

ORDINANCE NO. 247

AN ORDINANCE AMENDING SECTION 155.2.1.111 TO ADD MARIJUANA PRODUCERS TO THE LIST OF CONDITIONAL USES THAT REQUIRE A CONDITIONAL USE PERMIT IN THE R-1 ZONE; ADDING A NEW SECTION 155.2.1.270 TO ADD SPECIAL STANDARDS THAT RECREATIONAL MARIJUANA PRODUCERS AND RECREATIONAL MARIJUANA PRODUCTION MUST MEET IN THE R-1 ZONE, ADDING NEW PROVISIONS TO TERMINATE ANY CONDITIONAL USE PERMIT GRANTED UNDER THE TERMS OF THIS SECTION 155.2.1 UPON ANY CHANGE OF USE OR OWNERSHIP OF THE REAL PROPERTY FOR WHICH THE CONDITIONAL USE PERMIT WAS GRANTED; AMENDING SECTION 155.2.2.111 TO ADD RECREATIONAL MARIJUANA PROCESSORS TO THE LIST OF CONDITIONAL USES THAT REQUIRE A CONDITIONAL USE PERMIT IN THE COMMUNITY COMMERCIAL DISTRICT; ADDING A NEW SECTION 155.2.2.220 TO ADD SPECIAL STANDARDS THAT MUST BE MET FOR RECREATIONAL MARIJUANA PROCESSORS IN THE COMMUNITY COMMERCIAL DISTRICT, ADDING NEW PROVISIONS TO TERMINATE ANY CONDITIONAL USE PERMIT GRANTED UNDER THE TERMS OF THIS SECTION 155.2.2 UPON ANY CHANGE OF USE OR OWNERSHIP OF THE REAL PROPERTY FOR WHICH THE CONDITIONAL USE PERMIT WAS GRANTED; CORRECTING FORMATTING ERRORS AND OTHER MATTERS RELATED THEREO.

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, State law authorizes the operation of recreational and medical marijuana businesses and provides those businesses with immunity from state criminal prosecution; and

WHEREAS, although the State of Oregon has passed legislation authorizing marijuana businesses and providing criminal immunity under state law, the operation of those businesses remains illegal under federal law; and

WHEREAS, the City Council has home rule authority to decide whether, and under what conditions, certain commercial conduct should be regulated within the City and subject to the general and police powers of the City, except when local action has been clearly and unambiguously preempted by State Statute; and

WHEREAS, whether a certain business should operate within a local jurisdiction is a local government decision, and local governments may enforce that decision through the general and police powers of that jurisdiction; and

WHEREAS, the City's licensing and regulatory system should not be construed to constitute an authorization to engage in any activity prohibited by law nor a waiver of any other license or regulatory requirement imposed by any other provisions of City Ordinance or local, regional, State or federal law; and

WHEREAS, the City Council of Dunes City wants to regulate the operation of recreational marijuana businesses in the City in ways that protect and benefit the public health, safety and welfare of existing and future residents and businesses in the City; and

WHEREAS, this Ordinance is intended to impose restrictions, not provide authorizations; and

WHEREAS, the operation of a recreational marijuana business without proper authority from the Oregon Liquor Control Commission is prohibited within the City;

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

Section 1. Amend Section 155.2.1.111 to add the term "Recreational Marijuana Producers" to the list of uses required to obtain a conditional use permit in the R-1 Zone.

Section 2. Add a new Section 155.2.1.270 to read as follows:

"155.2.1.270 Recreational Marijuana Producers

"For purposes of this Section 155.2.1.270, the following definitions apply:

"Marijuana means all parts of the plant Cannabis family *cannabaceae*, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin. It does not include the stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

"Recreational Marijuana Producer means the growing, or other production, of five (5) or more plants of the Cannabis family *cannabaceae*, or any part of the plant Cannabis family *cannabaceae* and the seeds of the plant by any business licensed by the Oregon Liquor Control Commission.

"Recreational Marijuana Business means any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, researching, testing, or selling marijuana or marijuana items.

"A. In addition to all other requirements set forth in Section 155.2.1, Recreational Marijuana Producers shall comply with the following additional standards:

"1. All Recreational Marijuana Producers shall hold, in good standing, a license issued by the Oregon Liquor Control Commission.

“2. The facility must comply with all applicable laws and regulations of the Dunes City Code including, but not limited to, the development, land use, zoning, building, fire, and business license codes.

“3. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area.

“4. Facilities must use an air filtration and ventilation system which is certified by an Oregon licensed mechanical engineer to ensure, to the greatest extent feasible, that all objectionable odors associated with the marijuana production is confined to the licensed premises. For purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

“5. Facilities must maintain adequate outdoor lighting over each exterior exit, however, such lighting shall be placed and directed in a manner to avoid reflection or glare on adjacent properties.

“6. Heat and glare created by the Recreational Marijuana Producer must not be discernible at or beyond the property line.

“7. No unreasonable noise, as described in Section 91.04 of the Dunes City Code of Ordinances, will be created or allowed to exceed the requirements as set forth in said Section 91.04 of the Dunes City Code of Ordinances.

“8. Written evidence must be provided to show that a plan showing and describing the security measures to be utilized within and around the facilities has been provided to the Lane County Sheriff’s Department and Siuslaw Valley Fire and Rescue.

“9. Written evidence must be provided to show that all applicable fees have been paid and there are no governmental liens, fines or violations existing against the property proposed for use by the Marijuana Producer.

“10. Written evidence must be provided to show the water source that will serve the property proposed by the Recreational Marijuana Producer.

“11. Recreational Marijuana Producers may not be located within one thousand feet (1,000’) from the following facilities, measured in a straight line from the closest property line on which the Recreational Marijuana production will take place to the closest edge of the property line on which the facility is located. These distance limitations between facilities are based upon the facilities surrounding the proposed Recreational Marijuana Producer facility at the time the proposed Recreational Marijuana Producer facility’s application for a Conditional Use Permit is first submitted pursuant to Section 155.2.1.111:

“a. A public park;

“b. A campground or resort which serves children under eighteen (18) years of age; or

“c. A school bus stop location which serves children under eighteen (18) years of age, at the location of the stop at the time the Conditional Use Permit is issued.

“12. No more than one Marijuana Business may be located on the same property, parcel, address, or tax lot.

“13. No drive-up or drive through services shall be permitted.

“14. Any other conditions deemed necessary by the Planning Commission or the City Council to protect the public health and safety of the residents of Dunes City.”

Section 3. Add Subsection B to 155.2.1.270 to read as follows:

“B. Termination of Conditional Use Permit for Recreational Marijuana Producers.

“Should the real property for which a Conditional Use Permit for Recreational Marijuana Producers has been issued pursuant to this Section 155.2.1 no longer be used for the purpose of producing or growing recreational marijuana, or should said real property change ownership in any manner, the Conditional Use Permit shall be automatically terminated, effective immediately.”

Section 4. Amend Section 155.2.2.111 to add the term “Recreational Marijuana Processors” to the list of uses that require a Conditional Use Permit in the Community Commercial District of Dunes City.

Section 5. Add a new Section 155.2.2.220 to read as follows:

“155.2.2.220 Recreational Marijuana Processors.

“For purposes of this Section 155.2.2.220, the following definitions apply:

“**Marijuana** means all parts of the plant Cannabis family *cannabaceae*, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin. It does not include the stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

“**Recreational Marijuana Processor** means any business licensed by the Oregon Liquor Control Commission for processing, wholesaling, researching, testing, or selling marijuana or marijuana items.

“**Marijuana Business** means any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, researching, testing, or selling marijuana or marijuana items.

“A. In addition to all other requirements set forth in Section 155.2.2, Recreational Marijuana Processors shall comply with the following additional standards:

“1. All Recreational Marijuana Processors shall hold, in good standing, a license issued by the Oregon Liquor Control Commission.

“2. The facility must comply with all applicable laws and regulations of the Dunes City Code including, but not limited to, the development, land use, zoning, building, fire, and business license codes.

“3. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area.

“4. Facilities must use an air filtration and ventilation system which is certified by an Oregon licensed mechanical engineer to ensure, to the greatest extent feasible, that all objectionable odors associated with the marijuana processing is confined to the licensed premises. For purposes of this provision, the standard for judging “objectionable odors” shall be that of an average, reasonable person with ordinary sensibilities after taking into consideration the character of the neighborhood in which the odor is made and the odor is detected.

“5. Facilities must maintain adequate outdoor lighting over each exterior exit, however, such lighting shall be placed and directed in a manner to avoid reflection or glare on adjacent properties.

“6. Heat and glare created by the Recreational Marijuana processing must not be discernible at or beyond the property line.

“7. No unreasonable noise, as described in Section 91.04 of the Dunes City Code of Ordinances, will be created or allowed to exceed the requirements as set forth in said Section 91.04 of the Dunes City Code of Ordinances.

“8. Written evidence must be provided to show that a plan showing and describing the security measures to be utilized within and around the facilities has been provided to the Lane County Sheriff’s Department and Siuslaw Valley Fire and Rescue.

“9. Written evidence to show that all applicable fees have been paid and there are no governmental liens, fines or violations existing against the property proposed for use by the Recreational Marijuana Processor.

“10. Written evidence to show the water source that will serve the property proposed by the Recreational Marijuana Processor.

“11. Recreational Marijuana Processors may not be located within one thousand feet (1,000’) from the following facilities, measured in a straight line from the closest property line on which the Recreational Marijuana processing will take place to the closest edge of the property line on which the facility is located. The distance limitations between facilities are based upon the facilities surrounding the proposed Recreational Marijuana Processor location at the time of submission of a completed application for Conditional Use Permit:

“a. A public park;

“b. A campground or resort which serves children under eighteen (18) years of age; or

“c. A school bus stop location which serves children under eighteen (18) years of age, at the location of the stop at the time the Conditional Use Permit is issued.

“12.No more than one Recreational Marijuana Business may be located on the same property, parcel, address, or tax lot.

“13.No drive-up or drive through services shall be permitted.

“14.Any other conditions deemed necessary by the Planning Commission or the City Council to protect the public health and safety of the residents of Dunes City.”

Section 6. Add Subsection B 155.2.2.221 to read as follows:

“B. Termination of Conditional Use Permit for Recreational Marijuana Processors.

“Should the real property for which a Conditional Use Permit for Recreational Marijuana Processors has been issued pursuant to this Section 155.2.2 no longer be used for the purpose of processing recreational marijuana, or should said real property change ownership in any manner, the Conditional Use Permit shall be automatically terminated, effective immediately.”

Section 7. EFFECTIVE DATE. This Ordinance shall take effect at 12:01 a.m. on the 7th day of November, 2018, only if the question regarding a ban of all marijuana businesses in the Dunes City limits, found in Ordinance No. 245 adopted by the Dunes City Council on September 13, 2017 fails to be passed by the citizens of Dunes City.

Section 8. SEVERABILITY. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, or superseded by State or federal legislation, rules, regulations or decisions, the remainder of this Ordinance shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance, and each remaining section, subsection, sentence, clause, phrase, term, provision, condition, covenant and portion of this Ordinance shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or State laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Ordinance, then the provision shall be read to be preempted only to the extent required by law. In the event such federal or State law, rule, or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no longer preempted, such provision shall thereupon return to full force and effect and shall thereafter be binding, without the requirement of further action on the part of the City.

Section 9. OTHER REMEDIES. Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance. Non-exclusive remedies for enforcement are all those available under State and County laws including seizure of property, civil and criminal penalties.

Section 10. CAPTIONS. The captions to sections through this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

Section 11. SCRIVENER'S ERRORS. Any scrivener's errors in this Ordinance may be corrected by Resolution of the City Council.

Passed at the first reading in regular meeting of the City Council of Dunes City, Oregon, on the _____ day of _____, 2018.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ Vacant: _____

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon on this _____ day of _____, 2018.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ Vacant: _____

ADOPTED BY THE DUNES CITY COUNCIL THIS _____ DAY OF _____, 2018.

Robert Forsythe, Mayor

ATTEST:

Jamie Mills, City Recorder

Chapter 155

Zoning and Development

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155.2.0.100 Classification of Land Use Districts.

All areas within the urban growth boundary of the City of Dunes City are divided into land use districts. The use of each lot, parcel and tract of land is limited to the uses permitted by the applicable land use district. The applicable land use district shall be determined based on the Land Use District Map, and the provisions of this Chapter.

155.2.0.100.1 Districts Established

In order to carry out the purpose and provisions of this Section, land within the City may be classified in one or more of the following districts:

- A. Residential District (R-I)
- B. Community Commercial District (CC)

155.2.0.110 Zone Maps

- A. Consistency with Land Use Zoning Map. The boundaries of each of the land use districts contained within this Chapter shall coincide with the land use district boundaries identified on the City's official zoning map, retained by the City Recorder. A certified print of the adopted land use district map, and any map amendments, shall be maintained by the City. Said map by this reference is made part of this Chapter.
- B. Applicability of Zoning Requirements. All land within the land use district boundaries identified on the official zoning map, is limited to the uses defined in this Section.
- C. Land Use District Map Amendments: All amendments to the City land use district (zoning) map shall be made in accordance with the provisions of 155.4.7. The City shall make available for public inspection an up-to-date copy of the revised land use district map, so that it accurately portrays changes of zone boundaries or classification, as applicable.

155.2.0.120 Urban Growth Boundary

All properties located within the City limits are declared to be within the City's Urban Growth Boundary.

155.2.0.130 Determination of Zone Boundaries

Where uncertainty exists regarding the specific location of a zone boundary, the following rules shall apply:

- A. The Planning Commission shall interpret any and all boundary ambiguities.
- B. Boundaries indicated as approximately following the centerline of streets shall be construed to follow such centerlines.
- C. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- D. Boundaries indicated as approximately following City limits shall be construed as following such City limits.
- E. Boundaries indicated as following public utility easements shall be taken to be midway between the utility easement boundaries.
- F. Boundaries following shorelines shall be taken to follow the ordinary low water line. Boundaries following the centerlines of streams, rivers, or other bodies of water shall be taken to follow said centerline and no matter how the centerline should shift, the boundary would remain the centerline as shifted.
- G. Boundaries indicated as parallel to or extensions of features indicated in divisions (B) through (F) above shall be so construed.
- H. Where a zone boundary divides an ownership of property, the boundary shall be determined by the use of the scale appearing on the zoning map.

155.2.0.130.1 Zoning of Vacated Property

Where a public right-of-way is officially vacated, the zoning district requirements applicable to the property of which the vacated area becomes a part shall apply to the vacated property.

155.2.0.130.2 Transfer of Property Between Adjacent Parcels

All property transfers between adjacent parcels shall be handled as "lot line" adjustments. See 155.4.3.210.

155.2.1 RESIDENTIAL (R-1) DISTRICT

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155.2.1.100 Purpose

The purpose of the Residential (R-1) District is to provide for rural residential living opportunities envisioned in the Comprehensive Plan and to provide for development at densities which will be compatible with and not adversely affect the open space, natural resources, and overall environmental quality of the City.

155.2.1.110 Permitted Land Uses

- A. In the R-1 District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this chapter:
1. One single-family dwelling per lot, which may include site-built, pre-fabricated, or manufactured housing, which meets the requirements of applicable building codes and standards established by the state. This division shall not be construed as abrogating a recorded restrictive covenant.
 2. Home occupations.
 3. Residential Care Homes
 4. Public and semi-public buildings and uses essential to the physical, social, and economic welfare of the City including, but not limited to, fire stations, substations, pump stations, wells, parks, playgrounds, and community centers.

