

**WALDPOR PLANNING COMMISSION
MAY 21, 2018
MEETING NOTICE AND AGENDA**

THE WALDPOR PLANNING COMMISSION WILL MEET ON MONDAY, MAY 21, 2018 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: (March 26, 2018)
3. CITIZEN COMMENTS AND CONCERNS
4. CORRESPONDENCE – None
5. PUBLIC HEARINGS –
 - A. Case File #1-CU-PC-18
Application for Conditional Use
Applicant: Carl Andry
6. DISCUSSION/ACTION ITEMS:
 - A. Planning Report
 - B. Waldport Development Code Amendments
 - D. Other Issues*
7. COMMISSION COMMENTS AND CONCERNS
8. 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 15th day of May 2018

City of Waldport

WALDPORT PLANNING COMMISSION
March 26, 2018
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 Stole, Barham, and Yorks answered the roll. A quorum was present.

2. **MINUTES:** The Commission considered the minutes from the February 26, 2017 Meeting. Commissioner Yorks **moved** to approve the minutes as written. Commissioner Barham **seconded**, and the motion **carried** unanimously on a voice vote.

3. **CITIZEN COMMENTS AND CONCERNS:** None.

4. **CORRESPONDENCE:** Planner Lewis informed the Planning Commission the April 23, 2018 meeting will be a presentation from the Oregon Department of Land Conservation and Oregon Department of Geology on tsunami resilience and "beat the wave" modeling. The presentation will be approximately two hours. The City Council, Central Oregon Coast Fire District, and possibly others will be invited. The meeting is open to the public.

5. **PUBLIC HEARING:** None.

6. **DISCUSSION/ACTION ITEMS:**

A. Planning Report: Building permit and land use activity for January 16, 2017, through February 19, 2017 was reviewed.

B. Waldport Development Code Amendments: The Planning Commission held brief discussion on foot carts, sidewalks and drainage, and the complaint/enforcement process. The Commission then prioritized the list of code amendments to review as follows:

1. Food Trucks/Mobile Vending Regulations
2. Recreational Vehicle (RV) Occupancy
3. Accessory Dwelling Units (ADU)
4. Multi-Family Housing Lot Sizes
5. Notification for Land Use Applications
6. Conex Containers – Restrict, Prohibit, At least in the D-D Zone
- 7a. Screen Outdoor Storage in D-D Zone
- 7b. Look at other C-1 Standards that should be in the Downtown District (D-D)
8. Appeal Timing and Proceedings
9. Subdivision and PD Time Limits
10. Planned Development – Overall Review and Update
11. Planned Industrial Zone (I-P)

The Planning Commission discussed the Food Trucks/Mobile Vending Regulations. In summary, there was consensus to allow food trucks in the Downtown District and commercial zones, require a business license, meet all County and State health standards, provide safe water/sewer and other connections when these types of services are provided, and ensure parking requirements for the property are met. Planner Lewis will draft regulations and standards as discussed for Planning Commission review.

The Commission discussed the urgency of the code amendments and may schedule

a one-half day work session in the future if desired.

The Commission briefly discussed the lack of affordable housing which will be discussed in items #2-4 identified above at future meetings.

Commissioners discussed writing down concerns they have about the code amendment items and sharing those concerns at meetings as we discuss each item.

C. Other Issues: None.

7. COMMISSION COMMENTS AND CONCERNS: None.

8. ADJOURNMENT: At 3:55 p.m., there being no further business to come before the Commission, Commissioner Barham **moved** to adjourn. Commissioner Yorks **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 _____, 2018.

SIGNED by the Chair this ____ day of _____, 2018.

