

DUNES CITY COUNCIL

EXECUTIVE SESSION

January 12, 1978

The Dunes City executive session was called to order by Mayor Petersdorf. Council members present were Stroud, Ward, Merz, Wampler and Ellson. Mr. Browne absent.

The mayor introduced the subject of a raise for the city recorder, Pat Barber. It was pointed out that at the time the budget for 77-78 was adopted, the council had budgeted an extra \$300 in employee's fund to cover a possible raise or hiring of extra help. Mayor Petersdorf indicated how much extra time Mrs. Barber puts in on city business after regular office hours and how many phone calls for the city she took in her home. Travel time was also discussed.

The council agreed there was certainly more paper work to turn out by the city in cooperation with other government agencies. Council questioned if the city recorder was making full use of the hours spent in the office or was the work load becoming such that extra help might be needed or additional hours be put in by the present recorder.

Council went back into regular session with a motion being made and passed that the city recorder receive a pay raise of \$25 per month beginning Jan. 1, 1978.

Council also discussed continued absenteeism by council member Mr. Browne. Also discussed Mr. Browne's heavy work load left him with little time for city involvement. The mayor asked Mr. Ellson to speak to Mr. Browne about the matter.

Mayor Petersdorf spoke to the whole council in regard to the heavy load of city business in the next year and if any council members were not willing to buckle down and put in extra time to get their fair share of the work load accomplished, then they should consider resigning.

Council agreed there is a lot to accomplish and all indicated they were willing to put in extra time now to adopt new ordinances up to Comp Plan compliance.

Meeting adjourned.

Eugene Stroud
Robert Petersdorf
Shirley Merz
James Wampler
Ron Ellson
John A. Browne

Shirley Merz
Acting Secretary

DUNES CITY COUNCIL

MINUTES

January 12, 1978

The regular meeting of the Dunes City Council was called to order by Mayor Petersdorf with all members responding to roll call with the exception of Mr. Browne. There were 16 persons present in the audience.

Merz moved, seconded by Wampler, the minutes of December 8, 1977 be approved as submitted. Motion carried.

BILLS

LOC Convention; registration & meals	\$ 37.00
Shirley Merz; LOC expenses, housing	36.40
gasoline	15.80
	52.20
L-COG Dues; 2nd $\frac{1}{2}$ 1977-78	250.00
Lane County, sheriff, Nov & Dec	892.06
Copeland Lumber; roffing repair material	9.70
Pacific Northwest Bell	27.42
Siuslaw News; publish Actual Use Report	15.40
CLPUD; 249.40/32.90	288.30
Pat Barber; mileage Nove & Dec	29.40
seminar expenses, Ore City	31.50
	60.90
J. S. Armstrong; 4th qtr retainer	600.00
Williamson, Felker & Anderson; audit prep	760.00
G.P. Excavating; road work	92.23
Petty Cash	5.31
	<hr/>
	\$ 3,090.52

Merz moved, Ward second, the bills be paid. Councilman Wampler questioned whether bids had been secured for the annual audit and suggested this be done in the future, thereby saving the city some money. The motion carried.

RECEIPTS

Building Rental	\$ 30.00
Cigarette Tax	161.73
OLCC; Nov & Dec	1,031.12
CLPUD; Dec & Jan	449.20
Highway Division	1,079.75
Motel Tax; Sept & Oct	517.11
Revenue Sharing	979.00
Anti-Recession Fund	509.00
Copies	1.30
Mobile Home Permit	40.00
Building Permit; 139./5.56	144.56
	<hr/>
	\$ 4,942.77

CORRESPONDENCE

City of Florence - Copy of a letter from John Isadore, City Manager, protesting the closure of the beach access road between tahkenitch and Carter Lakes. A copy was also given to Bill Riesenhuber of the Western Lane Sportsmen Club, who has been active in protesting access closures.

Highway Division - Response to a letter directed to the Area Ranger of the Oregon Dunes National Recreation Area, addressing access to Highway 101 and specifically referring to two proposed access locations in the Dunes City area.

GUESTS

John Czmerys and Bob Schrenk of the Oregon Dunes NRA were present and gave a slide presentation on Foredune Management. Following the presentation, council and the audience were given the opportunity to ask questions.

Also of concern to those attending were the designation of wilderness areas and the beach access closure (specifically the Siltcoos Outlet Road). An explanation was asked of RARE II which is Roadless Area Review & Evaluation. The RARE II statement will be available in June for public dissemination.

In regards to the Siltcoos Outlet road closure, it was suggested a letter be sent to the mayors of all cities on Highway 101 asking for their support to counter the efforts to include all of the dunes in a wilderness area and prohibiting access to the beaches. It was further suggested a copy be sent to the Oregon Coastal Association.

Following the discussion period, Mayor Petersdorf thanked Mr. Czmerys and Mr. Schrenk for the good slide presentation and the time spent in answering some of the concerns of the local people.

CITIZENS FOR ANYTHING NOT ON THE AGENDA

Councilwoman Merz reported being contacted with a citizen's complaint of a truck trailer parked on the only turnout on Woodland Lane. The trailer has been there for about three months on the city right-of-way.

The city attorney was directed to write a letter to Mr. Workman, owner of the trailer, asking that it be removed.

Buckskin Bob - Another complaint was received regarding an old abandoned trailer house which has been parked for several years with no sign of activity. The building inspector was instructed to check into it and determine ownership with a letter to follow requesting removal of the structure.

REPORTS

Road Committee - Jim Barber reported receiving the deed for the road off Canary previously brought to council's attention by Phil Tout. Also, council has copies of a proposed contract for yearly maintenance of the roads.

Mayor Petersdorf asked Mr. Barber if he had been on Parkway recently and stated it appeared that part of the road was caving in. He asked that this be checked into.

Ward moved to award the contract to G. P. Excavating for a period of one year for road maintenance. Merz second.

Discussion was held concerning the requirement for guaranteeing the work. Wampler moved to amend the motion to insert '30 days' in the blank space of the third paragraph. Ellson second. Motion carried with Ward voting NAY.

The vote on the original question, as amended, carried.

The question of fixing up the road off Canary again came under discussion with the point being made that Mr. Tout had agreed to pay half the cost.

In view of the fact that no rebuilding project could start immediately due to the weather, Councilman Ward suggested holding off making any decisions until a budget can be developed for the remaining assets in the road account.

Fire Service - Councilman Wampler reported on the problem of fire service in the Dunes City area and the lack of volunteers for Station #2. He pointed out that if there was a fire and the bridge was open it could be up to thirty minutes before assistance could reach the fire. In order to provide a service to the residents, he recommended the city advertise for daytime personell to fill the need and protect our property. He felt it was the duty of the city to help out in any way they could.

During discussion it was brought out that a training program would be formed for women since the primary need for volunteers is during the daytime. Also, it was stated that this is not for Dunes City only but should be a concern of all people south of the bridge. It was also suggested using the CCI to contact people and that Honeyman Park, Foglio and other could be contacted.

Merz moved to publish a paid ad for volunteers south of the river for the rural fire department, ad to run for three publications. Ward second. Motion carried.

The question was raised on the possibility of a consolidation of the Florence and Rural departments with a skeleton crew on duty on a full time basis. Larry King of the rural department responded that the question has come up recently in the city of Florence but no solution has been reached.

Merz moved a letter be written to the Siuslaw Rural Fire Protection District Board of Directors encouraging them to consider the feasibility of consolidation and develop a full time staff. Ward second. Motion carried.

OLD BUSINESS

Status of Dog Control - The attorney stated the ordinance is still being worked on together with a general nuisance ordinance and an effective method of dealing with them all.