5. Agriculture: including the growing and raising of trees, vines, shrubs, berries, vegetables, nursery stock, hay, grains, and similar food and fiber products.
6. Ducks, geese, chickens, rabbits, other similar fowl and small animals in a sum total numbering fourteen (14), or less. If such animals are creating a nuisance, the City Council shall have the power and authority to notify the applicant that they must apply for a conditional use permit. The owners shall then immediately be obliged to apply for a conditional use permit and shall stand before the City Council in that process as though they had not yet acquired the offending small animals and/or fowl and were seeking permission to do so.
7. Planned Unit Developments, as provided by Section 155.4.5.
8. Child Care Facilities
9. Other uses similar to the above.

B. Accessory buildings may not be sited prior to the issuance of a residential building permit.

155.2.1.111 Conditional Uses

The following conditional uses are permitted, subject to a conditional use permit granted pursuant to the general provisions of this chapter providing for the granting of conditional use permits:

- A. Churches.
- B. Fraternal Lodges, grange halls, clubs.
- C. Schools, public and private.
- D. Stables, riding academies.
- E. Animal husbandry, including the raising, tending, or breeding of cattle, horses, sheep, goats, bees, poultry, fur-bearing animals, and swine for purposes of domestic use. Such animal husbandry shall not be part of or be conducted in conjunction with any livestock sales yard, slaughterhouse, or animal by-product business. Such use shall include, but not be limited to, the raising of small fowl, animals for show, competitions, or projects sponsored or directed by a school, club, or other social or educational activity.
- F. Bed & Breakfast.
- G. Multi-Family Dwellings
- H. Guest houses.
- I. Residential Care Facility
- J. Recreational Marijuana Producers.

155.2.1.112 Unpermitted Uses

All uses not listed under Sections 155.2.1.110 and 155.2.1.111 are not permitted.

155.2.1.120 Building Setbacks and Lot Area Requirements

(See 155.2.1.121 – 155.2.1.123.)

155.2.1.121 Requirements in General

- A. General dimensional requirements. The size, width, shape, and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with lot requirements of this chapter. See definitions for lot types and 155.6 for lot type drawings.
 - 1. *Depth.* Each lot shall have an average depth between the lot front line and the lot rear line of not less than 150 feet and shall be not more than two and one-half times the average width between the lot lines. The two and one-half times requirement does not apply to lots greater than five acres in size, and this requirement can be waived for lots five acres or smaller if it is readily apparent further division will satisfy this requirement.
 - 2. *Frontage.* Each lot shall have frontage of not less than 60 feet upon a street or street easement, except:
 - a. A lot on the outer radius of a curved street or facing a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc.
 - b. Lots accessed by easement shall conform to the standards of 155.3.1.2, I & K.
- B. *Lot sidelines.* As far as is practicable, lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.
- C. *Suitability for intended use.* All lots shall be suitable for the purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision area or of such lot, as determined by the City in accordance with the purpose of this chapter.
- D. *Land for public purpose.* When the City, the school district, or other public agency has expressed a definite interest in acquiring a specified portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, then the City may require that those portions of the division be reserved for public acquisition at a negotiated price for a period not to exceed six months from the date of City Council approval of a subdivision preliminary plan.
- E. *Lake access.* Common access may be provided within a subdivision where maintenance is provided for in deed covenants.
- F. *Setback measurement.* Building setbacks are measured from a point on the wall or foundation nearest to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards,

as listed on the following table and illustrated in the appendix, apply to primary structures as well as accessory structures. A Variance is required in accordance with Section 155.5.1 to modify any setback standard.

- G. *Lots with water frontage.* Lots with water frontage shall have a minimum of 50 feet water frontage.

155.2.1.122 - Specific Requirements - For non-conforming lots, and at the discretion of the Planning Commission, foundations may intrude into side yard setbacks no more than one foot. Requirements for lot area, width, and coverage, yard setbacks, building height, vision clearances are as set forth in the following table:

<i>R-1 DISTRICT LOT AND STRUCTURE REQUIREMENTS</i>	
ITEM	REQUIREMENT
Lot area	1 acre minimum
Lot average width	150 feet minimum
Lot Coverage :	
Structures	30% maximum
Structure Setback:	
Front yard	30 feet from Highway 101 R-O-W
Front yard	25 feet from property line
Side yard (corner lot)	15 feet from property line
Side yard (interior lot)	10 feet from property line
Rear yard	10 feet from property line
Shoreline	50 feet (water-dependant excluded)
Significant Wetlands:	
Delineated Wetlands	0-feet
Non-Delineated	50-feet
Riparian Corridor	50-feet
Structure Height:	
Height from average grade	Lesser of 32 feet or 2 ½ stories maximum

155.2.1.123 Additional Requirements

- A. Additional setback requirements.

1. *Building features.* The following building features may project into the required front yard setback no more than five feet and into the required interior yards setback no more than two feet:
 - a. Eaves, cornices, belt courses, sills, awnings, buttresses, air conditioners, or other similar features.
 - b. Chimneys and fireplaces, provided they do not exceed eight feet in width.
 - c. Porches, platforms, decks and landings that do not extend above the level of the first floor of the building.
 - d. Signs conforming to all other applicable ordinances.
2. *Utility easements.* Where a utility easement is recorded, the setback shall not be less than the width of the easement.
3. *Structures in the setback areas.* Structures in lot setback areas are not permitted except for fences, retaining walls, water wellheads, driveways, and utility poles and cabinets. Retaining walls are permitted in setback areas only for the purpose of slope or grade stabilization or retention and may not be part of any other use. The height of retaining walls in the setback areas shall be no higher than that permitted for fences.

B. Additional height requirements.

1. Height limits established for the respective districts refer to the height of the building. Roof structures for the housing of elevators, stairways, tanks, ventilating fans, and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, television antennas, steeples, and similar structures may be erected above the height limits prescribed in this section, provided that no roof structure, feature, or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space.
2. The maximum height of buildings permitted conditionally shall be the same as the requirements of the district in which it is located unless otherwise specified.
3. Fences in the front yard setback areas: Chain link unfilled (no slats), ornamental and other fencing that does not obstruct vision may not exceed six feet in height. Solid fencing that obstructs vision shall be limited to 3 ½ feet in height. Fences in the side and rear yard setback areas: Fencing (all types) may not exceed six feet in height.
4. Fences are not permitted in the shoreland areas.

C. Additional lot area requirements. The minimum area requirements of this section shall not be construed to govern in situations where greater minimum area requirements are imposed or required by State law, State rules and regulations, or the provisions of this chapter.

155.2.1.130 Residential Density

The following density standards apply to all new development. The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

New land divisions and site developments shall provide for housing at a maximum density of no more than one dwelling per acre.

155.2.1.140 All Uses

See appendix 155.6— for lot, blocks, street uses.

155.2.1.200 Special Standards for Certain Uses

This section supplements the standards contained Sections 155.2.1.100 through 155.2.1.130. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Residential District:

155.2.1.210 Manufactured Homes and Accessory Placement Standards

Manufactured homes are permitted on individual lots, subject to all of the following design standards, consistent with ORS.197.307(5) Exception: The following standards do not apply to units which were legally placed within the City prior to the effective date of this ordinance.

In addition to all applicable general development standards and requirements for Residential (R-1) Districts outlined in this subsection, the following standards shall apply:

- A. The manufactured home shall be multi-sectional (“double wide” or wider) and enclose a space of not less than 1,000 square feet.
- B. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter.
- C. The manufactured home shall have a pitched roof greater than a nominal three vertical feet in height for each horizontal 12 feet in width.
- D. The manufactured home shall have exterior siding and roofing which in color, material, and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local approval authority.
- E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the State building code as defined in ORS 455.010.
- F. The manufactured home shall have a garage or carport. The garage or carport shall be constructed of materials similar to those required by D. above.

- G. The manufactured home must be installed in accordance with ORS 446.155 through 446.285, OAR 814-23-605, and the installation instructions as supplied by the manufacturer.

155.2.1.220 Accessory Buildings

Accessory buildings in the residential district include detached garages, sheds, workshops, green houses, guesthouses and similar structures. No accessory building in the residential district may have a kitchen facility.

155.2.1.230 Bed and Breakfast

Bed and breakfasts in the R-1 zone must be an operator-occupied or owner-occupied home that is primarily used for this purpose. A maximum of five (5) bedrooms for rent is allowed and one off-street parking space is required for each bed rented.

155.2.1.240 Residential Care Homes and Facilities

Residential care homes are residential treatment or training homes or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, in “homes” for 5 or fewer individuals, or “facilities” for 6 to 15 individuals, none of whom need be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660-670:

- A. Licensing. All residential care homes shall be duly licensed by the State of Oregon.
- B. Parking. A minimum of one off-street parking space shall be provided for each employee and typical number of visitors, in accordance with Section 155.3.3.3 – Parking requirements.
- C. Development Review. Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

155.2.1.250 Signs

- A. Within the Residential (R-1) District signs and nameplates may be installed as follows:
 - 1. One nameplate not exceeding four square feet in area for each dwelling unit, indicating the name of the occupant and/or identifying the home occupation.
 - 2. One sign not exceeding 12 square feet in area for buildings other than dwellings.
 - 3. One sign not exceeding 6 square feet pertaining to the sale or rental of developed property.
 - 4. One sign not exceeding 18 square feet in area advertising the sale of property or undeveloped property of 2 acres or greater.

- B. Signs announcing the division and improvement of property in the Residential (R-1) District may be erected according to the following provisions:
1. The sign shall not exceed 50 square feet in area.
 2. The sign may be double-faced.
 3. The top of the sign shall not be more than ten feet above the ground level and the sign shall not be erected nearer than ten feet to any property line.
 4. Two such signs are permitted in each subdivision larger than five acres and fronting on two or more streets.
 5. Such signs must be removed no later than two years after being installed unless the Planning Commission grants an extension of time.
 6. Two directional signs, each being 6 square feet or less, being either single- or double-faced, may be erected outside the platted subdivision area, not within the public right-of-way.
- C. No sign shall be constructed, erected, or maintained which:
1. Bears or contains statements, words, or pictures of an obscene, indecent, or immoral character, such as will offend public morals or decency.
 2. Purports to be or is an imitation of or resembles an official traffic sign or signal, or which bears the words "STOP," "GO SLOW," "CAUTION," "DANGER," "WARNING," or similar words.
 3. By reason of its size, location, movement, content, coloring, or manner of illumination may be confused with or construed as a traffic control device; or which hides from view any traffic or street sign or signal.
 4. Advertises or publicizes an activity, business product or service no longer conducted on the premises upon which such signs are maintained.
 5. Carries a message on a rotating or moving part. Only minor decorative parts of signs may move or rotate.
 6. Uses banners, flags, posters, pennants, ribbons, streamers, and strings of light bulbs, spinners, or oral or olfactory devices.

155.2.1.260 Manufactured Home Park

See Planned Unit Development (P.U.D.) - Section 155.4.5.0 or See Land Divisions - Section 155.4.3.

155.2.1.270 Recreational Marijuana Producers

For purposes of this Section 155.2.1.270, the following definitions apply:

Marijuana means all parts of the plant Cannabis family *cannabaceae*, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin. It does not include the stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Recreational Marijuana Producer means the growing, or other production, of five (5) or more plants of the Cannabis family *cannabaceae*, or any part of the plant Cannabis family *cannabaceae* and the seeds of the plant by any business licensed by the Oregon Liquor Control Commission.

Recreational Marijuana Business means any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, researching, testing, or selling marijuana or marijuana items.

In addition to all other requirements set forth in Section 155.2.1, Recreational Marijuana Producers shall comply with the following additional standards:

- A. All Recreational Marijuana Producers shall hold, in good standing, a license issued by the Oregon Liquor Control Commission.
- B. The facility must comply with all applicable laws and regulations of the Dunes City Code including, but not limited to, the development, land use, zoning, building, and fire codes.
- C. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area.
- D. Facilities must use an air filtration and ventilation system which is certified by an Oregon licensed mechanical engineer to ensure, to the greatest extent feasible, that all odors associated with the marijuana production is confined to the licensed premises.
- E. Facilities must maintain adequate outdoor lighting over each exterior exit, however, such lighting shall be placed to avoid reflection or glare on adjacent properties.
- F. Heat and glare created by the Recreational Marijuana Producer must not be discernible at or beyond the property line.
- G. Exterior lighting shall be directed away from and shall not reflect on adjacent properties.
- H. No unreasonable noise, as described in Section 91.04 of the Dunes City Code of Ordinances, will be created or allowed to exceed the requirements as set forth in said Section 91.04 of the Dunes City Code of Ordinances.
- I. Written evidence must be provided to show that a plan showing and describing the security measures to be utilized within and around the facilities has been provided to the Lane County Sheriff's Department and Siuslaw Valley Fire and Rescue.
- J. Written evidence must be provided to show that all applicable fees have been paid and there are no governmental liens, fines or violations existing against the property proposed for use by the Marijuana Producer.

- K. Written evidence must be provided to show the water source that will serve the property proposed by the Recreational Marijuana Producer.
- L. Recreational Marijuana Producers may not be located within one thousand feet (1,000') from the following facilities, measured in a straight line from the closest property line on which the Recreational Marijuana production will take place to the closest edge of the property line on which the facility is located. These distance limitations between facilities are based upon the facilities surrounding the proposed Recreational Marijuana Producer facility at the time the proposed Recreational Marijuana Producer facility application for a Conditional Use Permit is first submitted pursuant to Section 155.2.1.111:
- a. A public park;
 - b. A campground or resort which serves children under eighteen (18) years of age;
 - c. A commercial or residential recreational facility which serves children under eighteen (18) years of age; or
 - d. A school bus stop location which serves children under eighteen (18) years of age, at the location of the stop at the time the Conditional Use Permit is issued.
- M. No more than one Marijuana Business may be located on the same property, parcel, address, or tax lot.
- N. No drive-up or drive through services shall be permitted.
- O. Any other conditions deemed necessary by the Planning Commission or the City Council to protect the public health and safety of the residents of Dunes City.

155.2.1.271 Termination of Conditional Use Permit for Recreational Marijuana Producers

Should the real property for which a Conditional Use Permit for Recreational Marijuana Producers has been issued pursuant to this Section 155.2.1 no longer be used for the purpose of producing or growing recreational marijuana, or should said real property change ownership in any manner, the Conditional Use Permit shall be automatically terminated, effective immediately.

155.2.2 Community Commercial (CC) DISTRICT

Sections:

155.2.2.100	Purpose
155.2.2.110	Permitted Land Uses
155.2.2.111	Conditional Uses
155.2.2.112	Unpermitted Uses
155.2.2.120	Building Setbacks and Lot Area Requirements
155.2.2.121	Requirements in General
155.2.2.122	Specific Requirements
155.2.2.123	Additional Requirements
155.2.2.130	Signs
155.2.2.200	Special Standards for Certain Uses
155.2.2.210	Travel Trailer and Recreational Vehicles (RV) Parks
155.2.2.220	Recreational Marijuana Processors
155.2.2.221	Termination of Conditional Use Permit for Recreational Marijuana Processors

155.2.2.100 Purpose

The Community Commercial (CC) District is intended to accommodate, at convenient locations within the City, commercial activities, which provide the basic goods and services needed by the surrounding residents, and provide appropriate tourist and recreational goods, services, and facilities consistent with the Comprehensive Plan.

155.2.2.110 Permitted Land Uses

In the CC District, the following types of buildings and uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this section:

- A. Any use permitted outright or conditionally in the R-1 District.
- B. Grocery stores, general stores.
- C. Stores selling bakery products, dairy products, meat, fish, fruit, vegetables, feed, and seed.
- D. Business and professional offices.
- E. Financial institutions.
- F. Nurseries, flora.
- G. Clinics.
- H. Restaurants, cafes.
- I. Barber, beauty shops.
- J. Curio and gift shops.

