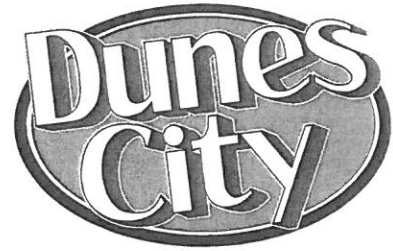


## **Dunes City Council ~ Regular Meeting**

**Thursday, May 11, 2017 ~ 7:00 pm**

*The meeting will adjourn not later than 10:00 pm. If agenda items are not completed, the meeting will continue the next Thursday at 7:00 pm. (Please fill in a "Request for Recognition" form and give to staff if you wish to address the Council or present testimony at a Public Hearing.)*



### **AMENDED AGENDA**

1. **Call to Order**..... Mayor Rebecca Ruede
2. **Roll Call** ..... City Administrator
3. **Pledge of Allegiance to the Flag**..... Mayor Rebecca Ruede
4. **Motion to Approve the Agenda**..... **Action Item**
5. **Consent Agenda**..... **Action Item**

*All items listed here are considered to be routine by the Dunes City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered.*

- A. Joint Meeting of the City Council and Planning Commission  
Minutes from March 30, 2017
  - B. City Council Special Session Minutes from April 5, 2017
  - C. City Council Regular Meeting Minutes from April 13, 2017
  - D. Bills of the Session through May 4, 2017
  - E. Receipts of the Session through May 4, 2017
6. **Announcements / Correspondence**
- A. The Oregon Dunes Triathlon & Duathlon is scheduled to take place this Saturday, May 13<sup>th</sup>! We are desperately in need of more volunteers! Hope to see you all there! Please check in with Rapunzel or Staci between 6:00 and 6:30 a.m.!
  - B. AED and medical Emergency Response training will take place on Tuesday, May 16<sup>th</sup>, beginning at 9:00 a.m. Please notify City Hall if you plan to attend so sufficient materials will be available. The cost is \$15 per person. Staff and City Council member costs will be covered by the City.
  - C. The Budget Committee will meet on Thursday, May 18<sup>th</sup>, at 3:00 p.m. to consider the proposed Fiscal Year 2017-2018 budget.
  - D. There will be a memorial held for long time Dunes City resident Jerry Wasserburg on Thursday, June 8<sup>th</sup>, at 4:00 p.m. at the Meeting hall at Honeyman State Park (sometimes called the Yurt).

Dunes City Hall is accessible to the disabled. If special accommodations are needed, please contact the City Recorder at 541-997-3338 at least 48 hours in advance of the meeting so that appropriate assistance may be arranged.

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82877 Spruce St • [www.dunescity.com](http://www.dunescity.com)



- E. Darlings Resort and Marina is organizing a fireworks display on Saturday, July 1<sup>st</sup>, and is looking for donations.
- F. Birthday wishes to Public Works Superintendent Richard Palmer (May 1<sup>st</sup>), Mayor Ruede (May 20<sup>th</sup>) and Councilor Tom Mallen (May 29<sup>th</sup>). Refreshments will be served after the meeting. All are welcome to join us.

**7. Citizen Input on Items not listed on the Agenda**

*Maximum time 20 minutes: Speakers will be limited to three minutes. If the number wishing to testify exceeds seven speakers, each speaker's time may be reduced to fit within 20 minutes.*

**8. New Business**

- A. Ordinance No. 244, Amending Chapter 10 of the Dunes City Code of Ordinances relating to the form of ordinances which amend or supplement Code  
First Reading ..... Discussion/**Action Item**
- B. Approval of IGA with Lane County for Road Maintenance..... Discussion/**Action Item**

**9. Public Hearings.**

- A. Ordinance No, 244, Amending Chapter 10 of the Dunes City Code of Ordinances relating to the form of ordinances which Amend or supplement Code.
- B. Conditional Use Permit Application submitted by Dunes City.  
Public Hearing and Deliberation ..... Discussion/**Action Item**
- C. Resolution Series 2017, No. 11 (5/11/2017), certifying that Dunes City provides four municipal services enumerated in Section 1, ORS 221.760..... Discussion/**Action Item**

**10. Executive Session:** Held pursuant to ORS 192.660(1)(f) to consider information or records exempt by law from public inspection.

**11. Old Business**

- A. Ordinance No. 244, Amending Chapter 10 of the Dunes City Code of Ordinances relating to the form of ordinances which amend or supplement Code.  
Second Reading and Deliberation..... Discussion/**Action Item**

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- B. Property acquisition negotiations..... Discussion/**Action Item**
- C. Resolution Series 2017, No. 10 (05/11/2017)  
Approval of tentative subdivision plan, The Woods at  
Little Woahink..... Discussion/**Action Item**
- D. Recommendation regarding settlement of the  
Copyright Infringement action ..... Discussion/**Action Item**

## 12. Reports

- A. Mayor's Report..... R. Ruede
- B. Community Center Report..... D. Wells
- C. Site Review Report ..... *vacant*
- D. Water Quality Report ..... S. Meyer
- E. Ad Hoc Committee on Tsiltcoos Lake Club Roads..... R. Orr
- F. Public Works Maintenance Supervisor's Report..... R. Palmer
- G. Emergency Services Report..... J. Mills
- H. City Administrator/Recorder/Planning/Staff Report..... J. Mills

## 13. For the Good of the Order

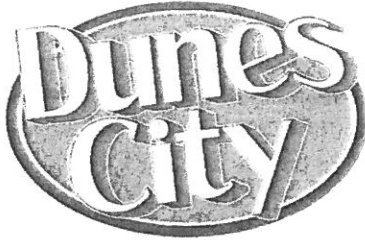
## 14. Adjournment

*The meeting will adjourn not later than 10:00 pm. If agenda items are not completed, the meeting will continue on the following Thursday at 7:00 pm.*

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CITY COUNCIL/PLANNING COMMISSION WORK SESSION MINUTES

~ DRAFT

MARCH 30, 2017 AT 3:00 PM

City Hall ~ 82877 Spruce St., Westlake, OR

**1. CALL TO ORDER**

Mayor Rebecca Ruede called the Thursday, March 30<sup>th</sup> joint work session of the Dunes City Council and the Dunes City Planning Commission to order at 4:00 pm.

**2. ROLL CALL**

Roll Call was taken by City Administrator/Recorder Jamie Mills.

**Present:** Mayor Rebecca Ruede, Council President Sheldon Meyer, Councilor Robert Forsythe, Councilor Robert Orr, Councilor Tom Mallen, Councilor Duke Wells, and Planning Commissioners Bonnie Allen (Chairman), Barry Sommer (Vice Chairman), Brett McKnight, Ken Pesnell, and Ric Ziegler.

**Absent and Excused:** Councilor Alan Montgomery.

**Also Present:** Administrative Assistant Rapunzel Oberholtzer.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. MOTION TO APPROVE THE AGENDA**

**Council President Meyer made a motion to approve the Agenda. Councilor Mallen seconded the motion. The motion passed by unanimous vote.**

**5. MARIJUANA PRODUCTION AND RETAIL SALES IN DUNES CITY**

City Administrator/Recorder Mills explained the handout that was distributed to meeting attendees, noting that it contained excerpts from Dunes City Code that Staff determined might apply to potential complaints or effects of marijuana grow sites in the City with a reference to how OLCC regulates grow sites. (00:04:00)

Planning Commission Chairman Allen explained that marijuana grow sites have been discussed intermittently in Planning Commission meetings for several months; ultimately, the Planning Commission agreed that it would like to know how the City Council feels about the issue and if the Council had any recommendations for the Planning Commission. She noted that the Commission has determined that marijuana is a viable commodity already regulated by the County and the State and while the Commission has not taken on the task of drafting City regulations, the Commission feels that the City should be prepared for the time when Dunes City receives LUCS applications for grow sites. (00:06:15)

Planning Commissioner McKnight went on to explain that with a grow operation in a residential zone there may be things such as exterior lighting, water usage, fencing, and pesticide use involved that would not normally be of concern. He noted that the Planning Commission had discussed whether or not these types of concerns could be addressed in existing Code or whether a new section of Code should be developed to address grow sites specifically. He went on to say that the Planning Commission generally agreed that the City Council should provide some guidance as to the direction the Commission should take and whether it should get in front of the issue of applications for grow sites. (00:08:00)

There was some discussion about whether marijuana should be considered an agricultural product such as corn and the effects that any type of large-scale grow operation would have on neighbors, regardless of the product itself. Mayor Ruede asked for comments from everyone.

In the roundtable discussion that ensued, it was noted that corn and marijuana are two entirely different kinds of crops and marijuana is an illegal substance under Federal law. Some Councilors noted that in talking with residents, about half had no objection to people using marijuana but all residents did not want a grow site in their neighborhood. There was some discussion about the security required for grow sites and its effect on the residents—the fencing that might be involved, the potential for growers or their security team being armed to defend the crop, the potential for luring a criminal element to the neighborhoods where grow sites are located. It was noted that grow sites and/or retailers have large amounts of money on hand because banks will not accept deposits from marijuana-related activity and that money could also create a risk in the neighborhood.

There was a question about whether or not a city could prohibit grow sites entirely. City Administrator/Recorder Mills explained that at least one Oregon city, Cottage Grove [sic] (*reference should have been to Junction City*), did so and is now being sued over its decision. (00:15:10)

The comparison of marijuana to corn was clarified. The question was how would, or could, Dunes City regulate any type of commercial crop growing within the City's residential zone.

There was discussion about how grow sites and their potential use of various fertilizers could affect Dunes City water quality. A question was raised about whether or not Dunes City could enact regulations that would dissuade a grower from applying to grow in the City without outright prohibiting a grow site. (00:17:28) In other discussion about water, it was noted that Dunes City's water right permit prohibits the use of water drawn under that permit to be used for commercial purposes. Participants were reminded that pollution of Dunes City's water is the number one concern for residents and the City should never allow any activity that could jeopardize water quality. (00:19:00)

There was discussion about whether the City could amend Code to prohibit any type of large agricultural grow, regardless of the crop. It was noted that while City Code allows greenhouses, the buildings used for marijuana grows are not typical greenhouses with a lightweight frame and plastic covers—they have foundations, solid walls, and full electric and water facilities. The odor coming from a grow site was a concern and there were concerns

about whether the City's nuisance ordinance could be used to mitigate any of the light, noise, or odor issues. (00:25:00)

Discussion turned to whether or not it was appropriate for any type of commercial operation to be situated in a residential neighborhood. It was suggested that there should be Code to regulate all of the concerns mentioned above. It was generally agreed that the City should take some action to get ahead of this issue.

