

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

RESOLUTION SERIES 2017, NO. 10 (05/11/2017)

Effective Date: 05/11/2017

A RESOLUTION APPROVING THE TENTATIVE SUBDIVISION PLAN FOR THE PROPERTY THAT IS DEPICTED IN EXHIBIT A. ATTACHED HERETO AND BY THEIR REFERENCE INCORPORATED HEREIN, SUBJECT TO THE CONDITIONS SET FORT IN EXHIBIT B. ALSO ATTACHED HERETO AND INCORPORATED BY REFERENCE HEREIN, INCLUDING ADDITIONAL CONDITIONS SET FOR BELOW, IN COMPLIANCE WITH THAT CERTAIN STIPULATED GENERAL JUDGMENT AND PREMPTORY WRIT OF MANDAMUS ENTERED IN CASE NO. 16-07-17028, FILED AND ENTERED AUGUST 31, 2007.

WHEREAS, the Circuit Court of the State of Oregon, in and for Lane County, in Case No. 16-07-17028 did, on August 31, 2007, enter its Stipulated General Judgment and Peremptory Writ of Mandamus directing the City of Dunes City to approve a subdivision tentative plan for what is commonly known as The Woods at Little Woahink, as depicted in the attached Exhibit A, incorporated by reference herein, subject to a certain conditions as more specifically described in Exhibit B, also attached hereto and incorporated by reference herein, and further subject to additional conditions as described and contained within said Circuit Court Judgement; and

WHEREAS, Dunes City staff have been unsuccessful in finding where the Dunes City Council complied with said Circuit Court Judgment; and

WHEREAS, the current owner of the property desires to move forward with the proposed subdivision, with the understanding that final approval of the subdivision will be subject to the conditions set forth in the Circuit Court Judgment, as well as in compliance with current laws, rules, regulations and ordinances that have been adopted and are enforce since the entry of said Judgment on August 31, 2007; and

WHEREAS, due to prior City Councils having failed or refused, or were unaware as to the need, to comply with said Circuit Court Judgment, the 180 time period within which a subdivision is to be finaled following approval of the preliminary subdivision has not yet begun to run, even though ten (10) years have passed; and

WHEREAS, the Dunes City Council desires to move forward to correct this outstanding issue and finds that it is in the best interest of the residents of Dunes City to do so;

NOW, THEREFORE, FOR AND IN CONSIDERATION OF THE FOREGOING, THE DUNES CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:

Dunes City hereby approves the tentative subdivision plan for what is commonly referred to as The Woods at Little Woahink” as depicted on Exhibit A. attached hereto and incorporated by reference herein, subject to the conditions as set for in Exhibit B. attached hereto and incorporated by reference herein, and further subject to additional conditions as set by the Circuit Court of Oregon in said Judgement entered on August 31, 2007, as follows:

1. A 100-foot setback from Little Woahink Lake shall be established on the final plat of the subdivision together with restrictions against removal of trees and native vegetation except for the establishment of trails, the construction of the main road through the subdivision and the removal of dead, diseased and dangerous trees;

2. A conservation easement shall be established for Little Woahink Lake which will limit uses of the lake to those that will not impact surrounding properties and Woahink Lake, particularly with regard to its use as a source of domestic drinking water; and

3. A covenant shall be imposed on all the lots which will limit the size of lawns to no more than 8000 square feet with the additional provision that said covenant may be enforced by Dunes City.

IT IS FURTHER RESOLVED, that Dunes City staff be, and they are hereby, instructed to notify the owner of the property, in writing, that this approval has been entered and that he has 180 days within which to seek approval of the final subdivision, subject to any extensions granted as inspections by Dunes City officials are completed;

IT IS FURTHER RESOLVED, that the final subdivision plat will incorporate and address the compliance with any changes that have occurred in State or local laws, rules, ordinances or regulations;

IT IS FURTHER RESOLVED, that the current property owner will be responsible for reimbursing the City of Dunes City for all costs incurred by the City in conjunction with inspections and all other expenditures relating to the approval of the final subdivision plat, as set for in the Dunes City Code of Ordinances.