- K. Boat sales and repair service.
- L. Manufactured home parks.
- M. Travel trailer parks.
- N. Rental facilities for boats and recreational vehicles.
- O. Post offices.
- P. Motels.
- Q. Churches.
- R. Tourist parks.
- S. Laundromats.
- T. Other uses similar to the above.
- U. Alleys

155.2.2.111 Conditional Uses

The following conditional uses are subject to a conditional use permit granted pursuant to the general provisions of this Section:

- A. Taverns, cocktail lounges.
- B. Automobile repair shops.
- C. Lumber and building material stores.
- D. Hardware stores.
- E. Service stations, provided that greasing and tire repairing are performed completely within an enclosed building.
- F. Marinas, boat launching, moorage facilities, boat rental, and charter services.
- G. Recreational Marijuana Processors.

155.2.2.112 Unpermitted Uses

All uses not listed under Sections 155.2.2.110 and 155.2.2.111 are not permitted.

155.2.2.120 Building Setbacks and Lot Area Requirements (See 155.2.2.121 – 155.2.2.123)

155.2.2.121 Requirements in General

- A. The size, width, shape, and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with lot requirements of this chapter. Where property is zoned and planned for business or industrial use, the depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. See definitions for lot types and 155.6 for lot type drawings.
 - 1. *Depth.* Each lot shall have an average depth between the lot front line and the lot rear line of not less than 150 feet and shall be not more than two and one-half times the average width between the lot lines. The two and one-half times requirement does not apply to lots greater than 5 acres in size.
 - 2. *Frontage.* Each lot shall have frontage of not less than 60 feet upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc. Lots with water frontage shall have a minimum of 50 feet frontage.
- B. Lot sidelines. As far as is practicable, lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.
- C. Suitability for intended use. All lots shall be suitable for the purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision area or of such lot, as determined by the City in accordance with the purpose of this chapter.
- D. Land for public purpose. When the City, the school district, or other public agency has expressed a definite interest in acquiring a specified portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, then the City may require that those portions of the division be reserved for public acquisition at a negotiated price for a period not to exceed six months from the date of City Council approval of a subdivision preliminary plan.
- E. Lake access. Common access may be provided within a subdivision where maintenance is provided for in deed covenants.
- F. Setback measurement. Building setbacks are measured from the portion of a structure located nearest to its respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following table and illustrated in the appendix, apply to primary structures as well as accessory structures. A Variance is required in accordance with Section 155.5.1 to modify any setback standard.

155.2.2.122 Specific Requirements

For non-conforming lots and at the discretion of the Planning Secretary, foundations may intrude into yard setbacks no more than one-foot. Requirements for lot area, width, and coverage, yard setbacks, building height, vision clearances are as set forth in the following table:

<u>CC DISTRICT LOT AND STRUCTURE REQUIREMENTS</u>	
ITEM	REQUIREMENT
Lot Area	1 acre minimum
Lot Average Width	150 feet minimum
Lot Coverage	
Structures	50% maximum
Structures with parking	70% maximum
Structure Setback:	
Front yard	30 feet from Highway 101 R-O-W
Front yard	25 feet from property line
Side yard (corner lot)	15 feet from property line
Side yard (interior lot)	10 feet from property line
Rear Yard	10 feet from property line
Shoreline	50 feet (water dependant excluded)
Significant wetland	
Delineated wetland	0-feet
Non-delineated wetland	50-feet
Significant Riparian Area	50-feet
Structure Height:	
Height from average grade	Lesser of 32 feet or 2 ½ stories maximum

155.2.2.123 Additional Requirements

- A. Additional setback requirements:
 1. Building features. The following building features may project into the required front yard setback no more than five feet and into the required interior yard setback no more than two feet:
 - a. Eaves, cornices, belt courses, sills, awnings, buttresses, air conditioners, or other similar features.
 - b. Chimneys and fireplaces, provided they do not exceed eight feet in width.
 - c. Porches, platforms, decks or landings which do not extend above the level of the first floor of the building.
 - d. Signs conforming to all other applicable ordinances.
- B. Utility easements. Where a utility easement is recorded, the setback shall not be less than the width of the easement.
- C. Fences and walls. In the Community Commercial (CC) District, fences or walls not to exceed eight feet in height may be located or maintained in any yard, except where the requirements of vision clearance apply or within the shoreland setback area.

155.2.2.130 Signs

The erection of an on-premises sign is a permitted use except as specifically set forth below, and subject to the limitations set forth below.

- A. Prohibited signs. Pennants, moving signs, flashing signs, signs that would block other commercial signs, traffic control signs, or such are prohibited. Signs, which would interfere with, mislead, or obstruct traffic control signs and thereby interfere with the motoring public, are prohibited.
- B. Height of sign. No commercial sign in the City shall exceed 16 feet in height from ground level, or the roadway surface, whichever is higher.
- C. Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

PREMISES. A single commercial lot or group of lots upon which a business enterprise or combination of business enterprises operates from a single continuous structure.

SIGN, BUILDING-MOUNTED. A sign affixed to the side of roof of a building or painted upon the exterior of a building or improvement.

SIGN, DIRECTIONAL. A sign which guides customers to areas such as parking, laundry facilities, restrooms, boat ramps, and the like, and whose principal purpose is not to solicit additional business.

SIGN, FREESTANDING. A sign not attached to any building or improvement.

D. Permits.

- 1. *New signs.* Any party wishing to erect a new sign must apply for a permit at the City Hall and submit with the application a design done to scale indicating the dimensions, height of lettering, background colors, colors of lettering, and other designs, pictures, arrows, or such markings to be made upon the face of the sign.
- 2. *Renovation and repair of old signs.* Existing signs may be repaired and repainted without obtaining a permit, so long as there is no significant change in the general dimensions, height, lettering, background colors, colors of lettering, and other designs, pictures, and arrows or markings made upon the face of the sign. In the event such a significant change should occur, it would be necessary to obtain a permit and comply with the requirements of this section.
- 3. *Fees.* The City Council shall set by resolution fees for obtaining sign permits.

- E. Size of signs. Commercial property facing Highway 101 shall be entitled to erect a sign whose face does not exceed 125 square feet in a single direction. At other commercial locations, the face of a sign shall not exceed 64 square feet in any direction. In no instance shall the City permit a business to erect upon premises freestanding and building-mounted signs in excess of 250 total square feet. Two-way signs shall include the square footage on both sides when calculating the total sign square footage. Off-premises signs shall not be computed in the total square footage of the business. A business seeking signs in excess of 250 square feet may apply for a conditional use permit, and the permit will be issued

pursuant to the criteria dealing with conditional use permits. The City shall, by resolution, set a fee for obtaining the permit.

- F. Off-premises signs. Off-premises signs shall require a conditional use permit, the fee for which shall be established by resolution by City Council. Off-premises signs are permitted only for the purposes of directing customers to the business enterprise.
- G. Number of signs. Only a single two-way freestanding sign or two one-way signs will be permitted on a business enterprise so long as they are at least 150 feet apart. Additionally, two building-mounted signs are allowed per business enterprise.
- H. Grandfather clause. All existing commercial signs in the City are grandfathered and may be maintained so long as the use is not expanded or substantially modified.

155.2.2.200 Special Standards for Certain Uses

This section supplements the standards contained Sections 155.2.2.100 through 155.2.2.130. It provides standards for the following land uses in order to control the scale and compatibility of those uses within the Community Commercial District.

155.2.2.210 Travel Trailer and Recreational Vehicles (RV) Parks

Travel trailer and RV parks shall be designed, constructed, and maintained according to the following standards and requirements:

- A. Site plan. **See Section 155.4.9.5.130**
- B. Development standards.
 - 1. *Park area.* Travel trailer or RV Park shall be created on a lot or parcel of land not less than five acres in area.
 - 2. *Space requirements.*
 - a. One manufactured home site or stick built home site is allowed in the park and shall contain at least 20,000 square feet. Each manufactured home or stick built site shall be at least 100 feet wide and 200 feet long.
 - b. Each travel trailer site shall contain at least 1,980 square feet. Each travel trailer site shall be at least 33 feet wide and 60 feet long.
 - 3. *Setbacks.*
 - a. No travel trailer, RV, or accessory thereto shall be located closer than 25 feet from a park property line abutting on a public street, ten feet from all other park boundary lines, and ten feet from any such areas as a park street, a common parking area, or a common walkway.
 - b. No travel trailer, RV, or accessory thereto shall be located closer than five feet to a manufactured home site or travel trailer site boundary line, closer

than ten feet to a building, or closer than 15 feet to another manufactured home or travel trailer.

4. *Access.* No travel trailer or RV Park shall be established on any site that does not have frontage on and access to a county or public street.
5. *Park streets/driveways.* The minimum width for driveways on which automobile parking is not permitted shall be 25 feet; driveways on which parking is to be permitted on one side shall be 33 feet wide; driveways on which parking is permitted on both sides shall be 41 feet wide.
6. *Off-street parking.* Off-street parking areas shall be provided at the rate of at least two car spaces for each manufactured home site and at least one car space for each travel trailer site. At least one required space must be located on each site. The remainder shall be located within at least 200 feet from the sites they are intended to serve.
7. *Walkways.* Walkways of not less than three feet in width shall be provided from each manufactured home site to any service building or recreation area.
8. *Paving.* Park streets and walkways shall be paved with a crushed rock base and asphalt or concrete surfacing.
9. *Recreation areas.*
 - a. In all parks with 14 or more manufactured home and travel trailer sites, there shall be one or more outdoor recreation areas easily accessible to all park residents and available for year-round recreational use.
 - b. Recreation areas shall contain a minimum of 5,000 square feet, and shall contain an additional 200 square feet for every manufactured home and travel trailer site in excess of 15 sites.
 - c. Recreation areas shall be centrally located and free of traffic hazards whenever possible.
10. *Pad improvements.* Manufactured home pads shall be paved with asphalt or concrete surfacing, or with crushed rock contained in concrete curbing.
11. *Accessories.* Accessories shall be limited to awnings, cabanas, patios, carports, garages, or storage buildings. No structural additions shall be built on or become part of any manufactured home or travel trailer.
12. *Fencing and landscaping.*
 - a. Every travel trailer or RV park shall provide an ornamental, sight-obscuring fence, wall, evergreen, or other suitable screening/planting along all boundaries of the manufactured home park site that abut on public street or property lines that are common to other owners of property, except for points of ingress and egress.

- b. Perimeter walls or fences shall be at least six feet and less than 12-feet in height. Where walls or fences are required along boundaries that abut on a public street, the walls or fences shall set back from the property lines to conform with setbacks for structures in the zoning district, or as is otherwise required in the conditional use permit. Evergreen planting used as the required fencing shall not be less than five feet in height, and shall be maintained in a living condition for the life of the travel trailer or RV Park.

13. *Signs*

- a. One sign not exceeding 18 square feet in area will be allowed on a property under one ownership to designate the name of the manufactured home park or travel trailer park. The sign may be indirectly lighted, but shall be non-flashing. The sign shall conform to the setbacks designated for structures in the zone in which it is located.
- b. Incidental signs for the information and convenience of tenants and the public relative to parking, traffic movement, the office, lavatories, and the like are allowed provided such signs do not exceed three square feet in size.
- c. No nameplate or advertising signs of any other character shall be permitted.

14. *Non-residential uses.* No part of any manufactured home park shall be used for non-residential purposes except such uses that are required for the direct service for and well-being of park residents and for the management of the park.

15. *Additional development requirements.* Additional development requirements may be prescribed as conditions when such requirements are determined to be necessary to ensure the protection of the character of neighboring properties, the compatibility of land uses, and the health and safety of manufactured home park occupants.

C. Usage

- 1. All travel trailers and recreational vehicles using a park shall be currently licensed for use on public streets and highways.

155.2.2.220 Recreational Marijuana Processors

For purposes of this Section 155.2.2.220, the following definitions apply:

Marijuana means all parts of the plant Cannabis family *cannabaceae*, whether growing or not; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its resin. It does not include the stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.

Recreational Marijuana Processor means any business licensed by the Oregon Liquor Control Commission for processing, wholesaling, researching, testing, or selling marijuana or marijuana items.

Marijuana Business means any business licensed by the Oregon Liquor Control Commission to engage in the business of producing, processing, wholesaling, researching, testing, or selling marijuana or marijuana items.

In addition to all other requirements set forth in Section 155.2.2, Recreational Marijuana Processors shall comply with the following additional standards:

- A. All Recreational Marijuana Processors shall hold, in good standing, a license issued by the Oregon Liquor Control Commission.
- B. The facility must comply with all applicable laws and regulations of the Dunes City Code including, but not limited to, the development, land use, zoning, building, and fire codes.
- C. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area.
- D. Facilities must use an air filtration and ventilation system which is certified by an Oregon licensed mechanical engineer to ensure, to the greatest extent feasible, that all odors associated with the marijuana production is confined to the licensed premises.
- E. Facilities must maintain adequate outdoor lighting over each exterior exit, however, such lighting shall be placed to avoid reflection or glare on adjacent properties.
- F. Heat and glare created by the Recreational Marijuana processing must not be discernible at or beyond the property line.
- G. Exterior lighting will be directed away from and shall not reflect on adjacent properties.
- H. No unreasonable noise, as described in Section 91.04 of the Dunes City Code of Ordinances, will be created or allowed to exceed the requirements as set forth in said Section 91.04 of the Dunes City Code of Ordinances.
- I. Written evidence must be provided to show that a plan showing and describing the security measures to be utilized within and around the facilities has been provided to the Lane County Sheriff's Department and Siuslaw Valley Fire and Rescue.
- J. Written evidence to show that all applicable fees have been paid and there are no governmental liens, fines or violations existing against the property proposed for use by the Recreational Marijuana Processor.
- K. Written evidence to show the water source that will serve the property proposed by the Recreational Marijuana Processor.
- L. Recreational Marijuana Processors may not be located within one thousand feet (1,000') from the following facilities, measured in a straight line from the closest property line on which the Recreational Marijuana processing will take place to the closest edge of the property line on which the facility is located. The distance limitations between facilities

are based upon the facilities surrounding the proposed Marijuana Business location at the time of submission of a completed application for Conditional Use Permit:

- a. A public park;
- b. A campground or resort which serves children under eighteen (18) years of age;
- c. A commercial or residential recreational facility which serves children under eighteen (18) years of age; or
- d. A school bus stop location which serves children under eighteen (18) years of age, at the location of the stop at the time the Conditional Use Permit is issued.
- M. No more than one Recreational Marijuana Business may be located on the same property, parcel, address, or tax lot.
- N. No drive-up or drive through services shall be permitted.
- O. Any other conditions deemed necessary by the Planning Commission or the City Council to protect the public health and safety of the residents of Dunes City.

155.2.2.221 Termination of Conditional Use Permit for Recreational Marijuana Processors

Should the real property for which a Conditional Use Permit for Recreational Marijuana Processors has been issued pursuant to this Section 155.2.2 no longer be used for the purpose of processing recreational marijuana, or should said real property change ownership in any manner, the Conditional Use Permit shall be automatically terminated, effective immediately.

155.2.3 Open Space (OS) Overlay Zone

Sections

- 155.2.3.100 Purpose
- 155.2.3.200 Lakes
- 155.2.3.300 Shorelands
- 155.2.3.400 Booth Island

155.2.3.100 Purpose

- A. Dunes City has determined as a matter of policy that significant development restraints should be placed upon certain lands. These lands shall be generally designated OS. OS lands shall be further delineated according to whether they are lakes (OS-L) or Shorelands (OS-S), as defined herein and by the Dunes City Comprehensive Plan. These designations, and their attendant development restrictions, shall attach to appropriate zoned and unzoned lands within Dunes City.
- B. The purpose of the OS designation is to prevent irreparable ecological damage and construction upon land, which will flood, not support structures, etc. Specific development restraints shall be accorded different sub-designations.
- C. This Section , which authorizes some Shoreland structure construction and maintenance upon issuance of a building permit only, is intended to meet the stated purpose, while

facilitating a more rapid approval process for such construction and maintenance on water front property within Dunes City that is zoned R-1. Those uses not permitted outright or with a building permit may be allowed upon issuance of a conditional use permit.

