

**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION SERIES 2010, NO. 5 (12/09/2010)**

**A RESOLUTION acknowledging the FCC award of a new noncommercial-  
educational FULL POWER FM RADIO STATION construction permit to  
Lane County nonprofit, WEST LANE TRANSLATOR, INC.**

1. WHEREAS, West Lane Translator, Inc., a 50-year-old Oregon nonprofit corporation, has served the public interest in Lane County in providing free on-air broadcasting content to the residents of western Lane County through at-cost operations of several television translator licenses, including rebroadcasting of NBC, CBS, ABC and FOX; and
2. WHEREAS, West Lane Translator communication tower ownership and operations provide low-cost support to many Lane County noncommercial and commercial on-air radio broadcasters, secular and religious, which contributes to and helps promote a diverse mix of available public broadcasting for no public cost; and
3. WHEREAS, the United States Federal Communications Commission has, on October 22d, 2010, awarded nonprofit West Lane Translator, Inc., a permit for construction of a noncommercial-educational, full-power, FM radio station, on a frequency of 90.7 FM, to serve the public interest in western Lane County; and
4. WHEREAS, citizens, families and businesses in west Lane County, including residents of the communities of Mapleton, Deadwood, Tide, Swiss Home, Brickerville, Cushman, Siltcoos Lake, Ada, Glenada, Florence and Dunes City, have need for, and may potentially benefit from, more diverse sources of free on-air radio broadcast information on matters of emergency services, public health, schools and education, police and fire, and other vital community information; and
5. WHEREAS, West Lane Translator is seeking an operational and community-accessible local "main studio" within its intended community of license, in order to allow for, encourage and support a volunteer-operated, non-commercial educational full-power FM station; and
6. WHEREAS, West Lane Translator, as a nonprofit corporation, and abiding by FCC rules for noncommercial-educational radio stations, will operate in the public interest independent of and free of certain commercial constraints; and
7. WHEREAS, West Lane Translator envisions, as set forth in its FCC educational program guidelines, a volunteer-driven station supporting the cultural, economic, entertainment, social, and public affairs needs of the community, with students and community nonprofits having meaningful participation at all levels of station operation, where the station will present accurate and comprehensive programming on relevant matters affecting the listening community, using local production where possible; and

8. WHEREAS, increasing national consolidation of radio license ownership risks diminishing both diversity of radio programming and meaningful public participation and access to the public radio airways in order to exercise free speech traditions embodied within the 1st Amendment and public broadcasting traditions; and

9. WHEREAS, maintaining availability of locally controlled on-air broadcasting media outlets, both commercial and non-commercial, is fundamental to promoting informed citizen participation in public affairs, rapid and effective response to natural disasters, and maintaining vibrant democracy; and that noncommercial-educational radio stations rightfully have a recognized essential role in our community;

**NOW, THEREFORE, BE IT RESOLVED BY THE DUNES CITY COUNCIL:**


The City Council of Dunes City acknowledges the achievement of West Lane Translator, Inc., in securing the October, 22, 2010, FCC award for a noncommercial-educational full-power FM radio station, the diverse potential public benefit such noncommercial-educational radio station may provide both in programming and public participation, and duly encourages public awareness, future enjoyment and meaningful access to the public airwaves consistent with the educational mission filed by West Lane Translator with the FCC.

**ADOPTED BY THE DUNES CITY COUNCIL THIS 9<sup>th</sup> DAY OF DECEMBER, 2010.**

Ayes:   5        Nays:   0        Abstain:   0        Absent:   1  

  
Eric D. Hauptman, Mayor

ATTEST:

  
Fred Hilden, City Recorder

**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION SERIES 2010, NO. 4 (07-26-2010)**

**A RESOLUTION DECLARING THE CITY'S ELECTION  
TO RECEIVE STATE REVENUES**

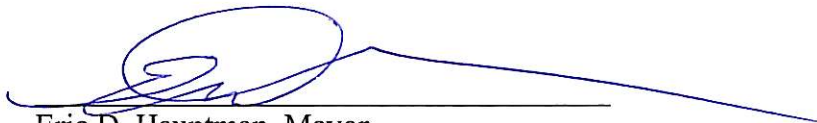
WHEREAS, ORS 221.760 provides as follows:

Section 1. Pursuant to ORS 221.770, the City hereby elects to receive State revenues for fiscal year 2010-11.

NOW THEREFORE BE IT RESOLVED that the City of Dunes City hereby elects to receive State revenues for fiscal year 2010-11.

**ADOPTED BY THE DUNES CITY COUNCIL THIS 26<sup>th</sup> DAY OF JULY, 2010.**

Ayes: 2      Nays: 1      Abstain: 0      Absent: 3 EXCUSED

  
Eric D. Hauptman, Mayor

ATTEST:

  
Fred Hilden, City Recorder

I certify that a public meeting before the Budget Committee was held on April 27, 2010 and a public hearing before the City Council was held on June 10, 2010, giving citizens an opportunity to comment on use of State Revenue Sharing.

  
Fred Hilden, City Recorder



**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION SERIES 2010, NO. 3 (07-26-2010)**

**A RESOLUTION CERTIFYING DUNES CITY PROVIDES FOUR  
MUNICIPAL SERVICES ENUMERATED IN SECTION 1, ORS 221.760**

WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the case of a city located within a county having more than 100,000 inhabitants according to the most recent Federal decennial census, disburse such funds only if the city provides four or more of the following services:

- (1) Police protection; (2) Fire protection; (3) Street construction, maintenance, and lighting; (4) Sanitary sewer; (5) Storm sewers; (6) Planning, zoning, and subdivision control; (7) One or more utility services

and

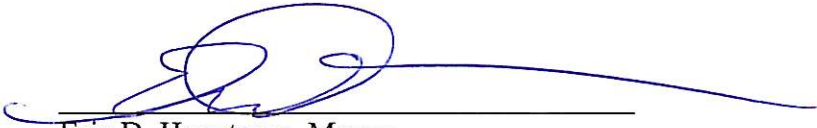
WHEREAS, City Officials recognize the desirability of assisting the State Officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760.

NOW THEREFORE BE IT RESOLVED that the City of Dunes City hereby certifies that it provides the following four municipal services enumerated in Section 1, ORS 221.760:


- (1) Fire protection;
- (2) Street construction, maintenance, & lighting;
- (3) Storm sewers; and
- (4) Planning, zoning, and subdivision control.

