

REQUEST FOR PLANNING DEPARTMENT CONSIDERATION

Request Must Be Made Two Weeks Prior to the Planning Commission Meeting

APPLICANT Fill Out This Section Except Number.

Date July 21, 1988

Number _____

Request (Include Modifications, Variances, Etc.)

Request for variance to provide 5 parking spaces (instead of 6) to serve lot 35, 36, & 37 in phase IV of Quietwater. Also, to change the volume of cluster IV to single family houses as in the original Quietwater P.U.D.

Requestor Bill J. Combs

Phone 485-2070

Address

88 Goodpasture Island RD. Eugene, Or 97401

Owner

Jachats Trading Co. LTD.

Phone Same

Address

Same

Request Location -- Tax Lot _____, Section _____, T. _____ S. _____ W.

Applicant Signature

Bill J. Combs

Department Comments

Return to Planning Department Not Later Than _____

City Council action, September 8, 1988

Approved the replat of Phase IV of Quiet Water and the proposed parking area as recommended by the Planning Commission, subject to the following conditions: 1. That no parking be allowed on driveway. 2. That it meet ordinance requirements by filing for a culvert permit, if a culvert is necessary. 3. That the work be completed within 3 months from the date of City Council approval. (The requirement of a drawing of the parking area was dropped.)

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APPLICANT Fill Out This Section Except Number.

Date July 21, 1988

Number _____

Request (Include Modifications, Variances, Etc.) Request for variance to provide 5 parking spaces (instead of 6) to serve lot 35, 36, & 37 in phase II of Development. Also, to change the volume of cluster IV to single family, reverse as in the original Development P.U.D.

Requestor Bill J. Combs

Phone 485-2070

Address 88 Goodpasture Island RD. Eugene, Or 97401

Owner Jachats Trading Co LTD.

Phone Same

Address Same

Request Location — Tax Lot _____, Section _____, T. _____ S. _____ W.

Applicant Signature _____

Bill J. Combs

Department Comments _____

Return to Planning Department Not Later Than _____

QUIET WATER HOMEOWNERS ASSN, Inc.

PO Box 34, Yachats, OR 97498

tel: (503) 547-3626

Russell D Barney, President / Managing Director
Robert Mathers, Director
James Jensen, Director
Donna Mathers, Secretary
Cherryl Patrick, Treasurer

AUG. 25 1988

1 September 1988

City Offices
Yachats, Oregon 97498

Ref: City Council public hearing to consider the request from Yachats Trading Company, the developer of Quiet Water, for (1) a variance on number of parking places for residential dwellings, and (2) a request for replat of Phase IV, Quiet Water.

Honorable Council members:

At a hearing on this matter before the City Planning Commission on 18 August, the petitioner verbally modified his written proposal to accommodate the objections of this Association and affected property owners. This Association supports this petition on the condition that the petitioner reaffirms his agreement with the owners of Lots 25, 36 and 37 as currently platted.

We understand the verbal agreement to be substantially as follows:

(1) six parking places for currently platted lots 35, 36, and 37 will be provided by way of an all season driveway to be constructed before the next winter season. This driveway will enter the common area adjacent to the cited lots by way of an easement from Jennifer drive on the North between lots 4 and 5 of block 2;

(2) affected lot 25, currently with foundation pillars but no structure, lies within the area to be replatted. The developer agrees to exchange one or more (the precise number and location to be determined through negotiation with legal council) of the replatted lots for lot 25 which will disappear in the replatt action.

Sincerely



Donna Mathers, Secretary
QUIET WATER HOMEOWNER'S ASSOCIATION

Public Hearing.

Bill Combs. Parking Variance & Replat of Phase IV, Quiet Water. (14-12-26CC.)