NEW BUSINESS

Variance Request - Howard Campbell presented the request of R. M. Miller for an addition to his home which would put his building 11'8" from the side lot line. The request was accompanied by a signed statement from the Barbers who have the property adjacent to the Miller's and stating they have no objection. The Planning Commission has recommended granting approval of the request.

Stroud moved the variance be granted to R. M. Miller. Ward second.

Attorney Armstrong read the conditions for approval from Ordinance 12.

Council made the following findings:

1. Placement of the house on the lot warrants granting of the variance;
2. The variance is necessary to ensure property rights the same as other property owners in the vicinity in that since the room being added to is long and dark and needs additional light;
3. The granting of the variance will not be materially detrimental to the purposes of the zoning ordinance or be injurious to other property in the vicinity and does not conflict with the objectives of scenic development policy;
4. The variance request is the minimum request to alleviate the hardship.

Council determined the record as submitted was sufficient to support granting the variance.

On call for the question, motion carried.

Variance Request, Don Houghton - Mr. Houghton stated there was some question if he was applying for a variance or not and stated what he was proposing to do did not require a variance under existing ordinances.

Mr. Houghton proposes to build a house within less than 50' of the lake although the Comp Plan recommends a 50' setback and he pointed out the Comp Plan states "should" rather than "shall." An additional consideration is that his proposed building site is located on a bluff considerably above the lake.

Considerable discussion was held on the issue including opinions and recommendations from the city attorney, building inspector, members of the audience as well as members of the council. The planning commission has recommended approval.

Merz moved Mr. Houghton be granted his variance for placing a home within the fifty feet shorelands due to the topography of the land. Wampler second.

In response to direct questioning of the attorney as to why the topography has an effect, Merz stated it was high above the water, has a good foliage cover, and if the house were further back than proposed, a number of trees would have to be removed.

It was further established that the variance was necessary to afford Mr. Houghton basically the same rights as other homes similarly situated on lots in the vicinity.

The recorder was questioned as to whether any objections had been received relative to this request. There have not been any objections however, no notices were mailed to adjacent property owners.

Attorney Armstrong stated item #4 of the ordinance was met by the comments made however the giving of notice to adjacent property owners was not done. The recorder responded that the adjacent owner, Mr. Tout, had called the office on other business and stated he would be out of the state for three months.

The attorney then recommended to council that if the variance is granted, it should be conditional upon receiving no adverse response from adjacent property owners.

The motion was amended by Ward to specify a letter be sent to adjacent property owners informing them of tentative granting of a variance and the granting of the request will become official at the next council meeting if no objections have been received. Wampler second, motion carried.

The vote was called on the original question as amended and was carried.

Planning Assistance Grant - Merz reported a call from Gary Darnielle. Forms have been mailed to apply for a grant if the city wishes to secure one to help in bringing the Comp Plan, ordinances, etc. into compliance with LCDC requirements. He is willing to come down and meet with representatives of the city in a work session to help in filling out the application.

Ellson moved to authorize two council members and two planning commission members to proceed with the forms for a planning assistance grant application. Wampler second. Motion carried. A meeting was tentatively set for Saturday with Merz and Ward to represent council.

Boundary Commission Authority - A public hearing is scheduled January 26 in Eugene to analyze and evaluate current functioning of Boundary Commissions to determine whether they are fulfilling their function.

Discussion was held on possible testimony the city could offer as input regarding the Lane County Boundary Commission. It requires a written statement from those wishing to testify.

Ward moved that Mayor Petersdorf and Bob and Shirley Merz attend that meeting as representatives of Dunes City to express Dunes City's general consensus of the function of the Boundary Commission and offer any recommendations they feel pertinent. Wampler second. Motion carried.

Audit Report - Merz moved to adopt the resolution to accept the Audit Report for Fiscal Year 1976-77, Resolution # 1-12-78. Ward second. Motion carried.

OTHER BUSINESS

Zoning Ordinance - Tuesday, January 17th was set as a joint meeting with the planning commission to study the draft zoning ordinance, prior to meeting with Mike Yeager for final review February 2nd. The time was set at 7:00 p.m.

Western Lane Sportsmen Club - Mayor Petersdorf stated that he did not feel the club should destroy anything on the property since it belonged to the city. Reference was made to the storage shed which has been burned down. The mayor further stated that even if it should have been burned, the proper procedure would have been to approach the council before proceeding.

Mayor Petersdorf also brought up the matter of the telephone which the council had previously authorized for the use of the Sportsmen Club at a fee of \$21.00 to reimburse the city for the charge for use of the extension.

Representatives of the club stated it was their phone. The consensus of the council was that since it was their phone, they could go ahead and use it in the existing jack.

Work Party - Councilman Stroud questioned if there was any interest in a work party to do some of the tasks needed around the building. Saturday, 9:00 a.m. was set for a work party.

Extra Material - The recorder has been distributing extra material in the council member's packets. Mayor Petersdorf requested that each councilman receiving such material review it and report if applicable and then return for filing if necessary.

Bill Riesenhuber - Mr. Riesenhuber asked that council follow up the letter of John Isadore's with letters to Weaver, Hatfield and Isham to gain extra support in the effort to re-open the Siltcoos Outlet road.

Western Lane Planning Commission - Councilwoman Merz reported she had testified at the Western Lane Planning Commission hearing on the Coastal Sub-area Plan. She felt that Dunes City was not adequately addressed in the plan and urged that anyone who could obtain a copy of the plan and attend future meetings.

Adjournment - The regular meeting was adjourned so that council could go into executive session for the purpose of discussing personell.

Attest:

Pat Barber
City Recorder

Robert Petersdorf
Mayor

Eugene Stroud

John Browne

James A. Wampler

Ron Eason

DUNES CITY COUNCIL

EXECUTIVE SESSION

MINUTES

February 9, 1978

PRESENT: Ellson, Browne, Petersdorf, Wampler, Attorney Armstrong, Stroud

1. Resignation, effective 2-27-78, James Wampler. Contingent upon moving from city.
2. Will review minutes of budget meeting. If \$300.00 promised, we will make raise for recorder retroactive.
3. Possibility discussed of having City Engineer (Howard Campbell) keep track of road work being done by G. P. Construction. This will be discussed with Rob Ward.

Gene Stroud

/s/ Gene Stroud,
Acting Recorder

Gene Stroud

Ray Ellson

John Browne

Ralph Mitchell

DUNES CITY COUNCIL

MINUTES

February 9, 1978

The regular meeting of the Dunes City Council was called to order by Mayor Petersdorf with members Browne, Ellson, Stroud and Wampler present. It was noted that the attorney was absent, Rob Ward was excused because he had to be in Salem, and Shirley Merz was excused because she was on vacation.

Ward moved the minutes of the January 12, 1978 regular meeting be approved as submitted. Ellson second, motion carried. Wampler moved, Browne second, the minutes of February 2, 1978 Special Meeting be approved. Motion carried. Ellson moved, Wampler second the minutes of January 12, 1978 Executive Session be approved. Motion carried.

BILLS

State of Ore, Div of Audits, filing fee	\$ 30.00
Pacific Northwest Bell	28.07
Central Lincoln P U D	299.20
West Coast Laundry; Dec & Jan	15.50
Lane County, Sheriff	446.03
Galeria, office supplies	3.60
	<hr/>
	\$ 822.40

Ellson moved the bills be paid. Browne second, motion carried.

RECEIPTS

Dept. of Transportation	\$ 1,027.79
Cigarette Tax	259.70
O L C C	1,308.41
Building Permits; 173./6.92	179.92
Copies & Postage	14.59
	<hr/>
	\$ 2,790.41

The recorder requested council approval to make payment to Mike Yeager for the work done on the draft zoning ordinance per the contract. There was some discussion on whether the terms of the contract had been fulfilled. It was also noted the Planning Commission had requested Mr. Yeager's attendance at their public hearing on the ordinance, scheduled for March 23.