**ADOPTED BY THE DUNES CITY COUNCIL THIS 26<sup>th</sup> DAY OF JULY, 2010.**

Ayes: 3 Nays: 0 Abstain: 0 Absent: 3 EXCUSED

  
Eric D. Hauptman, Mayor

ATTEST:

  
Fred Hilden, City Recorder



**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION SERIES 2010, NO. 2 (07/08/2010)**

**A RESOLUTION APPROVING THE FINAL PLAT AND FINAL PLANNED UNIT DEVELOPMENT APPLICATION FOR WOAHINK RIDGE ESTATES (PUD 01-05)**

1. **WHEREAS**, applicants submitted a final plat and final planned unit development application for Woahink Ridge Estates (PUD 01-05) to Dunes City on May 5, 2010, and filed the same with the city recorder; and
2. **WHEREAS**, planning staff and the engineering firm for Dunes City (city engineer) recommended approval of the final plat and final PUD application. A copy of the staff report and findings is attached hereto as Exhibit A; and
3. **WHEREAS**, the staff report and findings determined that the final plat and final PUD application complied with and substantially conformed to the terms and conditions of approval of the preliminary PUD plan/plat with inclusion of the settlement agreement (Sept. 14, 2009). A copy of the settlement agreement is attached hereto as Exhibit B; and
4. **WHEREAS**, the staff response to condition B(7), listed as item 17 on page 11 of the staff report and findings, confirms the city engineer verified that no site improvements had been constructed on slopes of 12% or greater in connection with final plat approval. The final plat, along with the covenants, conditions, and restrictions, also notes that site review approval is required prior to development on slopes of 12% or greater; and
5. **WHEREAS**, the Dunes City Planning Commission approved the final plat and final PUD application at a meeting held on June 24, 2010. A copy of the city recorder's certificate of planning commission action is attached hereto as Exhibit C; and
6. **WHEREAS**, Ordinance No. 189 added a PUD suffix to the residential (R-1) zoning for Woahink Ridge Estates. A copy of the ordinance is attached hereto as Exhibit D; and
7. **WHEREAS**, Dunes City has received an irrevocable letter of credit sufficient to assure payment of \$15,241.79 to the city when the final plat is approved and recorded. A copy of the letter of credit is attached hereto as Exhibit E; and
8. **WHEREAS**, upon final plat approval, the mandamus action against the city in Lane County Circuit Court No. 16-08-16823, and the applicants' counterclaims against the city in Lane County Circuit Court No. 16-08-20657, will be dismissed with prejudice and without attorney fees or costs to either party; and

9. **WHEREAS**, pursuant to Ordinance No. 207, adopted by the Dunes City Council on this date, the vacation of the 1940 gateway road will become effective only upon the recording by Lane County of the final plat and dedication of Green Gate Road to Dunes City. A copy of the ordinance is attached hereto as Exhibit F; and

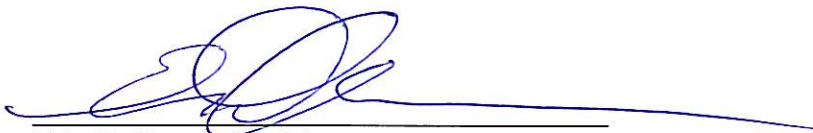
10. **WHEREAS**, upon review of the final plat and final PUD application, along with the exhibits attached hereto, the Dunes City Council determined on this date that the final plat and final PUD application complied with and substantially conformed to the terms and conditions of approval of the preliminary PUD plan/plat with inclusion of the settlement agreement (Sept. 14, 2009); and

**NOW, THEREFORE, BE IT RESOLVED BY THE DUNES CITY COUNCIL:**

That final approval of the final plat and final planned unit development application for Woahink Ridge Estates (PUD 01-05) is hereby given, and that signatures of approval from Dunes City Council, along with that of the city recorder, are to be placed on the final plat.

**ADOPTED BY THE DUNES CITY COUNCIL THIS 8<sup>th</sup> DAY OF JULY, 2010.**

Ayes: 5 Nays: 1 Abstain: 0 Absent: 0

  
Eric D. Hauptman, Mayor

ATTEST:

  
Fred Hilden, City Recorder



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**PLANNING DEPARTMENT  
STAFF REPORT AND FINDINGS OF FACT**

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<b>Report Date:</b>	06/28/2010
<b>Review by Planning Commission:</b>	06/24/2010
<b>Review by City Council:</b>	07/08/2010
<b>Property Owner:</b>	Ronald Mann, Kim Larsen, and Gregory Hicks
<b>Property Location:</b>	5586 Canary Road
<b>Assessor's Map / Tax Lot:</b>	19-12-11-40-01400
<b>Approximate Acreage:</b>	19.78
<b>Zoning &amp; Description:</b>	Residential (R-1) (PUD), vacant, portions of wetlands, and FEMA flood hazard zone FIRM map designations of A and X.
<b>Staff:</b>	Lisa Ekelund

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## **I. PURPOSE**

The applicants request consideration for the approval of a Final Planned Unit Development application per former DCC 155.060 through 155.067 and 156.186 through 156.187 with the Final Planned Unit Development application and draft of the appropriate ordinance forwarded to the City Council for its action following certification by the City Recorder of the Planning Commission's action.

## **II. DESCRIPTION**

The application is for the development of a 19 Lot Planned Unit Development (PUD) Subdivision.

## **III. PROCEDURE FOR FINAL PLAN APPROVAL**

### **A. APPLICATION (Former DCC 156.186)**

1. Within one year after the granting of an Order of Preliminary PUD Approval, the applicant shall file on a form prescribed by the City Council and filed with City Recorder a "Final Planned Unit Development Application" for the entire development or, when submission in stages has been authorized, for the first stage of development. The Final Planned Unit Development Application shall conform in all major respects with the Preliminary Planned Unit Development application. The application shall include the following information:
  - a) Six copies and a reproducible transparency of the final plan(s) shall be submitted. This plan shall be sufficiently detailed to indicate fully the ultimate operations and appearance of the development and shall include, at a minimum, the following:
    - 1) Detailed locations of water, sewage, and drainage facilities.



- 2) A detailed plan showing the location of all buildings and structures.
- 3) Detailed exterior building plans and elevations.
- 4) Detailed plans showing the character and locations of signs and lighting facilities.
- 5) Detailed plans for roadways, streets, pedestrian ways, and parking improvements.
- 6) Detailed grading or earth-moving plans.
- 7) Detailed landscaping plans.
- 8) Detailed solar access plans

b) A final subdivision plat may be required by the subdivision ordinance.

c) All documents relating to dedication, improvements, maintenance agreements, covenants, deed restrictions, and bylaws of neighborhood associations, cooperatives, and improvements of the district shall be submitted. The documents so submitted shall be approved by an attorney and shall be further approved as to form by the City Attorney.

**STAFF RESPONSE: The applicant has met this criterion.**

2. Within five days after a complete application for final approval is duly submitted to the City Recorder, the City Recorder shall distribute copies thereof to the Planning Commission and to such other agencies or individuals as deemed appropriate.