(00:29:00) Commissioner McKnight summarized the discussion in general, noting that it seemed the Council would like to review existing Code to determine where it could be strengthened to regulate some of the meeting participants' concerns about agricultural growing in general, no matter what crop is produced, such as exterior lighting, fencing, traffic. He suggested that the Planning Commission could review the Code and bring the Council some suggestions for revisions. (00:30:20)

There was a question about whether a decision had been made to prohibit the growing of marijuana and, if so, has a pro-marijuana group presented its side of the story. City Administrator/Recorder Mills clarified that the intent of the meeting was to gather input and ideas that would help the City create Code that would protect residents and water quality, no matter what type of product is being grown or produced. Lighting and odor regulations, for example, would be stringently regulated and enforced, as would water use. She went on to explain that the State is not issuing any permits for commercial wells in this area, commercial grow operations must have their own water source or must truck in water. (00:35:00)

There was some discussion about how the Planning Commission could proceed to address the Council's concerns and whether or not OLCC has specific restrictions that could apply. City Administrator/Recorder Mills pointed out that no matter what Code is developed it would still need to be implemented and enforced. There was discussion about how long it would take to modify the City's land use code.

Mayor Ruede summarized some options: a) do nothing, b) modify Chapter 155 if it doesn't take too long, or c) address issues via City Resolution rather than changes to Code. City Administrator/Recorder Mills pointed out that current Code permits certain agricultural uses in the residential zone so Code would need to be amended. She noted that Staff and/or the Planning Commission could review all City Code to determine which Chapters would apply to growing and how they could be amended.

There was a suggestion that the City could take one or several approaches such as addressing issues such as fencing, lighting, noise, etc., amend Chapter 155 as quickly as possible, or outright deny OLCC LUCS permits. City Administrator/Recorder Mills suggested that the Council might be able to instruct Staff to deny applications effective immediately. It was asked whether the City could possibly adopt a Resolution creating a moratorium on grow sites pending further research and consideration. City Administrator/Recorder Mills agreed to look into both options.

## **6. FOR THE GOOD OF THE ORDER**

There was no discussion.



**7. ADJOURNMENT**

**Council President Meyer made the motion to adjourn. Councilor Orr seconded the motion. There was no vote taken.**

Mayor Ruede adjourned the Dunes City Budget Committee meeting at 5:01 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 11<sup>th</sup> DAY OF MAY 2017.**

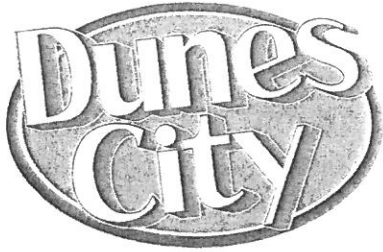
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Rebecca Ruede, Mayor

ATTEST:

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Jamie Mills, City Administrator/Budget Officer



**CITY COUNCIL SPECIAL SESSION MEETING MINUTES ~ DRAFT**  
**APRIL 5, 2017 AT 2:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at [www.DunesCity.com](http://www.DunesCity.com)

**1. CALL TO ORDER**

Mayor Rebecca Ruede called the April 5<sup>th</sup>, 2017, Special Session of the Dunes City Council to order at 2:01 pm.

**2. ROLL CALL**

Roll Call was taken by City Administrator/Recorder, Jamie Mills, who announced that Council President Sheldon Meyer would attend Executive Session via telephone.

**Present:** Mayor Rebecca Ruede, Councilor Robert Forsythe, Councilor Duke Wells, Councilor Tom Mallen, and Councilor Robert Orr.

**Absent and Excused:** Councilor Alan Montgomery.

**Also Present:** City Administrator/Recorder Jamie Mills and Administrative Assistant Rapunzel Oberholtzer.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

**Councilor Mallen made a motion to approve the Agenda. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

**5. ANNOUNCEMENTS / CORRESPONDENCE**

There was none.

**6. CITIZEN INPUT**

There was none.

## **7. EXECUTIVE SESSION**

Held pursuant to ORS 192.660(1)(h) to consult with counsel concerning the legal rights and duties of the City with regard to current litigation or litigation likely to be filed.

At 2:04 pm Mayor Ruede adjourned the City Council Special Session to go into Executive Session. Mayor Ruede reconvened the City Council Special Session at 3:17 pm.

## **8. UNFINISHED/OLD BUSINESS**

### **A. Reavis vs City**

There was no discussion.

### **B. Tomelleri vs City**

There was no discussion.

## **9. FOR THE GOOD OF THE ORDER**

City Administrator/Recorder Mills announced that she had spoken with the City Attorney about the Council's decision to withhold approval of OLCC LUCS applications for marijuana grow sites. She explained that the City Attorney advised her that because the two LUCS applications were filed with Dunes City prior to the City Council/Planning Commission joint work session, the City must approve the applications or be susceptible to a lawsuit by the applicants. There was a discussion about the fact that marijuana use or growing is prohibited by Federal law. The Council directed City Administrator/Recorder Mills to have further discussion with the City Attorney and report during the April 13 City Council meeting.

## **10. ADJOURNMENT**

Mayor Ruede adjourned the meeting at 3:42 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 11<sup>th</sup> DAY OF MAY 2017.**

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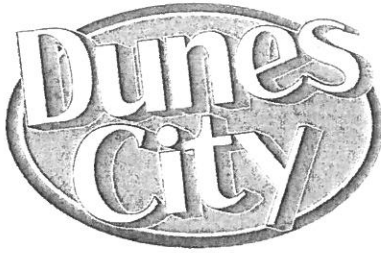
Rebecca Ruede, Mayor

ATTEST:

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Jamie Mills, City Administrator/Recorder





**CITY COUNCIL MEETING MINUTES ~ DRAFT**  
**APRIL 13, 2017 AT 7:00 PM**

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at [www.DunesCity.com](http://www.DunesCity.com)

**1. CALL TO ORDER**

Mayor Rebecca Ruede called the April 13<sup>th</sup>, 2017, meeting of the Dunes City Council to order at 7:00 pm.

**2. ROLL CALL**

Roll Call was taken by City Administrator/Recorder, Jamie Mills.

**Present:** Mayor Rebecca Ruede, Council President Sheldon Meyer, Councilor Robert Orr, Councilor Tom Mallen, Councilor Duke Wells, Councilor Alan Montgomery, and Councilor Robert Forsythe.

**Absent and Excused:** None.

**Also Present:** Administrative Assistant Rapunzel Oberholtzer, *Siuslaw News* community reporter Mark Brennan and several citizens.

**3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

**4. APPROVAL OF THE AGENDA**

**Councilor Mallen made a motion to approve the Agenda. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

**5. APPROVAL OF THE CONSENT AGENDA**

**Councilor Mallen made a motion to approve the Consent Agenda. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

**6. ANNOUNCEMENTS / CORRESPONDENCE**

Mayor Ruede read aloud from the list of announcements on the Agenda.

- A. Volunteer of the Year nominations are now open. Please submit your nomination for Dunes City Volunteer of the Year online at [dunescityhall.com](http://dunescityhall.com) under the permits tab, or just come by City Hall.
- B. Reminders to City Councilors and Planning Commission members: Your Annual Statement of Economic Interest must be filed online with the State Ethics Commission before April 15<sup>th</sup>.
- C. The Oregon Dunes Triathlon and Duathlon is scheduled to take place on Saturday, May 13<sup>th</sup>! If you want to volunteer to help out for a few hours that day, give us a call at City Hall.

## **7. CITIZEN INPUT ON ITEMS NOT ON THE AGENDA**

Mayor Ruede asked everyone who signed up to present comments to limit their comment time to three minutes.

Mayor Ruede recognized Mr. Tom Bassett who introduced himself and gave his address as 83360 Clear Lake Road. Mr. Bassett explained that he was on the Dunes City Planning Commission a few years ago and recalled that commercial agriculture was not permitted in Dunes City. He went on to say that it is his understanding that there are attempts to get permits to grow marijuana in the City. He explained that he has heard that there is a grow site potentially to be located on the property adjoining his and he has several concerns about the prospect. He noted that growing marijuana requires a lot of water and in the area where he lives wells are poor, his own ran out of water three times last year, so he was concerned about water usage. He went on to say that he was also concerned about the use of pesticides on the plants and possible water contamination because the site is located near Woahink Lake and very near his water pump. He expressed concern about the odor emanating from the grow facility, noting that he had read many articles that said the odor cannot be completely mitigated. He went on to say that the waste should be regulated but the City cannot do that because it has no Code to do so. He noted that the City could set some guidelines, but wondered how the City could enforce them. He closed his remarks by explaining that some people are extremely allergic to marijuana in any form, he is one of them, and the effects of exposure are cumulative. In his case, he explained, he has been exposed three times and has been told that the next time could send him to the hospital with life threatening symptoms. He concluded by saying that property values in the proximity of grow sites would go down. (00:11:30)

Mayor Ruede recognized Mr. Rich Bailey who introduced himself and gave his address as 83360 Clear Lake Road. Mr. Bailey explained that he graduated from CalPoly in 1978 with a degree in horticulture, specializing in flora culture which is the commercial production of plants and flowers. He went on to explain that although he voted in favor of legalizing marijuana in Oregon, he has done research on growing it and found that energy consumption is one of the major drawbacks to grow operations and, in particular, Dunes City is an inappropriate location because of its extensive and sensitive aquifer system. (00:12:50)

Mayor Ruede recognized Mr. Rich Olson who introduced himself and gave his address as 4879 Darlings Loop. Mr. Olson explained that he would like to start a dialogue with the new owners of the IP property about the dam. He went on to note that he has attempted to contact the owners to find out what their intent is but his telephone calls have not been answered. He explained that in the past four days Siltcoos Lake level dropped fourteen inches which is concerning because of the Lake's fragile ecosystem. He noted that residents around the lake who have wells, businesses on the lake, and tourists who visit should all be concerned about how carefully the water level is monitored. In addition, he explained that when the level is deeper, there is less blue green algae infestation. Mr. Olson reiterated that he would like dialogue with the owners to determine their intent and he asked if the City could help start that dialogue. He volunteered to help with measuring water levels, operating the dam, or whatever was needed. (00:15:30)

## 8. OLD BUSINESS

### A. Recommendation for Charge Card Institution

City Administrator/Recorder Mills reminded Councilors that at the March Council meeting she was asked to calculate the costs for all of the institutions that had submitted proposals. Referring Councilors to the spreadsheet that was included in their meeting packets, she explained that she was inclined to recommend Umpqua Bank even though the rate was slightly higher than OPB's cost because she had concerns about FDIC protection of City Funds if additional money is deposited at OPB.

**Councilor Mallen made a motion to accept the recommendation of the City Administrator to assign the merchant services account to Umpqua Bank. Councilor Montgomery seconded the motion. The motion passed by unanimous vote.**

### B. Letter from Lane County Legal Counsel Re: Animal Control

Mayor Ruede referred Councilors to a copy of a letter from Stephen Dingle, the Lane County Counsel, that was included in the Councilors' meeting packets. City Administrator/Recorder Mills explained that the letter was provided for informational purposes, and noted that the City has turned away a number of telephone calls from residents calling to complain about dogs that are roaming loose, barking and attacking other animals.