155.2.3.200 Lakes

A. Permitted Uses:

1. Swimming, fishing, boating and water systems.
2. Shoreland structures that comply with the standards set forth in subparagraph C of this section for placement, size, and construction, and consisting of only one (1) dock and boathouse per lot, are permitted upon issuance of a building permit.

B. Conditional Uses:

Boathouses and docks that do not comply with the standards for issuance of a building permit are allowed as conditional uses provided:

1. The color scheme is to be of earth tones, subdued, and blend with the rural forest nature of Dunes City.
2. Only one (1) Shoreland structure may be erected per lot.
3. The City shall have the right to require placement of the structure at its discretion.
4. If extensive shallows make a dock impractical without dredging, the dock shall not be permitted.
5. A dock shall be constructed so as to minimize physical damage to the shoreline.
6. Residential houseboats are not an acceptable conditional use upon Woahink Lake and will not be approved.

C. Standards

1. Placement

- a. As measured from the ordinary high water, a pier and boarding float shall extend into the water not more than 150 feet normal to the shoreline or to a bottom depth of five (5) feet at ordinary low water, whichever provides the shortest extension into the water. In the event of a steep bottom grade, the structure is permitted to extend from the OLW line to the extent that 24 feet of the structure may extend into the water beyond the two-foot water level (at OLW).
- b. The structure shall not be placed within ten feet of lot sidelines or extensions of these lines into the water. This requirement may be modified during the conditional use permit process if necessary to accommodate shoreline meander or lot line placement.

- c. Enclosed or covered open structures may extend into the water beyond the OLW no more than 50 feet.
- d. Any structure approved for construction on the Siltcoos Outlet shall have its long dimension parallel to the shoreline in order to minimize channel flow restriction.

2. Size

- a. Boarding floats and boathouses shall have a combined area of no more than 640 square feet. This area is exclusive of access structures. See **Pier**, 155.1.3 – Definitions.
- b. Piers, or floating boarding float access structures shall be between three feet and six feet in width.
- c. The height of any Shoreland structure may not substantially restrict the lake view of adjoining or upland property. All structures shall be limited to one story in height, with a maximum of 16 feet vertically from deck to ridgeline.
- d. Water access structures in the Shorelands shall have a maximum width of eight feet and shall extend through the Shoreland by as direct a route as practical.

3. Construction

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

*Items in subsections (b), (c), and (d) below preceded by “**” are included as guidelines that should be addressed by individuals designing a structure covered by this ordinance, but are not required, and will not be reviewed, approved or inspected by the Dunes City staff and building inspector. Dunes City will not be responsible for the failure of any Shoreland structure meeting the requirements of this ordinance due to loading caused by man or nature.*

- b. The design of all piers and boarding floats shall provide for:
 - (1.) **Live loads of at least 20 lb/sq. ft.
 - (2.) **Floating structures freeboard of six inches minimum under any loading condition (live and dead loads). For these designs,

gangway loading may be assumed to be 20-lb/sq. ft. for reaction calculations.

- (3.) **Boarding floats shall be designed to withstand wind, wave and impact loading that may reasonably be expected to occur during the life of the structure as the result of the location and exposure of the floats. As a minimum, lateral wind load shall be 20 lb./sq. ft. applied to the surface of boats along the float. Wave/wake load shall be for at least six-inch waves with 12 inches recommended.
 - (4.) Pile guide clearance to compensate float level.
 - (5.) Elevated piers shall have handrails on at least one side and be at least 34 inches high. Handrails on both sides are highly recommended. Piers constructed with more than a 10% grade on the walkway shall have handrails on both sides. Elevated piers or wharves used as mooring structures are not required to have handrails in the areas intended for mooring.
 - (6.) Maximum pier width of six feet.
 - (7.) Minimum pier width of three feet.
- c. The design for gangways shall provide for:
- (1.) **Live loads of at least 50 lb./sq. ft.
 - (2.) **Concentrated load of 500 lb. at mid-span.
 - (3.) **Minimized dead loads transmitted to boarding floats.
 - 4. **Maximum, vertical deflection of $L/180$ ("L" is the length of the gangway).
 - (5.) Handrails on both sides of the gangway at the height of at least 34 inches.
 - (6.) Rollers under gangway toe to allow for travel under varied water levels.
 - (7.) Non-skid or other appropriate treatment of the walking surface to insure safe and adequate traction under all conditions.
 - (8.) **Maximum slope of 2.5 run to 1 rise not more than 10% of the time.
- d. Piling installation shall provide for:
- (1.) Use of treated wood or steel. If steel, a round cross section is preferred.

- (2.) **Size, spacing, and depth for the maximum combination of loads anticipated for wind, wave, impact and any other applied loads.
 - (3.) Piling tops to be no shorter than two feet above ordinary high water.
- e. To preserve the riparian lands, piers elevated above the vegetation shall be used in lieu of grounding floating structures for access to boarding floats wherever practical.
- f. Paint chips for all exterior paint shall be submitted with the building permit or conditional use permit application. Colors shall be of earth tones, subdued, and blend with the rural forest nature of Dunes City. Colors will be approved or rejected by City staff at the time the application is submitted.
- g. Dredging and filling within the Shoreland area is not permitted without Dunes City approval.
- h. Pressure treated wood shall meet the latest requirements of the Western Wood Preservers Institute. Wood in contact with the ground or water and treated with waterborne preservatives shall be kiln dried or air aged to an "as shipped" surface dry condition of less than 30% moisture content by weight, with a target moisture content of 25%, and also have a minimum preservative retention of 0.4 lb. per cubic foot (0.6 lb/ft recommended). Wood not in contact with the ground or water and treated with waterborne preservatives shall be kiln dried or air aged to an "as shipped" surface dry condition of less than 30% moisture content by weight with a target moisture content of 25%, or alternately air dried in a ventilated, dry, covered area when stacked with a minimum of 3/4 inch spacing between each side of each piece for 30 days between July 1 and September 30, or 45 days for any other months. This is to prevent rapid leaching of the preservative materials into the ground and water.
- i. Foam flotation elements shall be encapsulated per the Oregon State Marine Board requirements. An approved copy of the State Marine Board Flotation Encapsulation Certification Form shall be submitted to the City prior to final inspection.
- j. Structures extending into the water and fixed relative to the lake bottom and which may be submerged at OHW or higher, shall have visible markers extending at least two feet above the 100 year flood level at intervals of eight feet or less along the length of the submerged structure.
- k. Exterior lighting shall be manually or motion controlled. Exterior lighting on timers or light level control is not permitted. Exterior lighting should be used only when the illuminated area is occupied.
- l. Electrical installations shall be in accordance with the Oregon State Electrical Specialty Code (OSESC).

4. Maintenance and Repair

- a. A Dunes City building permit shall be required for any repair to a Shoreland or water-related structure conforming to this ordinance, that is in excess of 75% of the current value of that structure, as determined by the Dunes City Building Inspector.
- b. A Dunes City building permit shall be required for any nonidentical repair of a Shoreland or water related structure.
- c. A conditional use permit and a building permit shall be required for any repair to a Shoreland or water-related structure not conforming to the requirements of this ordinance conditional that is in excess of 50% of the current value of that structure, as determined by the Dunes City Building Inspector.
- d. The Dunes City Building Inspector shall verify the percentage value of any maintenance or repair prior to the issuance of a building permit or conditional use permit.

- D. Fees: The fees to be charged for processing applications under this section, including services of the Building Inspector shall be established by the City Council and the City and the Building Inspector shall maintain the schedule.

155.2.3.300 Shorelands

For purposes of this Section, Shorelands includes all Dunes City lands within fifty (50) feet measured horizontally upland from the ordinary high water (OHW) line of Woahink, Little Woahink and Siltcoos Lakes and Siltcoos River.

A. Permitted Uses:

1. Low intensity uses such as walking trails and similar uses are allowed.
2. Shoreland structures that comply with the standards set forth in subparagraph C of this section for placement, size, and construction, and consisting of only one (1) dock and boathouse per lot, are permitted upon issuance of a building permit.

B. Conditional Uses:

1. Walkways, platforms, and stairs, which have the intended purpose of providing access to lakes and rivers, that do not comply with the standards for issuance of a building permit, are allowed as conditional uses provided:
 - a. The color scheme is to be of earth tones, subdued, and blend with the rural forest nature of Dunes City.
 - b. Only one (1) dock and one (1) boathouse may be erected per lot.

- c. The City shall have the right to require placement of the structure at its discretion.
- 2. Other water-related structures, which can meet variance criteria and underlying, zone limitations.
- C. Other Requirements:
 - 1. Public access in coastal Shoreland areas shall be retained or replaced when public property, rights-of-way or public easements are sold, exchanged or transferred (Comp Plan Policy K8).
 - 2. No more than one water access development (boathouse, dock, pier, wharf, or combination) shall be allowed per lake front lot, consistent with reasonable use.
 - 3. Prior to development, shoreland properties must be surveyed and the area 50-feet horizontally upland from the ordinary high water line shall be staked.

155.2.3.400 BOOTH ISLAND

- A. Unplatted areas. An Open Space Overlay Zone shall apply to the areas of Booth Island that were unplatted as of 7/13/78.
- B. Permitted uses. On the unplatted areas of Booth Island, the following uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this part:
 - 1. Low intensity uses such as hiking, walking, observation, and other similar uses are allowed.
 - 2. Residential use and structures which can meet underlying zone limitations and the following requirements through site review of the following requirements:
 - a. Compliance with the following provisions of the Wetlands and Riparian Overlay Zone:
 - (1.) Sections 155.2.5 and 155.2.6.
 - b. Compliance with the following provisions of the Building Setbacks and Lot Area Requirements, Vehicle Parking and Loading Standards, Water Supply and Solar Setback Requirements:
 - (1.) Sections 155.2.1.121, 155.2.1.122, 155.2.1.123, 155.3.3.3, 155.3.4.3A, 155.3.7.2.
 - c. Compliance with the erosion control provisions of Exhibit B of Ordinance 181.
 - d. No fencing of property boundaries shall be allowed.
 - e. Livestock, pets or domesticated animals are prohibited.

- f. No hunting shall occur within the Open Space Overlay Zone.
- g. Vegetation removal shall be limited to 25 feet area around the dwelling site, its pathways, accessory structures and facilities. Vegetation removal shall be allowed for solar access, but limited to no more than needed based upon a solar site analysis utilizing sunchart methodology as required by Oregon Department Energy tax credit standards as certified by ODE tax credit certified technician.
- h. All structures shall be of stick-built construction. Recreational vehicles, trailers and manufactured dwellings are prohibited for residential use. Dwelling structures shall be limited to 2000 square feet of living space. All structures shall be constructed with earth tone coloration consistent with the natural setting of Booth Island.
- i. Motorized vehicles are limited to all-terrain vehicles for transportation use only. Recreational use of motorcycles and all-terrain vehicles is prohibited.
- j. Fire retardant roofs on all structures.
- k. Compliance with subsurface disposal standards of Sections 2.c. of Ordinance 181.
- l. Motorized vehicles used for transportation purposes shall be used only on clearly marked pathways designed for common use and minimal vegetation disturbance and removal. Access easements for all parcels shall be recorded at the time of first partition application approval.
- m. Construction materials for all allowed structures will be transported to all of the newly created parcels (Map 201200000 TL 200 and Map 20120310 TL 3000) from a single access point, using only the designated pathways. Access easements for all parcels shall be recorded at the time of first partition application approval. The dock and/or loading area shall be designed with riparian vegetation protection measures and the location of the access point shall be agreed upon by expert and land owners.
- n. The first 50 feet perpendicular to the shoreline (from water to upland on the island) shall be a “no touch” zone with no disturbance to vegetation, no building, and no recreational activities. The only exception to this “no touch” shall be docks specified below in section (p) for water access for boats and passive recreational activities.
- o. Woody debris shall be left along the shoreline and in the 100 riparian buffer and aquatic plant life with the exception of invasive noxious plants shall be left undisturbed.
- p. All docks shall be no larger than 400 square feet with a maximum shoreline width of 20 feet.

- q. Only one residential structure and one accessory or facility structure, of 500 square foot or less, will be allowed per lot between 50 to 100 feet of the OHW.
- 3. The following parcels shall be limited in size as follows:
 - a. Assessor's Map No. 20120310 TL 3001: Tax Lot 3001 shall not be further partitioned or subdivided and shall contain the same area as exists on the date in 2006 that this provision was enacted.
 - b. Assessor's Map No. 20120310 TL 3100: Tax Lot 3100 shall not be further partitioned or subdivided and shall contain the same area as exists on the date in 2006 that this provision was enacted.
 - c. Assessor's Map No. 20120000 TL 201: Tax Lot 201 shall not be further partitioned or subdivided and shall contain the same or larger area as exists on the date in 2006 that this provision was enacted.
 - d. Assessor's Map No. 20120000 TL 200 and 20120310 TL 3000: Tax Lots 200 and 3000 shall be considered together for the purposes of this provision and the total number of parcels that may be created from Tax Lots 200 and 3000 together shall not exceed six and the six parcels shall cumulatively average greater than 3.5 acres.

155.2.4 Fragile Lands Overlay (FL) Zone

Sections

- 155.2.4.100 Purpose
- 155.2.4.200 Excessive Slopes
- 155.2.4.300 Stabilized or Active Dunes

155.2.4.100 Purpose

- A. The City has determined as a matter of policy that significant development restraints be placed upon certain fragile lands. These lands shall be generally designated FL. FL lands shall be further delineated according to whether they are excessive in slope (FL-S) or stabilized or active dunes (FL-D), as defined herein and by the Comprehensive Plan.

The purpose of the FL designation is to prevent irreparable ecological damage and construction upon land where development can create potential for wind and water erosion. In the interests of protecting the general health, welfare, and safety of the citizens of the City, the different FL sub-designations shall be defined and implemented as follows.

155.2.4.200 Excessive Slopes

- A. Definition. For purposes of this section, **EXCESSIVE SLOPES** are those slopes 12% or steeper, as generally identified on the Comprehensive Plan's geological constraints map.
- B. Permitted uses. All uses permitted in the underlying zone are permitted in excessive slopes, except that:

1. Development on slopes 12% to 16% shall be subject to site review and approval by the Planning Commission. The Planning Commission may require the applicant to obtain an engineer's or geologist's report concerning the property and development in question.
 2. Development on slopes greater than 16% will be allowed only after the applicant has supplied proof of safety of the proposed development. For purposes of this section, a licensed Oregon Engineer's report shall satisfy proof of safety of the proposed development.
- C. Conditional uses. The following conditional uses are subject to a conditional use permit granted pursuant to the general provisions of this section:
1. All conditional uses allowed in the underlying zone, subject to the slope requirements outlined in (B) above.