**STAFF RESPONSE: The City has met this criterion.**

#### **B. REVIEW BY PLANNING COMMISSION (Former DCC 156.186)**

1. Within 45 days after receipt of the application for final approval, the Planning Commission shall consider the Final Planned Unit Development application along with any referrals received concerning the application. If it appears from the evidence presented that the final application substantially conforms to the Preliminary Planned Unit Development application, the conditions, stipulations, and limitations or changes required by the Order of Preliminary PUD Approval and all applicable laws and ordinances, the Planning Commission shall approve the application. If the Planning Commission determines that the application does not comply with such provisions, it shall either:
  - a) Require such changes in the Final Planned Unit Development application as are in its judgment necessary to ensure conformity to the Preliminary Planned Unit Development application, the conditions, stipulations, and limitations or changes required by the Order of Preliminary PUD Approval, and all applicable laws and ordinances, and in so doing the applicant may revise the final application and resubmit the application to the Planning Commission within 45 days. The Revised Final Planned Unit Development application shall be heard at the next regular Planning Commission meeting.
  - b) Disapprove the Final Planned Unit Development application, and the action of the Planning Commission shall become final in ten days unless within the ten-day

period the applicant appeals the Planning Commission's action to the City Council as provided in this subchapter.

- c) If the Planning Commission recommends approval of a Final Planned Unit Development application, the City Attorney shall draft an ordinance for a Planned Unit Development sub-district and place thereon certification of Planning Commission action. The certification shall also show the Final Planned Unit Development application. Before approval is so certified, the City Recorder shall determine that either:
  - 1) All improvements as required by this part have been completed and a certificate of such fact has been filed with and approved by the Planning Commission; or
  - 2) A performance agreement has been filed with the City Recorder on a form approved by the City Council and in sufficient amount to ensure the completion of all required improvements.

#### C. REVIEW BY CITY COUNCIL (Former DCC 156.186)

1. The Final Planned Unit Development application and draft of the appropriate ordinance shall be forwarded to the City Council for its action following certification by the City Recorder of the Planning Commission's action. If the City Council determines that the ordinance and Planned Unit Development application are in conformity with the Order of Preliminary PUD Approval, the ordinance and development application shall be approved and signed.

### IV. APPROVAL CRITERIA

#### A. APPROVAL CRITERIA (Former DCC 156.187)

1. In addition to the following development and maintenance standards and principles, the Planning Commission shall expressly find that the following criteria are met before it approves a Planned Unit Development:
  - a) The location, size, design, and uses must be consistent with the comprehensive plan.

**STAFF RESPONSE: The application meets this criterion.**

- b) The location, design, and size must be such that the development can be well integrated with its surroundings, and, in the case of a departure in character from surrounding land uses, that the location and design will adequately reduce the impact of the development.

**STAFF RESPONSE: The application meets this criterion.**



- c) The location, design, size, and land use must be such that traffic generated by the development can be accommodated safely and without congestion on existing or planned streets and will, in the case of commercial developments, avoid as much as possible traversing local streets.

**STAFF RESPONSE: The application meets this criterion.**

- d) The location, design, size, and land uses must be such that the residents or establishments to be accommodated will be adequately served by existing facilities and services or by facilities and services, which are planned for construction within a time period that is deemed reasonable.

**STAFF RESPONSE: The application meets this criterion.**

- e) The location, design, size, and uses shall result in an attractive, healthful, efficient, and stable environment for living, shopping, or working.

**STAFF RESPONSE: The application meets this criterion.**

- f) The plan shall preserve the maximum number of evergreen trees and desirable natural plants (as defined in the Erosion Control Ordinance), given the limits of the area to be developed.

**STAFF RESPONSE: The application meets this criterion.**

- g) The location, design, size, and uses shall provide the maximum solar access to south-facing building walls and rooftops at noon on December 21. Application of this standard shall include but not be limited to the placement and orientation of structures, and the type and location of trees to be planted.

**STAFF RESPONSE: The application meets this criterion.**

**B. LIMITATION OF APPROVAL (Former DCC 156.187)**

- 1. No excavation, grading, construction improvements, or building permits shall be authorized or issued within the adopted Planned Unit Development (PUD) sub-district zone, pending compliance with the following:
  - a) Full compliance with all provisions of this part, including the execution and filing of all documents required therein.
  - b) Compliance with the requirements of the zoning ordinance, building code, subdivision ordinance, and all other applicable laws and regulations.
  - c) Full compliance with the approved Final Planned Unit Development application. The application shall control the issuance of all building permits and shall restrict the nature, location, and design of all uses.

**STAFF RESPONSE: The application meets this criterion.**



## V. FINAL MAP OR PLAT REVIEW AND PROCESSING

### A. SUBMISSION OF PLAT (Former DCC 155.060)

1. Within one year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit a reproducible sepia, five prints, and additional information as prescribed by this section. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he or she must submit a new tentative plan and make any revision necessary to meet changed conditions.

**STAFF RESPONSE: The application meets this criterion.**

### B. REQUIREMENTS FOR MAP AND PLAT (Former DCC 155.061)

1. Drafting.
  - a) One original drawing, 18 inches by 24 inches in size, and five copies shall be submitted. Original maps and plats shall be in substantial conformity to the approved tentative plan and shall conform to the County Surveyor's specifications and requirements pertaining to material that has characteristics of adequate strength and permanency as well as suitability for binding and copying.
  - b) Plats and maps shall be in clear and legible form and may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for all plats placed on more than one sheet. Scale requirements shall be the same as specified for tentative plans. Lettering and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, and no part of the plat shall come nearer to any edge of any sheet than one inch.

**STAFF RESPONSE: The application meets this criterion.**

2. Information required. The application itself or the proposed subdivision plat or the major partition map must contain the following information with respect to the subject area:
  - a) Traverse computation sheets, for subdivisions only. The registered engineer or registered land surveyor signing the surveyor's affidavit on the plat shall submit traverse computation sheets for the use of the City Engineer in checking the plat. The sheets shall include the calculation of each course and distance by latitude and departure of all the boundary lines and of all lot lines in the plat, which are not completely rectangular in shape. Each course and distance and each latitude and departure shall be tabulated on the traverse computation sheet in the proper order to show the closure limits of each area, and rectangular coordinates of every angle point shall be shown from a single point or origin.
  - b) Traverse computation sheets for a major partition map, which will create a street.
  - c) The lengths of all chords, radii, points of curvature, and chord bearings.
  - d) The lot lines of all lots within the subdivision, or all parcel lines within the major partition, with dimensions in feet and hundredths of feet and with all bearings shown.

- e) Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.
- f) Where a plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.
- g) The description and location of all permanent reference monuments.
- h) An affidavit of a surveyor, who is a state registered engineer or state registered land surveyor and who surveyed the subdivision or major partition, conforming to the requirements of the Oregon Revised Statutes.
- i) The date, north point and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision or major partition.
- j) The name of the subdivision.
- k) The zoning of, and the comprehensive plan for, the property.
- l) The locations, names, and widths of all streets and alleys existing or being created.
- m) The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required as provided for by this chapter.
- n) A designation of all areas covered by water, and the location, width, and direction of flow of all watercourses showing seasonal fluctuations, if any.
- o) A designation of all area being dedicated for public use by the applicant, including proposed uses, and an effective written dedication thereof.
- p) Designation of all donations to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plat for the subdivision or major partition.
- q) A copy of all protective deed restrictions being proposed.
- r) A title report issued by a title insurance company licensed by the state verifying ownership by the applicant of the real property that is to be dedicated to the public.
- s) A designation of any special notice, requirement, or restriction required by the city relating to public improvements or as a condition of approval.
- t) Identification of those lots, which will possess solar access and newly planted trees which will shade lots.