The hearing was again turned over to City Attorney Jim Ruggeri by Mayor Harry Sheston. Mr. Ruggeri announced the nature and purpose of the hearing. He asked the applicant, Mr. Combs, to present the purpose of his application. Mr. Combs introduced himself as the developer of Quiet Water. He is asking for a replat of Cluster IV of Quiet Water and for a permit to build a parking lot for six cars, to serve three different homeowners. (The original application was for a replat of Phase IV and a variance to allow 5 parking places, which is less than the required 6 places.) Mr. Ruggeri asked if there were any members of the Council who wished to abstain. There were no abstentions. There was no objection to the jurisdiction of the Council in hearing this matter. The Staff Report consisted of the minutes of the Planning Commission meeting, where this application was first heard. The proponent's case was then presented by Mr. Combs.

Mr. Combs began the presentation by giving two handouts to the Council. The first handout shows the Phase IV development as it is currently. The second handout shows the plan for which Mr. Combs is seeking approval. His reason for requesting the new approval is that the current Cluster IV development, as approved two years earlier, has not been marketed successfully. He would like to go back to the original configuration of full-size single-family lots. He explained that there has been a home built on one of the current cluster lots and two additional lots were sold. He needs to provide parking places for these three lots and that is the reason for the request for a 6-place parking area.

Nancy Reynolds, after clarifying the somewhat confusing maps of the area, asked for the width of the driveway, which will be located between Lots 4 and 5. Mr. Combs owns these two lots and land for the driveway will be taken from each of those lots. The driveway will be 10' wide. Nancy Reynolds suggested that this width is a bit inadequate for access. Mr. Combs explained that it is the feeling of the architect that this driveway should be as unobtrusive as possible, and also that they wish to take as little land as possible from Lots 4 and 5. Mrs. Reynolds pointed out that the City had been in disagreement with the architect as to the size necessary for streets in the development at an earlier hearing. The architect felt that the streets would be adequate at 12' in width, while the City maintained that they would have to be wider. She went on to explain her view that this access will serve 6 cars, it is common to three homes, there will be visitors to these homes, and there is some question as to whether or not this is really a private driveway. She is also concerned about visitors parking in the driveway, making it difficult for other cars to enter or exit. Mr. Combs answered that they had discussed this problem with Mrs. Johnson, one of the homeowners to be served, and with Russell Barney, President of the Quiet Water Homeowners Association. They have all agreed that this driveway should be as unobtrusive as possible and that it will serve the purpose very well as shown. He asked that the Council keep in mind that these are vacation homes and it will be unusual for all occupants to be present at the same time. David Chamberlin asked whether or not an actual drawing of the parking area will be submitted to the Planning Commission, or if by approving it now, the Council would be approving something sight unseen. The City Attorney pointed out that there is no drawing available at this time. If the Council does not see drawings, Mr. Combs can put in whatever he considers to be appropriate. Mr. Combs answered that it is his intent to have this "professionally engineered".

Mr. Chamberlin then asked what the grade differential is between Jennifer Drive and the parking area. Mr. Combs answered that this area is fairly flat and there is no grade differential to speak of. In response to an inquiry by Mrs. Reynolds, Mr. Combs affirmed that this parking area will fall in what is now essentially a common area. Between the planned parking area and Combs Circle, there is a green area and three lots. There is a home on one of the lots. None of the lots have fences. Mrs. Reynolds expressed her concern about residents from the upper lots using the proposed driveway as a short-cut when going to the river. This means there may very well be cars parked, vehicle traffic and pedestrian traffic all on this 10' driveway. Mrs. Reynolds asked about the requirement from earlier meetings, where

Mr. Combs was to provide drainage and curbs for the streets. It was determined that this would only have been necessary if the planned street for the cluster configuration had been built. This street would not be built, if the approval was given for a return to the single-family configuration.

Mr. Ruggeri then asked if any special groups had been formed to speak on behalf of the proponent. Russell Barney, President of the Quiet Water Homeowners Association spoke in support, saying that "the Association poses no objections and, in fact, would encourage this action. Mr. Combs has assured me that the driveways and the parking areas would be in accordance with specifications of the other parking areas...." He also pointed out that there will be common areas and other areas of egress as the area is developed in the future. Mrs. Johnson, owner of property to be affected, spoke as a party entitled to notice. "I would like this driveway....This is very important to me."