155.2.4.300 Stabilized or Active Dunes

- A. Definition. For purposes of this section, **APPLICABLE DUNES** are those lands where development will destroy sand-stabilizing surface vegetation or expose loose or cemented sand to wind or water erosion. Examples of soil are Netarts, 240c, as generally identified on the Dunes City Comprehensive Plan's geology map.
- B. Permitted uses. All permitted uses allowed in the underlying zone are permitted in applicable dunes, except that:
1. All development proposals shall be subject to a site review by the City. The City shall require the applicant to prepare a plan to revegetate damaged areas and to negate any erosion potential caused by the proposed development.
 2. All applicants proposing development in stabilized or active dune areas shall post a bond or deposit of money in lieu thereof with the City Recorder in the amount of \$1,000 per acre, to ensure that required re-vegetation and erosion control measures are successfully carried out.
- C. Conditional uses. Conditional uses are subject to a conditional use permit granted pursuant to the general provisions of this section providing for the granting of conditional use permits. All conditional uses allowed in the underlying zone are subject to the requirements of (B) above.

155.2.5 Wetland Overlay Zones

Sections:

155.2.5.100	Purpose
155.2.5.200	Goal 5 Requirements
155.2.5.300	Definitions
155.2.5.400	Determination of Significant Wetlands
155.2.5.500	Protection of Wetland Areas
155.2.5.600	Variances

155.2.5.100 Purpose

The purpose of the Wetland Overlay zone is to protect the value of significant wetlands (defined in section 155.2.5.300 below), which occur within the boundaries of the City.

155.2.5.200 Goal 5 Requirements

Oregon Statewide Planning Goal 5 requires cities to protect the significant wetlands within their boundaries and also defines alternative rules that may be applied to satisfy the goal. Dunes City has adopted the standard Goal 5 process as defined by OAR 660-023-0020(1) to meet Goal 5 requirements.

Although Goal 5 requires program decisions for all wetlands that meet the significance criteria, the City shall retain the non-significant wetlands on their LWI map, in order to alert property owners and others that Division of State Lands and U. S. Corps of Engineers fill permits may still be required for actions that affect these wetlands.

155.2.5.300 Definitions

Jurisdictional delineation - A delineation of the wetland boundary that is approved by the Oregon Division of State Lands (DSL). A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding. [See OAR 141-090-0005 et seq. for specifications for wetland delineation or determination reports.]

Locally significant wetland - A wetland that is determined to be significant under the criteria of OAR 141-86-0300 et seq. These criteria include those wetlands that score a high rating for fish or wildlife habitat, hydrologic control, or water quality improvement functions.

Local Wetlands Inventory (LWI) - Maps and report adopted by Dunes City entitled Dunes City Local Wetlands Inventory and Riparian Inventory (DCLWIRI) and any subsequent revisions as approved by the Oregon Division of State Lands. The LWI is a comprehensive survey of all wetlands ½ acre or greater in size. The LWI also contains maps of all identified wetlands.

Oregon Freshwater Wetland Assessment Methodology (OFWAM) - A wetland function and quality assessment methodology developed by the Oregon Division of State Lands.

Wetland - An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland Protection Area - An area subject to the provisions of this chapter that includes all wetlands determined to be locally significant.

Wetland Resource Map - The Dunes City adopted map, which incorporates the DSL-approved LWI map and identifies locally significant wetlands.

155.2.5.400 Determination of Significant Wetlands

- A. The City determines which wetlands are locally significant in accordance with rules adopted by Division of State Lands (OAR 141-086-300). Locally significant wetlands are identified on the City Wetland Resource Map.

- B. The City adopts the findings of the LWI. Any revision to the LWI shall map any wetlands boundary changes or new wetland boundaries to an accuracy of at least 25 feet. The City shall require that maps or data sets be provided for the LWI that determine wetland boundaries within \pm 25 feet. These maps or data sets shall comprise the City Wetland Resource Map.
- C. Any change to the DCLWIRI shall require a professional wetland scientist to provide a finding of wetland significance for any new or changed wetland.

155.2.5.500 Protection of Wetland Areas

- A. Wetland protection areas consist of locally significant wetlands only.
- B. Unless otherwise stated, the City shall apply the provisions of this Section in conjunction and concurrently with the requirements of any development permit being sought by an applicant.
- C. No delineation is required if the proposed development is located 50 feet or more from a significant wetland identified on the LWI map or a determination, but not an approved delineation. This is not a buffer or setback, it is an allowance for LWI map inaccuracy when the expense of a precise delineation may not be warranted. (Please note that compliance with State and Federal wetland regulations for all wetlands, mapped or unmapped, remains the legal responsibility of the landowner.)
- D. Applications for plan approvals, development permits, building permits, or plans for proposed public facilities on parcels containing a wetland protection area or a portion thereof that are within 50 feet of the wetland boundary, shall include the following:
 - 1. A delineation of the wetland boundary completed by a professional wetland scientist, or similar expert, qualified to delineate wetlands in accordance with Oregon Division of State Lands rules. If the proposed project is designed to avoid wetlands, a wetland determination report may be provided in place of the delineation.
 - 2. A scale drawing that clearly depicts the wetland boundary, the surface water source, existing trees and vegetation, property boundaries, and proposed site alterations including proposed excavation, fill, structures, and paved areas.
 - 3. Verification that the application packet has been submitted to the Oregon Department of Fish and Wildlife for review and comment.
- E. The City shall report all development in wetlands, identified in the Dunes City local Wetland Inventory and Riparian Inventory to the Division of State Lands.
- F. Protection During Construction. The requirements of Dunes City's erosion control regulations shall be followed during construction.

155.2.5.500.1 Approval Criteria

The City shall base its decision on the following criteria in addition to the required criteria for any other permit or approval that is being sought. Approvals shall be based on compliance with all of the following criteria:

- A. The proposed project complies with the provisions of Chapter 155 of this code.
- B. Except as otherwise allowed in 155.2.5.500.2, the proposed project will not result in grading, excavation or filling of a wetland or reduction of wetland area on a parcel that has been identified as containing a wetland.
- C. Except as otherwise allowed in 155.2.5.500.2, the proposed project will not result in development or filling of land within 50 feet of the boundary of a wetland that has been identified only on the LWI map or by a determination, but not an approved delineation.

155.2.5.500.2 Allowed Activities Within Wetland Protection Areas

- A. Any use, sign, or structure, and the maintenance thereof, that lawfully existed on the date of adoption of this Section is allowed to continue within a wetland protection area. Such use, sign, or structure may continue at a similar level and manner as existed on the date of adoption. The maintenance and alteration of pre-existing ornamental landscaping is permitted within a wetland protection area so long as no additional native vegetation is disturbed. The provisions of this Section shall not be affected by any change in ownership of properties containing a wetland protection area.
- B. The following activities and maintenance thereof are allowed within a wetland protection area, provided that any applicable State or Federal permits are secured:
 - 1. Wetland restoration and rehabilitation activities, including native vegetation;
 - 2. Cutting and removal of trees that pose a hazard to life or property due to threat of falling;
 - 3. Removal of non-native vegetation, if replaced with native plant species at similar coverage or density, so that natives are dominant;
 - 4. Maintenance of existing drainage ways, ditches, or other structures, to maintain flow at original design capacity and mitigate upstream flooding, provided that management practices avoid sedimentation and impact to native vegetation, and any spoils are placed in uplands;
 - 5. Replacement of a permanent, legal, non-conforming structure in existence on the date of adoption of this ordinance with a structure on the same building footprint, if it does not disturb additional area, and in accordance with the provisions of this chapter;
 - 6. Expansion of a permanent, legal, non-conforming structure in existence on the date of adoption of this ordinance, if the expansion area is not within and does

not disturb the wetland protection area, and in accordance with the provisions of this chapter;

7. Emergency stream bank stabilization to remedy immediate threats to life or property; and
8. Maintenance and repair of existing roads and streets, including repaving and repair of existing bridges, and culverts, provided that such practices avoid sedimentation and other discharges into the wetland or waterway.
9. Uses allowed by Section 155.2.3.300.B.

155.2.5.500.3 Prohibited Activities within Wetland Protection Areas:

- A. The following activities are prohibited within significant:
 1. Placement of structures or impervious surfaces, including fences, decks, etc.
 2. Excavation, grading, fill, stream alteration or diversion, or removal of native vegetation, except for perimeter mowing for fire protection purposes or the installation of a water line to a lake.
 3. Expansion of pre-existing, non-native ornamental vegetation such as lawns.
 4. Dumping, piling, or disposal of refuse, yard debris, or other material.
 5. Any use not specifically listed in Section 155.2.5.500.2.

155.2.5.500.4 Notification and Coordination with State Agencies

- A. The City shall notify the Oregon Division of State Lands in writing of all applications to the City for development activities that may affect any wetland identified in the DCLWIRI. This applies for both significant and non-significant wetlands. The Division provides a Wetland Land Use Notification form for this purpose. [See OAR 660-23-100(7); ORS 227.350 for cities and ORS 215.418 for counties.]

155.2.5.600 Variances

- A. The City Council shall be the approving authority for applications for variances to the Wetland Protection Area provisions. The procedures of Section 155.5.1 shall be followed for approval of a variance except that the variance criteria of this section shall apply subject to the approval of DSL and U.S. Army Corp. of Engineers.
- B. Mapping Error Variances and Corrections. The City may correct the location of the wetland protection overlay zone when the applicant has shown that a mapping error has occurred and the error has been verified by the DSL. Delineations verified by DSL shall be used to automatically update and replace DCLWIRI mapping. No formal variance application or comprehensive plan amendment is needed for map corrections where approved delineations are provided.

- C. Hardship Variances. The City Council may grant a variance to the provisions of this ordinance only when the applicant has shown that all of the following conditions exist:
1. Through application of this ordinance, the property has been rendered not buildable;
 2. The applicant has exhausted all other options available under this chapter to relieve the hardship;
 3. The variance is the minimum necessary to afford relief;
 4. No significant adverse impacts on water quality, erosion, or slope stability will result from approval of this hardship variance, or these impacts have been mitigated to the greatest extent possible; and
 5. Loss of vegetative cover shall be minimized.

155.2.6 Riparian Overlay Zone

Sections:

155.2.6.100	Purpose
155.2.6.200	Goal 5 Requirements
155.2.6.300	Definitions
155.2.6.400	Determination of Local Significant Riparian Corridors
155.2.6.500	Protection of Riparian Corridors
155.2.6.600	Variances

155.2.6.100 Purpose

The purpose of the Riparian Overlay Zone is to protect the values of significant riparian corridors (defined in Section 155.2.6.300 below), which occur within the boundaries of the City.

155.2.6.200 Goal 5 Requirements

Oregon Statewide Planning Goal 5 requires cities to protect significant riparian corridors within their boundaries and also defines alternative rules that may be applied to satisfy the goal. Dunes City has adopted the-standard Goal 5 process as defined by OAR 660-023-0020(1) to meet Goal 5 requirements.

155.2.6.300 Definitions

Fish habitat means those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply and migration.

Locally Significant Riparian Corridor is any boundary area of lake or stream that is fish bearing.

Riparian area is a zone of transition from an aquatic ecosystem to a terrestrial ecosystem, dependent upon surface or subsurface water, that reveals through the zone's existing or potential soil-vegetation complex the influence of such surface or subsurface water. A riparian area may be located adjacent to a

lake, reservoir, estuary, pothole, spring, bog, wet meadow, muskeg or ephemeral, intermittent or perennial stream [ORS 541.351(10)]. See also OAR 660-023-0090(1)(b).

Riparian corridor is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary. OAR 660-023-0090(1)(c). Along all lakes, and fish-bearing streams with average annual stream flow less than 1,000 cfs, the riparian corridor boundary shall be 50 feet from the top of bank OAR 660-023-0090(5)(b).

Riparian corridor boundary is an imaginary line that is a certain distance upland from the top of bank, for example, as specified in section (5) of this rule [OAR 660-023-0090(1)(d)]. See also Section 155.2.6.500 A.

Stream is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels and excluding man-made irrigation and drainage channels. [OAR 660-023-0090(1)(e)]

Structure is a building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances. [OAR 660-023-0090(f)].

Top of bank shall have the same meaning as “bank full stage” defined in OAR 141-085-0010(2), “Top of Bank” means the distinct break in slope between the stream bank or shoreline and the stream bottom or marine beach or bed, excluding areas of sloughing. For steep banks that extend into the water, the toe may be submerged below the ordinary high water line. For artificial structures, such as jetties or bulkheads, the toe refers to the base of the structure, where it meets the streambed or marine beach or bed.

Water area is the area between the banks of a lake, pond, river, and perennial or fish-bearing intermittent stream, excluding man-made farm ponds.

155.2.6.400 Determination of Local Significant Riparian Corridors

- A. For inventory resources to be protected as a significant Goal 5 Resources, the City shall determine that the information used is adequate in accordance with OAR 660-023-0030(3). Upon written objection to the adequacy of the inclusion in the DCLWIRI, the adequacy shall be addressed by the Planning Commission and may be appealed to the City.
- B. The City shall determine which riparian corridors are locally significant in accordance with rules adopted by the Oregon Department of Land Conservation and Development in OAR 660-023-0090(8) and OAR 660-023-0030(4). Only significant riparian corridors shall be listed in the DCLWIRI.
- C. Significant riparian corridors are identified on the DCLWIRI map. These riparian corridors shall be mapped to an accuracy of at least 25 feet and shall be based upon the DCLWIRI.

155.2.6.500 Protection of Riparian Corridors

- A. Locally Significant Riparian Corridors, as listed in the DCLWIRI, shall determine its riparian corridor boundary at 50 feet from the top of bank.
- B. Where the riparian corridor includes all or portions of a LSW, the boundary shall be measured from the upland edge of the wetland.

- C. With the exception of the following instances listed below, and only when these instances are designed to minimize intrusion into the riparian corridor, grading involving cutting and filling, and placement of structures or impervious surfaces shall not be allowed.
Exceptions:
1. Streets and paths;
 2. Utilities and pumps;
 3. Water-dependent and water-related uses, including one access path not to exceed eight feet in width; and
 4. Replacement of existing structures in the same position with structures that do not disturb additional areas within the riparian corridor.
- D. Where a hardship is shown through a successful variance application, the setback may be allowed to average 50 feet provided that the design of the development minimizes impact to the riparian corridor.
- E. For existing parcels that, through application of the requirements of this section, have no usable building site, a variance may be granted to allow a building site on the parcel, provided that the design of the development minimizes impact to the riparian corridor.
- F. Within the riparian corridor, riparian vegetation shall not be removed except:
1. Removal of non-native vegetation and replacement with native plant species shall be allowed.
 2. Riparian vegetation may be removed if necessary for the development of water-dependent or water-related uses or specified in (C) above, provided such removal is minimized to reduce impact to the riparian corridor and to protect water quality.
- G. Permitted vegetation removal and pruning within the riparian corridor shall comply with the provisions of Chapter 154 of this Code.
- H. Erosion control measures approved by appropriate regulatory agencies.

155.2.6.600 Prohibited Activities Within Riparian Corridors

- A. The following activities are prohibited within a riparian corridor, except as may be allowed by Section 155.2.5.6.500.C.:
1. Placement of structures or impervious surfaces, including fences, decks, etc.
 2. Excavation, grading, fill, stream alteration or diversion, or removal of native vegetation, except for perimeter mowing for fire protection purposes.

3. Expansion of pre-existing, non-native ornamental vegetation such as lawns.
4. Dumping, piling, or disposal of refuse, yard debris, or other material.
5. Application of chemicals such as herbicides, pesticides, and fertilizers unless applied in accordance with state and federal regulations.