Browne moved the fee be paid to the planning consultant. Ellson second. Motion carried.

Ellson moved to authorize the planner to attend the Planning Commission hearing. Wampler second. Motion carried.

CORRESPONDENCE

Department of Transportation - A meeting is to be held in Coos Bay, February 22 in an effort to improve communications with legislators, city and county officials. There is also a dinner meeting the evening before with Glenn Jackson, Chairman of the Oregon Transportation Commission who will review departmental policy and programs.

Ellson moved to pay expenses for Rob Ward to attend the dinner meeting. Wampler second. Motion carried. Mayor Petersdorf will also attend.

Lane County Commission - A proposal to encourage intergovernmental cooperation among the county's city councils and Board of Commissioners. A review and analysis was requested. Council each have copies of the proposal.

Jim Barber - Mr. Barber submitted his resignation as Road Committee Chairman, effective February 28, 1978. Wampler suggested getting with Ward to discuss possible suggestions from current Road Committee for replacement.

Oregon Asphalt Pavement Assoc. - The letter points out the vote coming up in May to increase the gas tax from 7¢ to 9¢ and requested endorsement of the measure. Council took no action, feeling it was a self-serving request.

CITIZENS FOR ANYTHING NOT ON THE AGENDA

Booster Club - Two representative of the Florence Booster Club were in attendance to give the council opportunity to advertise in the Rhododendron Festival booklet. Council felt the city attorney should be approached with the question of the legality of spending tax dollars for such an endeavor.

GUEST SPEAKER

Sergeant Jake Bowser, supervisor of the Florence office of the Lane County Sheriff's Dept. spoke to council and introduced Earl McMullen who is replacing Virgil Rose under the contract with the city and the Sheriff's department. Upon being questioned in regard to a speed zone on Clear Lake Road in the vicinity of the fire station, Sgt. Bowser explained that speed designations must go through the State Speed Board. A radar survey was done by the sheriff deputy which indicated there was indeed a speed problem there but a formal survey will have to be conducted by the speed board before any designated speed can be posted.

A specific question was raised on the matter of mini bikes, etc. with the response that operators of illegal vehicles can be cited on any street within the county, including city streets.

OLD BUSINESS

Fire Dept. - It was noted that no calls were received in the city office in response to the ad placed in the Siuslaw News seeking volunteers, however it was reported the fire station had received several calls of interested people.

Abandoned Trailer - Howard Campbell, Building Inspector reported writing a letter regarding the abandoned trailer on Buckskin Bob and sending it to two different addresses and it came back both times. He will check at the courthouse in Eugene and try to find a current address for the owner of the property.

Trailer, Woodland Lane - Councilman Browne reported the trailer previously complained about had not been moved. Attorney Armstrong responded that he had not been able to reach Mr. Workman.

Houghton Variance Request - A letter was received from Phil Tout whose property abutts that of Don Houghton. The letter stated there was no objection to the proposed building plans of Mr. Houghton. The variance request was automatically granted since there were no objections.

Planning Assistance Grant - Mayor Petersdorf reported meeting with Gary Darnielle of LCDC and Richard Danielson, Planning Consultant tentatively hire by the city. The proposal presented by Mr. Danielson was for \$19,000 project cost for revising the Comp Plan, amending the subdivision ordinance, etc.

Council discussed whether they would be getting fair return for tax dollars. It was the feeling that there was not that much to be done. A luncheon meeting was set for Monday at the Sand 'n Sea to negotiate the fee with Mr. Danielson.

Boundary Commission - The City Attorney wrote a letter, signed by the mayor, to the Joint Interim Task Force on Boundary Commissions presenting the council's previously expressed views of the operation of the Lane County Boundary Commission.

Status of Zoning Ordinance - The zoning ordinance has been through a preliminary workshop session with council and planning commission with some minor revisions being made. The Planning Commission will hold the first public hearing March 23rd.

Ellson moved to use L-COG for printing of the draft ordinance. Browne second. Motion carried.

NEW BUSINESS

State Industrial Accident - The State Accident Insurance Fund is giving the city an opportunity to enter into an annual fixed rating method of payment. This method will save money over the quarterly method of payment but requires an initial deposit of \$64.00.

Stroud moved to authorize the \$64.00 deposit and convert to the fixed rating. Ellson second, motion carried.

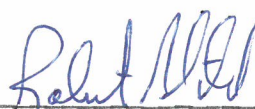
Executive Session - Mayor Petersdorf announced the council would recess to go into Executive Session.

On resumption of the regular session, the mayor announced personnel matters had been discussed.

Adjournment - There being no further business to come before council, the meeting was adjourned at 8:55 p.m.

Attest:


City Recorder


Mayor

DUNES CITY COUNCIL

SPECIAL MEETING

MINUTES

February 13, 1978

A luncheon meeting was held with Gary Darnielle of LCDC and Richard Danielson, Planning Consultant, at the Sand 'n Sea. Present were Mayor Petersdorf, Gene Stroud, Roy Ward, Jim Wampler, Judd Browne, Ron Ellison and the City Recorder.

After hearing Mr. Danielson present his work program proposal for Dunes City, it was determined the work could be handled on an hourly basis with a maximum dollar limit and any monies not expended would not be requested under the grant.

Ward moved to go ahead with the grant program for the maximum amount indicated by Richard Danielson and submit a figure of \$17,635 for a planning assistance grant application as prepared by Richard Danielson, Planning Consultant. Browne second. Motion carried unanimously on Roll Call vote. It was noted that Shirley Merz was on vacation and therefore not present to vote.

Cost for printing the zoning ordinance draft will be \$47.00 for 100 copies. Ward moved to spend \$47.00 for 100 copies of the draft zoning ordinance. Browne second. Motion carried.

The meeting was adjourned at 1:25.

Attest:

Pat Barber
City Recorder

Robert A. Ward

Robert A. Ward

Judd L. Browne

Gene Stroud

Ron Ellison

DUNES CITY COUNCIL

SPECIAL MEETING

February 2, 1978

The special meeting of the Dunes City Council was called to order by Mayor Petersdorf at 7:00 p.m. for the purpose of interviewing planning consultants to work under a grant being applied for from LCDC to revise the Comp Plan, amend the subdivision ordinance and possibly develop a building code. Members present in addition to the mayor were Browne, Ellson, Stroud, Ward and Wampler.

The first applicant to be heard from was Richard Danielson who presented the council with a packet containing a resume' and then gave an oral presentation of the work he has been involved in with the City of Lowell and how he would propose to proceed with the tasks as outlined for Dunes City by Gary Darnielle.

Next to be heard from was Robert Furrer who has recently completed the Comprehensive plan for the City of Oakridge, who gave the same type of presentation as the previous applicant.

A third applicant, David Hess, from Portland had decided not to compete for the project stating as his reason it would be too far to travel.

Following the presentations, council discussed at length the capabilities and techniques of the two applicants with primary consideration given to who would best qualify to meet the needs of our local situation.

Ward moved to accept Richard Danielson to do the proposed work program contingent upon receipt of grant funds. Stroud second. Motion carried unanimously with Wampler abstaining due to being financially connected with one of the firms. The vote was taken by Roll Call.

Mayor Petersdorf and Councilman Ward will meet with Mr. Danielson and Gary Darnielle for lunch Monday at the Sand 'n Sea to begin preliminary discussion on how to proceed.

There being no further business, the meeting was adjourned.

Attest:

Pats Barber
City Recorder

Robert Petersdorf
Mayor

Eugene Stroud

Judd Browne

James Wampler

Ken Ellson

DUNES CITY COUNCIL

MINUTES

March 9, 1978

The meeting was called to order by Mayor Petersdorf with members Browne, Ellson, Stroud and Ward responding to Toll Call. It was noted the City Attorney was sick and not present.

