gary Hodges

Others Present:

Sue Bennett, Library Director

Members Absent:

Call to order, introductions & review of agenda: Shirley Hanes, Chair, called the meeting to order at 9:34 a.m.

Minutes: The minutes from the November meeting were unanimously approved.

Financial Report: The financial report was reviewed and the budget is on track.

Committee Reports: No Report

Director's Report: Ms. Bennett provided a review of the programs that occurred during the month of November and December. Three sessions of adult crafts were held during December and marked a year anniversary for the program. The library also had two weeks of kid's crafts which were well attended. We ran out of supplies several days.

Participation in the adult and children programs continues to grow for both children and adult programs.

The library has moved completely from Orco Tech for IT support. It wasn't a smooth transition but everything is running smoothly now.

Usage statistics continue to grow slightly over this time last year.

The City will be hiring a firm to evaluate City owned buildings to determine their condition and the cost of any repairs that may be needed. The evaluation should be taking place the early part of 2018.

Old Business:

New Business: The Director mentioned the security issues that have occurred in the library over the past few months and suggested the purchase of security cameras to be placed throughout the building and on the outside. The Director will consult with other libraries on what they have done for cameras as well as ideas for security.

The Board unanimously agreed for the purchase of cameras. Money from the Sponenburgh fund has been identified to help fund the purchase.

Board Members concerns: None stated.

Actions or Recommendations to the City Council: None.

Public Comment: None.

Announcements: None.

Next Regular Meeting: February 13, at 9:30 a.m.

Adjournment: Ms. Hanes adjourned the meeting at 10:45 a.m.

Waldport Public Library

Monthly Circulation FY 2016-17

Patron Category	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	TOTAL
LCLD-Adult	2935	3,042	2,590	2,675	2,563	2,847	2741						19,393
LCLD-Youth	135	158	97	96	78	29	31						624
Waldport Adult	2,008	2,170	1,821	1,965	1,910	1,880	2064						13,818
Waldport Youth	83	213	66	81	27	48	62						580
CITIES (Adult & Juv)	50	64	81	100	90	87	65						537
Temporary 1 yr	38	54	51	45	29	23	35						275
Temporary	78	100	39	0	0	0	0						217
OCCC	0	1	26	41	8	2	20						98
Oregon Passport	102	160	81	56	108	79	83						669
Interlibrary loan out	<u>52</u>	<u>102</u>	<u>45</u>	<u>65</u>	<u>56</u>	<u>47</u>	<u>64</u>						431
Chinook Circ	5,481	6,064	4,897	5,124	4,869	5,042	5,165	0	0	0	0	0	36,642
% circ in public lib	52%	51%	48%	49%	47.00%	49.47%	47.08%						
*Non-cataloged	716	631	532	619	464	526	517						4,005
Library2Go *	<u>263</u>	<u>278</u>	<u>242</u>	<u>250</u>	<u>274</u>	<u>332</u>	<u>329</u>						1,968
	979	909	774	869	738	858	846	0	0	0	0	0	5973
GRAND TOTAL	6,460	6,973	5,671	5,993	5,607	5,900	6,011	0	0	0	0	0	42,615
<i>Last Year</i>	6,916	5,907	5,156	5,861	5,885	6,066	6,241	5,865	6,772	5,738	5,674	6,666	72,747
Interlibrary loan In	51	22	49	44	32	35	64						297
Computers	1,093	1,175	1,086	1,001	946	1,016	1,081						7398
WiFi	439	*1511	1561	1575	1537	1528	1671						8311
Patrons added	30	49	30	28	31	22	37						227
Program attendance	534	409	488	324	750	483	217						3205
Program attendance													
FY2017	552	342	151	329	496	229	129	521	1077	288	251	721	5086

*New wifi router installed allowing for an accurate count of wifi users. Users are now counted hourly 24 hours a day. Someone using the wifi for three hours is counted for each hour.

Waldport Library Adult Events March 2018

460 Hemlock, Waldport, OR 97394 541 563-5880, waldportlibrary.org, Facebook

—Tues., March 6, 6:30-8 p.m.—**Library Knitting & Fiber Group.** Contact Laura Mayer, 541 867-4920, laumays513@gmail.com.

—Sat., March 3 & 10—**Teen & Beyond: Table Top Games, 1 p.m.** Come and join in on a board game or card game.

—Thurs., March 22—**Adult Craft Night, 5 p.m. Spring Wreaths.** All supplies provided. Free program.

—Friday, March 23—**Young Writers' Competition Essays Due.**

—Sat., March 24—**Central Oregon Coast Button Club, 1-4 p.m.** Bring your buttons! Contact Maeona Urban at ubanart@peak.org or 541 547-4299.

—Mon. March 26—**Waldport Book Club**—10:30 a.m. This month's book is: *The Stroke of Insight: A Brain Scientists Personal Journey*, by Jill Bolte Taylor, Ph.D. <http://www.waldportlibrary.org/news-events/lib-nes/waldport-library-book-club> or contact the Waldport Library at 541 563-5880.