155.2.6.700 Variances

- A. The City Council shall be the approving authority for applications for variances to the Riparian Corridor Area provisions. The procedures of Section 155.5.1 shall be followed for approval of a variance except that the variance criteria of this section shall apply subject to the approval of DSL and U.S. Army Corp. of Engineers.
- B. Mapping Error Variances and Corrections. The City may correct the location of the wetland protection overlay zone when the applicant has shown that a mapping error has occurred and the error has been verified by the DSL. Delineations verified by DSL shall be used to automatically update and replace DCLWIRI mapping. No formal variance application or comprehensive plan amendment is needed for map corrections where approved delineations are provided.
- C. Hardship Variances. The City Council may grant a variance to the provisions of this ordinance only when the applicant has shown that all of the following conditions exist:
 1. Through application of this ordinance, the property has been rendered not buildable;
 2. The applicant has exhausted all other options available under this chapter to relieve the hardship;
 3. The variance is the minimum necessary to afford relief;
 4. No significant adverse impacts on water quality, erosion, or slope stability will result from approval of this hardship variance, or these impacts have been mitigated to the greatest extent possible; and
 5. Loss of vegetative cover shall be minimized.

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

RESOLUTION SERIES 2018, No. 7A (7-11-2018)

**A RESOLUTION REFERRING TO THE VOTERS OF DUNES CITY, OREGON, A
MEASURE FOR ADOPTION OF AN AMENDMENT TO SECTION 21 OF THE CITY
CHARTER.**

WHEREAS, Dunes City has determined that certain revisions should be made to the Dunes City Charter of November, 1980, as amended; and

WHEREAS, the City Council, in establishing the Dunes City Goals for 2018, has identified a need to contract for services for a municipal judge for purposes of enforcing Dunes City Code provisions; and

WHEREAS, in order to contract for said municipal judge, the Dunes City Charter of 1980, as amended, will need to be amended to eliminate the provisions regarding a municipal judge as currently worded in Section 21 of the Dunes City Charter of 1980, as amended; and

WHEREAS, the City Administrator, in consultation with the City Attorney, has reviewed the Dunes City Charter of 1980, as amended, and recommended a revision to Section 21 thereof, entitled "Municipal Judge"; and

WHEREAS, the Dunes City Council concurs with the recommendation as proposed, and wishes to refer the proposed amendment of Section 21 to the Dunes City Charter of 1980, as amended, to the voters of the City.

**NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF DUNES CITY
RESOLVES:**

Section 1. The proposed amendment to Section 21 of the Dunes City Charter of 1980, as amended, attached as Exhibit A, is approved for submission to the voters of the City, and the Council hereby directs and authorizes that a City election be held and that the Dunes City Charter of 1980, as amended, be submitted to the legal voters of the City at the election to be held on November 6, 2018.

Section 2. Ballots from the election shall be counted and tabulated and the results certified as provided by law, and if a majority of the legal voters of the City of Dunes City voting in the November 6, 2018 election approve the measure, Section 21 of the Dunes City Charter of 1980, as amended, shall become effective on January 1, 2019.

Section 3. The election will be conducted by Lane County. The County Clerk for Lane County is hereby instructed to prepare the ballots and take other actions necessary to conduct the election.

Section 4. The proposed ballot title for the measure is attached as Exhibit B.

Section 5. This Resolution, including the proposed ballot title, shall be filed with the City Recorder at Dunes City Hall.

Section 6. The City Recorder shall give at least ten (10) days' notice of this election by posting notice thereof in a public place in City Hall, posting notice in the post office at Westlake, and by publishing a notice thereof in a newspaper of general circulation that serves the City of Dunes City. The notice shall contain the ballot title, under which the question shall appear as on the ballot, and shall set forth the time and place of the election. The City Recorder is directed to create an impartial explanatory statement for publishing in the voters' pamphlet as required by ORS 251.345 and shall follow any requirements of the Lane County Clerk in preparing such statement. The City Recorder shall take such other actions and otherwise proceed with the election as provided in State law.

Section 7. This Resolution shall become effective immediately upon its adoption.

ADOPTED BY THE DUNES CITY COUNCIL THIS 11TH DAY OF JULY, 2018

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____ Vacant: _____

Robert Forsythe, Mayor

ATTEST:

Jamie Mills, City Administrator

EXHIBIT A

Proposed Amendment to the City Charter of Dunes City

Section 21 of the City Charter of Dunes City is to be deleted and replaced in its entirety with the following:

“Section 21. Municipal Court and Judge.

“A. The City Council may appoint and remove a municipal judge. A municipal judge will hold court in the City or such other location as the City Council directs. The court will be known as the Municipal Court.

“B. All proceedings of this Municipal Court will conform to state laws governing justices of the peace and the justice courts.

“C. All areas within the City and areas outside the City as permitted by State law are within the territorial jurisdiction of the Municipal Court.

“D. The Municipal Court has jurisdiction over every offense created by Dunes City ordinance. The Court may enforce forfeitures and other penalties created by such ordinances. The Court also has jurisdiction under State law unless limited by City ordinance.

“E. The Municipal Judge may:

- “1. Render judgments and impose sanctions on persons and property;
- “2. Order the arrest of anyone accused of an offense against the City;
- “3. Commit to jail or admit to bail anyone accused of a City offense;
- “4. Issue and compel obedience to subpoenas;
- “5. Compel witnesses to appear and testify and jurors to serve for trials before the Court;
- “6. Penalize contempt of Court;
- “7. Issue processes necessary to enforce judgments and orders of the Court;
- “8. Issue search warrants; and
- “9. Perform other judicial and quasi-judicial functions assigned by ordinance.

“F. The City Council may appoint and may remove Municipal Judges *pro tem*.

“G. The City Council may transfer some or all of the functions of the Municipal Court to an appropriate State court.”

EXHIBIT B.

BALLOT TITLE

Caption

Measure to amend the City Charter of Dunes City.

Question

Shall the City Charter be amended to clarify the authority of the Municipal Judge and creation of a Municipal Court?

Summary

Approving this measure amends the City Charter of Dunes City, by replacing Section 21 with a new Section 21. Adoption of this Charter amendment requires an affirmative vote of the people.

Section 21 of the Charter authorizes the City Council to appoint a Municipal Court Judge. This proposed new Section 21 would replace the current provisions and provide more details as to the Municipal Judge's authority. The proposal allows a Municipal Court Judge the authority granted by State law, unless the City Council adopts an ordinance specifically limiting such authority. The proposal would also allow the City Council to contract for the services of a Municipal Court Judge and allow the City Council to authorize holding Municipal Court at a location outside the City limits.

The proposal is based upon a League of Oregon Cities model that is in use by many other cities throughout Oregon. If approved, the Charter amendment would take effect January 1, 2019.

A Copy of the proposed amendment is available at City Hall, 82877 Spruce Street, Westlake, Oregon.

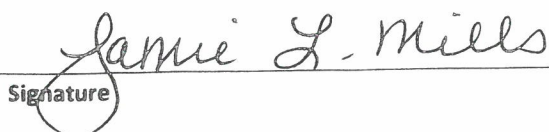
Notice of Measure Election City

OLD

SEL 802

rev 01/18 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Notice		
Date of Notice June 26, 2018	Name of City or Cities Dunes City	Date of Election Nov. 6, 2018
Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.		
Caption 10 words which reasonably identifies the subject of the measure. Measure to amend the City Charter of Dunes City		
Question 20 words which plainly phrases the chief purpose of the measure. Shall the City Charter of Dunes City be amended to clarify the authority of the Municipal Judge and creation of the Municipal Court?		
Summary 175 words which concisely and impartially summarizes the measure and its major effect. Approving this measure amends the City Charter of Dunes City by replacing Section 21 with a new Section 21. Adoption of this Charter amendment requires an affirmative vote of the people. Section 21 of the Charter authorizes the City Council to appoint a Municipal Court Judge. The proposed new Section 21 would replace the current provisions and provide more details as to the Municipal Judge's authority. The proposal allows a Municipal Court Judge the authority granted by State law, unless the City Council adopts an ordinance specifically limiting such authority. The proposal would also allow the City Council to contract for the services of a Municipal Court Judge and allow the City Council to authorize holding Municipal Court at a location outside the City limits. The proposal is based upon a League of Oregon Cities model that is in use by many other cities throughout Oregon. If approved, the Charter amendment would take effect January 1, 2019. A copy of the proposed amendment is available at City Hall, 82877 Spruce Street, Westlake, Oregon.		
Explanatory Statement 500 words that impartially explains the measure and its effect. If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for: → any measure referred by the city governing body; or → any initiative or referendum, if required by local ordinance. Explanatory Statement Attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Authorized City Official Not required to be notarized.		
Name Jamie L Mills	Title City Administrator	
Mailing Address P O Box 97, Westlake, OR, 97493	Contact Phone 541-997-3338	
By signing this document: → I hereby state that I am authorized by the city to submit this Notice of Measure Election; and → I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.		


Signature

6/26/2018

Date Signed

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

RESOLUTION SERIES 2018, No. 8A (7-11-2018)

**A RESOLUTION CALLING FOR AN ELECTION WITHIN THE CITY
OF DUNES CITY REFERRING TO THE VOTERS A MEASURE
IMPOSING A 5-YEAR LOCAL OPTION LEVY TO FUND GENERAL
OPERATING EXPENSES OF THE CITY AND ADOPTING A BALLOT
TITLE.**

WHEREAS, the Oregon Constitution and ORS Chapter 250 authorize the City to refer a local option levy to the City voters; and

WHEREAS, historically, the City has received shared revenues from the State of Oregon, including liquor taxes, cigarette taxes, and gas taxes; and

WHEREAS, according to ORS 221.770, in order to qualify to receive shared tax revenues from the State of Oregon, the municipality must have levied property taxes in the preceding year; and

WHEREAS, the City has determined there is a need for the City to receive shared tax revenues, including liquor taxes, cigarette taxes, and gas taxes assessed by the State and paid by Dunes City residents; and

WHEREAS, the City has determined that there is a need for funds for the City to continue its general operations; and

WHEREAS, the City is proposing a 5-year local option levy,

NOW, THEREFORE, BE IT RESOLVED by the City Council of Dunes City, as follows:

Section 1. An election is called to be held in the City of Dunes City on November 6, 2018, for the purpose of submitting to the qualified voters of the City a local option levy in the amount of \$.005 per \$1,000.00 of assessed value for five (5) years, the proceeds of which will be used to fund general operations of the City of Dunes City.

Section 2. The election will be conducted by Lane County. The County Clerk of Lane County is hereby instructed to prepare the ballots and take other actions necessary to conduct the election.

Section 3. The ballot title, attached as Exhibit A and incorporated by reference, is hereby adopted.

Section 4. Ballots from the election shall be counted and tabulated and the results certified as provided by law. If the measure is approved by a majority of legal voters who vote on the measure, the local option levy shall be imposed and shall take effect June 15, 2019.

Section 5. This Resolution, including the proposed ballot title, shall be filed with the City Recorder at Dunes City Hall.

Section 6. Upon filing of this Resolution, the City Recorder shall give notice of the election by posting notice thereof in a public place in City Hall and by publishing a notice thereof in a newspaper of general circulation in Dunes City. The notice shall contain a statement that the ballot title was received, a statement that an elector may file a petition for review of the ballot title, the deadline by which petitions for review must be filed the ballot title caption, question, and summary, the date of the election, and information on where the full ballot title may be reviewed.

Section 7. The City Recorder is authorized and shall take such other actions to proceed with the election as provided in state law and is further authorized to act so as to carry out the purposes of this Resolution.

Section 8. This Resolution shall become effective immediately upon its adoption.

PASSED BY THE DUNES CITY COUNCIL this 11th day of July, 2018.

ROBERT FORSYTHE, MAYOR

ATTEST:

JAMIE MILLS, CITY ADMINISTRATOR/RECORDER

NOVEMBER 2018 ELECTION

Caption: Five-year local option tax for city operations.

Question: Shall Dunes City impose \$1,215.70 each year for five years for operations beginning in 2019-2020? This measure may cause property taxes to increase more than three percent.

Summary: The City of Dunes City seeks to impose a local option levy to raise \$1215.70 per year for five years. The total levied over five years would be total \$6,078.50. The money raised would be used for general operations. The taxes will be used for operating purposes and to qualify the City to receive State shared tax revenues.

It is estimated that the proposed tax levy will result in a property tax rate of \$.005 per \$1,000 of assessed value in the first year. For example, a property with an assessed value of \$300,000 would be assessed a tax of \$1.50 by this proposal. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of estimate and may reflect the impact of early payment discounts, compression, and the collection rate.

OLD

Notice of Measure Election City

SEL 802

rev 01/18 ORS 250.035, 250.041,
250.275, 250.285, 254.095, 254.465

Notice		
Date of Notice June 26, 2018	Name of City or Cities Dunes City	Date of Election Nov. 6, 2018
Final Ballot Title The following is the final ballot title of the measure to be submitted to the city's voters. The ballot title notice has been published and the ballot title challenge process has been completed.		
Caption 10 words which reasonably identifies the subject of the measure. Five year local option tax for Dunes City operations		
Question 20 words which plainly phrases the chief purpose of the measure. Shall Dunes City impose \$1,215.70 each year for five years for operations beginning in 2019-2020? This measure may cause property taxes to increase more than three percent.		
Summary 175 words which concisely and impartially summarizes the measure and its major effect. <p>The City of Dunes City seeks to impose a local option levy to raise \$1,215.70 per year for five years. The total levied over five years would be \$6,078.50. The money raised would be used for general operations. The taxes will be used for operating purposes and to qualify the City to receive State shared tax revenues it can no longer receive.</p> <p>It is estimated that the proposed tax levy will result in a property tax rate of \$.005 per \$1,000 of assessed value in the first year. For example, a property with an assessed value of \$300,000 would be assessed a tax of \$1.50 by this proposal. The estimated tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of the estimate and may reflect the impact of early payment discounts, compression, and the collection rate.</p>		
Explanatory Statement 500 words that impartially explains the measure and its effect. If the county is producing a voters' pamphlet an explanatory statement must be drafted and attached to this form for: → any measure referred by the city governing body; or → any initiative or referendum, if required by local ordinance.		
<div style="text-align: right;"> Explanatory Statement Attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </div>		
Authorized City Official Not required to be notarized.		
Name Jamie L Mills	Title City Administrator	
Mailing Address P O Box 97, Westlake, OR, 97493	Contact Phone 541-997-3338	
By signing this document: → I hereby state that I am authorized by the city to submit this Notice of Measure Election; and → I certify that notice of receipt of ballot title has been published and the ballot title challenge process for this measure completed.		

Signature Jamie L. Mills

6/26/2018

Date Signed

**CITY OF DUNES CITY
LANE COUNTY, OREGON
ORDINANCE NO. 248**

AN ORDINANCE AMENDING CHAPTER 120 OF THE DUNES CITY CODE OF ORDINANCES ENTITLED “BUSINESS LICENSES” TO APPLY TO ALL BUSINESSES DOING BUSINESS WITHIN THE CITY LIMITS; AND AMENDING SECTION 120.10(A) TO PROVIDE AN EXCEPTION TO THE DEFINITION OF “BUSINESS”.

WHEREAS, the Dunes City Council finds it to be in the best interests of the residents and citizens of the City to establish a clearly defined and regulated business licensing process and guidelines; and

WHEREAS, the Dunes City Council desires to provide for the health, safety and welfare of the citizens of Dunes City through regulation of businesses, occupations and trade; and

WHEREAS, the Dunes City Council desires to provide revenue for municipal purposes;

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

Section 1. Section 120.75, entitled “Businesses Affected” of the Dunes City Code of Ordinances is hereby repealed.

Section 2. **REPEAL.** The repeal of Section 120.75 of Chapter 120 shall not affect any action occurring before the repeal takes effect. Section 120.75 of Chapter 120 is hereby repealed.

Section 3. **AMENDING SECTION 120.10 (A).** Section 120.10 Definitions, and specifically paragraph A thereof is amended to read as follows:

“A. “Business” means any activity carried on with the intent:

“(1) That a profit be realized therefrom; and

“(2) That the profit, if any, insures to the benefit of the owner or owners of the activity.