Ray Woodruff, Chair

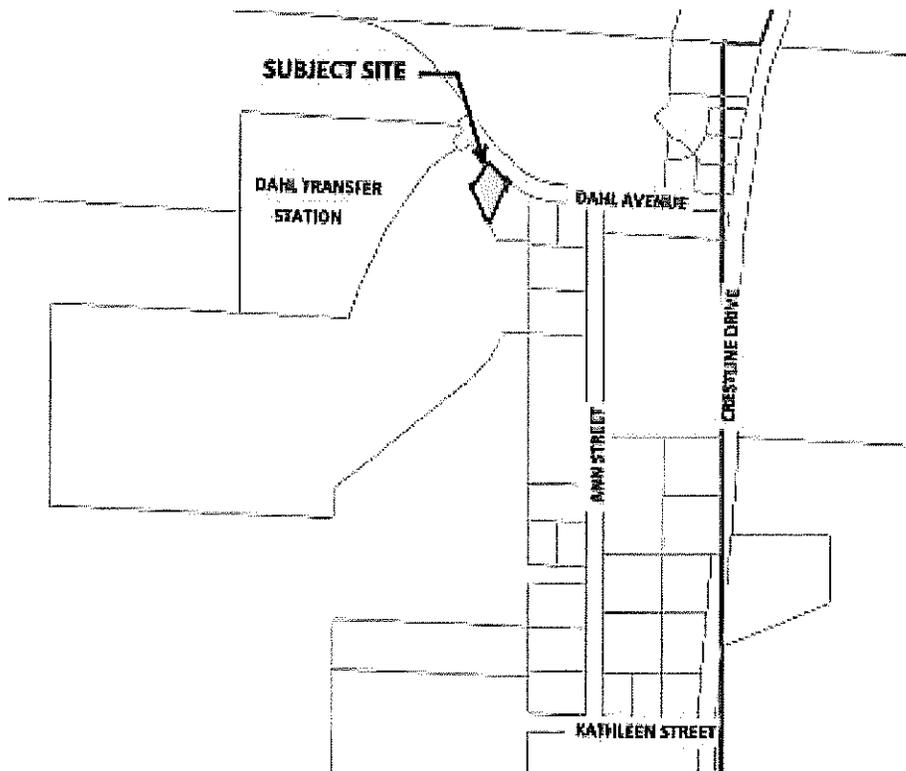
STAFF REPORT

Conditional Use Permit Application

APPLICANT: Carl Andry

A. REPORT OF FACTS

1. **Applicant's Request:** The applicant is requesting a conditional use permit to construct two 40' x 40' buildings in the Planned Industrial Zone. One building is proposed to be used as an artisan cabinet shop and for storage. The second building will be constructed at a later date and leased for a use under Waldport Development Code 16.36.020 A. (manufacturing, etc.) and/or D. (automobile storage, repair, etc.)
2. **Property Location:** The subject property is located in the Industrial Park on Dahl Avenue, west of Ann Street, and further identified on Lincoln County Tax Assessor's Map 13-11-31B as tax lot 403.



3. **Zoning:** Industrial Park I-P
4. **Plan Designation:** Industrial

5. **Lot Size:** The total lot size is 12,122 square feet.
6. **Existing Structures:** None.
7. **Topography and Vegetation:** The site is generally flat and there is no significant vegetation.
8. **Surrounding Land Use & Zoning:** The land north, south, and west of the subject site consists of industrial park related uses and undeveloped industrial park zoned land. The Dahl Transfer Center is located west of the subject site.
9. **Utilities:** The following utilities currently serve the subject property:
 - a. Water: Southwest Lincoln County Water District
 - b. Sewer: On-site waste management, i.e. holding tank
 - c. Electricity: Central Lincoln P.U.D.
10. **Development Constraints:** None identified.

B. EVALUATION OF REQUEST

1. Relevant Criteria:

Waldport Municipal Code

Section 16.36.020 Planned Industrial Zone I-P Conditional uses permitted.

In an I-P zone, the following uses and their accessory uses may be conditionally permitted, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of the Waldport Municipal Code. Subsections 'A' and 'D' are relevant to this conditional use application:

- A. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;
- D. Automobile, truck or trailer sales, service, storage, rental or repair;

Section 16.36.040 Planned Industrial Zone I-P Standards.

In addition to standards required in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, in the I-P zone the following standards shall apply:

- A. All yards abutting a residential zone shall be a minimum of twenty (20) feet.
- B. All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.
- C. No structure shall be located closer than sixty (60) feet from the centerline of any state highway, nor thirty (30) feet from the centerline of any collector or arterial street.
- D. No building in the I-P zone shall exceed a height of forty-five (45) feet.
- E. Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.

F. Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.

Section 16.028.303 C-1 Standards (Note: The C-1 drainage standards apply in the I-P zone.)

H. Drainage: A plan shall be submitted showing width, depth, and direction of flow of all drainage on and from the property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other nonimpervious surfaces shall not be concentrated and directed so as to cause damage to other properties. Pipes draining water from roof drains and other nonimpervious surfaces shall not be allowed to connect to any sanitary sewer facilities.

Section 16.72.020 Off-street Parking and Off-street Loading Requirements.