There was no other comment. There was no cross-examination of the proponent by opponents. No opponent's case was presented. No one spoke in opposition, therefore no cross-examination of opponents. No public agencies were represented and no rebuttal necessary. The hearing was then closed and deliberations begun.

At this point, Betty McGehey, a resident of Quiet Water, asked if this work would be done within a specific time period. This was taken under cross-examination. Mr. Combs affirmed that it would be. Lyn Pruett commented that the Planning Commission had suggested by Fall or Winter, 1988. The City Recorder clarified that this had been changed to "within 3 months". David Chamberlin, while not opposed to the planned change, expressed his interest in seeing a drawing of the parking area first. He is more concerned about the turn around area than the driveway. Nancy Reynolds agreed, indicating that, in effect, a cul de sac is being created and should comply with the requirements of the zoning ordinance regarding cul de sacs. She again expressed strong objections to the width of the driveway. There was some discussion of the size of the lots from which the driveway land would be taken and the effect of taking this land on the lots. Mr. Combs observed that 5' from each lot is the ideal amount to take for the driveway. In response to an inquiry from Lyn Pruett, Mr. Combs described the parking situation. Cars will come in the driveway and either turn left or right to actually park. There will be 3 parking places at each end of the parking area with ample room to back out and proceed up the driveway. There were no dimensions on the drawing. Nancy Reynolds, reading from Ordinance No. 95, suggested that this driveway may require a culvert permit. She felt that this matter should be heard by the Street Commission before the Council acts. This matter was discussed briefly, but it was not sent to the Street Commission.

David Chamberlin then made a motion to approve as recommended by the Planning Commission, subject to the following conditions: 1. No parking allowed in the driveway. 2. Mr. Combs must provide drawings for approval. 3. That it meet ordinance requirements in regard to filing for a culvert permit. At this point, there was discussion as to how parking will be policed, and the need for drawings. Lyn Pruett indicated that he would second the motion, except for the requirement that a drawing be submitted for approval. He suggested an amended that the drawing must meet the verbal explanation that had been given by Mr. Combs. David Chamberlin pointed out that no dimensions are given, which could cause problems. Ivan Smith asked if the grade in the area required that a culvert be installed. Russell Barney answered that this area is the high point of the property and that there is not a drainage problem in that area. Natural drainage would be sufficient. Nancy Reynolds pointed out that a culvert is not required by the ordinance. Ivan Smith suggested the condition that, if a culvert is needed, it will be added. There was general agreement to this suggestion, including an "affirmative" from Mr. Combs.

Since there was no second to the original motion, it was dropped. Superintendent of Public Works Mongelli asked if this driveway is going to be curved back toward Jennifer Drive, so that the drainage can run back on Jennifer Drive, or if the driveway will be lower than Jennifer Drive. Mr. Combs was unable to answer this question.

The final motion was made by Lyn Pruett as follows: That the replat and parking be approved as recommended by the Planning Commission, subject to the following conditions: 1. That no parking be allowed on driveway. 2. That Mr. Combs provide a drawing of the parking area. (The words "for approval" were dropped.) 3. That it meet ordinance requirements by filing

for a culvert permit, if a culvert is necessary. 4. That the work be completed within 3 months from the date of City Council approval, as recommended by the Planning Commission. (At this point, after some discussion, the requirement for a drawing was dropped entirely.) This amended motion was seconded by Ivan Smith. The final vote was 3 aye votes from Lyn Pruett, Ivan Smith and Harry Sheston; one "nay" vote from Nancy Reynolds; one abstention from David Chamberlin, based on his desire to see a drawing of the parking area before giving final approval.

Other Business

There was a brief discussion of the proposed sign ordinance. A copy of the latest draft has been sent to the City Attorney for review.

The City Recorder announced that Planner Doug O'Neil has been invited to the October meeting. It was originally planned that Mr. O'Neil would come to the September meeting, however, this plan was cancelled due to the large agenda.

There being no further business, this meeting was adjourned at 9:55PM on a motion by Lyn Pruett, Nancy Reynolds second, unanimous vote.

The regular meeting was immediately followed by a brief Executive Session under ORS 192.660(h).

Mayor

Attest:

City Recorder