“(3) “Business” specifically excludes any activities conducted for profit by individuals under the age of seventeen (17) years.”

Section 4. **EFFECTIVE DATE.** This Ordinance shall take effect on the 30th day after its adoption.

Section 5. **SEVERABILITY CLAUSE.**

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

Section 5. OTHER REMEDIES. Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance. Non-exclusive remedies for enforcement are all those available under State and County laws including seizure of property, civil and criminal penalties.

Section 6. CAPTIONS. The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

Section 7. SCRIVENER'S ERRORS. Any scrivener's errors in this Ordinance may be corrected by Resolution of the City Council.

Section 8. EFFECTIVE DATE.

This Ordinance shall take effect thirty (30) calendar days after adoption in accordance with the Dunes City Charter.

Passed at the first reading in a regular meeting of the City Council of Dunes City, Oregon, on this 11th day of July, 2018.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon, on this 13th day of July, 2018.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____

DATED THIS 13th DAY OF JULY, 2018.

ROBERT FORSYTHE, MAYOR

ATTEST:

JAMIE MILLS, CITY ADMINISTRATOR

**CITY OF DUNES CITY
LANE COUNTY, OREGON
ORDINANCE NO. 249**

AN ORDINANCE AMENDING CHAPTER 141 OF THE DUNES CITY CODE OF ORDINANCES ENTITLED “EROSION AND SEDIMENT CONTROL” BY ADDING PROVISIONS THAT WILL APPLY TO ALL RESIDENTIAL CONSTRUCTION WITHIN THE CITY LIMITS.

WHEREAS, the Dunes City Council finds it to be in the best interests of the residents and citizens of the City to establish a clearly defined requirement for the control of erosion and sediment and stormwater runoff from residential properties located within the City limits; and

WHEREAS, the Dunes City Council desires to provide for added protection of the water quality of the lakes, creeks, streams, and rivers located within the City limits; and

WHEREAS, the Dunes City Council desires to provide additional protection from flooding during high precipitation events for our residents and their properties; and

WHEREAS, additional regulations adopted by State and Federal agencies require more stringent regulations to deter erosion and sediment from migrating off of residential property; and

WHEREAS, additional regulations adopted by State and Federal agencies require more stringent regulations to deter stormwater runoff from residential properties;

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

Section 1. A new Section 141.003, entitled “Erosion and Sediment Control on Residential Properties” of the Dunes City Code of Ordinances is hereby added to read as follows:

“§ 141.003 REQUIREMENT FOR EROSION AND SEDIMENT CONTROL ON RESIDENTIAL PROPERTIES.

“In all cases of land disturbances associated with the construction of, alteration to, or replacement of any residential structure or services or utilities thereto within the City, the Responsible Party shall:

“1. Prior to land disturbance associated with the construction of, alteration to, or replacement of any residential structure or services or utilities thereto, the contractor and/or the Responsible Party shall contact the City to discuss the proposed land disturbance, and if deemed necessary by the City Administrator, or his or her designee, arrange for and attend an on-site preconstruction meeting;

“2. Prior to land disturbance associated with the construction of, alteration to, or replacement of any residential structure or services or utilities thereto, the contractor and/or the Responsible Party shall apply for and obtain a Public Works Excavating and Grading Permit from the City of Dunes City. The application for said Permit must include submission of an informal plan showing measures that will be used to prevent erosion and sediment from migrating off the property during and following construction activities;

“3. At the sole cost and expense of the contractor and/or Responsible Party and prior to land disturbance associated with the construction of, alteration to, or replacement of any residential structure or services or utilities thereto, erosion control measures on properties adjacent to or abutting any lake, stream, creek, spring, or natural drainage, or that may have been required as a result of the preconstruction meeting, must pass inspection by the City Engineer before further construction-related work can proceed.”

Section 2. Renumber existing Section 141.003 as Section 141.004 and renumbering the remaining Sections 141.004 through Section 141.012.

Section 3. A new Section 141.023, entitled “Drainage Plan on Residential Properties” of the Dunes City Code of Ordinances is hereby added to read as follows:

“§ 141.023 DRAINAGE PLAN ON RESIDENTIAL PROPERTIES.

“In all cases of construction, alteration, or replacement of any residential structure or services or utilities thereto within the City, the Responsible Party, or his or her contractor, shall:

“1. Prior to land disturbance associated with the construction, alteration, or replacement of any residential structure or services or utilities thereto, contact the City to discuss the proposed land disturbance, and if deemed necessary by the City Administrator, arrange for and attend an on-site preconstruction meeting;

“2. On properties adjacent to or abutting any lake, stream, creek, spring, or natural drainage, or if deemed necessary by the City Administrator or his or her designee, prior to land disturbance associated with the construction, alteration, or replacement of any residential structure or service or utilities thereto, file a Residential Drainage Plan identifying the measures that will be installed, used and maintained following completion of construction to prevent stormwater surface runoff, to the greatest extent possible, from entering onto the property of others. Designing stormwater facilities, including roof gutters and drains, to connect only to City drainage facilities is specifically prohibited. City drainage facilities may be a secondary method of stormwater control for unusually high rain event years only.

“5. At the sole cost and expense of the Responsible Party or his or her contractor, and prior to covering any underground stormwater control facilities, obtain an approved inspection from the City Engineer.”

Section 4. Renumber existing Section 141.023 as Section 141.024 and renumbering the remaining Sections 141.024 through Section 141.034.

Section 5. **SEVERABILITY CLAUSE.**

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

Section 6. **OTHER REMEDIES.** Nothing in this Ordinance shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Ordinance. Non-exclusive remedies for enforcement are all those available under State and County laws including seizure of property, civil and criminal penalties.

Section 7. **CAPTIONS.** The captions to sections throughout this Ordinance are intended solely to facilitate reading and reference to the sections and provisions contained herein. Such captions shall not affect the meaning or interpretation of this Ordinance.

Section 8. **SCRIVENER'S ERRORS.** Any scrivener's errors in this Ordinance may be corrected by Resolution of the City Council.

Section 9. **EFFECTIVE DATE.**

This Ordinance shall take effect thirty (30) calendar days after adoption in accordance with the Dunes City Charter.

Passed at the first reading in a regular meeting of the City Council of Dunes City, Oregon, on this 11th day of July, 2018.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____

Passed at the second reading and placed on final passage, and adopted by the City Council of Dunes City, Oregon, on this 11th day of July, 2018.

Ayes: _____ Nays: _____ Abstain: _____ Absent: _____

DATED THIS 11th DAY OF JULY, 2018.

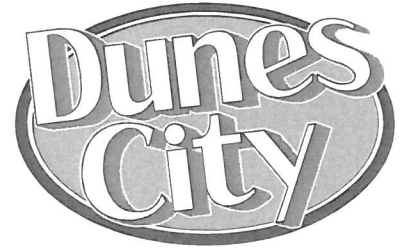
ROBERT FORSYTHE, MAYOR

ATTEST:

JAMIE MILLS, CITY ADMINISTRATOR

Emergency Services Report to City Council

July 11, 2018 ~ Prepared by Jamie Mills



I attended the West Lane Emergency Operations Group meeting held on Monday, June 18, 2018 at the Siuslaw Valley Fire and Rescue Station #1 in Florence. The Agenda and packet materials are included in this packet.

The City of Florence announced that it has posted a survey on the Florence website, with a link from the Florence facebook page regarding input for the development of an evacuation facilities improvement plan. WLEOG members are encouraged to complete the survey. For more information, individuals can contact Glen Sutherland in the Planning Department.

Frank Nulty reported on the Oregon Emergency Plan 50 year checklist of requirements to be completed, particularly with regard to pages 236 and 237 wherein cities are mandated to "harden off" their water and sewer systems to a standard expected to survive a full Cascadia event. Discussion was had on how the mandate is unfunded and that the City of Florence does not have the funds available to fully replace their entire utility systems. Meghan reported that plans may be in progress to meet the mandate over a period of time, but that she is not in charge of that department, so would have to ask the person who is. She suggested that in the future, that any questions such as those posed by Frank be asked well before the meeting so that the necessary research can be done to have the answers to the questions available.

The Emergency Preparedness Expo is scheduled for August 23rd at the Florence Events Center. A report was given on the success of the May 23rd training exercise.

The Oregon Health Authority reported that over 170 Whooping Cough cases have been reported in Lane County, but with school out of session, it is hoped the number of new cases will ebb. They expect that number of cases to cap off at around 200. It is important to note that a person is still contagious for at least three weeks after beginning treatment. Also interesting, is that the cases reported are all middle and high school ages and not the younger ones. All the cases are inland – there have been no cases report on the coast.

Bob Pine from Amateur Radio Emergency Service (ARES)/Radio Amateur Civil Emergency Service (RACES) reported that FEMA has recommended that WLEOG obtain a SHARES license so it will not have to relay information through ham radio operators, but will be able to communicate with FEMA directly.

A reminder was made that annual Amateur Radio Emergency Service/Radio Amateur Civil Emergency Serves field day will begin at 11:00 a.m. on Saturday, June 23rd and end at 11:00 a.m. on Sunday, June 24th. The event will be held in the empty lot across the street from the Fire Station in Florence.

The next WLEOG meeting will be held at the Fire Station in Florence on Monday, July 23rd at 10:00 a.m.

WEST LANE EMERGENCY OPERATIONS GROUP

Siuslaw Valley Fire and Rescue

2625 Hwy 101
Florence OR 97439

June 18, 2018

AGENDA

10:00 AM

Members

City of Florence Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians Dunes City
Mapleton Fire District Peace Harbor Medical Center Port of Siuslaw
Siuslaw Valley Fire and Rescue Western Lane Ambulance

Associate Members

American Red Cross Apex Helicopter Greentrees Village Florence Area Chamber
Florence Area Humane Society Florence Emergency Cold Weather Shelter Lane Community College
Lane County Public Health Oregon Department of Transportation Oregon Episcopal Diocese
Oregon Parks and Recreation Oregon State HSPR Program Senior and Disabled Services
Siuslaw School District United States Coast Guard West Lane ARES/RACES Camp Baker

Call to order

Roll Call/Establishment of Quorum

Approval of Minutes: Of the Regular WLEOG meeting of May 21, 2018

Reports & Discussion Items:

Emergency Management Coordinator's

Report Chair's Report

CERT Coordinator Report

Emergency Preparedness Expo

Financial Statements Profit and Loss Budget vs. Actual, Year to date (2017-2018) Bank account register.

Other Business/Round Table Next Meeting: Monday July 16, 2018 Location TBD

WEST LANE EMERGENCY OPERATIONS GROUP
MINUTES May 21, 2018

MEMBERS PRESENT:

Siuslaw Valley Fire & Rescue: Jim Dickerson
WLA: Matt House
CTCLUSI: Not Present
Dunes City: Jamie Mills
City of Florence: Megan Messmer
Peace Health: Pat Kirby
Mapleton Fire: Department: Not Present
Port of Siuslaw: Not Present

ASSOCIATE MEMBERS:

West Lane ARES/RACES: Present
Greentrees: Present
American Red Cross: Present
United States Coast Guard: Not Present
Florence Area Chamber: Present
Florence Emergency Cold Weather Shelter: Not Present
Lane County Public Health: Present
Oregon Episcopal Diocese: Not Present
Oregon Parks and Recreation: Present
Florence Area Humane Society: Not Present
Lane Community College: Present
Oregon Department of Transportation: Not Present
Oregon State HSPR Program: Not Present
Senior and Disabled Services: Present
Siuslaw School District: Present
Apex Helicopter: Not Present
Camp Baker: Present

CALL TO ORDER

The meeting was called to order by Megan Messmer 10:00 a.m.

APPROVAL OF MINUTES: Matt House made a motion and Jim Dickerson seconded the motion to approve the minutes from the April 16, 2018 Meeting, Motion was then approved unanimously.

Agenda Items:

Chairs Report: Construction starting today on 3 new crossings. Megan Messmer presented the 2018-2019 FY Budget for approval.

FY 2018-2019 Budget Approval: Jamie Mills made a motion, Pat Kirby seconded the motion to approve the FY 2018-2019 Budget as presented, motion was then approved unanimously.

Emergency Management Coordinator's Report: None

CERT: Frank Nulty presented the group with a drinking water purification system. Camp Baker is looking for an Eagle Scout to make a prototype of this system that will give us something to build off. Frank Nulty suggest we have at least 2 of these available and ready.

Emergency Preparedness Expo: Jenna was not present the Emergency Expo is scheduled for August 25th, Jenna will be in touch with other agency to booths spaces in the future.

OHA Preparedness:

- Salene Jaramillo and Haleigh Leslie present the group with a PowerPoint for the 2018 Flu and Wildfire seasons. Presented a graph to recap the flu season. For the entire state, 5% of hospital visits were from the flu. Long term care facilities had a clear majority of outbreaks. Even poorly matched vaccines can still be effective.
- Primary risks of wildfire season are air quality and how smoke affects us. Sensitive groups are the elderly, others with underlying health issues and young children. Some factors are exposure time, intensity of exposure. Online resources are great ways to keep up to date on statistics and incidents.

Active Violence Drill:

- Matt House discuss the time line, there will be a 27-patient surge into the hospital. the drill will take place at LCC and will establish guidelines and a foundation for a surge of patients at the hospital. The drill will reconvene at station 1 for and after action hot wash, lunch will be provided.

ARES/RACES: Bob Pine is obtaining a license for the radios this will allow direct access with FEMA. The 24-hour Field Day Exercise is going to be held on June 23rd at 11:00a.m. to June 24th at 11:00 a.m. in the lot across from Siuslaw Valley Fire and Rescue, this will give better public exposure.

Other Business: Jamie Mills reports that the Triathlon went well and thanked everyone for their participation.

FINANCIAL REPORT

Current balance is \$23,563.03 Bills paid since 4/16/2018 were \$2,787.19 to; Coast Broadcasting \$288.00; Central Lincoln \$30.31; VIASAT EXCEDE Internet \$59.98; West Coast Media \$100.00; Shipping Shack \$1,500.00; Frank Nulty \$361.00; Florence Are Community \$75.00; Siuslaw News \$372.00; 64.2% of the Budget has been expended YTD excluding Contingency.

Future Agenda Business:

ADJOURNMENT

The meeting was adjourned by Megan Messmer @ 11:20 a.m.

The next scheduled WLEOG Meeting will be June 18, 2018 at 10:00 a.m. at Siuslaw Valley Fire and Rescue.