A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

Section 16.84 Conditional Uses (relevant subsections)

16.84.010 Purpose.

Certain types of uses require special consideration prior to their being permitted in a particular zone. The reasons for such special consideration include, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the city as a whole.

16.84.020 Authorization to grant or deny conditional use permit.

A. In taking action on a conditional use permit the Planning Commission may either permit or deny the request. If a request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the city as a whole.

B. In permitting a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the code, additional conditions which are considered necessary to protect the best interest of the surrounding area or the city as a whole. These conditions may include, but are not limited to, the following:

1. Increasing the required lot size or yard dimensions;
2. Limiting the height of buildings;
3. Controlling the location and number of vehicle access points;
4. Increasing the street width;
5. Increasing the number of required off-street parking spaces;
6. Limiting the number, size, location, and lighting of signs;
7. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property;
8. Designating site for open space;
9. Regulating the hours of operation; and
10. Setting a time limit for which the conditional use is approved.

D. Modifications of standards listed for each conditional use may be granted if:

1. The Planning Commission determines that a hardship would result to an applicant from the application of the standards.
2. The modifications will not result in the use being detrimental to properties in the surrounding area or in the City as a whole.
3. The purposes of this code are fulfilled.

16.84.050 Time limit of a conditional use permit.

Authorization of a conditional use shall be void after two (2) years or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the planning commission may extend authorization for an additional period not to exceed one (1) year. A maximum of two extensions can be granted.

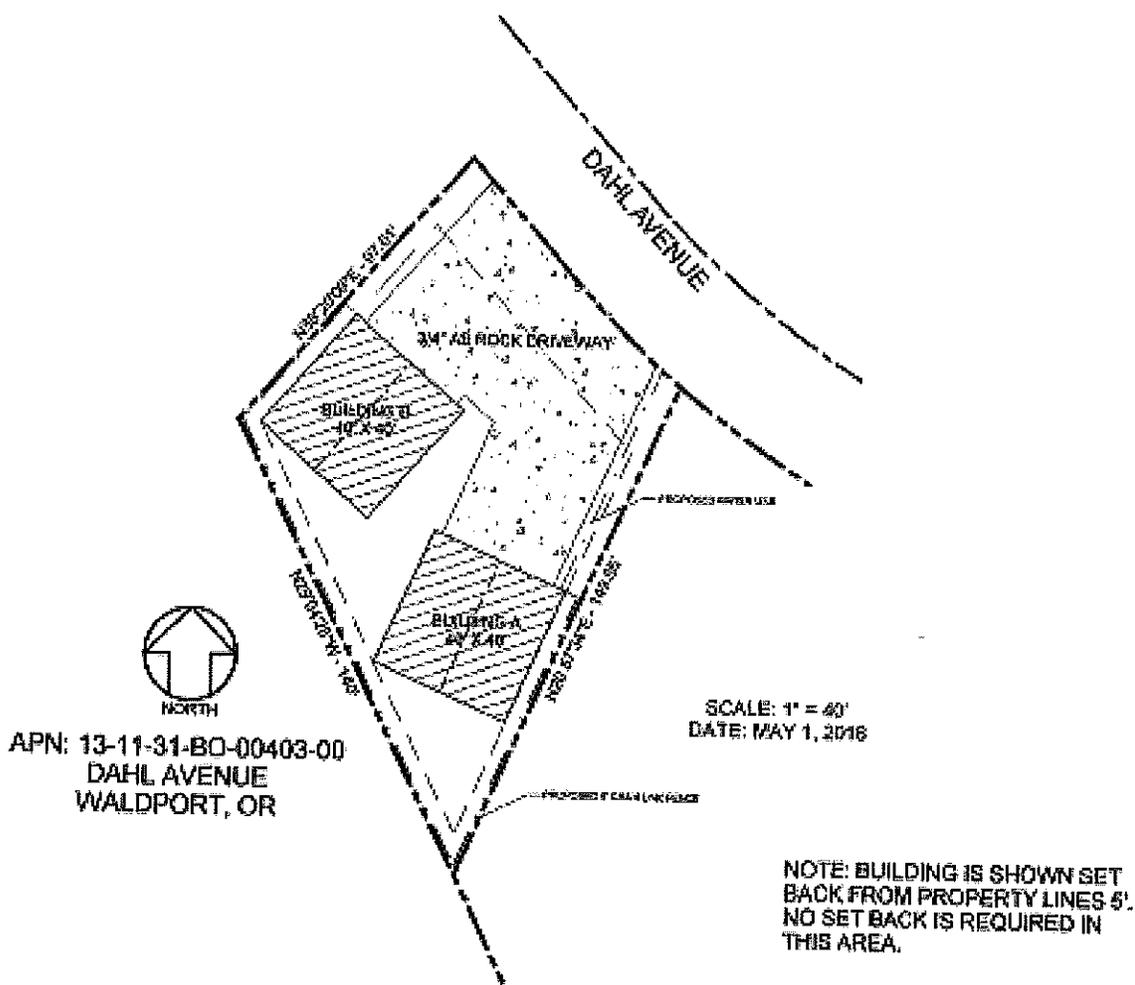
16.84.070 Standards and procedures governing conditional uses.