ADOPTED BY THE DUNES CITY COUNCIL THIS 11th DAY OF MAY, 2017.

Ayes: 6 Nays: 0 Abstain: 0 Absent: 0 Vacant: 0

Rebecca Ruede, Mayor
Rebecca Ruede, Mayor

ATTEST:

Jamie Mills
Jamie Mills, City Administrator/Recorder

FILED
07 AUG 31 AM 8:47
CIRCUIT COURT OF OREGON
FOR LANE COUNTY
BY 

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR LANE COUNTY



State of Oregon ex rel MJK, LLC,
an Oregon limited liability company, and
DARREN KRONBERGER,
Plaintiff-Relators,
vs.
CITY OF DUNES CITY,
an Oregon municipal corporation,
Defendant.

16-07-17028
No. ~~16-07-01728~~
STIPULATED
GENERAL JUDGMENT;
PEREMPTORY WRIT
OF MANDAMUS

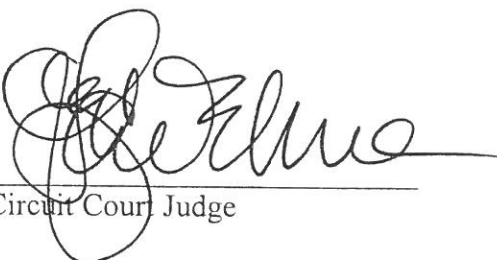
THIS MATTER having come before the court on the stipulation of the parties, by and through their attorneys, for entry of a General Judgment relating to Plaintiffs' petition for a peremptory writ of mandamus arising out of Plaintiffs' application for approval of a subdivision tentative plan in Dunes City, File No. ZON 01-06, and the court being fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that judgment is hereby entered in favor of Plaintiffs-Relators as follows: (1) The City of Dunes City shall approve a subdivision tentative plan for the property that is the subject of the petition filed herein for 15 lots in a configuration as depicted in Exhibit A attached hereto and by their reference incorporated



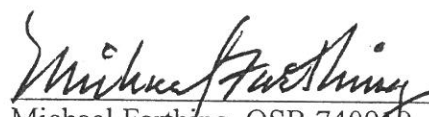
1 herein; (2) Said approval is subject to conditions set forth on Exhibit B attached hereto and by
2 this reference incorporated herein; (3) In addition to the conditions set forth in Exhibit B, the
3 City's approval will include the following supplemental conditions: (a) A 100-foot setback
4 from Little Woahink Lake shall be established on the final plat of the subdivision together
5 with restrictions against removal of trees and native vegetation except for the establishment of
6 trails, the construction of the main road through the subdivision and the removal of dead,
7 diseased and dangerous trees; (b) A conservation easement shall be established for Little
8 Woahink Lake which will limit uses of the lake to those that will not impact surrounding
9 properties and Woahink Lake, particularly with regard to its use as a source of domestic
10 drinking water; (c) A covenant shall be imposed on all the lots which will limit the size of
11 lawns to no more than 8000 square feet with the additional provision that said covenant may
12 be enforced by Dunes City. There are no costs or attorney fees to either party.