**Mary Dimon
Administrative Assistant
Recording Secretary**

2:28 PM

06/14/18

Cash Basis

W.L.E.O.G.
Profit & Loss Budget vs. Actual
July 1, 2017 through June 14, 2018

	<u>Jul 1, '17 - Jun ...</u>	<u>Budget</u>	<u>\$ Over Budget</u>	<u>% of Budget</u>
Income				
4000 · Member Contributions				
4001 · WLAD	5,327.44	5,327.44	0.00	100.0%
4002 · Siuslaw Valley Fire	5,327.44	5,327.44	0.00	100.0%
4003 · City of Florence	5,327.44	5,327.44	0.00	100.0%
4004 · Tribal Police	2,663.72	2,663.72	0.00	100.0%
4005 · Port of Siuslaw	1,331.86	1,331.86	0.00	100.0%
4006 · Dunes City	1,331.86	1,331.86	0.00	100.0%
4007 · Mapleton Fire Department	428.56	428.56	0.00	100.0%
4008 · Peace Harbor Hospital	5,327.44	5,327.44	0.00	100.0%
4000 · Member Contributions - Other	0.00	0.00	0.00	0.0%
Total 4000 · Member Contributions	27,065.76	27,065.76	0.00	100.0%
4100 · Grant Income				
4101 · HPP FY 11/12 Grant	0.00	0.00	0.00	0.0%
4102 · HPP FY 12/13 Grant	0.00	0.00	0.00	0.0%
4103 · Grant Income-Other	0.00	0.00	0.00	0.0%
4100 · Grant Income - Other	0.00	0.00	0.00	0.0%
Total 4100 · Grant Income	0.00	0.00	0.00	0.0%
4300 · Reimbursements/Refunds	0.00	0.00	0.00	0.0%
4500 · Sale Proceeds/LOSG Material	0.00	0.00	0.00	0.0%
4600 · Interest Income	13.43	0.00	13.43	100.0%
Total Income	27,079.19	27,065.76	13.43	100.0%
Expense				
5000 · Materials & Services				
5005 · Advertising	7,948.00	8,200.00	-252.00	96.9%
5006 · Neighborhood Training Programs	1,575.00	1,500.00	75.00	105.0%
5007 · Emergency Operations Center	0.00	0.00	0.00	0.0%
5008 · Volunteer Coordination	0.00	0.00	0.00	0.0%
5009 · Dues and Fees	58.01	200.00	-141.99	29.0%
5010 · Siren Maintenance Agreement	0.00	2,150.00	-2,150.00	0.0%
5011 · Satellite Phones	634.44	1,500.00	-865.56	42.3%
5012 · Radios	2,184.96	1,200.00	984.96	182.1%
5013 · CENS	0.00	0.00	0.00	0.0%
5014 · Miscellaneous Supplies	600.97	500.00	100.97	120.2%
5015 · Education/Prof. Dev.	175.00	3,000.00	-2,825.00	5.8%
5016 · Warehousing/Disaster Supplies	0.00	0.00	0.00	0.0%
5017 · Internet/Website Service	1,893.15	2,300.00	-406.85	82.3%
5018 · Siuslaw Bridge Failure	0.00	0.00	0.00	0.0%
5019 · Special Districts Dues/Ins	2,351.00	2,500.00	-149.00	94.0%
5020 · Professional Services	0.00	0.00	0.00	0.0%
5021 · SVFR Staff Time Reimbursement	0.00	0.00	0.00	0.0%
5022 · Mass Casualty Trailer Supplies	0.00	0.00	0.00	0.0%
5023 · Volunteer Coordinator	0.00	0.00	0.00	0.0%
5024 · CERT Recognition Event	0.00	200.00	-200.00	0.0%
5025 · Community Events	0.00	200.00	-200.00	0.0%
5026 · CERT Program Coordinator	361.90	2,000.00	-1,638.10	18.1%
5027 · Siren Battery Replacement/Labor	0.00	1,000.00	-1,000.00	0.0%
5028 · Grant Planning	0.00	0.00	0.00	0.0%
5040 · Grant Expense	0.00	0.00	0.00	0.0%
5000 · Materials & Services - Other	0.00	0.00	0.00	0.0%
Total 5000 · Materials & Services	17,782.43	26,450.00	-8,667.57	67.2%
66000 · Payroll Expenses	0.00	0.00	0.00	0.0%
6900 · Contingency	0.00	615.75	-615.75	0.0%
Total Expense	17,782.43	27,065.75	-9,283.32	65.7%
Net Income	9,296.76	0.01	9,296.75	92,967,600.0%

2:10 PM

06/14/18

Accrual Basis

W.L.E.O.G.
Profit & Loss
May 18 through June 15, 2018

	<u>May 18 - Jun 15, 18</u>
Income	
4600 · Interest Income	1.01
Total Income	1.01
Expense	
5000 · Materials & Services	
5005 · Advertising	288.00
5014 · Miscellaneous Supplies	30.31
5017 · Internet/Website Service	100.00
Total 5000 · Materials & Services	418.31
Total Expense	418.31
Net Income	<u><u>-417.30</u></u>

W.L.E.O.G.

6/14/2018 2:26 PM

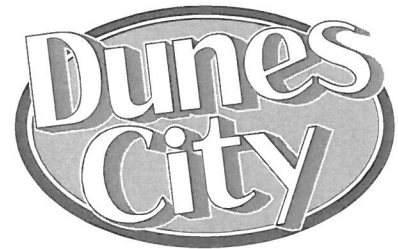
Register: Oregon Pacific Bank

From 05/15/2018 through 06/14/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
05/31/2018			4600 · Interest Income	Interest		X	1.01	23,564.04
06/11/2018	1431	Central Lincoln	20000 · Accounts Paya...	Acct.# 305763...	30.31			23,533.73
06/11/2018	1432	Coast Broadcasting	20000 · Accounts Paya...	Inv# 816-0012...	288.00			23,245.73
06/11/2018	1433	Westcoast Media Gro...	20000 · Accounts Paya...	Inv.# 18-2187 ...	100.00			23,145.73

City Administrator/City Recorder Report to City Council



July 11, 2018 ~ Prepared by Jamie Mills

There were 14 building permits issued in June: 7 electrical, 1 mechanical, 3 plumbing, and 3 structural. There was one manufactured home permit and there is one new home construction. There were also 3 Public Works permits issued – 2 grading and one vegetation removal.

I presented the grant proposal to State Parks and Recreation in Salem on the 19th, however, we received notice later that week that they had made the award to the larger cities. We will continue to search for funding opportunities to acquire the property for Rebecca's Trail. Anyone interested in donating would be greatly appreciated.

The CAC met on June 20th, where it continued its review of Chapter 155. The next CAC meeting will be July 23, 2018, at 5:00 p.m. Planning Commission met on June 28th, at which time it held a public hearing on the proposed ordinance regarding the location of marijuana-related business activities in the City and would only become effective if the ban question fail at the general election. The Planning Commission approved the findings of fact, conclusions of law and staff recommendation and referred the matter to the City Council for public hearing today. The next Planning Commission meeting will be held on July 25, 2018 at 5:00 p.m.

The City received complaints about properties allegedly housing horses and goats without a conditional use permit. After investigation, it was determined that the property that has the goats is not located in the City limits, and the property with the horses received a conditional use to house the horses some years ago. Residents are reminded that raising cattle, horses, sheep, goats, bees, fur-bearing animals, swine, or more than 14 (individually or a combination of) ducks, geese, chickens, rabbits or similar fowl and small animals, is not permitted in the City's limits without an approved Conditional Use Permit.

We also received another complaint regarding tree and brush cutting noise after 7:00 p.m. Residents are again reminded that the Dunes City Code does not allow loud noises (noise that can be heard from 50 yards away) after 7:00 p.m. or before 7:00 a.m.

We received two complaints regarding an altercation that had taken place between a Dunes City resident and a vendor of the City. This matter was referred to the City Attorney.

The last complaint was regarding a tree removal project where the tree removal contractor was dropping limbs and debris onto the neighboring property. This complaint is still being addressed.

A resident reported a floating log making its way to the outlet control structure. Councilor Wells is working to find a resolution to the issue.

I have written a letter to the Division Manager of the Lane County Animal Control Department regarding the pursuit of an Intergovernmental Agreement for Animal Control Services on an “as-needed” basis. I hope to receive an answer in the near future.

I met with our engineer from CwM-H2O and we toured, located and measured the proposed site for installation of the water metering device downstream from the outlet control structure. We also discussed future activities that may be required to pursue certification of the City’s first water right. Again, residents are reminded that they must report their water meter readings monthly. Annual water bills will be sent out soon.

Requests for quotes for widening of Huckleberry Lane and installation/repair of the stormwater drainage will be going out shortly. The survey has been completed and identification of specific needs is underway.

I met with Dina Pavlis from Oregon Coast Quests, who is very much interested in creating a Quest for Dunes City. We will be working together over the next few months to put the elements together.

At the time of writing this report, I have not yet met with the representatives from FEMA regarding the new flood maps. That meeting is scheduled to take place on July 9th, so I will do a verbal report at the Council meeting.

There has been a request made to repair the sign at the Westlake Post Office. After talking with James at the Post Office, a go-ahead has been granted. If anyone wants to contribute to the costs of replacing the sign, please contact Linda at 541-997-3338. The project will be paid entirely by donations.

Respectfully submitted,

Jamie Mills
City Administrator/Recorder

Dunes City, Oregon - Mail Tracking Log -
June 2018

2018 M a i l L o g				
Date	Via	From	Type of Document	Forwarded To
6/4/2018	Email	Lane County Deeds	New Rates	Recorder
6/4/2018	Email	CIS	Loss Run Report	Recorder
6/4/2018	Mail	NW Code Pro	Mallen Deck Plans	Permit
6/4/2018	Mail	Wesley Wells Landscaping	Return Receipt-Cert. Letter	Recorder
6/4/2018	Mail	HMW CPA	Flash Drive with 2017 Audit	Recorder
6/4/2018	Mail	Oregon Water Resources Dept	Water Man Conserv Plan w/Receipt	Recorder
6/4/2018	Mail	US Bank	Invoice	Recorder
6/4/2018	Mail	County Transfer	Invoice	Recorder
6/4/2018	Mail	MCI	Invoice	Recorder
6/4/2018	Hand	Barry Roby	Complaint	Recorder
6/5/2018	Email	Northwest Code Pro	Invoice	Recorder
6/5/2018	Email	Lynn Smelker	CUP Bees	Recorder
6/5/2018	Mail	USDC Census	Survey	Recorder
6/5/2018	Hand	Jason Campbell	Water Right Contract	Recorder
6/5/2018	Email	OR Dept of Administrative Services	OLCC Tax Distribution	Recorder
6/6/2018	Mail	Siuslaw National Forest	Deadwood Restoration	Mayor
6/7/2018	Fax	Cascade Title	City Lien Search 5510 Collins Loop	Recorder
6/7/2018	Mail	Pest Tech	Invoice	Recorder
6/7/2018	Mail	Wally's Septic	Statement and Reports	Recorder
6/7/2018	Mail	Umpqua Bank	Statement	Recorder
6/11/2018	Fax	Cascade Title	City Lien Search 5256 Hilltop Dr.	Recorder
6/11/2018	Mail	LaneAct	Agenda	Recorder
6/11/2018	Mail	Siuslaw News	Statement	Recorder
6/11/2018	Mail	Oregon Employment Tax Unit 2	Letter	Recorder
6/11/2018	Mail	Oregon Employment Tax Unit 3	Invoice	Recorder
6/11/2018	Mail	Oregon Pacific Bank	Statement x 2	Recorder
6/11/2018	Fax	Cascade Title	City Lien Search 5541 Chittum	Recorder
6/12/2018	Hand	Richard Palmer	Invoice x 5 - Work Orders	Recorder
6/12/2018	Mail	Wells Fargo	Invoice	Recorder
6/12/2018	Hand	Sunset Cove/Steve Burton	Stop Work Order Lot 5	Recorder
6/13/2018	Email	Steve Burton	Letter	Recorder
6/13/2018	Mail	LOC	Letter-Survey	Recorder
6/13/2018	Mail	Johnson Rock Products	Business License	Recorder
6/13/2018	Mail	Knife River	Letter	Recorder
6/14/2018	Mail	Dyer Partnership	Invoice	Recorder
6/14/2018	Email	West Coast Media	Invoice	Recorder

Dunes City, Oregon - Mail Tracking Log -
June 2018

6/18/2018	Mail	Insurance Services Office	Letter Building Inspections x 2	Recorder and Dave Mortrier
6/18/2018	Mail	Wally's Septic	Septic Reports x 2	Septic
6/19/2018	Mail	Campbell Productions	Invoice	Recorder
6/19/2018	Fax	Cascade Title	City Lien Search x 2	Recorder
6/19/2018	Hand	Vend West	Invoice	Recorder
6/20/2018	Hand	Robin Mills	Receipts for Supplies	Recorder
6/20/2018	Mail	Wally's Septic	Statement and Reports	Recorder
6/21/2018	Mail	Department of Consumer and Business	Return Building Program Application Mail	Permit
6/21/2018	Mail	Local Government Personnel Institute	Membership dues request	Permit
6/21/2018	Mail	Code4	Street Safety	Permit
6/25/2018	Mail	US Postmaster	Returned Letter to Jodie Hurd Edwards	Recorder
6/25/2018	Mail	Preferred Long Distance	Statement	Recorder
6/25/2018	Mail	Oregon Employment Dept.	Letter 1st Qtr.	Recorder
6/25/2018	Mail	Charter	Statement	Recorder
6/25/2018	Mail	True Cut Engraving	Volunteers of the Year Plaque	Recorder
6/26/2018	Mail	Central Lincoln PUD	Invoice	Recorder
6/26/2018	Hand	DJ Miller	Invoice	Recorder
6/26/2018	Email	Cardinal Services	Invoice	Recorder
6/28/2018	Fax	Dunes City Services	Invoice	Recorder
6/28/2018	Mail	CenturyLink	Invoice	Recorder
6/28/2018	Mail	Portland State	Survey Letter	Recorder/Permits
6/28/2018	Mail	Oregon Employment	Letter - Penalty	Recorder
6/28/2018	Mail	OLCC	Letter	Recorder
6/28/2016	Hand	Balanced Electric	Generator Service and Invoice	Recorder

Dunes City Hall

July 2018

July 2018							August 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	5	6	7	8	9	10	11
8	9	10	11	12	13	14	12	13	14	15	16	17	18
15	16	17	18	19	20	21	19	20	21	22	23	24	25
22	23	24	25	26	27	28	26	27	28	29	30	31	
29	30	31											

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 1	2	3	4	5 DENISE OOO - Denise Lafferty	6 Closed	7
8	9 1:00pm FEMA Meeting	10	11 3:00pm Lane Act (Eugene) 6:00pm City Council Meeting	12	13 Closed	14
15	16 10:00am WLEOG (SVFD)	17 8:00am FEMA Construction Class (Dunes City Hall)	18	19	20 Closed	21
22	23 5:00pm CAC Meeting	24	25 5:00pm Planning Special Session Meeting	26 Mayors Conference Dinner 5:00pm Cancel-Planning Commission Meeting	27 OMA Summer Conference Closed	28
29	30	31	Aug 1	2	3	4

Dunes City Hall

August 2018

August 2018							September 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
5	6	7	1	2	3	4	2	3	4	5	6	7	8
12	13	14	8	9	10	11	9	10	11	12	13	14	15
19	20	21	15	16	17	18	16	17	18	19	20	21	22
26	27	28	22	23	24	25	23	24	25	26	27	28	29
			29	30	31		30						

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 29	30	31	Aug 1	2	3 Closed	4
5	6	7	8 3:00pm Lane Act (Eugene) 6:00pm City Council Meeting	9	10 Closed	11
12	13	14	15	16	17 Closed	18
19	20 10:00am WLEOG (SVFD)	21	22	23 5:00pm Planning Commission Meeting	24 Closed	25
26	27	28	29	30	31 Closed	Sep 1

Dunes City Hall

September 2018

September 2018							October 2018						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	8	1	2	3	4	5	6	
9	10	11	12	13	14	15	7	8	9	10	11	12	13
16	17	18	19	20	21	22	14	15	16	17	18	19	20
23	24	25	26	27	28	29	21	22	23	24	25	26	27
30							28	29	30	31			

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 26	27	28	29	30	31	Sep 1
2	3	4	5	6	7 Closed	8
9	10	11	12 3:00pm Lane Act (Eugene) 6:00pm City Council Meeting	13	14 Closed	15
16	17 10:00am WLEOG (SVFD)	18	19	20	21 Closed	22
23	24	25	26	27 OMA Workshop (Eugene) 5:00pm Planning Commission Meeting	28 Closed	29 SOLV Beach & Riverside Cleanup
30	Oct 1	2	3	4	5	6