A. General Standards. In addition to the other applicable standards of this section, all conditional uses shall comply with the following requirements:

1. The site under consideration is suitable for the proposed use, considering:
 - a. The size, design and operating characteristics of the use;
 - b. The adequacy of transportation access to the site; and
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and the like.
2. The proposed use is compatible with the existing and projected uses on surrounding lands, considering the factors of subsection (A)(1), above.

2. **Applicant's Proposal:**

The applicant submitted the application form, fee, property owner authorization, narrative describing the proposed development, vicinity map, aerial photograph, and site plan.



Applicant Narrative:

**Waldport Industrial Building
Development Proposal**

The development consists of 2 buildings 40' x 40' each. Each building will be divided into two tenant spaces 20' wide by 40' deep. Proposed building construction is pole support or pre-engineered steel construction with metal siding, metal roofing and concrete floors. Building A will be constructed first with Building B being constructed at a later date yet to be determined.

Space 1 and space 2 in Building A will be used by the developer for a storage area and for an artisan cabinet shop. Space 3 and space 4 in Building B are proposed future tenant rental spaces. The proposed uses for spaces 3 and 4 are not certain at this time, but is expected to be a use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage. Target uses include auto repair, glass shop, construction office. The leasing process, to the best of the landlord's ability will assure that any activities performed within the buildings or property do not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard.

The proposed artisan cabinet shop will be occupied by the owner. It is not expected to have any employees working within the space. No facilities or amenities will be required to satisfy labor requirements.

Equipment operated will be motorized wood machining equipment, e.g. table saw, planer.

With the completion of Building B it is proposed that the back-yard area will be fenced at the property line as indicated on the Site Plan. Crushed rock will be used for the driveway entrances off of the street. Utility installations include a 5/8" water line to supply water to hose bibs at the exterior of the building and will include an electrical service to Building A with possible future services to each individual tenant space or building.

Signs will be permitted on the property provided they are approved by the City of Waldport and compliant with Section 16.76 of the Waldport Development Code. Only one sign will be permitted on the entry door of each tenant space and will be limited to a maximum size of 24" wide by 18" tall.

Prior to and during construction we would propose a "for lease" sign will be posted on the property. This sign will be approximately 4' x 4' on a movable frame and will be placed adjacent to but out of of the street right of way. After construction we may want to add a temporary "for lease" banner sign not exceeding 20 square feet to the face of one of the buildings.

3. **Public Testimony:**

No written testimony was received by the City at the time this staff report was prepared.

4. **Public Agency Comment:**

The Waldport Public Works director states that at the time a building permit application is submitted, the Waldport Public Works Director shall review and approve storm drainage plans.

C. STAFF ANALYSIS

1. **Conditional Uses Permitted in the Industrial Park Zone.** The applicant is requesting a conditional use permit to construct two 40' x 40' buildings in the Planned Industrial Zone. One building is proposed to be used for as storage and an artisan cabinet shop. The second building will be constructed at a later date and leased for a use under Waldport Development Code 16.36.020 A. (manufacturing, etc.) and/or D. (automobile storage, repair, etc.)

Waldport Development Code Chapter 16.36 Planned Industrial Zone I-P, Section 16.36.020 Conditional Uses Permitted, includes the following subsections relevant to this application:

- A. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;
- D. Automobile, truck or trailer sales, service, storage, rental or repair;

2. **Planned Industrial (I-P) Standards**

The I-P Standards are stated in *italics* and followed by the staff analysis.

- A. *All yards abutting a residential zone shall be a minimum of twenty (20) feet.*

The subject site does not border a residential zone.