13 DATED this 31st day of August, 2007.

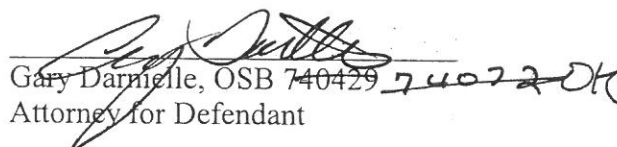
14
15
16 
Circuit Court Judge

17 IT IS SO STIPULATED.

18 Dated: August 31, 2007

19
20 
Michael Farthing, OSB 740919
Attorney for Plaintiff-Relators

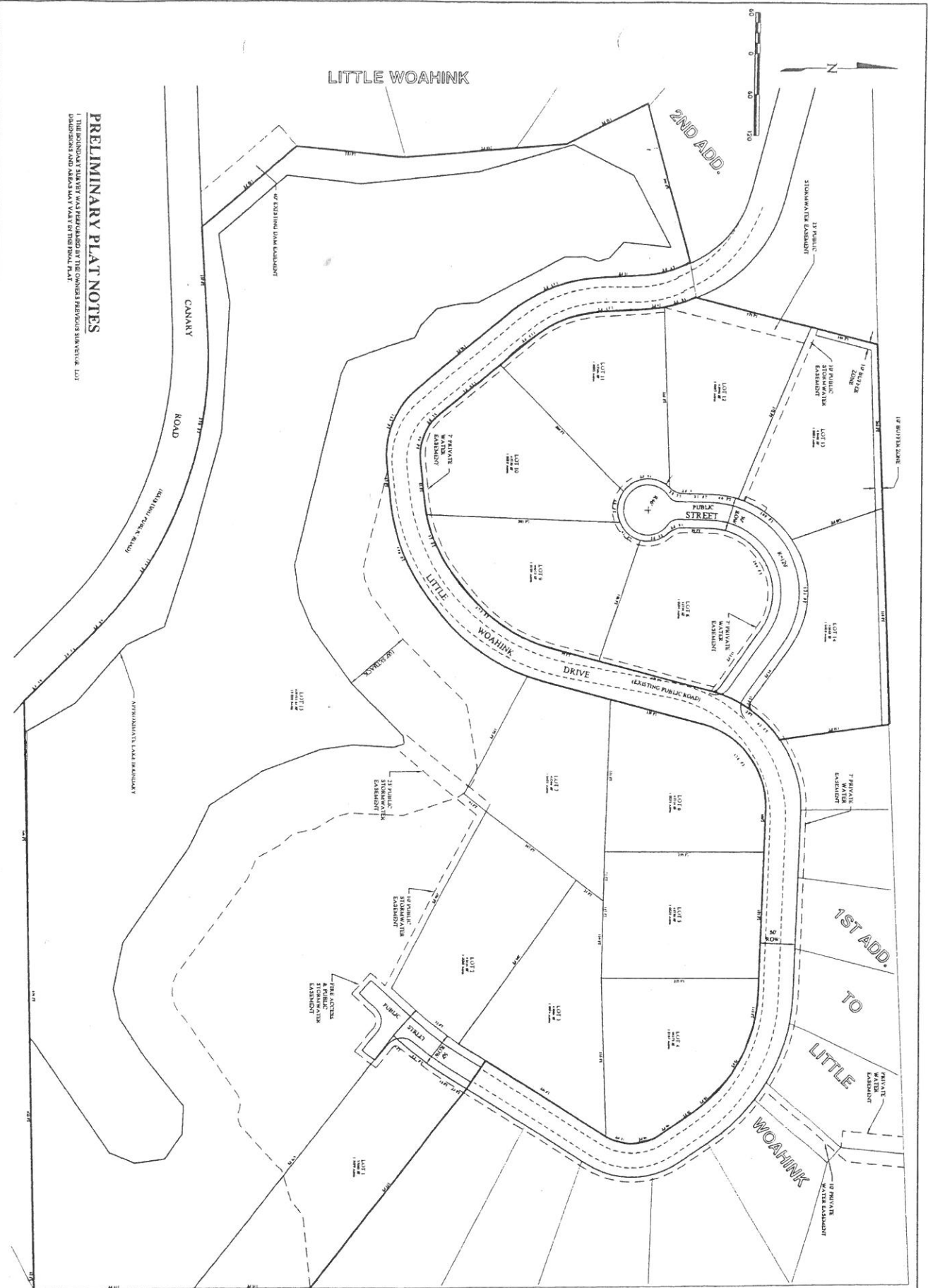
21 Dated: August 31, 2007

22
23 
Gary Darnielle, OSB 740429 740722 OK
Attorney for Defendant

24 Submitted by:

25 Michael Farthing
26 Law Office of Michael Farthing
27 767 Willamette St., Suite 203
28 Eugene, OR 97401
29 Phone: 541-485-1141