The minutes of February 9, 1978 Regular Meeting, February 9, 1978 Executive Session and February 13, 1978 Special Meeting were all approved as submitted.

BILLS:

West Coast Laundry	\$ 1.90
Lane County; sheriff	446.03
C L P U D; 249.40/30.60	280.00
Pacific Northwest Bell	32.18
Coast to Coast; light bulbs	1.92
L-COG; print zoning ordinance	44.26
Siuslaw News; fire ad (paid 111.72)	57.86
OMFOA Conference fees	34.25
Community Development Conference expenses	15.00
Pat Barber; expenses, Otter Crest & Eugene	46.83
Pat Barber; mileage, Jan & Feb	35.00
	<hr/>
	\$ 995.23

Ellson moved, Browne second, the bills be paid. Motion carried.

RECEIPTS

C L P U D	\$ 449.20
Highway Division	1,318.64
O L C C	322.28
Cigarette Tax	215.19
Copies	2.70
	<hr/>
	\$ 2,308.01

CORRESPONDENCE

A FAPRS SEARCH REQUEST FORM was given to council for future reference. It is a list of available grants.

Lane County Board of Commissioners - A proposal was presented on how to improve communications between the county and cities within the county.

It was the feeling of council that a lot of meetings could be attended without too much of it applying to Dunes City and the information relating to us could be recieved through other sources such as newsletters, L-CCG, etc.

Council Ward stated he felt it unnecessary to read letters in their entirety since the council has copies of the correspondence. A brief synopsis of the letter could be given and any of the citizens wishing a copy could get it.

Lane County - A list of county road within the city was included with a letter stating the county's policy of bringing roads up to standard and turning over to cities for their control.

Council will turn this over to the road committee chairman.

LCDC - A Citizen Involvement Handbook is being considered. A draft of key elements to be included was attached and a request made for further recommendations.

Since the response is due by March 10, council did not have time to turn the matter over to the CCI and made no recommendations of their own.

CITIZENS FOR ANYTHING NOT ON THE AGENDA

Phil Tout - Mr. Tout questioned council as to their intent concerning the road in front of his house recently purchased from the county. A culvert has been left off and Mr. Tout wanted to be apprised of what was going to happen. He went on to say that Mr. Khang is interested in following the same procedure as Mr. Tout in paying one half the cost to have the road extended another 100'. The next parcel is Parson's which is for sale and Mr. Tout expressed the feeling it would perhaps be advantageous to continue the road for the full 400' length.

Discussion continued for an hour and fifteen minutes with the following points being brought out:

Has council taken any action on building the road? Ward responded in the negative but felt the culvert should be installed at this time.

Ward suggested approving a budget for projects and not require Road Committee Chairman to ask for funds each time he has a small maintenance project.

Concern was expressed at the possibility of setting a precedent concerning the building of roads serving only one or two houses.

Again pointed out the entire issue had been tabled at a prior meeting.

The suggestion was made to make a formal offer to all adjacent property owners to contribute towards building the full 400' of road.

Objection expressed to getting into road construction - Maintenance, yes; Construction, no. More than one bid should have been secured.

Ward moved to go ahead with the project of improving the section of road at \$1,132.00 to establish a base of 20' width for a length of 200' and installation of a culvert; 50% of cost to be absorbed by Phil Tout; the go-ahead of project to be contingent on the city attorney's opinion in regards to setting a precedent for the city to take and improve future roads that have been dedicated but have no signs of development. Second by Browne. Motion carried with Ellson voting NAY.

REPORTS

Building Inspector - Howard Campbell reported one permit valued at \$36,000. He further stated he was still trying to locate Mrs. Clive Jens Banks who owns the dilapidated trailer on Buckskin Bob.

OLD BUSINESS

Road Committee Chairman - The matter of replacing Jim Barber who had resigned as Road Committee Chairman was before council.

Council Ward asked to comment - he had contacted Mr. Barber and discussed the work involved for the chairman and suggested that it should be a position for which compensation is made. In view of the size of the road budget, he felt it would not be out of line to set aside \$600 to see that the money is spent wisely and the best return is received for dollar spent.

Ward moved to establish a fee of \$50 per month to be paid the Road Committee Chairman for his services provided to the city and that the money come out of the road committee fund, contingent upon being able to use the money from the road fund. Browne second. Motion carried. Salary to start on April 1, 1978.

Discussion continued on the position of Road Committee Chairman with the position being offered to Howard Campbell who declined.

Ward moved to recommend Jim Barber as Road Committee Chairman. Browne second. It was specified that the road committee chairman should appear at monthly council meetings for a report and a job description be written. Motion carried.

Workman Trailer - Councilman Ellson reported talking to Mr. Workman who said the trailer should be removed today. Ellson offered to stay with it and make sure it was taken care of.

NEW BUSINESS

Wampler Resignation - Councilman Wampler resigned effective February 27, 1978 because he has moved from the city. Consideration was given to possibilities for replacement to fill the position.

Ellson moved Jim Morgan be appointed as a member of the City Council. Ward second. Motion carried. The term will expire December 31, 1980.

low roll call vote. B
Mr. Morgan was sworn in by the City Recorder and took a seat with council.

Budget Committee Appointments - Betty Conley and Wes Wilcox are the only former members of the committee still active. The other five positions are vacant due to expiration of terms or people having moved from the city.

The following appointments and terms were made:

Dr. James Eaves - 1980
Sven Lohn - 1980
Ed Fillman - 1980

Bob Scharen - 1978
Tim Feigel - 1979

Budget Officer - Mayor Petersdorf was appointed Budget Officer and stated all budget meetings will be held at 7:30 p.m. in the Community Center.

ORDINANCES

Zoning - It was announced the proposed zoning ordinance is available for distribution to the public. The first public hearing will be held by the Planning Commission March 23, 1978 at 7:30 p.m. with Mike Yeager in attendance.

Nuisance Ordinance - The first reading of the proposed nuisance ordinance was read by Short Title.

Browne moved to adopt the first reading. Ellson second, motion carried unanimously on Roll Call vote.

OTHER BUSINESS

Planning Assistance Grants - Councilman Ward reported everything went in as planned for the grant and there is a good indication we should get a substantial portion of it. A copy of a letter from LCDC was included in council material which includes the amount applied for by the city.

Adjournment - There being no further business to come before council, the meeting was adjourned at 10:15 p.m.

Attest

Pat Barber
City Recorder

Robert Petersdorf
Mayor

Robert B Ward

John K Browne

Eugene C Shand

J E Morgan

Don Eason

DUNES CITY COUNCIL

MINUTES

April 13, 1978

The meeting was called to order by Mayor Petersdorf with council members Browne, Ellson, Merz, Morgan, Stroud and Ward present. There were 29 interested citizens in the audience.

The minutes of March 9, 1978 were approved as submitted.

BILLS

Read Insurance; Personal Injury Liability	\$ 18.00
Lane County; Sheriff	446.03
Siuslaw News; Budget Notice	3.21
Galeria; plant, Connor	22.00
West Coast Laundry	5.40
J. S. Armstrong; 3rd qtr retainer	600.00
Pacific Northwest Bell	32.09
C L P U D; 249.40/33.20	282.60
Postage (paid)	13.00
Petty Cash	7.15
	<hr/>
	\$ 1,429.48

Browne moved, Ward second, the bills be paid. Motion carried.