- B. *All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.*

The site does not have a subsurface sewage disposal system nor is one proposed.

- C. *No structure shall be located closer than sixty (60) feet from the centerline of any state highway, nor thirty (30) feet from the centerline of any collector or arterial street.*

Crestline Drive is a designated collector street therefore no structure shall be closer than 30 feet from the centerline of the street. The proposed development is more than 800 feet from the centerline of Crestline Drive.

- D. *No building in the I-P zone shall exceed a height of forty-five (45) feet.*

The two buildings are proposed to have an approximate height of 20 feet.

- E. *Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.*

The applicant stated that there is a possibility of outdoor storage in the future. In that case, all outdoor storage will be screened with a sight-obscuring fence and/or vegetation.

- F. *Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.*

The Waldport Public Works director states that upon a conditional use approval and submittal of a building permit(s), the Public Works director shall review and approve storm drainage plans.

2. **Parking.** The Code does not specifically identify required number of parking spaces for an artisan cabinetry shop, storage, or manufacturing, etc. therefore the number of parking spaces shall be determined by the Planning Commission. WDC 16.71.020.R.12 states that service or repair shop, retail store handling bulky merchandise such as automobiles and furniture requires one (1) parking space for each six hundred (600) square feet of floor area. This is the standard parking requirement that has been used in the Industrial Park.

Two 40' x 40' buildings total 3,200 square feet. One parking space per 600 square feet of floor area requires six (6) parking spaces. The site plan shows the ability to park eight (8) vehicles in front of the buildings. This excludes possible tandem parking and/or inside parking.

D. CONCLUSIONS

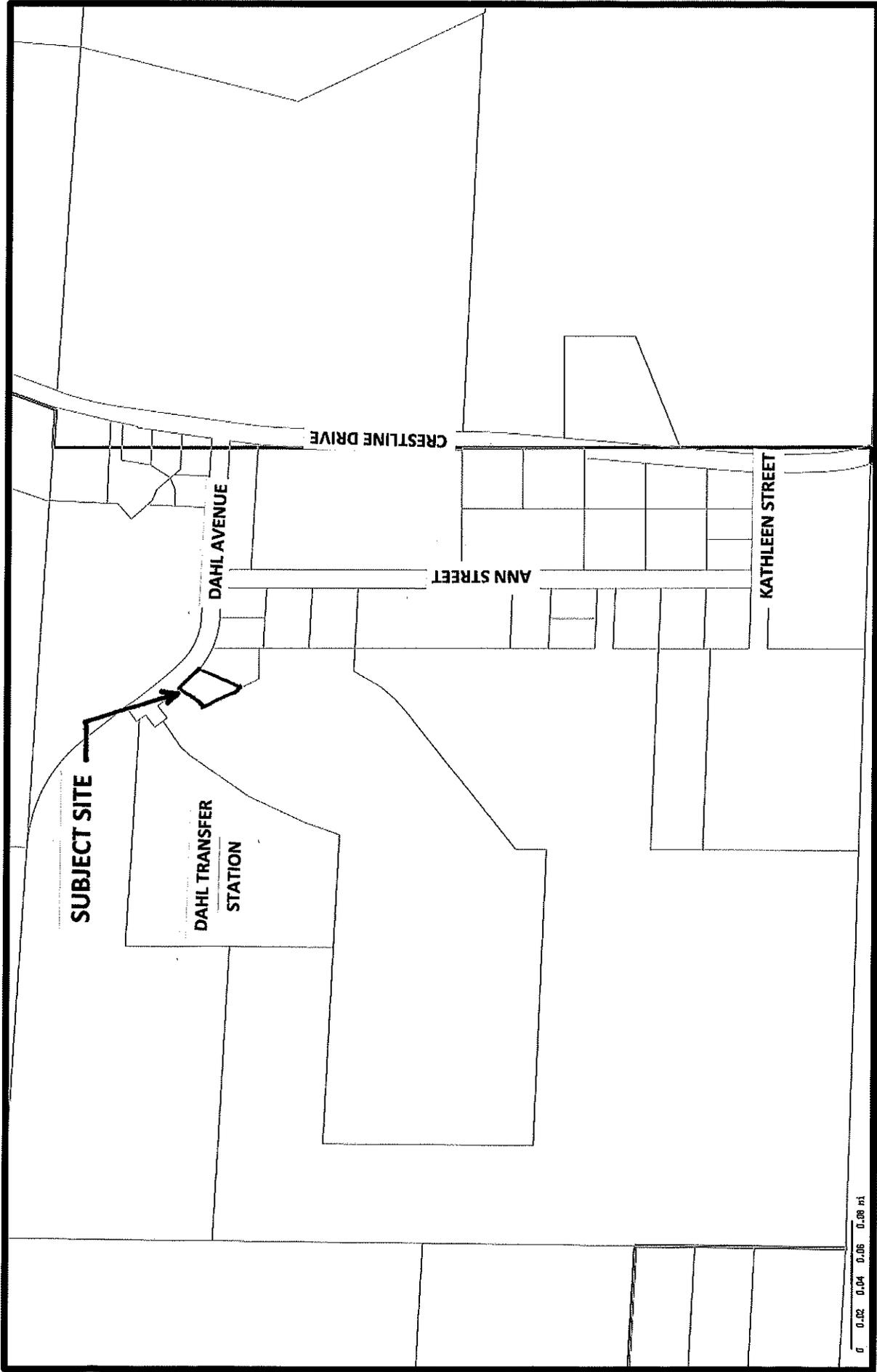
If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for adoption at the next meeting. If the request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the city as a whole. If the request is approved, staff offers recommended conditions, which may be added to or amended at the Commission's discretion:

1. **Proposed Development.** Development shall occur in accordance with the submitted plan. The submitted plan includes two 40'x40' buildings to be used in accordance with WDC Section 16.36.020.A (Manufacturing, etc.) and 16.036.202.D (Automobile repair, storage, etc.).
2. **Parking.** A minimum 6 off-street parking spaces shall be maintained.
3. **Outdoor Storage.** All outdoor storage shall be screened so it is not visible from a street with a sight-obscuring fence and/or vegetation.
4. **Storm Drainage.** At the time building permits are submitted, the applicant shall include drainage plans for review and approval by the Waldport Public Works Director.
5. **Time Limit.** The conditional use shall be void after two (2) years unless substantial construction pursuant thereto has taken place.

Submitted by,

Larry Lewis,
City Planner

Enclosures: Vicinity Map
Site Plan

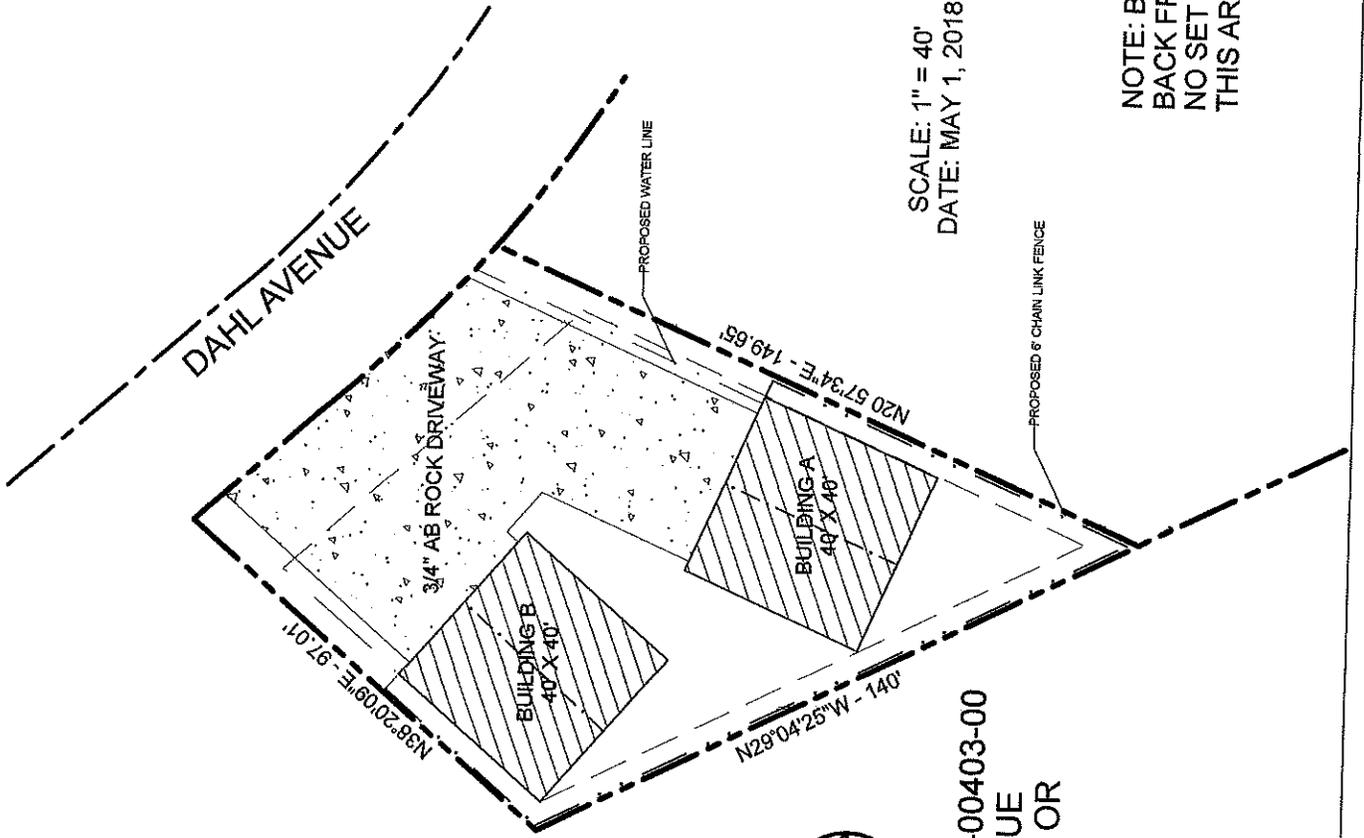


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SCALE: 1" = 40'
 DATE: MAY 1, 2018



APN: 13-11-31-BO-00403-00
 DAHL AVENUE
 WALDPOR, OR

NOTE: BUILDING IS SHOWN SET
 BACK FROM PROPERTY LINES 5'.
 NO SET BACK IS REQUIRED IN
 THIS AREA.

May 11, 2018

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: 2018 Waldport Development Code Amendments
MOBILE VENDING/FOOD TRUCKS**

At the March 26, 2018 Planning Commission meeting, the Commission discussed the Mobile Vending/Food Truck Regulations. In summary, there was consensus to allow food trucks in the Downtown District and commercial zones (C-1 and C-2), require a business license, meet all County and State health standards, provide safe water/sewer and other connections when these types of services are provided, and ensure parking requirements for the property are met. The following draft amendments to the Waldport Development Code (WDC) are for Planning Commission review and discussion.

WDC 16.04.030 Definitions

“Mobile Vending” means a structure, cart, trailer, or stand which is movable from place to place, and is used for the purpose of selling merchandise, foods, and beverages to the public and is equipped to dispense food or beverage and/or prepare the food or beverage for consumption. A mobile vending stand does not contain space for customers to enter the stand to purchase or consume products.