**STAFF RESPONSE: The application meets this criterion.**

**C. REVIEW BY UTILITY COMPANIES (Former DCC 155.062)**

- 1. Major partition maps and subdivision plats must be submitted to the appropriate utility companies, and copies bearing their comments must be returned to the City Recorder no later than 15 calendar days prior to the City Council meeting at which the plan is to be reviewed for approval.

**STAFF RESPONSE: The application meets this criterion.**

**D. REVIEW BY CITY COUNCIL (Former DCC 155.063)**

- 1. The City Council shall approve, deny, or, when further information is required, postpone a decision on the application. Approval must include affirmative findings that:



- a) The major partition map or subdivision plat complies in all respects to applicable provisions of state law, requirements and purpose of this chapter, and city plans and policies.
- b) Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public easements.
- c) Streets and roads held for private use and indicated on the tentative plan of such subdivision or major partition have been approved by the city.
- d) The plat or map is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition, as previously approved.
- e) The plat or map contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or major partition.
- f) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the major partition have been accounted for and referenced on the plat or map.
- g) There will exist an adequate quantity and quality of water and an adequate approved sewage disposal system to support the proposed use of the land described in the plat.
- h) Either:
  - 1) Improvements as required by this chapter or as a condition of tentative plan approval have been completed, and a certificate of such fact has been filed with the City Recorder by the City Engineer;
  - 2) A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the city, has been filed with the City Recorder in sufficient amount to insure the completion of all required improvements; or
  - 3) A petition for improvements has been properly executed by the applicant who is effecting the partition or subdivision and will be assessed for the improvements.
  - 4) Taxes as well as public liens, assessments, and fees with respect to the subdivision or major partition area have been paid, or adequate guarantee has been provided assuring the taxes, liens, assessments, and fees will be paid prior to recordation.

**STAFF RESPONSE: The application meets this criterion.**

**E. FINAL DISPOSITION (Former DCC 155.064)**

- 1. Subdivision or major partition approval shall be evidenced by the signature thereon of the Mayor with the date of such approval. In the event of denial, the City Recorder shall cause notice and the reasons for same to be furnished to the applicant.

**STAFF RESPONSE: The final approval shall meet this criterion.**



F. EXPIRATION AND APPROVAL (Former DCC 155.065)

1. If the conditions set at the time of approval are not fulfilled and the plat or map is not offered for record by the partitioner or subdivider in the office of the county recording officer within one year, subdivision or major partition approval, as the case may be, is null and void and a new application for plat or map approval must be submitted for reconsideration.

G. DELIVERY TO COUNTY RECORDER (Former DCC 155.066)

1. Following the approval by the City Council:
  - a) Subdivisions. In the case of a subdivision the owner or his or her agent shall:
    - 1) Obtain on the approved subdivision plat the signature of the County Assessor, whose signature shall certify that all taxes on the property have been paid.
    - 2) Obtain on the approved subdivision plat the signature of the surveyor, whose signature shall certify that the platting laws of this state and the requirements of this chapter have been complied with.
    - 3) Obtain the signature on the approved subdivision plat of a majority of the City Council whose signatures shall certify that the plat is approved by them.
    - 4) Deliver the approved subdivision plat to the office of the County Recorder.
  - b) Major Partitions. In the case of an approved minor partition and major partition, the owner or his or her agent shall deliver it to the office of the County Recorder to be offered for record.

H. DELIVERY TO CITY (Former DCC 155.067)

1. Subdivisions. In addition to the requirements of Oregon Revised Statutes pertaining to filing and recording of approved subdivision plats, the subdivider shall furnish the City Engineer one exact reproducible copy thereof, composed of the same material as required by the County Surveyor, or if not so required, such material and specifications as required by the city. The copy shall be furnished to the city within six working days of recordation.
2. Major partitions. In the case of an approved and recorded major partition map, the procedures and requirements shall be the same as specified in connection with delivery of subdivision plats to the city.

**VI. SUPPLEMENTAL APPROVAL CRITERIA (SETTLEMENT AGREEMENT)**

1. All stormwater collection infrastructure and the vegetation treatment areas shall be located on common areas in the subdivision, or they will have associated easements to allow passage and maintenance of the stormwater system. CC&R's shall require the owners association to maintain the system.

**STAFF RESPONSE: The application meets this criterion.**

2. This approval is explicitly conditioned upon development and maintenance in compliance with the plan and recommendations in the stormwater management plan, "*Stormwater Management Plan (Oct. 3, 2006)*," prepared by EGR & Associates, Inc.

**STAFF RESPONSE:** The application meets this criterion.

3. The applicant shall design the stormwater system to provide preliminary stormwater treatment prior to discharge into the wetland area using a series of upland bio-retention cells and nutrient sequestration. The stormwater system shall be approved by the City Engineer prior to final plat approval.

**STAFF RESPONSE:** The application meets this criterion.

4. The applicant shall include in the CC&R's a statement that prohibits lot owners from the use of phosphates when fertilizing and to encourage them to consult with landscaping experts when landscaping to select native plants that do not require fertilizing.

**STAFF RESPONSE:** The application meets this criterion.

5. The applicant shall revise the CC&R's to require home owners to haul vegetation trimmings, most importantly those located in stormwater treatment facilities, off the site and outside of the Dunes City watershed.

**STAFF RESPONSE:** The application meets this criterion.

6. This approval is explicitly conditioned upon development and maintenance in compliance with all the recommendations in the "*Evaluation of On-Site System Wastewater Feasibility (Sept. 21, 2006)*" by EGR & Associates.

- a) Fulfill all the required recommendations in the EGR report. One of which is that "A detailed field investigation be conducted in conjunction with Lane County Health Division of each lot to precisely locate and approve the suitable disposal site prior to final location of the dwelling units and prior to final subdivision approval."
- b) The City would require the applicant to precisely locate and perk test all onsite drainfields to be shown on a supplemental drawing accompanying the final plat.

**STAFF RESPONSE:** The application meets this criterion.

7. For all lots other than Lot 12, development of structures shall be subject to CC&R's recorded with the final plat that ensure building orientation is such that applicable standards for solar access are met.

**STAFF RESPONSE:** The application meets this criterion.



8. The sighting of the dwelling on Lot 12 shall be done in such a way that no tree of 12" diameter or larger shall be cut to site the dwelling or related improvements. Subject to this limitation, trees may be removed to locate the dwelling, access, septic field, and to promote compliance with applicable solar access standards.

STAFF RESPONSE: The application meets this criterion.

9. On all lots other than Lot 12, removal of evergreen trees protected by city ordinances shall be limited to the footprint needed to construct structures, a drainfield, driveway and utilities.

STAFF RESPONSE: The application meets this criterion.

10. Any building permit application for a dwelling on Lots 8 or 9 shall be accompanied by a certification from a geotechnical engineer or engineering geologist that the location and design will not compromise slope stability on Canary Road.

STAFF RESPONSE: The application meets this criterion.