RECEIPTS

Building Rental	\$ 15.00
Pacific N W Bell; Franchise Fee	587.93
Cigarette Tax	199.69
O L C C	536.56
Department of Transportation	1,048.05
C L P U D	224.60
Anti-Recession Fund	207.00
Revenue Sharing	979.00
Garbage Franchise; Jan thru Aug'77 plus Sept 1, 1977 in advance	250.00
Building Permits: 387/15.48	402.48
Copies	5.50
	<hr/>
	\$ 4,455.81

CITIZENS FOR ANYTHING NOT ON THE AGENDA

John Hunt, Booth Island - Mr. Hunt is a real estate salesman with 23 acres on Booth Island and questioned council on what could be done with the property, could it be subdivided and if so, would all the requirements of the subdivision ordinance have to be met?

Mayor Petersdorf suggested the best procedure would be to go before the Planning Commission with his inquiry.

Howard Campbell - The building inspector reported two permits were issued during the month for 68,800 dollars valuation.

Bernard LaForge - Mr. LaForge appeared before council to question the reference to "trashy mobile homes" in Siltcoos Heights that appeared in the Siuslaw News following the last Planning Commission meeting. It was his contention that none of the neighbors in the area had complained and the mobile homes in the area were not "trashy". He wanted an explanation of the circumstances which brought about the remark and an apology.

Mayor Petersdorf stated the person making the remark was not in the audience but he would check on it and get back with an explanation.

REPORTS

Water Committee - Gene Stroud reported the coast water study committee had met and the study is about 40% complete. Mr. Strong gave an update and they are currently looking to the dunes and other sources of available water and future requirements.

Mayor Petersdorf brought up the matter of water rights previously applied for by the city. Councilman Stroud is going to look into it further and see if there is any chance to renew the application.

Road Committee - Chairman Jim Barber was ill and not present and Rob Ward gave a report on the last committee meeting and presented the proposed road budget to council for their approval. It was pointed out this was how they anticipated disbursing the funds but did not mean they would not bring contracts, etc. before the council before spending the money.

He also stated the road committee members were concerned over the council dealing with road funds before going to the committee. He checked into it and found no policies have ever been drawn up on how the road committee should function. Mr. Ward is going to research what has taken place in the past and draw up a set of "Policies and Guidelines" which the committee can alter or approve and submit same to council for their approval.

The question of the Tout road was considered by the committee and it was voted to table consideration until an opinion is rendered by the attorney on precedent setting.

The motion concerning Mr. Tout's road was read from the minutes of March 9, 1978 and counsellor questioned for an opinion. He responded that nothing is mandatory if the project is singularly unique. In his opinion, no obligation would be set in this case since each situation would be handled individually.

Browne moved to refer the matter back to the road committee for consideration and recommendation. Ellson second. Motion carried.

Planning Commission - No one was present from the planning commission however council had a copy of their minutes and recommendation concerning the proposed zoning ordinance as a result of the public hearing conducted at their meeting of March 23, 1978.

OLD BUSINESS

Workman Trailer - Councilman Ellson spoke to Mr. Workman requesting the trailer be moved from its location on Woodland Lane and it is still there. Mayor Petersdorf requested the city attorney to write Mr. Workman and make it strong enough to let him know it must be moved. Mr. Workman had previously promised to have it moved by May first.

NEW BUSINESS

Janitorial Service - The recorder reported bids from the two janitorial services in town for cleaning the kitchen and restroom floors and cleaning the windows which had been secured at the request of the Mayor.

Ellson moved to adopt the lowest bid and have the work done. Merz second. Motion carried.

ORDINANCES

Nuisance Ordinance - The proposed nuisance ordinance (Ord. #50) was read by short title. Merz moved council adopt Ordinance 50 on its second reading. Morgan second. Discussion of amendments followed with considerable input from members of the audience.

Ellson moved to amend the proposed ordinance by deleting lines on through four and line 5 through "owner;" of Section I, 1. (a). Merz second, motion carried.

SECTION I 1. (a) would therefore read: Dogs disturbing the public peace, molesting passers by, chasing vehicles, attacking other animals or being upon the property of another and doing damage thereby.

SECTION I, Paragraph 3 (b): Ward moved to amend the ordinance to insert 50,000 in the blank space preceding "pounds". Browne second.

A lengthy discussion followed with consideration being given to the use of a gross vehicle weight as opposed to the number of wheels on the ground. No agreement was reached between members of the council and the motion and second were withdrawn.

Morgan moved to table further consideration of the nuisance ordinance until the next regular council meeting. Browne second, motion carried.

Recess - Mayor Petersdorf declared a five minute recess before taking up the matter of the zoning ordinance.

Zoning Ordinance - Mayor Petersdorf opened the public hearing on the proposed zoning ordinance and introduced Mike Yeager of the Lane County Planning Division, author of the document.

Input from the public hearing will be recorded as a separate document and will become a part of these minutes.

Following the close of the public hearing on the proposed zoning ordinance, the balance of the agenda was considered by council.

CORRESPONDENCE

Council received a thank you card from Helen and Terry Connor for the plant which was sent in memory of Charlie Connor, former building inspector.

Lane County - An Intergovernmental Tax Study Task Force has been established to consider the issue of taxes paid to the cities and county by local residents in relationship to the benefits received. The city has been invited to sit in on the next meeting to determine if they wish to participate in such a study.

Kendall Lane - A letter was received requesting that Kendall Lane be oiled or blacktopped. Council turned this over to the Road Committee.

Lane County - A request is being made by the Community Development Department to the Board of County Commissioners for a \$300,000 revolving loan fund to begin a loan program for the rehabilitation of houses owned by low and moderate income persons.

Council recommended support of the program.

Adjournment - Since there was no other business to come before council, the meeting was adjourned at 11:00 p.m.

Attest:

Pat Barber
City Recorder

Robert I. Petersdorf
Mayor

Robert B. Wood Jr.

Don Eason

Eugene S. Shand

Arld Browne

Shirley May

J. E. Morgan

PROPOSED ZONING ORDINANCE - PUBLIC HEARING INPUT

Page 2 I. Policy Interpretation by Planning Commission

Should be by governing body

II. A. Delete "and interpret" or change to "and explain"

Page 3 VII. First sentence, the word "maintained" be deleted.

Page 5 E. Boundaries along streams needs clarified (see Definition, page 61)

Page 6 See written input submitted by John Carlson dated April 13, 1978

Modular and mobile homes should be a permitted use if over 800 square feet.

Add further criteria regarding height above ground.

Under 8-- square feet should still be a Conditional Use.

Paragraphs E,F,G - switch to Conditional Use so there's some control.

Raising pigs is permitted and yet a mobile home is a Conditional Use.

Do we really want to exclude tri-plex of 4-plex?

Page 8 See Carlson memo

Nurseries - refers to plants but should be clarified.

Page 9 See Carlson memo

Mike Yeager stated the matter of existing businesses was discussed at length by the Planning Commission with their main concern being how to provide adequate protection for existing mobile home parks while at the same time having the opportunity to approve or deny new mobile homes that may come into commercial areas of the community.

Mr. Yeager's suggestion was to leave mobile home parks as a Conditional Use Permit, and when the land is zoned where the parks are, make it clear to the individual that the next step is to come in and be granted the Conditional Use Permit by council then they are a permitted use and no longer a non-conforming status. (Fees would be waived.) That way you are doing justice to the existing mobile home parks while at the same time giving the opportunity in the ordinance to go through the Conditional Use Permit process for new developments.

Taverns and cocktail lounges not mentioned in list of permitted uses.

Mobile Home parks should be permitted use.

Under PUD a large park could be built - looks like the small park owners are being penalized.

Add section, III. D. "All existing commercial uses at time of adoption of this ordinance are hereby granted a Conditional Use Permit at the time this ordinance goes into effect.

Page 9 Trying to accomplish two separate procedures - business are protected
cont. by the Comprehensive Plan. The proper mechanism to effect that protection should be a Conditional Use Permit. This preserves the procedure for reviewing proposed new uses.