The draft amendment language for mobile vending is proposed to be added to the following sections.

16.28 Retail Commercial Zone C-1

16.28.010 Uses Permitted Outright

Chapter 16.30 Downtown District Zone DD

16.030.010 Uses Permitted Outright

Chapter 16.32 General Commercial Zone C-2

16.32.010 Uses Permitted Outright

Draft amendment language for the above identified sections:

Mobile vending, provided:

- 1. the entire mobile vending structure, cart, trailer, or stand, and serving area is located on private property (Exception: Mobile vending may occur on public property or public right-of-way if the business is in conjunction with a festival or community event and is approved by the City of Waldport.)*
- 2. a business license is maintained,*
- 3. all County and State health standards are met,*
- 4. safe water/sewer and other connections are provided when requested,*
- 5. Any person operating a mobile vending structure, cart, trailer, or stand shall pick up any litter in any form which is deposited by any person within fifty (50) feet of the mobile vending structure, cart, trailer, or stand at any time the person is conducting business, and shall be responsible for the disposal of same,*
- 6. parking requirements for the property are met.*

May 11, 2018

To: Waldport Planning Commission

From: Larry Lewis, City Planner

**Re: 2018 Waldport Development Code Amendments
HOUSING ISSUE**

Items #2-4 on the prioritized list of Code amendments address the housing issue, i.e. the need for affordable and work force housing. Items #2-4 include:

- #2. Recreational Vehicle (RV) Occupancy,
- #3. Accessory Dwelling Units (ADU)
- #4. Multi-Family Lot Sizes

To initiate this discussion, a document that addresses #3 ADUs is attached. This is the “Guidance on *Implementing the Accessory Dwelling Units (ADU) Requirement under Oregon Senate Bill 1051*. This document is from the Oregon Department of Land Conservation & Development. It provides information about SB1051 which requires cities with a population greater than 2,500 to allow at least one ADU where single family dwellings are allowed. The last page is a ‘model code’ for ADUs.