11. The applicant shall submit a copy of the wetland delineation report to the City prior to construction and shall submit proof of a DSL permit for work impacting the wetland area. *(Note: No permanent wetland impacts are proposed in connection with this proposal.)*

STAFF RESPONSE: The application meets this criterion.

12. Prior to final plat approval, the owners shall grade and pave all streets in the subdivision area to the width specified in 155.018[155.081].

STAFF RESPONSE: The application meets this criterion.

13. The final plat shall show the name of the private road and the name shall comply with the Street Name Standards of 155.081(H).

STAFF RESPONSE: The final plat map complies with this criterion. (Note: The Planning Commission approved the name of the private loop as Woahink Ridge Loop on the preliminary plat. The name of Woahink Ridge Loop was discouraged by the Lane County Road Naming Committee and with this recommendation, the applicants re-named the road as Chittum Loop. This is not a substantial change to warrant a determination of non-compliance with the provisions as stated in DCC 156.183.)

14. Prior to tentative plan approval taking effect, the applicant shall apply for any necessary modification of the code requirement for minimum curve radii DCC 155.081 (I) according to DCC 155.135 (2). Street construction shall comply with City standards for grade as stated in 155.081 (I).

STAFF RESPONSE: The application meets this criterion.



15. Prior to final plat approval, the final plat shall show the location of all utility easements. The applicant shall also submit to the City proof that utility easements providing all proposed parcels with access to water and the provision of utilities to serve the lots have been recorded on the affected properties. All utility easements shall comply with City standards of DCC 155.083. *(Assuming that final plat documents would be provided at some point in this process, the City would consider this condition satisfied if all easements including offsite easements required for access to the lake and the water lines within will be described in detail in the supplemental documents that are included with the final plat as required. The easements must be legally described and the path of all water lines shall be individually identified. The easements shall be staked along with waterline path for inspection by the City before installation.)*

**STAFF RESPONSE:** The application meets this criterion.

16. Prior to final plat approval, the applicant shall submit a detailed storm drainage plan indicating how runoff from the streets and wetland area will be treated and prevented from flowing onto adjacent property not part of the development. The storm drainage plan shall indicate necessary controls to prevent discharge of sediment into the wetland. The applicant shall provide to the City, proof of the required DEQ permits for sediment/pollution control during construction.

**STAFF RESPONSE:** The application meets this criterion.

17. Site review will be conducted prior to final plat approval to ensure the slopes greater than 12% are not subject to slippage or inundation in its post-developed state, and to ensure the public health and safety. Where slopes exceed 16%, proof of the safety of the proposed development will be required. *(Note: No site improvements are proposed on slopes greater than 12%).*

**STAFF RESPONSE:** The application meets this criterion.

18. A note shall be placed in the final plat that all lots in the proposed development shall take access from the proposed private road, or from the proposed Greengate Road, and no other access to Canary Road will be allowed. Proposed lot 12 shall take access from the private ford on the Southwesterly side of the lot and not Greengate Road. The final plat shall show the location of the driveway on proposed lot 13 and the driveway shall be located as far away from the intersection of Canary Road as possible.

**STAFF RESPONSE:** The application meets this criterion.

19. To obtain final plat approval, the applicants shall construct public improvements as shown on the revised preliminary plan or submit financial assurance in a form acceptable to the City.

**STAFF RESPONSE:** The application meets this criterion.

20. Prior to final plat approval, the final plat shall note the easements that include the location of all necessary water intake lines. The applicant shall demonstrate the ability to obtain the required permits for water necessary to serve all lots.

**STAFF RESPONSE:** The application meets this criterion.

21. Prior to final plat approval, the applicant shall decommission the existing septic system per Lane County Code provisions.

**STAFF RESPONSE:** The application meets this criterion.

22. As stated in Condition #6, prior to final plat approval, the applicant shall submit a detailed storm drainage plan in the supplemental documentation to the final plat.

**STAFF RESPONSE:** The application meets this criterion.

23. Prior to final plat approval, a detailed road design shall be submitted to the City, which demonstrates compliance with Dunes City's Master Road Plan Standards and the applicant shall grade and pave all streets within the subdivision area to a width of 22 feet.

**STAFF RESPONSE:** The application meets this criterion.

24. Prior to final plat approval, all utilities serving the subdivision shall be installed underground unless specified per 155.108.

**STAFF RESPONSE:** The application meets this criterion.

25. Prior to final plat approval, three street light bases shall be installed; one base at each intersection of the Woahink Ridge Loop Road and one base at the intersection of Greengate Road and Canary Road.

**STAFF RESPONSE:** The application meets this criterion.

26. Prior to final plat approval, the revised plat shall show 40% of the gross area (8.12 acres, 353,730 sq. ft.) dedicated to open space, both common and private. The final plat shall show 75% of 8.12 acres, the required 40% of gross area, as common, or public, open space not to include the road right-of-way. The final plat shall contain a note specifying square footage of private open space in each of the lots for which lot line setbacks is part of the calculation of total open space. The final plans shall include a list of all areas, which make up the total open space, specifying area and type (public or private).

**STAFF RESPONSE:** The application meets this criterion.

27. Prior to final plat approval, fence construction shall be completed as indicated in supplemental information page 9.

**STAFF RESPONSE:** The application meets this criterion.



28. The final plat shall contain notes on any private lot containing private open space that any building, structure or improvements within the open space shall be appropriate to the uses, which are authorized for the open space and shall conserve and enhance the amenities of the open space having regard to its topography and unimproved condition.

**STAFF RESPONSE:** The application meets this criterion.

29. Prior to final plat approval, the applicant shall record a final copy of the Declaration of Covenants, Conditions and Restrictions of Woahink Ridge Estates PUD with Lane County with required corrections.

**STAFF RESPONSE:** The City has received the Declaration of Covenants, Conditions and Restrictions of Woahink Ridge Estates PUD. The application meets this criterion to the point that it is standard practice to submit the Declaration of Covenants, Conditions and Restrictions along with the final plat submission to Lane County.

30. The applicant's final plat submission supplementary documents shall show final building envelopes, drainage courses, and septic tank and field location to match as built erosion control and storm water accommodations. Each lot must show locations of perk tests to match septic tank and field locations. Given the City Engineer's concerns about lots 5 and 6, the septic approval must be applied for by submitting a drawing that shows the building envelopes, perk test locations and there relationships to the drainage courses that are at this time routed directly into a basin that contains these lots. If the County is willing to approve these septic locations knowing the relationship to the drainage courses and building envelopes within this basin, we will consider this requirement satisfied. This requirement is reasonable and is in place to protect the future property owners from learning about these complications after they have purchased the property.

**STAFF RESPONSE:** The application meets this criterion.

31. The applicants shall either bond or provide a letter of credit sufficient to assure payment of \$15,241.79 to the City when the final plat is approved and recorded.

**STAFF RESPONSE:** The applicants shall meet this criterion.

32. The applicants, upon final plat approval will dismiss with prejudice the Mandamus action against the City as well as the inverse condemnation and any other counterclaims against the City in the Smith lawsuit. The Mandamus action and the City's intervener claim and defendant's counterclaims in the Smith lawsuit are to be placed in abatement by the Court immediately upon acceptance of a settlement agreement by the parties for a final approval process for the final PUD application and final plat.