—Mon. March 26—**Silent Art Auction to Benefit the Waldport Library Juvenile Book Collection & The Shelter Me Summer Lunch Program. Art created by Senitila McKinley** on display in the Moore Room for the month of March will have Silent Art Auction sheets available all month for the community to make their bids. On Monday, March 26 at 5 p.m., the community is invited to an evening to see who gets to take home the amazing art. Sparkling Cider and hors d'oeuvres will be served.

Sun	Mon	Wed	Thu	Fri	Sat
			1 Read Across America Day 	2 	3 
5 	6 Knit & Fiber Group 6:30-8 p.m. 	7	8	9	10
13	14	15	16	17	
					
18 	22 Adult Craft Night--5 p.m. Spring Wreaths 	23 	24 Central Oregon Coast Button Club 1-4 p.m.	29	30
25 Waldport Book Club 10:30 a.m.	26	29	31		

TEENS
 WALDPORTRINARY
 YOUNG WRITERS'
 COMPETITION 2018
 Deadline: March 23, 2018

NEW YORK TIMES BESTSELLER
My
STROKE
of
INSIGHT

 A BRAIN SCIENTIST'S
 PERSONAL JOURNEY
JILL BOLTE TAYLOR, Ph.D.
"Taylor's experience...will alter your own perception of the world." —ABC News

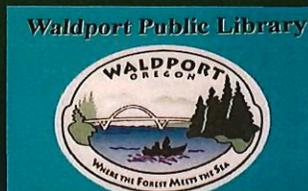
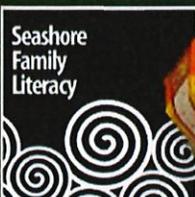
Waldport Public Library presents:

Senitila McKinley Art Exhibit & Auction

March 26, 2017

5 p.m.

On Monday, March 26, 2018 at 5 p.m. a Silent Art Auction to Benefit the Waldport Library Juvenile Book Collection & The Shelter Me Summer Lunch Program will be held at the Waldport Library. The money raised for the Waldport Library will help fulfill a grant from The Pilcrow Foundation in Cottage Grove. This foundation provides new, quality, hardcover children's books to rural public libraries. In addition, funds raised will help provide for the Shelter Me Summer Lunch Program 2018. The artwork painted by local artist and literacy champion, Senitila McKinley, will be on display in the Waldport Library Moore Room for the month of March with Silent Art Auction sheets available all month for the community to make their bids. On the night of the Auction, the community is invited to participate in an evening to learn more about the Waldport Library Youth Programs and Seashore Family Literacy's programs. Winners of the beautiful works of art will be announced at this event. Sparkling cider and h'orderves will be served by The Friends of the Waldport Library.



Friends
of the
Waldport
Library

460 Hemlock, Waldport, OR 97394, 541 563-5880, waldportlibrary.org, Facebook

CODE ENFORCEMENT CASE LOG

FEBRUARY 2018

New issues:

Trailer with garbage	Complaint that a trailer full of rotting garbage was parked in front of house on Willow Street. Served tenants with notice; sent letter to landlord. Landlord advised trailer had been placed by unknown person and she would call LCSO.
Large bush	Complaint of bush being too large near her house and she is frightened to get out of her car at night, in case someone is hiding; no ordinance violation Same complainant called City Planner, said it was a setback issue; no violation
Junk cars	Complaint on Facebook that junk cars at wrecker business are out of control and City is not doing anything about it. Cars were moved and made more orderly. Much of the land they are parked on belongs to the community college, or the business. LCSO advised OSP is in charge of those types of violations.
Parking violations	Complaint that multiple cars and/or boats were parked on City right-of-way and interfering with traffic. Two property owners notified by letter; one responded that she would come see tenants and get that cleaned up.
Debris/junk/vehicles	Complaint that debris and junk was collecting in yard of rental; two vehicles parked on lawn, may be inoperable or unlicensed. Letter to owner; phone calls with property owner. Junk picked up; vehicles are licensed and/or operable.
City sign on house	Call from mortgage bank that the City had posted a sign on their property on SE Evergreen, saying it could not be lived in. Verified it was their own notice that states house has been winterized.
RVs or motor homes	Drove throughout city, looking at RVs and motorhomes that may be in use as residences while parked on properties. There are dozens such vehicles, and I took photos of those with the steps down, or electrical cords running to them. But I did not see other signs of occupation, such as a trail through the grass, indicating regular foot traffic; vehicle parked in front of the RV/MH; any trash cans or accumulated trash indicating continuous use. Awaiting further direction about whether Council wants notices sent to all such property owners, or if they have specific addresses where they have seen this occurring.
Vehicles on road	Notices sent to nine property owners in a <i>cul de sac</i> where vehicles are being parked on the traffic lane, in City right-of-way, and some that appear inoperable parked on a vacant lot. Also asked about appearance that business is operating.
Deteriorated building	Continuing to send daily citations for permitting deteriorated building to exist.