

ORDINANCE NO. 159

AN ORDINANCE CONCERNING THE OPEN SPACE OVERLAY ZONE, AND REPEALING  
AND REPLACING SECTIONS 156.090, 156.091, 156.092, AND 156.093 OF  
TITLE XV: LAND USAGE, CHAPTER 156 OF THE DUNES CITY CODE.

DUNES CITY ORDAINS AS FOLLOWS:

Section 1. Sections 156.090; 156.091; 156.092; and 156.193 of TITLE XV: LAND USAGE, Chapter 156 of the Dunes City Code are repealed and replaced in their entirety with the following revised Sections 156.090; 156.091; 156.092; And 156.193.

OPEN SPACE (OS) OVERLAY ZONE

156.090 PURPOSE.

(A) Dunes City has determined as a matter of policy that significant development restraints should be placed upon certain lands. These lands shall be generally designated OS. OS lands shall be further delineated according to whether they are lakes (OS-L) or shorelands (OS-S), as defined herein and by the Dunes City Comprehensive Plan. These designations, and their attendant development restrictions, shall attach to appropriate zoned and unzoned lands within Dunes City.

(B) The purpose of the OS designation is to prevent irreparable ecological damage and construction upon land which will flood, not support structures, etc. Specific development restraints shall be accorded different sub-designations as follows in Sections 156.091, 156.092, and 156.093. (Ord. 50, Section 5.1(I), passed 7-13-78)

(C) This Section, which authorizes some shoreland structure construction and maintenance upon issuance of a building permit only, is intended to meet the stated purpose, while facilitating a more rapid approval process for such construction and maintenance on water front property within Dunes City that is zoned R-1. Those uses not permitted outright or with a building permit may be allowed upon issuance of a conditional use permit.

156.091 LAKES.

FOR PURPOSES OF THIS SECTION, LAKES ARE DEFINED AS ALL WATERS WITHIN THE DUNES CITY LIMITS.

(A) PERMITTED USES.

(1) Recreational uses such as swimming, fishing, or boating and water supply for community water systems are outright permitted uses.

(2) Shoreland structures, as defined in subparagraph D of this section, that comply with the standards set forth in subparagraph E of this section for placement, size, and construction, and consisting of only one (1) dock/boathouse per lot, are permitted upon issuance of a building permit.

(B) CONDITIONAL USES.

(1) Boat houses and docks that do not comply with the standards for issuance of a building permit are allowed as conditional uses provided (See

Section 156.215):

(a) The color scheme, which is to be of earth tones, subdued, and blend with the rural forest nature of Dunes City, is recommended by the planning commission and approved by the city council.

(b) Only one (1) shoreland structure may be erected per lot.

(c) The City shall have the right to require placement of the structure at its discretion.

(d) If extensive shallows make a dock impractical without dredging, the dock shall not be permitted.

(e) A dock shall be constructed so as to minimize physical damage to the shore line.

(f) Residential house boats are not an acceptable conditional use upon Woahink Lake and will not be approved. (Ord. 50, Section 5.1(II), passed 7-13-78).

(D) DEFINITIONS As used in this section, the following words and phrases mean:

*BOARDING FLOAT* - a platform-type floating structure that provides a pedestrian access to and from a boat in the water.

*DOCK* - (See Boarding Float) - This definition is used for consistency with Oregon Marine Board definitions.

*FREEBOARD* - The distance between the water surface and the deck of a boarding float or area.

*GANGWAY* - A structure which provides a pedestrian access between a fixed pier or shore and a boarding float.

*ORDINARY HIGH WATER (OHW)* - The line on a bank or shore to which the high water ordinarily rises annually. For Siltcoos Lake this is to be taken as 12 feet above mean sea level as measured from the level gauge at Westlake. For Woahink Lake this is to be taken as 39.8 feet above mean sea level.

*ORDINARY LOW WATER (OLW)* - The line on a bank or shore to which the low water ordinarily recedes annually. For Siltcoos Lake this is to be taken as six feet above mean sea level as measured from the level gauge at Westlake.

*PIER* - A non-floating fixed platform structure usually extending out over the water from the shore to which gangways are usually attached. "Floating piers" or any floating structure for access to a boarding float shall be designed, except for width, as a boarding float. Additionally, for the purpose of this ordinance, any structure used for pedestrian access to any other structure in or over the shorelands shall be considered a pier.

*PILE* - A slender wood or steel member driven into the ground to maintain position and location of floats, and to resist applied lateral forces.

*SHORELAND AREA* - The shoreland area includes all Dunes City lands within fifty (50) feet measured horizontally upland from the ordinary high water (OHW) line of all lakes and from OHW horizontally to the waters edge.

*SHORELAND STRUCTURE* - Any shoreland allowed construction. This includes any structure in or on shorelands, or any structure with any contact or presence over shorelands and extensions into water beyond OLW. This includes, but is not

limited to, docks, floats, piers, boathouses, and wharves.