30 Attorney for Plaintiff-Relators



PRELIMINARY PLAT NOTES

1. THE BOUNDARY SURVEY WAS PREPARED BY THE OWNERS PREVIOUS SURVEY. LOT DIMENSIONS AND AREA MAY VARY FROM THIS PLAT.

1 OF 1

Date	06-24-2007	No.	Description of Revisions	Date	Name
Job Number	5643-05-0080				
Design by	D. DUMSTEAD				
Drawn by	K. JAYCOBS				
Checked by	E. HUGHES				

LITTLE WOAHINK LAKE
 SUBDIVISION
 15 LOTS
 PRELIMINARY PLAT
 DUNE CITY, OREGON



EGR & Associates, Inc.
 Engineers, Geologists, and Surveyors
 25350 Prairie Road
 Eugene, Oregon 97402
 (541) 886-8322
 Fax (541) 886-8287

EXHIBIT B
CONDITIONS OF APPROVAL
FOR THE
LITTLE WOAHINK LAKE SUDIVISION

1. The final plat shall have a deed restriction and declaration of covenant recorded with a note on each lot that all dwelling units constructed within the subdivision, including the existing platted 1st Addition to Little Woahink, be equipped with acceptable and approved residential sprinkler systems, to specifications supplied by the Siuslaw Valley Fire and Rescue District Fire Chief. Applicant is granted a modification of DCC section 155.111 that requires that the developer install suitable fire hydrants meeting city specifications to serve fire flow requirements of the subdivision. This modification will not be substantially injurious to the best use and value of the property in the neighboring vicinity because the proposed is conditioned on the prevision of sprinkler systems with the residential units.
2. Little Woahink Drive shall bear the name Little Woahink Drive. As a point of information, the other public cul-de-sac shall bear a name approved by the Dunes City and Lane County Road Naming Committees.
3. The final plat shall include notation in each lot of average slopes in the combined areas shown as building and drainfield locations, and shall note recommendations for excavation, grading, and foundation drainage. Roadway embankment drainage notes shall also be included as per Preliminary Geotechnical Assessment page 5. Prior to building permit issuance, plans shall be reviewed for recommended procedures regarding excavation, grading, and foundation construction as recommended in the Geotechnical Assessment.
4. The applicant shall either install required improvements or file an agreement with the City Recorder.
5. Prior to final plat approval, the applicant will demonstrate approval of the community water system by the Lane County Local Government Boundary Commission and the State Health Division.
6. Onsite septic systems shall utilize the technology, including a 100 feet setback from Little Woahink Lake and shallow disposal fields, as recommended by EGR & Associates in application materials and letter dated February 27, 2007, and shall be subject to Lane County sanitation requirements.
7. The stormwater system for the subdivision shall be designed and constructed in accordance

with the recommendations and plans set forth in letters, dated February 27, 2007 and April 24, 2007, from EGR & Associates and a plan, dated April 12, 2007. All stormwater collection infrastructure and the vegetated 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.

8. 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.
9. Street lights shall be installed at the end of each cul-de-sac.
10. An architect shall be consulted prior to final plat approval to provide any necessary recommendations for construction of dwellings on specific lots with slopes greater than 16 percent.
11. The landscape plan shall be revised to show pedestrian trails not in excess of 12% in grade and shall provide details of trail construction to indicate erosion control measures.
12. The final plat shall provide conservation easement for the total common space and will be under the riparian shoreline area restrictions of the DCC 154.03(A)(2)(B). A 10-foot buffer on the North and East boundary to include the 11 lots in the 1st Addition and to the Southeast a no cut zone per DCC 154.03(A)(2)(a).
13. Final plat shall indicate roads and cul-de-sacs dedicated to the City of Dunes City.
14. Removal of existing beach house in the riparian area at the end of existing road.
15. Require fire resistant roofs and sprinkler systems within the residential units.