**STAFF RESPONSE:** Per the settlement agreement dated September 9, 2009 signed by Ron Mann and Greg Hicks on September 11, 2009 and signed by Mayor Eric Hauptman, Amy Graham (prior City Recorder), and Kim Larsen on September 14, 2009, the applicants shall meet this criterion upon final plat approval.



33. The settlement agreement shall extend the preliminary approval of Woahink Ridge Estates PUD for one (1) year from the date of execution of the document.

**STAFF RESPONSE: The application meets this criterion.**

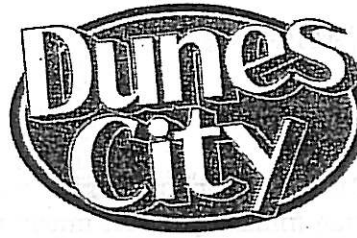
## **VII. RECOMMENDATION**

After careful review by the Planning Staff and The Dyer Partnership, engineering firm of Dunes City, it is determined that the final plat application for Woahink Ridge Estates PUD substantially conforms to the Preliminary Planned Unit Development application with the inclusion of the Settlement Agreement. Staff recommended that the Planning Commission approve the final application with no further changes placed and direct the City Recorder to certify the Planning Commission's action and arrange to have the final PUD application and a draft of the appropriate ordinance forwarded to the City Council for review and final approval.

On June 24, 2010, Commissioner Platt made the motion to approve the final Planned Unit Development application for Woahink Ridge Estates and direct the City Recorder to certify the Planning Commission's action and arrange to have the final PUD application and a draft of the appropriate ordinance forwarded to the City Council for review and final approval. Commissioner Miller seconded the motion. The motion passed by unanimous vote.

On June 29, 2010, the City Recorder verified the Planning Commission's action and with a signed Certification, acknowledged that the information and belief on said decision in good faith is as stated above.

## Exhibit B



City of Dunes City  
82877 Spruce St.  
Dune City, OR 97439  
PO Box 97  
Westlake, OR 97493  
Phone (541) 997-3338  
Fax (541) 997-5751  
www.dunescity.com

September 9, 2009

To: Mayor Eric Hauptman  
Councilor Robert Quandt  
City Recorder, Amy Graham  
Greg Hicks  
Ron Mann  
Kim Larsen

From: Planning Secretary, Lisa Ekelund

Subject: Notes from meeting of 09/09/09

Dear Parties Involved:

The following is in regard to the matters discussed at the meeting held on 09/09/09. The references below are to the documentation titled *Woahink Ridge Estates Final Settlement: dated June 12, 2009*.

[A](a): All stormwater collection infrastructure and the vegetation treatment areas shall be located on common areas in the subdivision, or they will have associated easements to allow passage and maintenance of the stormwater system. CC&Rs shall require the owners association to maintain the system.

[A](b): This approval is explicitly conditioned upon development and maintenance in compliance with the plan and recommendations in the stormwater management plan, "*Stormwater Management Plan (Oct. 3, 2006)*," prepared by EGR & Associates, Inc.

[A](b.1): The applicant shall redesign the stormwater system to provide preliminary stormwater treatment prior to discharge into the wetland area using a series of upland bio-retention cells and nutrient sequestration. The stormwater system shall be approved by the City Engineer prior to final plat approval.

[A](b.2): The applicant shall include in the CC&R's a statement that prohibits lot owners from the use of phosphates when fertilizing and to encourage them to consult with landscaping experts when landscaping to select native plants that do not require fertilizing.

*The City will consider this condition met when the applicant submits a delineation report to DSL. The contractor agrees to accept all liability resulting from DSL determinations of DSL that report and the City will not be held liable. See referenced email from Gloria Kiryuta of DSL dated 08/28/2009.*

[B(2)]: Prior to final plat approval the owners shall grade and pave all streets in the subdivision area to the width specified in 155.018.

*All agree that the City will support the developer in vacating the county recorded 1940 gateway road upon City acceptance of dedication of the road.*

[B(3)]: The final plat shall show the name of the private road and the name shall comply with the Street Name Standards of 155.081(H).

[B(4)]: Prior to tentative plan approval taking effect the applicant shall apply for any necessary modification of the code requirement for minimum curve radii DCC 155.081(I) according to DCC 155.135(2). Street construction shall comply with city standards for grade as stated in 155.081 (I).

[B(5)]: Prior to final plat approval, the final plat shall show the location of all utility easements. The applicant shall also submit to the City proof that utility easements providing all proposed parcels with access to water and the provision of utilities to serve the lots have been recorded on the affected properties. All utility easements shall comply with city standards of DCC 155.083.

*Assuming that final plat documents would be provided at some point in this process, the City would consider this condition satisfied if all easements including offsite easements required for access to the lake and the water lines within will be described in detail in the supplemental documents that are included with the final plat as required. The easements must be legally described and the path of all water lines shall be individually identified. The easements shall be staked along with waterline path for inspection by the City before installation.*

[B(6)]: Prior to final plat approval, the applicant shall submit a detailed storm drainage plan indicating how runoff from the streets and wetland area will be treated and prevented from flowing onto adjacent property not part of the development. The storm drainage plan shall indicate necessary controls to prevent discharge of sediment into the wetland. The applicant shall provide to the City proof of the required DEQ permits for sediment/pollution control during construction. (Note: See additional new storm water conditions (a) and (b) in Part A above.)



*shall be individually identified. The easements shall be staked along with waterline path before installation. The Final Plat must note these easements.*

[B(11)]: Prior to final plat approval, the applicant shall decommission the existing septic system per Lane County Code provisions.

[B(12)]: As stated in Condition #6, prior to final plat approval, the applicant shall submit a detailed storm drainage plan in the supplemental documentations to the final plat.

[B(13)]: Prior to final plat approval, a detailed road design shall be submitted to the City which demonstrates compliance with Dunes City Master Road Plan Standards, and the applicant shall grade and pave all streets within the subdivision area to a width of 22 feet.

*Applicant will increase the width of the termination of Green Gate Road to 22 feet to the north and in the direction of lot 1.*

*Applicant will be required to apply a type 2 slurry seal after patching and repairing the areas where the pavement was cut out.*

[B(14)]: Prior to final plat approval, all utilities serving the subdivision shall be installed underground unless specified per 155.108.

The applicants stated that the bases and provisions for the loop roads are made. The applicant stated they agree the City will verify that they need to do what the PUD requires and from that point it is up to the City.

The Planning Secretary, Lisa Ekelund verified with Robin from Central Lincoln PUD that through the intergovernmental agreement, the City orders the lights and has them installed. Robin stated the only requirement from the applicants would be to place the base as they have agreed to do.

[B(15)]: Prior to final plat approval, three street light[s] [bases] shall be installed; one light [base] at each intersection of the Woahink Ridge loop Road and one light [base] at the intersection of Greengate Rd. and Canary Rd.