There was some discussion during which Councilors generally agreed that the letter seemed to suggest Dunes City could enter into an IGA with Lane County for animal control services. City Administrator/Recorder Mills noted that, in the past, the County had refused to enter into an IGA, but she would be willing to pursue the matter again.

Councilors generally agreed not to take any further action. (00:21:31)



### C. Set Dates for Budget Committee Meetings

City Administrator/Recorder Mills referred Councilors to a copy of the proposed Budget Schedule that was included in their meeting packets. She explained that she provided it so that Councilors could review it to make sure that the dates were as agreed upon in the March 30 Budget Committee meeting. There were no objections. City Administrator/Recorder Mills reminded everyone that Committees and Commissions should provide their budget input by April 30.

## 9. NEW BUSINESS

### A. Mayoral Proclamation Declaring May as Health and Fitness Awareness Month in Dunes City

Mayor Ruede introduced the Agenda item by saying that it seemed appropriate to designate May as Health and Fitness Awareness Month as it coincides with the timing of the Oregon Dunes Triathlon and her return to work after her illness. She read the proclamation aloud:

*State of Oregon  
County of Lane  
City of Dunes City*

*WHEREAS, according to the U.S. Department of Health and Human Services, a healthy diet and regular exercise can improve eyesight, prevent decline in diseases like Alzheimer's, reduce the risk of heart disease, stress, osteoporosis, Type 2 diabetes, high blood pressure, and some cancers; and*

*WHEREAS, the National Institute of Diabetes and Digestive and Kidney Disease has found that working out and eating healthy boosts energy levels, making you feel more alert and aware; and*

*WHEREAS, adopting a lifestyle that includes a healthy diet and regular exercise, together with regular medical exams and screening for early detection of diseases, can increase energy, happiness, health and prolong life; and*

*WHEREAS, Dunes City is the host of the Oregon Dunes Triathlon and Duathlon—an event focusing on the merits of exercise that will be held on Saturday, May 13<sup>th</sup>;*

*NOW, THEREFORE, I, Mayor Rebecca Ruede, do hereby proclaim May 2017 as Health and Fitness Awareness Month in Dunes City, and call upon all Dunes City residents to make physical activity, good nutrition, and regular medical screenings a priority in their lives.*

*Signed this 13<sup>th</sup> day of April, 2017  
Rebecca Ruede, Mayor*

B. Darlings Resort and Marina Fireworks Display Sponsorship

Mayor Ruede opened the Agenda item for discussion asking if Councilors thought that the City should sponsor Darlings' fireworks display.

Councilor Orr suggested that the City sponsor the event, Councilor Mallen suggested that the City not sponsor it. Councilor Orr reminded everyone that in a previous meeting the Council agreed not to sponsor the Florence Area Chamber fireworks display. Councilor Wells suggested that Dunes City support the event, as did Councilors Meyer, Montgomery and Forsythe. Councilor Mallen changed his opinion and suggested Dunes City sponsor the event.

Councilor Orr proposed sponsorship at the \$300 level. Mayor Ruede suggested a \$500 sponsorship.

**Council President Meyer made a motion to contribute \$500. Councilor Wells seconded the motion. The motion passed by unanimous vote.**

Mayor Ruede noted that Darlings' fireworks display was scheduled for July 1.

C. Appointment of Member to Budget Committee

Mayor Ruede referred Councilors to their copies of an application for appointment to the Budget Committee from Mr. James Garvey that was included in their meeting packets.

**Councilor Orr made a motion to appoint Mr. Garvey. Councilor Mallen seconded the motion. The motion passed by unanimous vote.**

D. Set Date for Updated Training on AED Machine

City Administrator/Recorder Mills explained that it had been awhile since the last training on the defibrillator. She noted that Staff will take the training and anyone interested may also attend. She also noted that Dunes City would cover the cost for Staff and Councilors. She agreed to schedule the training and advise Councilors via email of the date and time.

E. Resolution Series 2017, No. 7 (4-13-2017) Approving the Submission of a Grant Application to the Oregon Department of Parks and Recreation Recreational Trails Program

**Council President Meyer made a motion to approve Resolution Series, No. 7 (4-13-2017). Councilor Mallen seconded the motion. The motion passed with all six of the Councilors voting in favor.**

- F. Resolution Series 2017, No. 9 (4-13-2017) Approving the Submission of a Grant Application to the Oregon Marine Board Boating Facilities Manager under the Small Grant Program

**Councilor Mallen made a motion to approve Resolution Series 2017, No. 9 (4-13-2017). Councilor Orr seconded the motion.**

City Administrator/Recorder Mills explained that money from the grant would be used to improve City signage at the boat ramp and to improve the trail to the river.

**The motion passed with all six of the Councilors voting in favor.**

- G. Approval to Install Fence to Resolve City Hall Encroachment Issue

City Administrator/Recorder Mills explained that the City has negotiated an agreement with the owners of the property abutting Dunes City's that would resolve the encroachment issue that has been discussed for several years. As part of the agreement, the City will install a privacy fence between the properties.

**Council President Meyer made a motion to approve the \$2,600 cost of the fence. Councilor Orr seconded the motion. The motion passed by unanimous vote.**

- H. Consideration of Video Programming Package for 2017

City Administrator/Recorder Mills explained that the proposal was from Campbell Productions for the same service as last year, but included several new options. One of the options was for live Internet Streaming, something the Council once expressed interest in, for an additional \$125. Mayor Ruede asked Councilors for their thoughts on the matter.

Councilor Forsythe supported the idea, noting that using technology to bring the City proceedings to the public is worth the extra money. (00:41:50) Consensus was that it would help keep the proceedings and activities of the Council transparent and, perhaps, give more residents access.

City Administrator/Recorder Mills agreed to add a line item in the budget for consideration by the Budget Committee. (00:45:36)

- I. Citizen Request to Discuss the Future of Growing Cannabis in Dunes City

Mayor Ruede recognized Ms. Valerie Cain-Mathis who submitted the written request to the Council to discuss the future of growing cannabis in Dunes City. Mayor Ruede clarified that Ms. Cain-Mathis could make her comments but there would be no question and answer interaction during the meeting.



Ms. Cain-Mathis explained that she had a copy of the handout describing possible existing Code relevant to growing marijuana that was distributed during the March 30 joint work session of the City Council and the Planning Commission, and that she prepared a statement to address each of the Code sections listed on the handout. She read aloud from her prepared statement.

*91.03 – Nuisances Affecting Public Health*

- 1. There are no vaults that will ever be left opened, any vaults will be secured and remain locked at all times.*
- 2. We buy only premixed soils and do not use manure in our grow sites. We have no debris issues, all of the plant is completely used from the roots, stems, trim and flowers.*
- 3. Also we have no stagnant water issues, we water only one gallon of water per plant that allows for no excess and what little drains out of the bottom of the containers is caught in trays for every plant. And we allow the lighting to evaporate the water left in each tray. That takes about one to one and one-half hours to evaporate any surplus water.*
- 4. We do not discharge any products from our site to any type of drainage system.*
- 5. We also will have no odor issues, because we filter our grow site with state of the art "Charcoal filter systems" prior to the exhaust systems.*

*Chapter 140*

*We only use State approved fertilizers and we grow with only organic products. No phosphorus leaves our grow room—we have concrete slabs and we evaporate all moisture every watering as previously stated.*

*Chapter 155*

*Not applicable.*

*155.2.1*

*State allows City or County to make their own rules.*

*155.2.2.110*

*We are not retailers, only farmers growing.*

*Chapter 51*

*Water use: We plan to use the "alternative state approved on site holding tank method" for the grow site. We will contract the local water supplier to fill the tanks as needed. No water will be used from the lake or any streams.*

*We will install high end security cameras with a DVR system with 30 day recording (90 day storage) per state requirements. The cameras will be placed to cover every square foot of interior floor area and the perimeter is also covered to see all areas of ingress and egress per the state requirements.*

*A COPY OF MS. CAIN-MATHIS' COMPLETE STATEMENT IS ON FILE AT CITY HALL.*

Ms. Cain-Mathis remarked during the reading of her statement that the water holding tanks will be buried underground and will not be visible. She also explained that she will follow all of the State requirements and the grow operation will be entirely organic. She noted that there are two other grower applicants who feel the same way. (00:52:30)

Ms. Cain-Mathis introduced Ms. Dawn Adelle who was present with her, noting that Ms. Adelle is an OLCC consultant who would be available to answer questions, if there were any.

Mayor Ruede thanked Ms. Cain-Mathis for taking the time to attend the meeting and make her statement.

## **10. PUBLIC HEARING**

There was none.

## **11. EXECUTIVE SESSION**

Mayor Ruede adjourned the Regular Session of the Dunes City Council meeting to go into Executive Session held pursuant to ORS 192.660(1)(f) to consider information or records that are exempt by law from public inspection. She noted that only representatives of the media and designated Staff would be allowed to attend the Executive Session. The time of adjournment was 7:53 pm. She announced a short break prior to Executive Session.

## **12. OLD BUSINESS (CONTINUED)**

Mayor Ruede reconvened the Regular Session of the Dunes City Council at 9:03 pm.

- D. Resolution Series 2017, No. 8 (4-13-2017) Memorializing the Directive Made to City Staff at the 3-30-2017 Joint Meeting of the City Council and Planning Commission re: LUCS Issuance for Commercial Marijuana Grow Facilities

Mayor Ruede introduced the Agenda item and requested a motion to approve the Resolution. There was no motion.

Mayor Ruede asked Councilor if they wished to comment on the matter. (00:55:20)

Councilor Orr expressed serious concerns about growing marijuana in Dunes City and noted that the City Attorney advised that the City cannot say no to the applicants who have applied to date. (00:56:02)

Councilor Mallen remarked that after talking with several residents, it is his opinion that they are definitely against marijuana in Dunes City. He went on to say that he was not happy that this was "shoved down our throats" legally and he was not sure where the City could go from here.



Councilor Wells explained that he was also disappointed that the City could not say no to the applications, and he was also disappointed in himself because he did not take action sooner to stop grow sites from being allowed in Dunes City.

Council President Meyer agreed with the remarks made thus far and went on to say that if the Council had taken action on the grow issue when it had an opportunity some time ago it would have been better for the community.

Councilor Montgomery agreed with the previous remarks and noted that Dunes City is a bedroom community and industrial grow operations should not be in the City.