CUP issued to land, not owner, and is fully transferrable. (Yeager)

Put existing mobile home and travel trailer parks under permitted use and require a zone change for new parks.

Mr. Yeager will write a mobile home suffix zone that may be attached to any zone to provide for mobile home and travel trailer parks. If a new park was to be developed, they would have to apply for a zone change to add the suffix to the existing zone.

Page 10 See Carlson memo

Yeager agreed setback should be 30 feet from Highway 101 right of way.

Maximum height should be two stories, 25 feet.

Page 11 B. 3. Title should read, "Fences, Walls or Vegetation" (P.C.)

C. 1. Eliminate - by spelling it out you can have some guy put a whole bunch of stuff up there.

Page 14 (c) What does it really mean - suggest it be spelled out that it pertains to new parking areas being created.

Page 16 F.1.(c) Sign couldn't be out in yard. Suggest putting a period after "property" and deleting rest of sentence.

Consider that no distinction exists between C & D in view of suggested change.

Insert "residential property" under (c).

(c) refers to a developed piece of property and (d) undeveloped property. Could say "sale or rental of developed property".

Page 19 B. 2. (a) Should be "6,000 square feet"

B. 2. (b) First sentence, "and not more than 1,800 square feet" should be deleted. (P.C.)

Page 20 12. Second paragraph, first sentence should read, "Walls or fences shall be at least six feet in height." (P.C.)

Page 28 IX. B. (1) Should read, "Commercial" (delete "or industrial purposes") (P.C.)

Page 29 See Carlson memo

Page 51 II. Lines 5 & 6 - delete everything between "conforming.....to".

Page 52 IV. (b) Should read "75% instead of "50%". (P.C.)

V. (a) First sentence should read, "No existing structure devoted to a use not permitted in this... (instead of "to").

Page 53 (h), (i), (1) The words "mobile Home" to be deleted. (P.C.)

Page 54 (2), (3). The words "mobile Home" to be deleted. (P.C.)

NOTE: Look at pages 53 & 54 for possible contradiction if mobile home section is changed.

Page 65 Objected to the section on violations - if a person's property is damaged and he is on an extended vacation, he could go bankrupt.

Consider the fact that some insurance refers to "replacement cost" which only applies IF you can replace. If a place is insured for \$20,000 and only \$15,000 can be collected because of the terms of the ordinance, there is a problem.

DUNES CITY COUNCIL

MINUTES

May 11, 1978

The regular meeting of the Dunes City Council was called to order by Mayor Petersdorf with all members of the council present. Also present was Attorney Ron Gerber and thirteen interested citizens.

Mayor Petersdorf announced the council had met in Executive Session prior to the regular meeting to discuss the position of City Attorney. Sid Armstrong has sold his practice to Ron Gerber. Council is going to defer actual hiring until Mr. Gerber submits a letter outlining the duties he is willing to assume in the position of City Attorney. Mr. Gerber made his services available to council as acting City Attorney for the evening.

BILLS

Siuslaw News; public notices	\$ 10.62
Lane County; sheriff	418.23
CLPUD; 240.40/30.70	280.10
Pacific Northwest Bell	28.15
West Coast Laundry	9.50
Pat Barber; expenses	52.70
OMFOA Regional Meeting 24.00	
Mileage, March & April 28.70	
	<hr/>
	\$ 799.30

Previously approved and paid:

Harbor Building Maintenance; floors	42.00
-------------------------------------	-------

Ellson moved the bills be paid as submitted. Morgan second. Motion carried.

RECEIPTS

Florence Cable TV: franchise fee	\$ 894.54
Motel Tax; Nov thru Feb	95.13
Cigarette Tax	195.53
Department of Transportation	1,002.07
Building Rental	10.00
Building Permits	216.00
" " Surcharge	8.64
C L P U D	224.60
	<hr/>
	\$ 2,646.51

Merz moved the minutes be approved as mailed. Browne second. Motion carried.

CORRESPONDENCE

League of Oregon Cities - The League is holding a regional meeting in Eugene May 16th. Mayor Petersdorf asked who among council would like to attend the meeting. Petersdorf, Merz and Morgan indicated they would attend as well as the City Recorder.

REPORTS

Building Inspector - Howard Campbell reported three permits issued during the month for a total value of \$87,271.

Road Committee - Jim Barber reported a committee meeting was held May 2nd. A decision was made by the committee to maintain Tout's road with no major construction; voted to hire Laskey-Clifton to do some brushing at \$37 per hour with their machine; decided to hire someone to do patching of the oiled roads.

Planning Commission - Ed Fillman reported the Planning Commission had looked over the new mobile home section submitted by Mike Yeager for the zoning ordinance and the commission recommends approval.

OLD BUSINESS

Workman Trailer - Mayor Petersdorf reported that the trailer on Woodland Lane has been removed.

NEW BUSINESS

OLCC License Renewals - Liquor licenses for Woahink Lodge, Westlake Tavern and Westlake Store were before the council for approval.

The question was raised on the noise problem concerning Westlake Tavern. Mrs. Premer responded the noise had not started up again and she was in hopes it wouldn't.

Ellson moved to approve the OLCC license renewal applications. Ward second. Motion carried.

Rhododendron Festival - The agenda item was submitted by Councilwoman Merz who stated that Dunes City has not participated in the Rhody Festival in the past and she felt the Mayor should ride in a convertible in the parade.

Council agreed this was a good suggestion and both Mayor Petersdorf and Mrs. Merz, as Council President, will ride in the parade.

Westbrook/Harper Minor Land Partition - There have been reports of lots being sold in the partitioned area and the question was raised as to whether all conditions have been met and the city's responsibility for the road.

Mr. Campbell reported checking the road and it is a cat track with gravel on it.

Council was in agreement that even though the road may be dedicated, the city does not have a responsibility to accept the road until it is brought up to sub-division standards. No maintenance of the road will be performed until such time as it is accepted by Council and council agreed that they will not accept it until it is brought up to standards.

Liquor License - Larry Dier brought his OLCC license renewal application before council for Darlings Resort.

Stroud moved the license application for Darlings Resort be approved for renewal. Browne Second. Motion carried.

Work Day - Due to the bad weather at the time the last work day was scheduled, there is still some projects around the community center which need done. A work day was set for June 3rd at 9:00 a.m. Stroud will develop a work plan.

Copy Machine - At the request of the Mayor, the City Recorder was to check on a replacement for the copy machine we now have. It was necessary to call for a service man to repair our machine and instead of a repairman, a salesman come out with another machine and took ours in to the shop.

The machine left with us is available for \$500 plus the old copier for which \$295 would be allowed. Since the machine they brought is a roll copier, credit would be given for all supplies on hand. No other inquiries have been made regarding a replacement machine.

Browne moved to purchase the new copier at \$500 plus the old machine. Merz second.

During discussion, it was council's feeling that since there is no money in the old budget for purchase of a new machine they would be remiss in buying another machine with money from a budget that is not yet approved. The motion and second were withdrawn and the recorder instructed to inquire into the possibility of keeping the machine as a loaner until July 1 with payment to be made at that time.

WATS # - A WATS number is available (1-800-452-7813) for contacting any of the State offices toll free.

ORDINANCES

Nuisance Ordinance - Consideration of the proposed nuisance ordinance continued from the last meeting.

Section I.2. Add: (b) Hazardous or abandoned buildings, consistent with the definition in the Uniform Building Code.

Section I.3. Ward questioned if this was the right place for the road section. He suggested eliminating that portion and going back to original proposal and draft an ordinance based on what was previously submitted for a proposed road ordinance and have it as a separate ordinance.

Council was in agreement to delet 3.(b) of Section I.

Section I.4.(a) Attorney Gerber stated 4(a) posed some problems of enforcement under Section 7. He said he would check for language and see if he could come up with something better.

