

C I T Y O F Y A C H A T S

Planning Commission
February 21, 1980 - Yachats Lions Club Hall

Minutes

The regular monthly meeting of the Planning Commission was called to order at 7:30 P.M., by Chairman Stanley Thorn. Present: Planning Commissioners Paul Lane, Kenneth Leedy, Arvo Riipinen, David Turnbull, Chairman Thorn; Pamela Wise arrived later. Absent: Planning Commissioners Sam Dorning, Earl Gillmore; (one vacancy). Audience: 15 persons (est.).

The minutes of the meeting of January 17, 1980 were read and approved as read.

OLD BUSINESS

Quiet Water PUD

A street and drainage plan, a landscape plan, and a performance agreement were received for the Commission's consideration. Present for the discussion were the following: Michael Montgomery and William Combs, applicants; Paul Green, engineer; Evan Boone, City Attorney; Robert Bibler, Chairman, Public Works Commission.

Street Plan. Mr. Bibler stated that the street plan has been reviewed by the Public Works Commission, and the Commission recommends that the grade of both Lori Lane and Combs Circle be no more than 6% at the junction with the River Road. The Commission also recommends that a left turn lane for south-bound traffic and acceleration-deceleration lanes be provided on the state highway at the access to the development. Paul Green stated that the plans were drawn according to State and County road specifications but have not yet been submitted to them because the applicants wished first to determine what the City requirements are before applying for State and County permits. He felt the State Highway Division would have no objection to a left turn lane. In discussion of the Lori Lane access, Mr. Green stated that the grade of Lori Lane can be reduced if the County will agree to an alteration of the River Road. There was general agreement that this would be the preferred solution. Mr. Green felt there is very little possibility of significantly reducing the grade of the Combs Circle access. In further discussion, he stated that a cul-de-sac was considered but rejected because the steepness reduced its usefulness; on the whole, he felt it is probably better to construct the access--it would not be heavily used because of the grade but would still be available in emergencies. There was general agreement.

The question of private versus public streets was discussed, and the Commission unanimously passed a motion that the streets be public streets (motion by Riipinen; second by Turnbull).

Arvo Riipinen moved that the Commission approve the street plan as presented except for the changes discussed--specifically, the intersection of Lori Lane and River Road and a left turn lane on the State Highway, both of which are subject to agreement by other parties concerned. Ken Leedy seconded. Passed unanimously.

(OVER)

Performance agreement. City Attorney Boone reported he has discussed the draft performance agreement with Kurt Carstens, attorney for the applicants. The provisions of the agreement were reviewed and discussed. Replying to a question from Mr. Bibler, Michael Montgomery stated that work would be started as soon as financing is secured and would be completed in 6 to 8 months after starting. There was discussion of performance bonds. The City Attorney stated that the question was discussed with the applicants' attorney; he pointed out that the objective of a bond is to protect the City ~~City~~ in the event of a breach of performance. Mr. Montgomery stated that the City's objective would be met by a subdivision bond, but such a bond is virtually impossible to get. He pointed out that performance bonds are supplied by contractors to the developer--i.e., the person or party paying for the work--and he has found that it is not possible to name someone else (the City, for example) as beneficiary. An alternative to a subdivision bond was discussed. Mr. Boone suggested there is probably enough equity in the land that if the developers fail to carry out the terms of the performance agreement, the City can sue and obtain a judgment not only against the developers personally but also against the land. He pointed out it is more cumbersome than a bond but does provide a means of protecting the City against financial loss. There was discussion of this suggestion and of performance bonds, which, it was generally agreed, are not appropriate to the need. Mr. Bibler stated that the Public Works Commission had reviewed Mr. Boone's first response to the draft agreement in which he had suggested a \$20,000 performance bond, and the Commission recommended a larger bond. Mr. Bibler, at this time, felt that the Commission recommendation could be withdrawn in view of the present discussion.

It was agreed to add to the performance agreement the provision that the applicant furnish to the City verification of contractors performance bonds.

On a motion made by David Turnbull, seconded by Arvo Riipinen, and passed unanimously, the Commission approved the agreement with changes noted during the discussion.

Landscape Plan. The landscape plan, showing a plan for the entire parcel and a plan for a typical lot, was reviewed. The plan was unanimously approved on a motion by Paul Lane, seconded by Ken Leedy.

Final Plat. A copy of the final plat was reviewed. The plat was unanimously approved on a motion by Arvo Riipinen, seconded by David Turnbull. There is a 31-day appeal period before the plat can be signed.

Partition: Montgomery-Combs (14-12-26CC, TL 100. R-1 zone)

In response to a question, the applicants stated that the ownership extends to mid-River and the map had to be drawn accordingly; however, there is no thought of developing the low land--the flood regulations would prohibit any building there. The applicants stated that all building will have to be inland of the proposed sewer easement shown on the map. All three lots will use the existing highway access. The partition was unanimously approved on a motion made by David Turnbull, seconded by Arvo Riipinen.