Councilor Forsythe, noting that he was relatively new to the Council, apologized to the residents of Dunes City for the grow sites. He explained that it was not something that anyone wanted to occur in the City and it was sad that there was nothing that the City could do to at this time to stop them from coming into the community. (01:00:00)

Councilor Orr remarked that, although he is also relatively new to the Council, he has been impressed by the Council's sincere interest in maintaining the integrity of the community to protect the interests of Dunes City residents and their quality of life. He noted that he hoped the grow operators would be cognizant and sensitive to the quality of life that citizens here want to maintain. (01:01:00)

Mayor Ruede went on to say that she felt the Councilors' opinions reflect the opinions of the majority of Dunes City residents. She went on to note that she also hoped the new grow site applicants would be sensitive to the feelings of residents, and it sounded like they would be. (01:02:17)

### **13. REPORTS**

- A. Mayor's Report: Mayor Ruede thanked Council President Meyer for leading the meetings while she was away. She went on to thank Councilor Wells for stepping up to fill in as meeting leader when Council President Meyer was absent. She also thanked all of the Dunes City residents who sent cards and called to wish her well—the support meant a lot to her.
- B. Community Center Report: Councilor Wells did not have a report.
- C. Site Review Report: There was no report.
- D. Water Quality Report: Council President Meyer reported that water testers did not submit test results this month.
- E. Ad Hoc Committee on Tsiltcoos Lake Club Roads: Councilor Orr reported that he would meet with City Administrator/Recorder Mills and Councilor Montgomery and submit a report after that meeting.

F. Public Works Maintenance Supervisor's Report: There was no report.

G. Emergency Services Report: City Administrator/Recorder Mills reported that she and Councilor Orr attended the March 13 WLEOG meeting in Florence. She noted that her full report was included in the Councilors' meeting packets.

H. City Administrator/Recorder/Planning/Staff Report: City Administrator/Recorder Mills reported that she met with Mr. Blake Helm from DSL to tour the Siltcoos River dam and portage facilities, and also met with Mr. George Heidgerken, new owner of the dam, who indicated that he is willing to take over ownership and maintenance of the portage. Mr. Helm is looking into the best way to move forward with transfer of ownership.

There was some discussion about who was operating the dam. Mr. Heidgerken said that Ean Wright is, but City Administrator/Recorder Mills has not been able to confirm that. She reported that, according to the State Water Resources Department, the lake level must be maintained at no less than eight feet if water is available.

City Administrator/Recorder Mills went on to report that she has learned that the water usage records submitted to the State have been wrong for four years because of an incorrectly placed decimal point. Staff will work on correcting the errors and resubmit the reports. Also related to water, she reported that she is working with an engineer to update the reports on locations of points of diversion, required by the water permit but never done.

City Administrator/Recorder Mills announced that Administrative Assistants Linda Stevens and Rapunzel Oberholtzer have both passed their amateur radio technician license exams.

A complete copy of City Administrator/Recorder Mills' complete report is on file at City Hall.

City Administrator/Recorder Mills referred Councilors to a copy of a demand letter from attorneys Evans & Dixon relating to a copyright infringement. She reported that the City Attorney, Ross Williamson, has advised the City to take no action at this time. (01:10:15) Councilor Montgomery suggested that Staff could look into what the State paid for the two copyrighted images and/or the going rate for buying similar images.

#### **14. FOR THE GOOD OF THE ORDER**

Councilors welcomed Mayor Ruede back and thanked Staff for their hard work.

**15. ADJOURNMENT**

**Councilor Montgomery made a motion to adjourn. There was no second and no vote taken.**

Mayor Ruede adjourned the meeting at 9:25 pm.

**APPROVED BY THE DUNES CITY COUNCIL ON THE 11<sup>th</sup> DAY OF MAY 2017.**

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Rebecca Ruede, Mayor

ATTEST:

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Jamie Mills, City Administrator/Recorder



**BILLS OF THE SESSION: 4/06/2017 thru 5/04/2017**

AmeriGas				\$131.52
Campbell Productions				\$265.00
Central Lincoln P.U.D. (City Hall)				\$130.77
Central Lincoln P.U.D. (Street Lights)				\$1,675.54
Century Link				\$307.75
Charlie Johnson	Tree Removal Byrd Park			\$360.00
Charter Business				\$142.10
County Transfer & Recycling				\$24.67
DCBS Fiscal Services (State Building Surcharge)				\$0.00
Dunes City Home Services				\$0.00
Jamie Mills -Verizon Cell Phone Reimburse				\$0.00
Lighthouse Electrical Contractors				\$0.00
MCI				\$55.30
National Photocopy				\$0.00
Oregon Department of State Lands				\$0.00
Pest Tech				\$0.00
Quill				\$245.07
Robert Ybarra (yard maintenance)				\$125.00
Speer Hoyt LLC General		\$2,683.80		
Speer Hoyt LLC Streets		\$6,956.40		
	Speer Hoyt Total			\$9,640.20
The Building Department LLC				\$1,465.01
The Dyer Partnership				\$1,625.00
U S Bank				\$775.17
	Fuel	\$33.93		
	Office Supplies	\$121.80		
	Software Updates	\$393.44		
	Road Repairs	\$226.00		
Vend West				\$10.90
Wells Fargo Financial Leasing, Inc				\$185.25
Staff Wages				\$2,299.00
Employer share of payroll taxes				\$482.99
Employer PERS				\$624.33
	Total Employee Costs	\$3,406.32		
Cardinal Services				\$3,484.09
Above bills in the amount of	\$24,054.66	approved per motion,	<b>TOTAL</b>	<b><u>\$24,054.66</u></b>

ATTEST: \_\_\_\_\_

Mayor / Council President



**RECEIPTS OF THE SESSION: 4/6/2017 thru 5/4/2017**

Business License				\$425.00
Copy Charges				\$0.00
Newsletter and Website Advertising				\$0.00
Franchise Fee, Cable TV				\$0.00
Garbage Licensing Fee				\$0.00
Interest earned				\$0.00
Franchise Fee, PUD				\$6,969.43
Franchise Fee, Telephone				\$0.00
Lien Searches				\$175.00
Permits, Conditional Use				\$0.00
Permits, Boundary Line Adjustment (PUD)				\$200.00
Permits, Deposits				\$0.00
Permits, Driveway & Access				\$0.00
Permits, Electrical				\$1,140.00
Permits, Excavating & Grading				\$0.00
Permits, Final Plat / Site Review ()				\$0.00
Permits, Manufactured Home Fees				\$0.00
Permits, Mechanical				\$470.00
Permits, Other (Inspections, LUCS, No Brushing, etc.)				\$140.00
Permits, Penalties				\$0.00
Permits, Plan Check Fees				\$0.00
Permits, Planning Fees				\$0.00
Permits, Plumbing				\$156.00
Permits, Right of Way Use				\$0.00
Permits, Structural				\$0.00
Permits, Building Surcharge				\$375.30
Permits, State Surcharge				\$211.92
Permits, Vegetation / Tree Removal	Permits Total	\$0.00		\$0.00
Reimbursement				\$1.30
Septic Inspections				\$0.00
Tax, Cigarette				\$0.00
Tax, Liquor (OLCC)				\$1,500.43
Tax, Oregon State Highway Apportionment				\$5,572.05
Tax, Lane County Motel Fund				\$371.33
Tax, School Excise				\$0.00
Triathlon Sponsorships				\$0.00
Water Rights Application Fees				\$0.00
Water Admin Fees				\$200.00
<b>TOTAL</b>				<b>\$17,907.76</b>





**ORDINANCE NO. 244**

**AN ORDINANCE AMENDING TITLE I, CHAPTER 10 OF THE DUNES CITY CODE OR ORDINANCES, ENTITLED "GENERAL PROVISIONS"; AMENDING LANGUAGE REGARDING THE FORM OF ORDINANCES WHICH AMEND OR SUPPLEMENT CODE IN SECTION 10.17.**

**WHEREAS**, the City of Dunes City, through its City Council, is responsible for enacting ordinances for the effective and efficient operation of the City of Dunes City for the benefit of its residents; and

**WHEREAS**, historically, ordinances amending the City Code provisions were mandated to repeal the entire chapter and replace it with a new chapter that may contain identical terminology with a few minor changes; and

**WHEREAS**, repealing an entire chapter and replacing it with new language is convenient for keeping Code books up to date with current Code provisions, however, recent court decisions have been entered that means the City is now at risk for challenges of the enforcement of its Code provisions because the code provisions did not officially "exist" because they were repealed, despite the fact that identical provisions are re-adopted; and

**WHEREAS**, it is imperative for the City to be able to enforce its Code provisions without providing an additional cause for legal challenge; and

**WHEREAS**, Dunes City desires to correct the Code language to allow amendment to sections of Code without having to repeal the entire chapter.

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

**Section 1.** Title I., Chapter 10, and specifically §10.17(A), of the Dunes City Code of Ordinances shall be amended to read as follows:

**"§10.17                      ORDINANCES WHICH AMEND OR SUPPLEMENT CODE.**

A.     If the legislative body shall desire to amend any existing chapter, section, or subsection of this Code, the specific chapter, section, or subsection shall be specifically identified and repealed and a new chapter, section, or subsection containing the desired amendment, substituted in its place."

**Section 2.     EFFECTIVE DATE.** This Ordinance shall take effect on the 30<sup>th</sup> day after its adoption.

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The first reading of this Ordinance was conducted in a regular meeting of the City Council of Dunes City, Oregon, on the \_\_\_\_\_ day of \_\_\_\_\_, 2017.



The second reading of this Ordinance was conducted in a regular meeting and adopted by the City Council of Dunes City, Oregon on this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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

ADOPTED BY THE DUNES CITY COUNCIL THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
Sheldon Meyer, Council President

ATTEST:

\_\_\_\_\_  
Jamie Mills, City Recorder





## LANE COUNTY

### INTERGOVERNMENTAL AGREEMENT: OPERATIONAL MAINTENANCE SERVICES FOR DUNES CITY

This Agreement is entered into by and between Lane County, Oregon, a political subdivision of the State of Oregon ("County"), and Dunes City, an Oregon municipal corporation ("City").

#### 1. RECITALS

- 1.1 ORS 190.010 and the Lane County Home Rule Charter provide that units of local governments may enter into agreements for the performance of any or all functions and activities that a party to the agreements, its officers or agents, have authority to perform.
- 1.2 The parties have determined that it is in their mutual interest and to the general public's benefit for County to perform certain operational maintenance activities for City on a reimbursement basis.

#### 2. SCOPE OF AGREEMENT. The parties agree as follow:

- 2.1 For purposes of this agreement, City and County have defined operational maintenance as shoulder and surface maintenance, drainage maintenance, snow and ice control, guardrails and other street maintenance activities specifically requested in writing by City, unless otherwise specified.
- 2.2 County will employ standard operating and safety procedures while providing operational maintenance services to City. In the event those procedures are followed and a damage claim is filed, City will, as between the parties hereto, assume liability for said claim.
- 2.3 County shall:
  - .1 Furnish equipment, materials and personnel to perform operational maintenance on City owned and operated streets as requested by City. It is understood by both parties, County may be unavailable to provide services to City during certain times due to County project scheduling and workloads.
  - .2 Upon completion of work, submit to City a billing for all costs incurred in the performance of operational maintenance on City streets. County will bill City for services on a monthly basis or following completion of the work, during the three-year term of this agreement
- 2.4 City shall:
  - .1 Be responsible for selecting work sites only on roadways and rights-of-way dedicated to public use.
  - .2 Each request for work will include scope of work and section of street(s) designated for work.
  - .3 Remit payment to County for all cost incurred within 30 days of receipt of invoice.
- 2.5 For purposes of day-to-day coordination under this agreement and mailing of notices, the following are hereby designated as contacts for each party:
  - .1 County hereby designates:
    - Zone 5 Supervisor, Florence Shop as its coordinator for Road Maintenance Services, 1300 20<sup>th</sup> St., Florence, OR 97439, Ph. 541-997-2251
  - .2 City hereby designates:
    - City Recorder as its coordinator, PO Box 97, Westlake, OR 97493, Ph. 541-997-3338



**3. DOCUMENTS FORMING THE AGREEMENT**

**3.1 The Agreement.** The Agreement consists of this document and all exhibits listed below, which are incorporated into this Agreement.