**WHARF** - The same structure as a pier, except generally located parallel relative to the shoreline.

(D) STANDARDS:

(1) Placement

(a) As measured from the OHW, a pier and boarding float shall extend into the water not more than 150 feet normal to the shoreline or to a bottom depth of five (5) feet at OLW, whichever provides the shortest extension into the water. In the event of a steep bottom grade, the structure is permitted to extend from the OLW line to the extent that 24 feet of the structure may extend into the water beyond the two foot water level (at OLW).

(b) The structure shall not be placed within ten feet of lot side lines or extensions of these lines into the water. This requirement may be modified during the conditional use permit process if necessary to accommodate shoreline meander or lot line placement.

(c) Enclosed or covered open structures may extend into the water beyond the OLW no more than 50 feet.

(d) Any structure approved for construction on the Siltcoos Outlet shall have its long dimension parallel to the shore line in order to minimize channel flow restriction.

(2) Size

(a) Boarding floats and boathouses shall have a combined area of no more than 640 square feet. This area is exclusive of access structures. See pier definition.

(b) Piers, or floating boarding float access structures shall be between three feet and six feet in width.

(c) The height of any shoreland structure may not restrict the lake view of adjoining or upland property. All structures shall be limited to one story in height, with a maximum of 16 feet vertically from deck to ridgeline.

(d) Water access structures in the shorelands shall have a maximum width of eight feet and shall extend through the shoreland by as direct a route as practical.

(3) Construction

(a) Construction requirements for covered or enclosed structures are as specified in the Oregon State Structural Specialty Code (OSSSC). All other structures shall conform to the OSSSC and the standards set forth herein. The Oregon Marine Board document entitled "Layout and Design Guidelines for Recreational Boat Launching and Transient Tie Up Facilities" revised September 1992, or its current or successor version in effect at the time construction occurs, shall be the standard guide for construction of like structures in Dunes City. The specific inclusion herein of some of the construction requirements from that document is not to be construed as an exclusion of the other requirements of the document.

**\*\* Items in subsections (b), (c), and (d) below preceded by "\*\*\*" are included as guidelines that should be addressed by individuals designing a structure covered by this ordinance, but are not required, and will not be reviewed,**

approved or inspected by the Dunes City staff and building inspector. Dunes City will not be responsible for the failure of any shoreland structure meeting the requirements of this ordinance due to loading caused by man or nature.

(b) The design of all piers and boarding floats shall provide for:

1. \*\*Live loads of at least 20 lb/sq. ft.
2. \*\*Floating structures freeboard of six inches minimum under any loading condition (live and dead loads). For these designs, gangway loading may be assumed to be 20 lb/sq. ft. for reaction calculations.
3. \*\*Boarding floats shall be designed to withstand wind, wave and impact loading that may reasonably be expected to occur during the life of the structure as the result of the location and exposure of the floats. As a minimum, lateral wind load shall be 20 lb./sq. ft. applied to the surface of boats along the float. Wave/wake load shall be for at least six inch waves with 12 inches recommended.
4. Pile guide clearance to compensate float level.
5. Elevated piers shall have handrails on at least one side and be at least 34 inches high. Hand rails on both sides are highly recommended. Piers constructed with more than a 10% grade on the walkway shall have handrails on both sides. Elevated piers or wharves used as mooring structures are not required to have hand rails in the areas intended for mooring.
6. Maximum pier width of six feet.
7. Minimum pier width of three feet.

(c) The design for gangways shall provide for:

1. \*\*Live loads of at least 50 lb./sq. ft.
2. \*\*Concentrated load of 500 lb. at mid-span.
3. \*\*Minimized dead loads transmitted to boarding floats.
4. \*\*Maximum, vertical deflection of  $L/180$  ("L" is the length of the gangway).
5. Handrails on both sides of the gangway at the height of at least 34 inches.
6. Rollers under gangway toe to allow for travel under varied water levels.
7. Non-skid or other appropriate treatment of the walking surface to insure safe and adequate traction under all conditions.
8. \*\*Maximum slope of 2.5 run to 1 rise not more than 10% of the time.

(d) Piling installation shall provide for:

1. Use of treated wood or steel. If steel, a round cross section is preferred.

2. \*Size, spacing, and depth for the maximum combination of loads anticipated for wind, wave, impact and any other applied loads.

3. Piling tops cut no shorter than two feet above the 100 year flood elevation.

(e) To preserve the riparian lands, piers elevated above the vegetation shall be used in lieu of grounding floating structures for access to boarding floats wherever practical.

(f) Paint chips for all exterior paint shall be submitted with the building permit or conditional use permit application. Colors shall be of earth tones, subdued, and blend with the rural forest nature of Dunes City. Colors will be approved or rejected by City staff at the time the application is submitted.

(g) Dredging and filling within the shoreland area is not permitted without Dunes City approval.