*If the applicant does not intend to complete this requirement[,] a bond must be posted prior to approval.*

(A3): The applicants, upon final plat approval will dismiss with prejudice the Mandamus action against the City as well as the inverse condemnation and any other counterclaims against the City in the Smith lawsuit. The Mandamus action and the City's intervener claim and defendant's counterclaim(s) in the Smith lawsuit, are to be placed in abatement by the court immediately upon acceptance of a settlement agreement by the parties for a final approval process for the final PUD application and final plat.

This agreement shall extend the preliminary approval of Woahink Ridge PUD for 1 year from the date of execution of this document.



**SETTLEMENT AGREEMENT**  
**Relating to Woahink Ridge Estates PUD**

**Parties:** City of Dunes City, by its City Council ("City")

Developers of Woahink Ridge Estates PUD:  
Ron Mann; Greg Hicks; Kim Larsen ("Developers")

1. The attachment, "Subject: Notes from meeting of 09/09/09", sets forth the terms of agreement between the City and Developers in this matter and is incorporated by reference herein.
2. The parties, by executing this document below, hereby agree to the terms as set forth in the attachment for a final approval process for the final PUD application and final plat.
3. The Mandamus action referenced on page 7 of the attachment is Lane County Circuit Court No. 16-08-16823. The Smith lawsuit referenced on page 7 of the attachment is Lane County Circuit Court No. 16-08-20657.
4. The parties have agreed that a specific sum of money will be paid to the City upon recording of the final plat, as stated in paragraph (A2) on page 6 of the attachment. These will be the only funds due the City for a final approval in this matter, other than current filing fees established by the City for any applications submitted by the Developers.

**Agreed to by Developers:**

\_\_\_\_\_  
Ron Mann

Dated: September \_\_\_\_, 2009

\_\_\_\_\_  
Kim Larsen

Dated: September 14, 2009

\_\_\_\_\_  
Greg Hicks

Dated: September \_\_\_\_, 2009

**Agreed to by majority vote of Dunes City Council on September 10, 2009.**

\_\_\_\_\_  
Eric Hauptman, Mayor

Dated: September \_\_\_\_, 2009

Attest:

\_\_\_\_\_  
Amy Graham, City Recorder

Dated: September \_\_\_\_, 2009

**Attachment: "Subject: Notes from meeting of 09/09/09"**

## CERTIFICATE OF PLANNING COMMISSION ACTION

STATE OF OREGON        }  
                                  } ss.  
County of Lane         }

This certification is entered into and provided by the Dunes City Recorder, Fred Hilden on the date stated below.

The purpose of this Certificate is to confirm the current status of matters relating to the Planning Commission's decision described below regarding the Final Plat Application for the Woahink Ridge Estates PUD.

It is hereby acknowledged that the information and belief on said decision in good faith is as stated below.

On June 24, 2010, Commissioner Platt made the motion to approve the final Planned Unit Development application for Woahink Ridge Estates and direct the City Recorder to certify the Planning Commission's action and arrange to have the final PUD application and a draft of the appropriate ordinance forwarded to the City Council for review and final approval. Commissioner Miller seconded the motion. The motion passed by unanimous vote.

IN WITNESS WHEREOF, on this, the 29th day of June, 2010.

  
\_\_\_\_\_  
Fred Hilden, City Recorder

ATTEST:

  
\_\_\_\_\_  
Lisa Ekelund, City Planner





## ORDINANCE NO. 189

AN ORDINANCE ADDING A PUD SUFFIX TO CERTAIN  
PROPERTY IN DUNES CITY; AND DECLARING AN  
EMERGENCY

**WHEREAS**, on May 23, 2005, Rob Ward submitted an application to create a 19-lot planned unit development/subdivision (PUD) titled Woahink Ridge Estates (PUD-01-05); and

**WHEREAS**, the property subject to the application for the Woahink Ridge Estates PUD can be identified as tax lot 1400, assessor's map 19-12-11-40, hereinafter referred to as the subject property, and is zoned R-1 Residential; and

**WHEREAS**, Section 156.184(A) of the Dunes City Code requires that a PUD suffix must be added to the parent district zoning to allow the development of a planned unit development; and

**WHEREAS**, the application to create a PUD and subdivision was accompanied by an application to rezone the subject property to add the PUD suffix to their parent R-1 District zoning (ZON-01-05); and

**WHEREAS**, following a remand from the Oregon Land Use Board of Appeals, the Dunes City Council reaffirmed, with modified conditions, its preliminary approval of the Woahink Ridge Estates PUD (subdivision and PUD) and approved the rezoning of the subject property on February 8, 2007.

**THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:**

**Section 1.** The Dunes City Zoning map is amended to add a PUD suffix to the R-1 zoning of tax lot 1400, assessor's map 19-12-11-40.

**Section 2. Emergency Clause.** That the matters contained herein concern the public welfare and safety and therefore, an emergency is hereby declared to exist, and this Ordinance shall become effective immediately upon its passage by the Council and approval by the Mayor.

Adopted by the Dunes City Council of Lane County, Oregon this 8th day of March, 2007 by the following vote.

Aye 5Nay 1

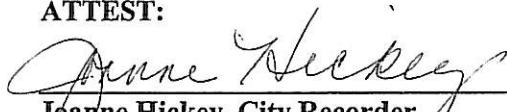
Absent \_\_\_\_\_

Abstain \_\_\_\_\_



Sheldon Meyer Mayor

ATTEST:

  
Joanne Hickey, City Recorder



777 Hwy 101, PO Box 280, Florence, Oregon 97439  
T: (541) 997-3486 F: (541) 997-2549

June 30, 2010

IRREVOCABLE LETTER OF CREDIT

Letter of Credit No. 49-001

Amount of \$15,241.79


We hereby establish this Irrevocable Letter of Credit in favor of DUNES CITY, in the amount of \$15,241.79.

The sum will be paid upon receipt of your signed statement (aka as statement) indicating the number of the Letter of Credit and stating; the undersigned, an official of Dunes City, hereby certifies that the subdivision known as "Woahink Ridge Estates" has been approved and the recording of the final plat has occurred with Lane County.

Siuslaw Bank will pay the above funds to Dune City upon receipt of the above statement when presented at our Head Office, Siuslaw Bank, 777 Highway 101, Florence, Oregon, on or before the expiration date of November 1, 2010. Siuslaw Bank agrees that once a legally authorized representative of Dunes City with full authority to act on behalf of Dune City delivers to Siuslaw Bank the statement referenced above Siuslaw Bank will honor payment within five (5) business days.