Browne suggested using either: consistent; repetitive; or continuing after the word "loud." Morgan suggested rewording to say, "Any loud or persistent, disturbing or unnecessary..."

Section II. Attorney Gerber stated #1 needed language added to the front explaining how the determination stage is reached to put citizens on notice as to how to bring up a nuisance complaint.

An objection was expressed from Bob Read in the audience that determination could come in the form of a phone call to the city recorder with an immediate notice to abate the nuisance with no hearing process what-so-ever.

Council agreed to change paragraph 1 of Section II to read: "Upon receipt of a signed, written allegation that a nuisance as defined in this Ordinance exists..."

Council was in agreement that 10 days was a reasonable allowance for abating a nuisance and should be inserted in the blank space of paragraph (b).

Section II. Paragraph b and c should be reversed.

Considerable discussion was held on the section dealing with abatement proceedings and where to draw the line between disturbing the peace and a nuisance.

Further consideration of the nuisance ordinance was tabled and will continue in workshop session following the budget meeting. The city recorder will notify council when this will be after checking with Joe English on the budget schedule.

Zoning Ordinance - In view of the fact the proposed mobile home section has not been available for sufficient time, the council felt it would better serve the interest of the public to hold a worksession for the purpose of considering input received to date on the proposed zoning ordinance and make this time available as an additional public hearing. Those present in the audience were still of the feeling that mobile home parks should be a permitted use instead of creating another zone to deal with them.

A worksession was scheduled for Thursday, May 18th to consider the input received on the proposed zoning ordinance and make appropriate changes.

OTHER BUSINESS

Road Budget - Councilman Ward requested the council approve the proposed road budget previously submitted. He went over the proposed expenditures and requested council give approval without the need of coming to council again except for awarding contracts.

Merz moved the Road Committee be allowed to spend \$3,000 between now and June 30 (balance of fund to become cash carryover for next budget) and to approve the proposed expenditures as written. Ellson second, motion carried.

There being no further business to come before council, the meeting was adjourned at 10:05 p.m.

Attest Oat Barker
City Recorder

Robert Peterhof
Mayor

Ron Eason

DUNES CITY COUNCIL

WORKSHOP SESSION

May 18, 1978

The council met in workshop session for the purpose of considering public input previously received on the proposed Zoning Ordinance and to make appropriate changes to the document.

Present were: Mayor Petersdorf and Councilmen Morgan, Ellson Browne, Ward and Stroud. Also present was Gary Darnielle of L-Cog and Whitey Furby.

Considerable discussion was held with Mr. Furby on the matter of mobile home parks.

Ward moved Mobile Home Parks and Travel Trailer Parks be a permitted use under a commercial zone. Morgan second. Motion carried.

The following specific motions were also made:

M/Ward, S/Ellson; paragraph G on page 6 be moved to Conditional Use. M/C.

M/Stroud, S/Ward; Building Maximum Height, page 10, remain at 32 feet. M/C.

It was agreed by those present that the first reading of the proposed Zoning Ordinance will be advertised and held at the next regular meeting of the council.

All changes to the proposed zoning ordinance will be compiled in a separate document and will become a part of these minutes.

Attest

Pat Barber

Ron Ellson

Robert Petersdorf

Stirley Morgan

THE FOLLOWING CHANGES WERE MADE TO THE PROPOSED ZONING ORDINANCE BY
COUNCIL IN A WORKSHOP SESSION HELD MAY 18, 1978 AS A RESULT OF PUBLIC INPUT.

- Page 2 I. It shall be the duty of the ~~Planning-Commission~~ City Council...
II.A. Administer and ~~interpret~~ explain...
- Page 3 VII. No building or structure shall be erected, reconstructed,
structurally altered, enlarged, ~~moved-or-maintained~~ or moved...
- Page 6 Paragraph G moved to Conditional Use
- Page 7 G. Delete language and substitute paragraph G from page 6
J. Two family dwelling, (add) three family and four family dwelling.
- Page 8 G. ~~Nurseries~~ Flora Nurseries
Items H. J. and N. moved to Conditional Use
Mobile Home Park, Travel Trailer Park and Taverns, Cocktail Lounges
added to list of permitted uses
- Page 9 III. B & C deleted
- Page 10 Front Yard Setback from Hwy 101 changed to "30' from right of way"
for both R-1 and CC zones
Setback, Shoreland (add) "Excluding water-dependent structures"
- Page 12 1. (a) (add) "/Mobile Home"
- Page 14 (c) Change to read "All new parking areas..."
- Page 16 F. (c) One sign not exceeding six square feet, pertaining to the
sale or rental of developed property. (Delete rest of sentence)
- Page 19 B.2.(a) Each mobile home site shall contain at least 6,000....
B.2.(b) Each travel trailer site shall contain at least 1,500 square
feet ~~and-not-more-than-1,800-square-feet~~.
- Page 20 12. Second Para: Walls or fences shall be at least six feet.....
- Page 28 IX.A. The residential density shall be equivalent to not more than ...
IV.B.(1) Commercial ~~or-industrial~~ purposes
- Page 29 XII.E. (add) All structures, grading, landscaping and improvements
indicated on the plan as being in the open space or
common ground shall be completed before any portion of
the PUD is sold.

- Page 51 II. Line 5 & 6: lot of record otherwise conforming ~~accessory-buildings~~
~~may-be-erected-on-any-single-lot-of-record-otherwise~~
~~confering~~ to the requirements of...
- Page 52 IV.(b) Should such structure be destroyed by any means to an extent
 of more than ~~50~~ 75 percent...
- V.(a) No existing structure devoted to a use not permitted ~~to~~ in this...
- Page 53 (h) (5th Line) of more than ~~50~~ 75 percent...
- (i) Notwithstanding the provisions of this or other sections of this
 ordinance, a single-family dwelling, ~~mobile-home~~ or duplex...
- (i) (1) The single-family dwelling, ~~mobile-home~~ or duplex...
- Page 54 (2) The single-family dwelling, ~~mobile-home~~ or duplex...
- (3) (3rd line) single-family dwelling, ~~mobile-homes~~ or duplexes...

#

DUNES CITY COUNCIL

WORKSHOP SESSION

May 25, 1978

As was previously announced at the regular meeting of May 11, 1978, the council met in workshop session for the purpose of going over the proposed Nuisance Ordinance.

Members present in addition to Mayor Petersdorf were Judd Browne, Gene Stroud and Ron Ellson.

The recorder was questioned as to the status of a motion on the floor. A motion to adopt on the second reading had been made at the April 13, 1978 meeting. Numerous changes have been made to the ordinance since that time.

The question was called on the April 13 motion and was defeated unanimously.

Browne moved to refer the Nuisance Ordinance question to the attorney for review and ask that he develop a new ordinance to present to council for their consideration. Ellson second.

Discussion followed on the matter of making the council's wishes known for the purpose of developing a new ordinance. A work session will be held with the attorney following the session of council which will meet to hold a public hearing on the proposed budget - date to be determined after consulting with Joe English on the budget schedule.

On call for the question, motion carried.

The position of City Attorney was discussed and whether or not council had actually hired Ron Gerber at this point. Formal hiring had been waiting on receipt of a letter from Mr. Gerber outlining what he proposed to do for the specified retainer fee. The letter has been received and was made available for those present to read.

Browne moved to retain Ron Gerber beginning with the month of May 1978. Ellson second. Motion carried.

The meeting was adjourned at 8:15 p.m.

Attest

Pat Barber
City Recorder

Robert Petersdorf
Mayor

Eugene C. Stroud
Ron Ellson

Shirley May

DUNES CITY COUNCIL

EXECUTIVE SESSION

May 11, 1978

The council met in executive session with all members present for the purpose of discussing the matter of retaining Attorney Gerber who has recently purchased the law practice of Sid Armstrong.