(h) Pressure treated wood shall meet the latest requirements of the Western Wood Preservers Institute. Wood in contact with the ground or water and treated with waterborne preservatives shall be kiln dried or air aged to an "as shipped" surface dry condition of less than 30% moisture content by weight, with a target moisture content of 25%, and also have a minimum preservative retention of 0.4 lb. per cubic foot (0.6 lb/ft recommended). Wood not in contact with the ground or water and treated with waterborne preservatives shall be kiln dried or air aged to an "as shipped" surface dry condition of less than 30% moisture content by weight with a target moisture content of 25%, or alternately air dried in a ventilated, dry, covered area when stacked with a minimum of 3/4 inch spacing between each side of each piece for 30 days between July 1 and September 30, or 45 days for any other months. This is to prevent rapid leaching of the preservative materials into the ground and water.

(i) Foam flotation elements shall be encapsulated per the Oregon State Marine Board requirements. An approved copy of the State Marine Board Flotation Encapsulation Certification Form shall be submitted to the City prior to final inspection.

(j) Structures extending into the water and fixed relative to the lake bottom and which may be submerged at OHW or higher, shall have visible markers extending at least two feet above the 100 year flood level at intervals of eight feet or less along the length of the submerged structure.

(k) Exterior lighting shall be manually or motion controlled. Exterior lighting on timers or light level control is not permitted. Exterior lighting should be used only when the illuminated area is occupied.

(l) Electrical installations shall be in accordance with the Oregon State Electrical Specialty Code (OESCC).

(4) Maintenance and Repair

(a) A Dunes City building permit shall be required for any repair to a shoreland or water related structure conforming to this ordinance, that is in excess of 75% of the current value of that structure, as determined by the Dunes City Building Inspector.

(b) A Dunes City building permit shall be required for any non-identical repair of a shoreland or water related structure.

(c) A conditional use permit and a building permit shall be required for any repair to a shoreland or water related structure not conforming to the requirements of this ordinance that is in excess of 50% of the current value of that structure, as determined by the Dunes City Building Inspector.

(d) The Dunes City Building Inspector shall verify the percentage value of any maintenance or repair prior to the issuance of a building permit or conditional use permit.

(F) FEES The fees to be charged for processing applications under this ordinance, including services of the Building Inspector, shall be established by the Council and the schedule shall be maintained by the City and the Building Inspector.

(G) PENALTY. A violation of any provision of this ordinance is punishable as provided in Section 12 of Dunes City Zoning Ordinance No. 50.

**156.092 SHORELANDS.**

(A) DEFINITION: For purposes of this Section III, shorelands includes all Dunes City lands within fifty (50) feet measured horizontally upland from the ordinary high water (OHW) line of Woahink and Siltcoos Lakes and Siltcoos River and from OHW horizontally to the waters edge of Woahink and Siltcoos Lakes and Siltcoos River.

(B) PERMITTED USES:

(1) Low intensity uses such as parks, playgrounds, walking trails and similar uses are allowed.

(2) Shoreland structures, as defined in paragraph 156.091 (D) above, that comply with the standards set forth in paragraph 156.091 (E) above for placement, size, and construction, and are permitted upon issuance of a building permit.

(C) CONDITIONAL USES:

(1) Walkways, platforms, and stairs which have the intended purpose of providing access to lakes and rivers, that do not comply with the standards for issuance of a building permit, are allowed as conditional uses provided:

(a) The color scheme, which is to be of earth tones, subdued, and blend with the rural forest nature of Dunes City, is recommended by the planning commission and approved by the city council.

(b) Only one (1) dock/boathouse may be erected per lot.

(c) The City shall have the right to require placement of the structure at its discretion.

(2) Other structures which can meet variance criteria and underlying zone limitations.

(C) OTHER REQUIREMENTS:

(1) Public access in coastal shoreland areas shall be retained or replaced with public property, rights-of-way or public easements are sold, exchanged or transferred. The planning commission shall review all vacations of rights-of-way and easements against the requirements outlined in the Comprehensive Plan policy.

(2) No more than one water access development (boathouse, dock, pier, wharf, or combination) shall be allowed per lake front lot, consistent with reasonable use. (Ord. 50, Section 5.1(III), passed 7-13-78)

**Cross-reference:**

Permit for public and private excavations; bond, see section 90.10  
Excavation and grading, see sections 151.040 through 151.054

**156.093 BOOTH ISLAND.**

(A) UNPLATTED AREAS: An Open Space Overlay Zone shall apply to the unplatted areas of Booth Island.

(B) PERMITTED USES: On Booth Island, the following uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this part:

(1) Low intensity uses such as hiking, walking, observation and other similar uses are allowed.

(C) CONDITIONAL USES: The following conditional uses are subject to a conditional use permit granted pursuant to the general provisions of this part providing for the granting of conditional use permits (See section 156.215).

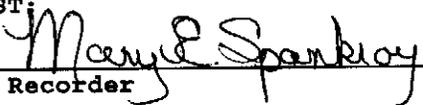
(1) Structures which can meet variance criteria and underlying zone limitations. (Ord. 50, Section 5.1(V), passed 7-13-78)

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

6 Ayes            0 Nays            0 Abstain            0 Absent

ADOPTED ~~AND ADOPTED~~ by the Dunes City Council this 13th day of January, 2000

  
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Robert B. Ward Jr., Mayor

ATTEST:  
  
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City Recorder