**GUIDANCE ON IMPLEMENTING
THE ACCESSORY DWELLING UNITS (ADU) REQUIREMENT
UNDER OREGON SENATE BILL 1051**



*M. Klepinger's backyard detached ADU, Richmond neighborhood, Portland, OR.
(Photo courtesy of Ellen Bassett and accessorydwellings.org.)*

OREGON DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT

MARCH 2018



**Oregon Department of
Land Conservation
and Development**

Guidance by Topic

The purpose of the following guidance is to help cities and counties implement the ADU requirement in a manner that meets the letter and spirit of the law: to create more housing in Oregon by removing barriers to development.

Number of Units

The law requires subject cities and counties to allow “at least one accessory dwelling unit for each detached single-family dwelling.” While local governments must allow one ADU where required, DLCD encourages them to consider allowing two units. For example, a city or county could allow one detached ADU and allow another as an attached or interior unit (such as a basement conversion). Because ADUs blend in well with single-family neighborhoods, allowing two units can help increase housing supply while not having a significant visual impact. Vancouver, BC is a successful example of such an approach.

Siting Standards

In order to simplify standards and not create barriers to development of ADUs, DLCD recommends applying the same or less restrictive development standards to ADUs as those for other accessory buildings. Typically that would mean that an ADU could be developed on any legal lot or parcel as long as it met the required setbacks and lot coverage limits; local governments should not mandate a minimum lot size for ADUs. So that lot coverage requirements do not preclude ADUs from being built on smaller lots, local governments should review their lot coverage standards to make sure they don’t create a barrier to development. To address storm water concerns, consider limits to impermeable surfaces rather than simply coverage by structures.

In addition, any legal nonconforming structure (such as a house or outbuilding that doesn’t meet current setback requirements) should be allowed to contain, or be converted to, an ADU as long as the development does not increase the nonconformity.

Design Standards

Any design standards required of ADUs must be clear and objective (ORS 197.307[4]). Clear and objective standards do not contain words like “compatible” or “character.” With the exception of ADUs that are in historic districts and must follow the historic district regulations, DLCD does not recommend any special design standards for ADUs. Requirements that ADUs match the materials, roof pitch, windows, etc. of the primary dwelling can create additional barriers to development and sometimes backfire if the design and materials of the proposed

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2. No off-street parking is required for an Accessory Dwelling.

Definition (This should be included in the “definitions” section of the zoning ordinance. It matches the definition for Accessory Dwelling found in ORS 197.312)

Accessory Dwelling – An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.

**City of Waldport
2018 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
For the Period <u>March 13, 2017</u> through <u>May 14, 2017</u>						
3/12/18	U.S. Army Corps/Oregon DSL Joint Permit	Ron Boucher	R-2	13-11-20BD/2400 1640 Alsea Hwy	Dock replacement	Completed 3/12/18
3/16/18	Building permit	Splitrock Properties LLC	D-D	13-11-19BD/1301 650 Hemlock	Interior remodel – add loft	Approved 3/23/18
4/20/18	Building Permit	Vincent Tingler	D-D	13-11-19BD/7200 195 Maple St	Foundation underpinning	Approved 4/20/18
5/2/18	Conditional Use Permit	Carl Andry	I-P	13-11-31B/403 Dahl Avenue	Conditional use for new buildings/uses in industrial park	Pending 5/21/18 Planning Commission meeting
5/7/18	Building Permit	Kerri Wilson-Beal	C-2	13-11-19AC/500 180 Spruce St	Install new doors	Approved 5/7/17
5/7/18	Manufactured Home Placement Permit	Brian & Glen Weaver, Sharon Robinson	R-3	13-11-29AB/7000 1480 Jackson Pl Peterson Park Subdiv.	New manufactured home	Approved 5/7/18
5/7/18	Building Permit	Brian & Glen Weaver, Sharon Robinson	R-3	13-11-29AB/7000 1480 Jackson Pl Peterson Park Subdiv.	New attached garage	Approved 5/7/18
5/9/18	On-site Waste Management Permit	Brian & Glen Weaver, Sharon Robinson	R-3	13-11-29AB/7000 1480 Jackson Pl Peterson Park Subdiv.	New septic system	Approved 5/11/18