**3.2 Exhibits.** With this document, the following exhibits are incorporated into the Agreement: NONE

**4. CONSIDERATION**

The cost of operational maintenance services will not exceed \$50,000 during the term of the agreement. In the event this amount is not sufficient to continue services and both parties mutually agree, an amendment to the agreement may be executed with terms mutually agreeable to both parties.

**5. EFFECTIVE DATE AND DURATION**

**5.1 Effective Date.** Upon the signature of all parties, this Agreement is effective July 21, 2017

**5.2 Duration.** Unless extended or terminated earlier in accordance with its terms, this Agreement will terminate three years from the effective date. However, such expiration shall not extinguish or prejudice either party's right to enforce this agreement with respect to any breach or default in performance which has not been cured.

**6. INDEMNIFICATION**

To the extent permitted by the Oregon Constitution, and to the extent permitted by the Oregon Tort Claims Act, and to the extent otherwise provided for in private contracts of insurance, the parties agree to indemnify, defend, and hold each other, their agents, officers and employees, harmless from all damages, losses and expenses, including but not limited to attorney fees, and to defend all claims, proceedings, lawsuits, and judgments arising out of or resulting from the other party's negligence in the performance of or failure to perform under this Agreement. No party to this Agreement will be required to indemnify or defend the other party for any liability arising solely out of wrongful acts of its own officers, employees or agents.

**7. MODIFICATION AND TERMINATION**

**7.1 Modification.** No modification or amendment to this Agreement will bind either party unless in writing and signed by both parties.

**7.2 Termination.** The parties may jointly agree to terminate this Agreement at any time by written agreement.

**8. DISPUTES**

The parties are required to exert every effort to cooperatively resolve any disagreements that may arise under this Agreement. This may be done at any management level, including at a level higher than the persons directly responsible for administration of the Agreement. In the event that the parties alone are unable to resolve any conflict under this Agreement, they are encouraged to resolve their differences through mediation or arbitration, using such process as they may choose at the time.

**9. MISCELLANEOUS PROVISIONS**

**9.1 Merger.** This Agreement contains the entire agreement of County and CITY with respect to the subject matter of this Agreement, and supersedes all prior negotiations, agreements and understandings.

**9.2 Waiver.** Failure of either party to enforce any provision of the Agreement does not constitute a waiver or relinquishment by the party of the right to such performance in the future nor of the right to enforce that or any other provision of this Agreement.

**9.3 Severability.** If any provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions are not affected; and the rights and obligations of the parties are to be construed and enforced as if the Agreement did not contain the particular provision held to be invalid.





- 9.4 Time is of the Essence. The parties agree that time is of the essence with respect to all provisions of this Agreement.
- 9.5 Binding on Successors and Assigns. The provisions of this Agreement are binding upon and inure to the benefit of the parties to this Agreement, their respective successors, and assigns.
- 9.6 No Third-Party Beneficiaries. County and CITY are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives or may be construed to give or provide any benefit or right to third persons, either directly or indirectly, that is greater than the rights and benefits enjoyed by the general public, unless that party is identified by name in this Agreement.
- 9.7 Headings. The headings and captions in this Agreement are for reference and identification purposes only and may not be used to construe the meaning or to interpret the Agreement.
- 9.8 Force Majeure. Neither party will be held responsible for delay or default due to Force Majeure acts, events or occurrences unless they could have been avoided by the exercise of reasonable care, prudence, foresight, and diligence by that party.
- 9.9 Multiple Counterparts. This Agreement and any subsequent amendments may be executed in several counterparts, facsimile or otherwise, all of which when taken together will constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement and any amendments so executed will constitute an original.

**EACH PARTY, BY EXECUTION OF THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT IT HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.**

**CITY:**

DUNES CITY, OREGON

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Address:

\_\_\_\_\_  
\_\_\_\_\_

**COUNTY:**

LANE COUNTY, OREGON

By: \_\_\_\_\_

Title: County Administrator

Date: \_\_\_\_\_

Lane County Public Works  
3040 N Delta Hwy  
Eugene, Oregon 97408





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**DUNES CITY - CITY COUNCIL  
STAFF REPORT / FINDINGS OF FACT**

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**Planning Commission Meeting Date:** 05/11/2017

**Property Owner/Applicant:** City of Dunes City

**Request:** Request for Conditional Use Permit for impacts related to an existing building located at 82877 Spruce Street in Westlake which is encroaching upon property located at 82878 Fir Street in Westlake.

**Property Location:** 82877 Spruce Street

**Assessor's Map / Tax Lots:** 19-12-34-21 Tax Lot 05800 and  
19-12-34-21 Tax Lot 06300

**Zoning:** Residential (R-1) District

**Land Use Plan Designation:** Residential

**FEMA Flood Hazard Zone:** X - Areas determined to be outside of 500-year flood

**Staff:** Jamie Mills, City Recorder/Planning Official

## **I. INTRODUCTION**

The structure known as Dunes City Hall at 82877 Spruce Street in Westlake was conveyed to the City of Dunes City by the Western Lane Sportsmen's Association in 1973. On October 9, 1985, that building was destroyed by fire. The building was repaired and restored shortly thereafter. In 1993, the City made application for a Conditional Use Permit to encroach upon the setbacks of the properties to the rear of the building for purposes of expanding the office space. After public hearings before both the Planning Commission and the City Council, with no protests having been filed, that Conditional Use Permit was allowed.

The two properties located to the rear of the Dunes City Hall building are owned by D B Dimon Properties, LLC. When the Dimons purchased the properties, a survey was done of the lands proposed for purchase. At that time it was discovered that the original survey done of the Westlake Area in 1913 was in error and City Hall actually encroached on the Dimon Properties by about five (5) feet.

In 2012, the Dimons, through their attorney, contacted City Hall regarding the encroachment. The City has been negotiating with the Dimons ever since, trying to reach resolution of the encroachment issue.

In 2017, after numerous attempts at settlement, the Dimons and City of Dunes City came to an agreement regarding the encroachment. That agreement is that the City would pursue and pay for a boundary line adjustment for that portion of the property that encroaches upon Map and Tax Lot Number 19-12-34-21-6300 and build a fence across the remainder of lot 6300 and across the back of Map and Tax Lot Number 19-12-34-21-6201. In exchange, the Dimons agreed to grant an Easement to Dunes City across a 5'3" swath of land along the back of lot 6201 and to deed a 5'3" swath of land to the City, if this Conditional Use Permit is permitted for the Boundary Line Adjustment. The Easement Deed has been prepared, signed and officially recorded in the records of Lane County.

All of the lots involved in this proposal are currently less than One (1) acre in size and all of the lots would remain less than One (1) acre in size after the proposed lot line adjustment. Dunes City's Code of Ordinances requires that such transfer of property of lots less than One (1) acre in size are conditional and subject to a Conditional Use Permit. See 155.4.3.210 – Transfer of Property below.

With the recording of the Easement Deed and approval of this Conditional Use Permit application, Dunes City will be able to complete the installation of propane tanks to fuel the emergency generator at City Hall. Completion of the project will optimize use of City Hall as the Dunes City Emergency Assembly Area for residents in the event of an emergency or disaster.

## II. APPLICABLE CRITERIA

Dunes City Code of Ordinances, *Section 155.4.3.210 (Transfer of Property)* and *Section 155.4.4 (Conditional Use Permits)*.

## III. REVIEW OF APPLICABLE CRITERIA

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### SECTION 155.4.3 LAND DIVISIONS AND PROPERTY LINE ADJUSTMENTS

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#### 155.4.3.210 Transfer of Property

- A. The transfer of property between adjacent parcels is permissible without approval by the City so long as the transfer does not result in the creation of a lot, which is less than one acre in size, or unless the “donating” lot is less than one acre in size prior to the transfer of property to the adjoining parcel. In the event the transfer would create a lot less than one acre in size, or the donating lot is less than one acre in size, such transfer shall require approval of the City. Approval shall be conditional and subject to a conditional use permit being granted pursuant to the general provisions of this part providing for the granting of a conditional use permit.
- B. Lots, which are conforming prior to donations of a portion of the lot to an adjoining lot, shall remain conforming, so long as the transfers are made to conform to A above.

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### SECTION 155.4.4 CONDITIONAL USE PERMITS

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#### 155.4.4.2 Approvals Process.

- A. **Initial Application.** An application for a new conditional use shall be processed as a Type III Procedure (Section 155.4.1.6). The application shall meet submission requirements in Section 155.4.4.3, and the approval criteria contained in Section 155.4.4.4.

*FINDING: The City of Dunes City’s application for a Conditional Use Permit was deemed complete on March 22, 2017. The application is scheduled to go before the Dunes City Planning Commission on April 27, 2017 and to go before the City Council in May 2017 as per Type III application procedure. Public notice of the application has also been distributed as required by Type III procedure. This criterion is met.*

#### 155.4.4.4 Criteria, Standards and Conditions of Approval

**The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:**

- A. **Use Criteria.**



- 1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, slopes, odor, dust, visibility, safety, and aesthetic considerations;**

*FINDING: No changes to the current uses or current buildings or landscaping are contemplated, except that the City of Dunes City has agreed to extend the existing fence on the Dimon's Tax Lot 6300 across the back of Tax Lot 6201 to provide privacy to both parties. This criterion is met.*

- 2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and**

*FINDING: No changes to the current uses or current buildings or landscaping are contemplated, except that the City of Dunes City has agreed to extend the existing fence on the Dimon's Tax Lot 6300 across the back of Tax Lot 6201 to provide privacy to both parties. This criterion is satisfied.*

- 3. All required public facilities have adequate capacity to serve the proposal.**

*FINDING: No changes to the current uses or current buildings or landscaping are contemplated, except that the City of Dunes City has agreed to extend the existing fence on the Dimon's Tax Lot 6300 across the back of Tax Lot 6201 to provide privacy to both parties. This criterion is satisfied.*

- 4. The proposal is consistent with applicable policies of the Comprehensive Plan for Dunes City.**

*FINDING: No changes to the current uses or current buildings or landscaping are contemplated, except that the City of Dunes City has agreed to extend the existing fence on the Dimon's Tax Lot 6300 across the back of Tax Lot 6201 to provide privacy to both parties. This criterion is satisfied.*

- 5. The location, size, design, and operating characteristics of the proposed use:**