Sincerely

  
Lonnie Iholts  
President

RECEIVED   
JUL 06 2010  
DUNES CITY HALL

After Recording Return to:  
City Recorder  
City of Dunes City  
P.O. Box 97  
Westlake, OR 97493

**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**ORDINANCE NO. 207**

**AN ORDINANCE VACATING THE SAMUEL HAIG JAMESON GATEWAY  
ROAD, ESTABLISHED AS A PUBLIC RIGHT-OF-WAY BY ORDER OF THE  
LANE COUNTY COURT DATED JANUARY 8, 1940**

1. **WHEREAS**, the Samuel Haig Jameson Gateway Road ("gateway road") was established as a public right-of-way by order of the Lane County Court dated January 8, 1940. A copy of the order is attached hereto as Exhibit A; and
2. **WHEREAS**, the gateway road is now within Dunes City and within the area of the final plat for Woahink Ridge Estates Planned Unit Development (PUD 01-05); and
3. **WHEREAS**, the gateway road was established by Lane County to provide public access to properties lying south of Woahink Ridge Estates PUD; and
4. **WHEREAS**, Woahink Ridge Estates PUD has been developed with a road, to be named Green Gate Road, which, when dedicated to Dunes City with the final plat, will provide public access to properties lying south of Woahink Ridge Estates PUD, including those served by the gateway road; and
5. **WHEREAS**, at such time as Green Gate Road is dedicated to Dunes City, the gateway road will not be needed to provide public access to properties lying south of Woahink Ridge Estates PUD; therefore, the gateway road can be vacated without substantially affecting the market value of any property; and
6. **WHEREAS**, Lane County legal counsel and the Lane County surveyor have determined that, due to the location of the gateway road in Dunes City, the county does not have statutory authority to vacate the gateway road; and
7. **WHEREAS**, Dunes City Code, DCC 155.4.3.200(F), provides: Vacation of streets. All street vacations shall comply with the procedures and standards set forth in ORS Section 271; and
8. **WHEREAS**, ORS 271.130 allows the city governing body to initiate a vacation proceeding on its own motion, and such motion to initiate a vacation proceeding for the gateway road was made by the Dunes City Council at its June 10, 2010 regular meeting, with a public hearing on the proposed vacation scheduled for July 8, 2010; and



9. WHEREAS, ORS 271.130 requires notice of public hearing of a street vacation to be given consistent with ORS 271.110, and such notice was given by the city recorder; and a public hearing on the proposed vacation is required under ORS 271.120, and such public hearing was held by the Dunes City Council on July 8, 2010 in which members of the public were given an opportunity to comment on and present evidence relevant to the proposed vacation; and

10. WHEREAS, Dunes City had previously stated in the settlement agreement with applicants (Sept. 14, 2009) that it would support applicants in vacating the gateway road upon acceptance of dedication of Green Gate Road; and

11. WHEREAS, applicants requested that Dunes City initiate a vacation proceeding, and also enter a decision vacating the gateway road, but to make the vacation effective only upon the recording by Lane County of the final plat for Woahink Ridge Estates PUD and dedication of Green Gate Road to the city, which would ensure continuity of public access to properties lying south of Woahink Ridge Estates PUD; and

12. WHEREAS, after holding the public hearing on July 8, 2010, the Dunes City Council determined that the public interest would not be prejudiced by the vacation of the gateway road; and

**NOW, THEREFORE, DUNES CITY ORDAINS AS FOLLOWS:**

The Samuel Haig Jameson Gateway Road, established as a public right-of-way by order of the Lane County Court dated January 8, 1940, is hereby vacated. This vacation shall become effective only upon the recording by Lane County of the final plat for Woahink Ridge Estates Planned Unit Development (PUD 01-05) and dedication of Green Gate Road to Dunes City.

**ADOPTED BY THE DUNES CITY COUNCIL THIS 8<sup>th</sup> DAY OF JULY, 2010.**

Ayes: \_\_\_\_\_ Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_

\_\_\_\_\_  
Eric D. Hauptman, Mayor

ATTEST:

\_\_\_\_\_  
Fred Hilden, City Recorder

**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION SERIES 2010, NO. 1 (06-10-2010)**

**RESOLUTION ADOPTING THE 2010-2011 FISCAL YEAR BUDGET**

WHEREAS, the annual budget for the fiscal year 2009-2010 has been duly completed and submitted to the Mayor and City Council of the City of Dunes City, and;

WHEREAS, said budget has been reviewed by the Budget Committee, the Mayor and the City Council of the City of Dunes City,

**NOW THEREFORE BE IT RESOLVED:**

1. That the City Council of the City of Dunes City, Oregon, does hereby adopt the budget for the fiscal year 2010-2011 approved by the Budget Committee of the City of Dunes City on May 4, 2010 in the sum of \$ 615,061 now on file at the Dunes City Hall, Dunes City, Oregon.

2. That Dunes City does not levy a property tax. Therefore, there are no taxes to levy and assess upon any property within the City of Dunes City as of 1:00 a.m., January 1, 2010.

3. That the amounts for the fiscal year beginning July 1, 2010 and for the purposes shown below are hereby appropriated as follows:

**GENERAL FUND**

Personal Services .....	\$ 41,096
Materials and Services .....	\$ 77,100
Capital Outlay .....	\$ 2,000
Contingencies/Transfers .....	\$ 5,000
TOTAL .....	\$ 125,196

**COUNTY/CITY ROAD PARTNERSHIP FUND**

Personal Services .....	\$ 0
Materials and Services .....	\$ 0
Capital Outlay .....	\$ 0
Transfers .....	\$ 50,000
Operating Contingency .....	\$ 0
TOTAL .....	\$50, 000

**EMERGENCY COMMUNICATIONS FUND**

Materials and Services .....	\$ 7,000
TOTAL .....	\$ 7,000

STATE STREET TAX FUND

Personal Services .....\$ 38,559  
Materials and Services .....\$ 261,073  
Capital Outlay .....\$ 4,000  
Operating Contingency .....\$ 0  
TOTAL .....\$ 303,632

WATER RIGHTS COMPLIANCE FUND

Personal Services .....\$ 13,875  
Materials and Services .....\$ 7,300  
Capital Outlay .....\$ 2,000  
TOTAL .....\$ 23,175

BUILDING CODES FUND

Personal Services .....\$ 38,122  
Materials and Services .....\$ 37,950  
Capital Outlay .....\$ 0  
TOTAL .....\$ 76,072

MOTEL TAX FUND

Personal Services .....\$ 12,686  
Materials and Services .....\$ 17,300  
Capital Outlay .....\$ 0  
TOTAL .....\$ 29,986

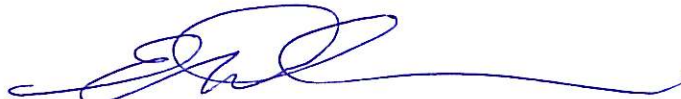
TOTAL APPROPRIATIONS – ALL FUNDS.....\$ 615,061

4. That the City Recorder certify to the County Clerk and County Assessor of Lane County, Oregon, the appropriations made by this resolution.

ADOPTED BY THE CITY COUNCIL OF DUNES CITY, OREGON, THIS  
10TH DAY OF JUNE 2010


Ayes: 6 Nays: \_\_\_\_\_ Abstain: \_\_\_\_\_ Absent: \_\_\_\_\_

Dated this 10<sup>th</sup> day of June 2010.



Eric Hauptman, Mayor  
City of Dunes City

ATTEST:

  
Fred Hilden, City Recorder