- 1. Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and**
- 2. Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in bulk coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.**

*FINDING: No changes to the current uses or current buildings or landscaping are contemplated, except that the City of Dunes City has agreed to extend the existing fence on the Dimon's Tax Lot 6300 across the back of Tax Lot 6201 to provide privacy to both parties. This criterion is satisfied.*

6. **Will not be adversely affected by known natural hazards, such as floods, slides, erosion.**

*FINDING: No changes to the current uses or current buildings or landscaping are contemplated, except that the City of Dunes City has agreed to extend the existing fence on the Dimon's Tax Lot 6300 across the back of Tax Lot 6201 to provide privacy to both parties. In addition, the Dunes City Hall and Community Center building is designated as an Emergency Assembly Center and is situated out of the tsunami inundation zone. This criterion is satisfied.*

7. **Will not create a hazardous natural condition such as erosion, landslide, flooding.**

*FINDING: No changes to the current uses or current buildings or landscaping are contemplated, except that the City of Dunes City has agreed to extend the existing fence on the Dimon's Tax Lot 6300 across the back of Tax Lot 6201 to provide privacy to both parties. This criterion is satisfied.*

**B. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:**

1. **Limiting the hours, days, place and/or manner of operation;**
2. **Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;**
3. **Requiring larger setback areas, lot area, and/or lot depth or width;**
4. **Limiting the building height, size or lot coverage, and/or location on the site;**
5. **Designating the size, number, location and/or design of vehicle access points or parking areas;**
6. **Requiring street rights-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;**
7. **Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;**
8. **Limiting the number, size, location, height and/or lighting of signs;**
9. **Limiting or setting standards for the location, design, and/or intensity of outdoors lighting;**
10. **Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;**
11. **Requiring and designating the size, height, location and/or materials for fences;**
12. **Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands; and**
13. **Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Section 155.3.4.2 – Public Use Areas.**



***FINDING:** No changes to the current uses or current buildings or landscaping are contemplated, except that the City of Dunes City has agreed to extend the existing fence on the Dimon's Tax Lot 6300 across the back of Tax Lot 6201 to provide privacy to both parties. The fence will match the existing fence in terms of material and will be installed according to Dunes City Code. No Conditions of Approval are required.*

#### **155.4.4.5 Additional Development Standards for Conditional Use Types**

- A. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.**
- B. Additional Development Standards. Development standards for specific uses are contained in Section 155.2 - Land Use District Administration.**

***FINDING:** No variance application was filed with this application for a Conditional Use Permit. The development standards outlined in 155.2.1.122 (Specific Requirements) for the base residential zone and non-conforming lots, including structure height, lot coverage and use are all satisfied. The rear yard setback requirement is not met. However, the existing Dunes City Hall building has been in continuous use in its present location and configuration since 1993 with an approved Conditional Use Permit for the setback encroachment, well before Dunes City's current Zoning and Development Code was adopted. The rear yard setback requirement of 155.2.1.122 is not applicable and no variance application is required.*

#### **IV. FINDINGS OF FACT AND CONCLUSION**

Based on the findings stated in Section III Review of Applicable Criteria of this report, the Dunes City Planning Commission recommends **APPROVAL** of the Conditional Use as proposed to the Dunes City Council. The Planning Commission is not recommending Conditions of Approval.

**Following a public hearing in the April 27, 2017, Dunes City Planning Commission meeting a motion was made by Commissioner Pesnell and seconded by Commissioner Ziegler to accept the Staff Report and Findings of Fact as presented by Staff. The motion passed by unanimous vote. A motion was made by Commissioner Pesnell and seconded by Commissioner Ziegler to recommend that the City Council approve the Conditional Use Permit for Dunes City. The motion passed by unanimous vote.**

#### **V. RECOMMENDED DECISION**

There are three options for the City Council to take: recommend approval, recommend approval with conditions or recommend denial..

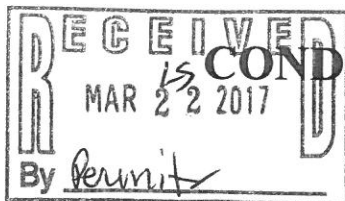
#### **VI. EXHIBITS**

- A. Conditional Use Permit Application**
- B. Statement of Intended Request**
- C. Proposed Property Line Adjustment Survey (Preliminary)**
- D. Quitclaim Deeds from David L. Dimon and Beverly A. Dimon to DB Dimon Properties LLC for 19-12-34-21-06300 and 19-12-34-21-06201**
- E. Easement Deed to the City of Dunes City for 19-12-34-21-06201**





DUNES CITY • 82877 Spruce St. • Phone: (541) 997-3338  
PO Box 97, Westlake, OR 97493 • Fax: (541) 997-5751



## CONDITIONAL USE PERMIT APPLICATION

EX A 1 of 6

The procedures, regulations and standards governing conditional use permits within Dunes City can be found in the Dunes City Code of Ordinances. The purpose of a Conditional Use Permit is: "There are certain uses that, due to the nature of their impact on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as "Conditional Uses" in Section 155.2 - Land Use District Administration. The purpose of Section 155.4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met." - Section 155.4.4, Dunes City Code of Ordinances.

Please note that the final cost of a Pre-application Conference or Conditional Use Permit is based on the actual costs incurred by the City, including contract planning and engineering services.

### Application Information:

- ☐ Pre-application Conference \$200 Deposit (§155.4.1.3(D))  
☒ Conditional Use Permit \$600 Deposit (§155.4.4)

Dunes city Hall  
CUP-03-17

### Applicant Information:

Applicant Name: CITY OF DUNES  
Last Name First Name Middle Initial  
Phone Number: Home: \_\_\_\_\_ Work: 541-997-3338 Cell: \_\_\_\_\_

email: recorder@dunescityor.com

Corporation Name: CITY OF DUNES, A MUNICIPAL CORPORATION

Mailing Address: P.O. Box 97, Westlake, OR 97493

Property Address: 82877 Spruce St, Westlake

Legal Description of Property: (T) 19S (R) 12W (S) 34 (Q) 21 (Tax Lot) 05800

Name and Address of Legal Owner: CITY OF DUNES (see above)

Statement of Applicant's Legal Interest in Property: Authorized Agent, City Administrator  
(Owner of Record; Authorized Agent; Lessee; Holder of an exclusive option to purchase)

I hereby certify that forgoing statements and other information attached hereto are true and accurate to the best of my knowledge. I have received all six pages of this application and understand that my application must meet the requirements as stated therein and any additional information requested by Dunes City.

Applicants Signature: Janice S. Mills Date: 3-22-2017  
CITY Administrator

EX A 2 of 6  
155.4.1.3(D) Pre-Application Conference

1. Participants.

When a pre-application conference is required, the applicant shall meet with the City Planning Official or his/her designee(s) and other parties as appropriate;

2. Information provided by the applicant.

The following information shall be submitted by the applicant at least ten days prior to the date of such meeting:

a. A written statement on a form prescribed by the City Council setting forth:

- (1) The name and address of the applicant.
- (2) A statement of the applicant's legal interest in the property (owner, contract purchaser, lessee, renter, and the like), a description of that interest, and, in case the applicant is not the owner, that the owner knows of the application.
- (3) The address and legal description of the property.
- (4) A statement explaining the intended request.

b. Any other materials or information the applicant wishes to submit. For example, these materials might consist of a schematic development plan of the proposed development, showing:

- (1) The general location of the proposed development.
- (2) Major existing physical and natural features, such as water courses, rock outcroppings, marshes, wooded areas, and the like.
- (3) The location of the major existing drainage ways and utilities.
- (4) The location and names of public streets, parks, and utility rights-of-way within or adjacent to the proposed development.
- (5) The general location and dimensions of proposed streets, driveways, sidewalks, pedestrian ways, trails, off-street parking, and loading areas.
- (6) The general location and approximate dimensions of proposed structures.
- (7) Major proposed landscaping features.
- (8) Approximate contours.
- (9) Sketches showing the scale, character, and relationship of buildings, streets, and open space.
- (10) The approximate location and type of proposed drainage, water, and sewerage facilities.
- (11) Site evaluation for solar access potential.

3. Information provided by the City.

At such a conference the City Planning Official or designee shall:

- a. Cite the comprehensive plan policies and map designations applicable to the proposal;
- b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
- c. Provide available technical data and assistance that will aid the applicant;
- d. Identify other governmental policies and regulations that relate to the application; and
- e. Reasonably identify other opportunities or constraints concerning the application.

4. Disclaimer.

Failure of the City Planning Official or his/her designee to provide any of the information required by this Section shall not constitute a waiver of any of the standards, criteria or requirements for the application;

5. Changes in the law.

Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

**Section 155.4.4 — Conditional Use Permits**

Sections:

- 155.4.4.1 Purpose
- 155.4.4.2 Approval Process
- 155.4.4.3 Application Submission Requirements
- 155.4.4.4 Criteria, Standards and Conditions of Approval
- 155.4.4.5 Additional Development Standards for Conditional Use Types

**155.4.4.1 Purpose.**

There are certain uses that, due to the nature of their impact on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as "Conditional Uses" in Section 155.2 - Land Use District Administration. The purpose of Section 155.4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met.

**155.4.4.2 Approvals Process.**

A. Initial Application. An application for a new conditional use shall be processed as a Type III Procedure (Section 155.4.1.6). The application shall meet submission requirements in Section 155.4.4.3, and the approval criteria contained in Section 155.4.4.4.

B. Modification of Approved or Existing Conditional Use. Modifications to approved or existing conditional uses shall be processed in accordance with Section 155.4.6 - Modifications.

EXA 3 of 6



EX A  
4 of 6

#### 155.4.4.3 Application Submission Requirements.

In addition to the submission requirements required in Section 155.4.1, an application for conditional use approval must include the following information (A through H), as applicable.

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan including a tree coverage map. For properties containing less than 16 conifers per acre the map shall include the location of every conifer with a diameter greater than 8 inches at 4 ½ feet above average grade. For properties containing 16 or more conifers 8 inches or greater in diameter at 4 ½ feet above average grade per acre the map shall include the outline of those areas with stands of conifers or an aerial photograph with enough detail to show conifer stands;
- E. Architectural drawings of all structures;
- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants; and.
- H. Narrative report or letter documenting compliance with all applicable approval criteria in Section 155.4.4.4.

#### 155.4.4.4 Criteria, Standards and Conditions of Approval

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

##### A. Use Criteria.

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, slopes, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; and
3. All required public facilities have adequate capacity to serve the proposal.
4. The proposal is consistent with applicable policies of the Comprehensive Plan for Dunes City.
5. The location, size, design, and operating characteristics of the proposed use:
  1. Will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity, and
  2. Will not be adversely affected by the development of abutting properties and the surrounding vicinity. (Consideration may be given to harmony in bulk coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable

neighborhood character, to the generation of traffic and the capacity of surrounding streets and roads; and to any other relevant impact of the use.

6. Will not be adversely affected by known natural hazards, such as floods, slides, erosion.
7. Will not create a hazardous natural condition such as erosion, landslide, flooding.

B. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;
4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking areas;
6. Requiring street rights-of-way to be dedicated and street(s), sidewalks, curbs, planting strips, pathways, or trails to be improved;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoors lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands; and
13. Requiring the dedication of sufficient land to the public, and/or construction of pedestrian/bicycle pathways in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Section 155.3.4.2 – Public Use Areas..

C. Revocation. A conditional use permit is automatically revoked without special action if:

1. The permit has not been exercised within two years of the date of approval.
2. The use approved by the conditional use permit is discontinued for any reason for one continuous year or more.
3. The City Council may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use approval.

EX A 50/6

EX A 546

- a. A hearing for revocation of a conditional use permit shall be held when the City Council is of the opinion any or all of the bases for revocation as stated in this section exist.
- b. The public hearing, notification, and appeal procedures for revocation hearings by the City Council shall be the same as those for original conditional use application hearings and appeals provided in this section.

**155.4.4.5 Additional Development Standards for Conditional Use Types**

A. Concurrent Variance Application(s). A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.

B. Additional Development Standards. Development standards for specific uses are contained in Section 155.2 - Land Use District Administration.

EX B 10/1

### STATEMENT OF INTENDED REQUEST

The City of Dunes City is the owner of a lots located on Spruce Street in the Westlake area of Dunes City. The Map and Tax Lot Number owned by Dunes City is: 19-12-34-21-05800 (hereinafter referred to as Lot 5800).

As a result of a fairly recent survey, it was discovered that the structure, known as Dunes City Hall, is encroaching upon the real property of others, specifically, Map and Tax Lots numbered 19-12-34-21-06300 and 19-12-34-21-06201 (hereinafter referred to Dimon lots), both properties being owned by DB Dimon Properties, LLC, of P. O. Box 92, Westlake, OR, 97493.

The City of Dunes and the DB Dimon Properties, LLC., have entered into an agreement whereby in exchange for certain actions and commitments made by the City of Dunes, DB Dimon Properties, LLC., will convey, by grant, bargain and sale deed, the land upon which the Dunes City Hall Building is located on Lot 6300. In addition, DB Dimon Properties, LLC, will deed a perpetual easement to the City of Dunes in the same width as this deed, for the entire West line of Lot 6201.

All of the lots involved in this proposed request are less than one (1) acre in size and, as a consequence, the lot line adjustment contemplated is subject to approval by way of a conditional use permit. All of the lots involved in this proposed request will remain less than one (1) acre in size, even after the proposed lot line adjustment.

No changes to the current uses or current buildings or landscaping are contemplated if this conditional use permit is granted, except, however, that the currently existing fence on Lot 6300 will be extended across the back of Lot 6201, to provide privacy to both properties.

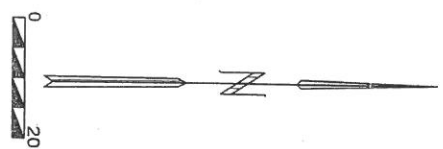
Request for conditional use approval of the property conveyance and lot line adjustment is hereby made in conformance with Chapter 155 of the Dunes City Code of Ordinances.





1610 X3

SPRUCE STREET  
60' PUBLIC RIGHT OF WAY



TL 5700  
DAVID W. AND KAREN S. JACKSON

TL 6400  
BROWN FAMILY TRUST

PROPERTY 1  
TL 5800  
DUNES CITY

DUNES CITY HALL  
ROOF AND EAVE AREA

6.8' EAVES  
6.3' RETAINING WALL  
3.7' BUILDING

TL 6300  
D.B. DIMON PROPERTIES LLC

PROPERTY 2

PROPERTY 2

TL 6201  
D.B. DIMON PROPERTIES LLC

4.1' BUILDING  
4.9' RETAINING WALL  
7.2' EAVES  
RETAINING WALL

TL 5900  
DAVID W. AND KAREN S. JACKSON

TL 6200  
D.B. DIMON PROPERTIES LLC

TL 5400  
D.B. DIMON PROPERTIES LLC

VACATED RIGHT OF WAY FIR STREET

19-12-34-2-1

JOB 1619 DUNES CITY SITE 1.DCD

PRELIMINARY

**MOBBE & ASSOCIATES, INC.**  
510 KINGWOOD ST. / P.O. BOX 3093  
FLORENCE, OR 97439

PROPOSED PROPERTY LINE ADJUSTMENT SURVEY
DUNES CITY
NE1/4, NW 1/4, SEC. 34, T19S, R12W, W.M.
LANE COUNTY, OREGON
OCTOBER 20, 2016
DRAWN: EMW-AM



19-12-34-21-06300

BE DAVID L DIMON and Beverly A Dimon  
Trustees of the Dimon Family Trust

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

STATE OF OREGON,  
County of \_\_\_\_\_ } ss.Lane County Clerk  
Lane County Deeds and Records

2011-013445



\$47.00

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03/17/2011 02:28:33 PM

RPR-DEED Cnt=1 Stn=15 CASHIER 06

\$10.00 \$11.00 \$16.00 \$10.00

NAME

TITLE

By \_\_\_\_\_, Deputy.

PO Box 92  
Westlake OR 97493  
Grantor's Name and Address  
D.B. DIMON Properties, LLC  
P.O. Box 92  
Westlake OR 97493  
Grantee's Name and Address

After recording, return to (Name, Address, Zip):

DAVID DIMON  
PO Box 92  
Westlake OR 97493

Until requested otherwise, send all tax statements to (Name, Address, Zip):

D.B. DIMON Properties, LLC  
P.O. Box 92  
Westlake OR 97493

## QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that DAVID L Dimon and Beverly A Dimon  
trustees of the Dimon Family Trust  
hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto  
D.B. DIMON Properties, LLC  
hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain  
real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in  
CLATSOP County, State of Oregon, described as follows, to-wit:See exhibit one attached hereto  
and by reference made a part hereof.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ \_\_\_\_\_ . However, the  
actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate  
which) consideration. (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be  
made so that this deed shall apply equally to corporations and to individuals.IN WITNESS WHEREOF, the grantor has executed this instrument on \_\_\_\_\_; if  
grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized  
to do so by order of its board of directors.BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD  
INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO  
195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17,  
CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY  
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.  
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE  
PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO  
VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL.  
AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL.  
TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN  
ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY,  
UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, ORE-  
GON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.David L Dimon TR  
Beverly A Dimon, tr.

STATE OF OREGON, County of Lane

This instrument was acknowledged before me on 3/17/11  
by David L Dimon and Beverly A Dimon as Trustees of  
the Dimon Family Trustby  
as  
ofGina L Briggs  
Notary Public for Oregon  
My commission expires June 24, 2011

EXD 1 of 4



EXHIBIT "ONE"

Beginning at the Northwest corner of Lot 12, Block 11, PLAT OF WESTLAKE, as platted and recorded in Book 7, Page 2, Lane County Plat Records in Section 34, Township 19 South, Range 12 West of the Willamette Meridian; thence East 130 feet, along the North line of Lot 12 to the center of vacated Fir Street; thence South 50 feet, along the center of Fir Street; thence West 130 feet to the Southwest corner of Lot 12; thence North 50 feet, along the West line of Lot 12, to the Point of Beginning, in Lane County, Oregon.

SUBJECT TO:

- 1) City liens in favor of the City of Dunes City, if any.
- 2) Rights of the public and governmental agencies in and to any portion of said land lying with the boundaries of streets, roads and highways.
- 3) Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: R.E. Douglas & Emma E. Douglas  
Purpose: Road purposes  
Recorded: November 6, 1952, recorder's #89238  
Affests: Easterly 20 feet

- 4) Easement(s) for the purpose(s) shown below and rights incidental thereto, over and across premises formerly included with the boundaries of Fir Street now vacated.

Purpose: Utilities

4 of 4  
EX D 2 X3





19-12-34-21-06201

BE

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS



David L Dimon and Beverly A Dimon  
Trustees of the Dimon Family Trust

Po Box 92

Westlake OR 97493

D.B. DIMON Properties, LLC

Po Box 92

Westlake OR 97493

After recording, return to (Name, Address, Zip):

DAVID DIMON

Po Box 92

Westlake OR 97493

Until requested otherwise, send all tax statements to (Name, Address, Zip):

D.B. DIMON Properties, LLC

Po Box 92

Westlake OR 97493

STATE OF OREGON,

County of

SS.

Lane County Clerk  
Lane County Deeds and Records

2011-013444



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RPR-DEED Cnt=1 Stn=15 CASHIER 06  
\$10.00 \$11.00 \$16.00 \$10.00

NAME

TITLE

By \_\_\_\_\_, Deputy.

## QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that David L Dimon and Beverly A Dimon  
Trustees of the DIMON FAMILY TRUST  
hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto  
D.B. DIMON Properties, LLC  
hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain  
real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in  
LANE County, State of Oregon, described as follows, to-wit:

See exhibit A attached hereto  
and by reference made a part hereof.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 0. However, the  
actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate  
which) consideration. (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be  
made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on \_\_\_\_\_; if  
grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized  
to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD  
INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO  
195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17,  
CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY  
DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.  
PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO  
VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL  
AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL,  
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN  
ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY,  
UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, ORE-  
GON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

David L Dimon TR  
Beverly A Dimon, trustee

STATE OF OREGON, County of Lane

This instrument was acknowledged before me on 3/17/11

by David L Dimon &amp; Beverly A Dimon as Trustees of the Dimon Family Trust

This instrument was acknowledged before me on

by

as

of



OFFICIAL SEAL  
GINA L. BRIGGS  
NOTARY PUBLIC-OREGON  
COMMISSION NO. 418510  
MY COMMISSION EXPIRES JUNE 24, 2011

Notary Public for Oregon

My commission expires June 24, 2011

EX D 3 of 4



4 of 4  
EX D

**Exhibit "A"**

Real property in the County of Lane, State of Oregon, described as follows:

BEGINNING AT THE NORTHWEST CORNER OF LOT 11, BLOCK 11, OF THE PLAT OF WESTLAKE, AS PLATTED AND RECORDED IN BOOK 7, PAGE 2, LANE COUNTY OREGON PLAT RECORDS, IN SECTION 34, TOWNSHIP 19 SOUTH, RANGE 12 WEST OF THE WILLAMETTE MERIDIAN; THENCE EAST 130.0 FEET ALONG THE NORTH SIDE OF LOT 11, TO THE CENTER OF VACATED FIR STREET; THENCE SOUTH 50.0 FEET ALONG THE CENTER OF FIR STREET; THENCE WEST 130.0 FEET TO THE SOUTHWEST CORNER OF LOT 11; THENCE NORTH 50.0 FEET ALONG THE WEST SIDE OF LOT 11 TO THE POINT OF BEGINNING, IN LANE COUNTY, OREGON.

(THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.)

Tax Parcel Number: 0873347



Lane County Clerk  
Lane County Deeds and Records

2017-017896-1



\$87.00

01643283201700178960050054

RPR-ESMT Cnt=1 Stn=9 CASHIER 11  
\$25.00 \$20.00 \$10.00 \$11.00 \$21.00

04/13/2017 11:12:04 AM

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

Until a change is requested, all tax statements  
shall be sent to the following address: No change.

### EASEMENT

This agreement is made and entered into on this 30 day of March, 2017, by and between the City of Dunes City, hereinafter referred to as "City", and DAVID L. DIMON and BEVERLY A. DIMON, husband and wife, doing business as D B DIMON PROPERTIES LLC, hereinafter referred to as "Owner."

**WHEREAS**, Owner is the owner of certain real property located in Dunes City, Lane County, Oregon, commonly referred to as 82872 Fir Street, more particularly described as follows:

Map and Tax Lot Number 19-12-34-21-06201, as identified on Exhibit A. attached hereto and incorporated by reference herein:

Beginning at the Northwest corner of Lot 11, Block 11, of the Plat of Westlake, as platted and recorded in Book 7, Page 2, Lane County Oregon Plat Records, in Section 34, Township 19 South, Range 12 West of the Willamette Meridian; thence East 130.0 feet along the North side of Lot 11, to the center of vacated Fir Street; thence South 50.0 feet along the Center of Fir Street; thence West 130.0 feet to the Southwest corner of Lot 11; thence North 50.0 feet along the West Side of Lot 11 to the point of beginning in Lane County, Oregon.

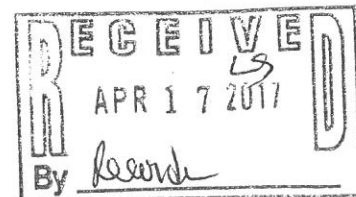
(NOTE: this legal description was created prior to January 1, 2008.)

and

**WHEREAS**, City is the owner of the lot located immediately West of the above-described lot;  
and

**WHEREAS**, the structure on the City's property commonly known as City Hall was constructed in the early 1960's and later re-built and expanded based upon the current survey available at the time; and

COPY







**WHEREAS**, knowing that the expansions of the building contemplated by the City in December of 1993 would encroach upon the setback requirements of the Dunes City Code of Ordinances, the City applied for a variance to encroach on the setbacks; and

**WHEREAS**, after mandatory hearings before both the Planning Commission and the City Council, and no one objecting to the request, the City was granted a variance to construct the building in its current location; and

**WHEREAS**, also in 1993, the prior owner of the property applied for and was granted a variance to encroach on the rear setbacks of her property for purposes of building a shed; and

**WHEREAS**, when Owners acquired the property in 2012, they had the property they purchased surveyed and discovered that City Hall, in actuality, encroaches upon the Owners' property described hereinabove; and

**WHEREAS**, the City and Owners desire to resolve the encroachment issue without interfering with any of the variances previously granted to each of them; and

**NOW, THEREFORE**, Owner hereby grants to City the perpetual and exclusive easement and right to use the following described real property for public purposes as shown on the map attached as Exhibit A. and incorporated by reference herein:

A strip of land Five foot Three inches (5.3) in width along the entire Westerly boundary of Lot 11, in Block 11, of the Plat of Westlake, as platted and recorded in Book 7, Page 2, Lane County Oregon Plat Records, in Section 34, Township 19 South, Range 12 West of the Willamette Meridian.

Owner hereby grants to City a perpetual easement for all public purposes as deemed necessary and appropriate in the sole discretion of City

City will be responsible for all maintenance and repair of the easement area. Owner also grants to City the perpetual and exclusive right to repair and maintain the easement and any improvements made thereon.

In exchange for Owner's grant of the perpetual and exclusive easement to use said land, City will install a wooden fence across the easterly line of said easement, said fence to match the existing wooden fence on Owner's adjacent lot, at City's sole expense. Owner's also grant City the right to enter onto their property for purposes of installation of said fence, provided, however, the reasonable notice is provided to Owner as to when the installation will take place. City also acknowledges and agrees to allow for the support beams for said existing fence to be attached to the eaves of City Hall. Once installed, Owner's agree they will be responsible for the maintenance and repair of the fence.

All construction contemplated to be done under the terms of this agreement shall be at the sole cost and expense of City. Furthermore, City agrees to hold Owner harmless from any loss, damages, or injury claims resulting from the work conducted on Owner's property, provided, however, that such loss, damages, or injury are directly related to the work done on the property and not caused by Owner's own negligence.

This easement will be binding on, and inure to the benefit of, the Owner and the City and their respective heirs, successors, and assigns.

Each party assumes the risk associated with its use of the easement area.

The easement granted herein is subject to all prior easements or encumbrances of record.

EX E 2 of 5



IN WITNESS WHEREOF, the parties hereto have executed, or caused to be executed by their duly authorized officials, this Agreement in duplicate on the respective dates indicated below.

545  
EX E

D B DIMON PROPERTIES, LLC.

DUNES CITY

By: David L. Dimon  
DAVID L. DIMON, Resident Agent

By: Jamie L. Mills  
JAMIE L. MILLS  
City Administrator

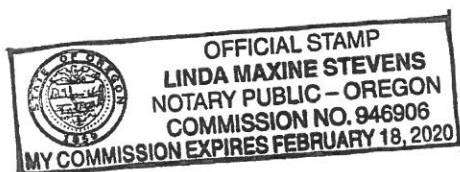
By: Beverly A. Dimon  
BEVERLY A. DIMON, Member

State of Oregon )  
: ss.  
County of Lane )

On this 30 day of march, 2017, before me, a Notary Public in and for the County and State aforesaid, personally appeared DAVID L. DIMON, Resident Agent of D B DIMON PROPERTIES, LLC., known or proven to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal of office the day and year first above written.

Linda Maxine Stevens  
NOTARY PUBLIC



State of Oregon )  
: ss.  
County of Lane )

On this 30 day of march, 2017, before me, a Notary Public in and for the County and State aforesaid, personally appeared BEVERLY A. DIMON, Member of D B DIMON PROPERTIES, LLC., known or proven to me to be the person described in and who executed the

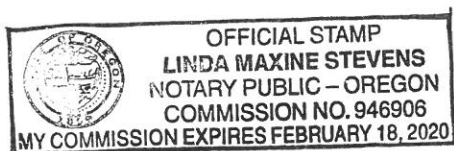


foregoing instrument, and who acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal of office the day and year first above written.

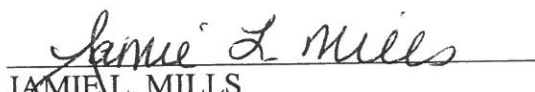


NOTARY PUBLIC



**APPROVAL AND ACCEPTANCE OF DEDICATION**


The City of Dunes City, Oregon, does hereby accept the Easement from D B DIMON PROPERTIES, LLC, dated March 30, 2017

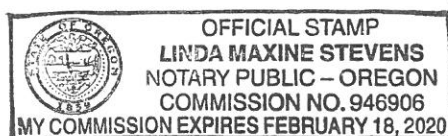
  
JAMIE L. MILLS  
City Administrator

State of Oregon       )  
                                  : ss.  
County of Lane       )

On this 30 day of March, 2017, before me, a Notary Public in and for the County and State aforesaid, personally appeared JAMIE L. MILLS, known or proven to me to be the person described in and who executed the foregoing instrument, and who acknowledged to me that she executed the same freely and voluntarily and for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I hereunto set my hand and affix my official seal of office the day and year first above written.

  
NOTARY PUBLIC



5 to 4 3 X3





565 3 X 5



SPRUCE STREET  
60' PUBLIC RIGHT OF WAY

DAVID W.

PROPERTY 1  
TL 5800  
DUNES CITY

TL 5900  
DAVID W. AND KAREN S. JACKSON

DUNES CITY HALL  
ROOF AND EAVE AREA

RETAINING WALL

TL 6200  
D.B. DIMON PROPERTIES LLC

TL 6201  
D.B. DIMON PROPERTIES LLC

PROPERTY 2

PROPERTY 2

TL 6300  
D.B. DIMON PROPERTIES LLC

VACATED RIGHT OF WAY FIR STREET

TL 5400  
D.B. DIMON PROPERTIES LLC



EASEMENT AREA

EXHIBIT A.

Lane County Clerk

482000 9 LCELDEP  
04/13/2017 11:13:09 AM

87.00

RPR  
ESMT  
How Many Titles?  
1  
# of Pages  
5  
Non-Standard Fee  
YES 25.00  
Pfund  
YES 20.00  
A&T-OLIS Fee  
YES 10.00  
HOUSING FEE  
YES 11.00  
Official Record Number  
2017-017896  
Recording Date and Time  
04/13/2017 11:12:04 AM 21.00

Total  
CHECK \$87.00  
87.00

Amount Due

Thank You



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

**RESOLUTION SERIES 2017, NO. 11 (05-11-2017)**

**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 11<sup>th</sup> DAY OF MAY, 2017.**

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

\_\_\_\_\_  
Rebecca Ruede, Mayor

ATTEST:

\_\_\_\_\_  
Jamie Mills, City Administrator



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,	)	No. <del>16-07-01728</del> 16-07-17028
	)	
Plaintiff-Relators,	)	
	)	STIPULATED
vs.	)	GENERAL JUDGMENT;
	)	PEREMPTORY WRIT
CITY OF DUNES CITY,	)	OF MANDAMUS
an Oregon municipal corporation,	)	
	)	
Defendant.	)	
	)	

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

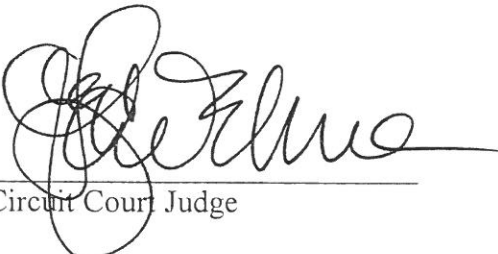






1 herein; (2) Said approval is subject to conditions set forth on Exhibit B attached hereto and by  
2 this reference incorporated herein; (3) In addition to the conditions set forth in Exhibit B, the  
3 City's approval will include the following supplemental conditions: (a) A 100-foot setback  
4 from 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<sup>th</sup> day of August, 2007.

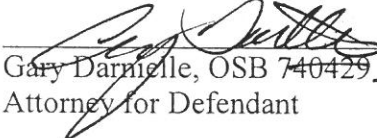
14  
15  
16  
  
Circuit Court Judge

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



**LITTLE WOAHINK**

**PRELIMINARY PLAT NOTES**

1. THE BOUNDARY SURVEY WAS PERFORMED BY THE OWNER'S PRIVATE SURVEYOR. LOT DIMENSIONS AND AREA DATA VARY FROM THE FINAL PLAT.

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

25356 Prairie Road  
Eugene, Oregon 97402

(541) 686-8322  
Fax (541) 686-8087



**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 1<sup>st</sup> 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.