The following points were brought up:

- 2 1/2 years general law practice in Portland;
- 9 years in law work;
- Question if any municipal law experience?
- Question raised on salary remaining the same.

Councilman Ward reported on the road committee meeting and explained the road budget. He reported an excellent road committee meeting and a road policy and budget are being formed.

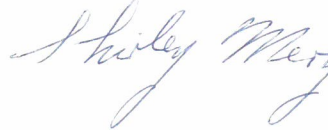
He was questioned whether the committee was involved with the hiring of Patterson for the road work and responded they were. He also stated there needs to be goals and guidelines written for the Road Committee.

A lengthy discussion followed on the working relationship between the council and road committee.

Mr. Gerber was invited into the meeting to respond to questions and was asked if he would work for the same retainer fee. He stated he would, at \$30 per hour for anything over the normal work load. Also, he would make council aware of any problem that may run over \$200 per month.

Mr. Gerber will present a letter to council stipulating work he agrees to do for the specified retainer fee.

Acting Secretary, Shirley Merz



DUNES CITY COUNCIL

MINUTES

June 8, 1978

The Dunes City Council met in regular session with Mayor Petersdorf and Council members Merz and Stroud present. Mayor Petersdorf announced that there was no quorum but that those present would hear Gene Pierson of the Eugene office of the U. S. Forest Service. There were seven interested citizens in attendance.

Mr. Pierson explained how land exchanges work and answered questions from council members and the audience. The proposed land exchange involves two parcels of Sparrow Pacific land totaling 591 acres in exchange for three tracts of Siuslaw National Forest land totaling 879 acres. Of particular interest to the council was 295 acres in Lane County currently owned by Sparrow Pacific and within the Dunes National Recreation Area boundary just south of Dunes City.

Following Mr. Pierson's presentation a brief recess was called to wait for Councilman Ellson who indicated he would be present as soon as he could make it. The meeting was called to order by Mayor Petersdorf at 9:05 upon the arrival of Mr. Ellson to complete a quorum.

The minutes of June 11, 1978 Regular Meeting and Executive Session of same date, minutes of May 18 and May 25 Workshop Sessions were approved as submitted.

BILLS

Lane County; sheriff	\$ 598.83
Siuslaw News; Budget Notice	3.67
Pacific Northwest Bell	26.52
Read Insurance; recorder's bond	50.00
C L P U D; 249.40/25.00	274.40
Laskey-Clifton Corp.; brushing	609.00
Galeria; office supplies	13.05
Joe English; budget preparation	220.00
Shirley Merz; dinner & mileage, Eugene	27.94
Pat Barber; dinner, Eugene LOC meeting	7.50
G.P, Excavating; spring maintenance	1,060.03
	<u>\$ 2,890.94</u>

Ellson moved the bills be paid. Merz second. Motion carried.

The recorder reported receiving \$1,187.15, representing a grant payment of 90% for the Citywide Sign Upgrading project done by the county in 1976. There remains \$182.05 to be paid.

Merz moved to pay the \$182.05 from the road fund. Ellson second, motion carried.

RECEIPTS

O L C C; April & May	\$ 1,316.06
Department of Transportation	1,110.19
Building Permits; 590./23.60	613.60
Copies	3.85
	<hr/>
	\$ 3,043.70

CORRESPONDENCE

League of Oregon Cities - The League is investigating an Insurance Investment Pool. Merz reported L-COG has also discussed this and it was her recommendation the City participate in the program and make the requested \$25 contribution toward the development costs of the program. The \$25 would be credited against the premium if the pool is established.

Ron Gerber - Mr. Gerber submitted a letter, at council's request, outlining what he understood his duties to be in the capacity of City Attorney.

Merz moved to adopt the outline of duties. Ellson second, motion carried.

L-COG - LCDC will hold their Annual Progress Review Meeting for coastal Lane County at the Florence City Hall June 15, 1978. Merz recommended the Planning Commission be advised to attend, if possible, as well as anyone from the Council who can.

REPORTS

Building Inspector - Howard Campbell reported issuing four permits for a total value of \$127,627.

Mr. Campbell referred to the letter from Trevor Jacobson concerning the lack of a certified building inspector and stated he will not be able to qualify by the July 1 deadline and recommended the City approach Lane County to enforce building code regulations or advertise for a certified inspector.

He also recommended the city purchase a plan measurer for use in measuring roads, etc. His investigation indicates one is available from Chapman Bros. at \$29.

Ellson moved to authorize purchase of a plan measurer. Merz second, motion carried.

He further reported having developed a proposal for the patching and repairing of Dunes City streets as requested by Jim Barber.

Discussion followed on the proposed road work and the possibility of not having enough funds to complete the entire project as outlined. It was suggested the project be broken into two projects, the first being all the roads and the second being for only selected roads.

Ellson moved to follow the suggestion on submitting requests for a dual bid. Stroud second. Motion carried.

Merz moved to advertise for a Building Inspector to meet the necessary qualifications and for the city recorder to contact Lane County with an inquiry on costs and the possibility of working with them. Stroud second, motion carried.

L-COG - Councilwoman Merz reported on the L-COG meeting at which a presentation was made of the proposed by-laws for an Economic Improvement District. Several cities abstained since the proposed by-laws gave a weighted vote to Eugene. There were subsequent amendments and an additional thirty days was given for further study.

Merz also requested input from council for direction on how to vote in the matter of the Sparrow Pacific/Forest Service Land Exchange.

Ellson moved the city write a letter objecting to the proposed land swap. Merz Second.

Concern was expressed over putting lake frontage in possession of the NRA with the likelihood of a campground being established. Also expressed was the fact the city is becoming landlocked by government instead of by a private buffer as we now have.

On call for the question, motion carried.

Merz further requested that council appoint an alternate representative to the Lane Council of Governments in case she would be out of town and unable to attend a meeting, especially in view of the decisions being made in Western Lane County.

Ellson moved to appoint Gene Stroud as designated alternate. Merz second. Motion carried.

Wilsey & Ham - Shirley Merz reported on the meeting held with Wilsey and Ham in conjunction with the City of Florence and Port of Siuslaw. The Coastal Resource Inventory study prepared by Wilsey & Ham to accompany the Coastal Sub-area Plan was filled with errors and omissions. Donna Shelton was appointed to coordinate the input from the various agencies for submission to Wilsey & Ham to correct the study.

Contract, Planner - Gary Darnielle had forwarded an agreement to the city to be signed. On advice of counsel, the agreement is a contract to sign a contract with Richard D. Danielson if the Planning Assistance Grant is received.

Stroud moved to sign the preliminary contract. Merz second, motion carried.

Replacement for Rob Ward - A letter of resignation has been received from Rob Ward indicating he has moved from the city. The names of Phil Tout and Ed Fillman have been submitted as candidates for the vacancy.

There being no further nominations, Mayor Petersdorf requested a secret ballot. The votes were counted by Dorothy Premer and Jim Barber with Fillman receiving one and Tout three votes.

Zoning Ordinance - The proposed zoning ordinance was read by Short Title only by the city attorney for its first reading.

Elson moved to accept the first reading of the zoning ordinance. Stroud second. Motion carried.

OTHER BUSINESS

Budget Meeting - Mayor Petersdorf announced that the Public Hearing on the proposed budget will be held June 22, 1978 at 7:30 p.m. Also under discussion will be the nuisance ordinance for the purpose of giving direction to legal counsel for re-drafting the document.

Adjournment - There being no further business to come before council, the meeting was adjourned at 10:00 p.m.

Attest Pat Barber
City Recorder

Robert Petersdorf
Mayor

Philip V. ...

Eugene C. Stroud

Shirley M. May

DUNES CITY COUNCIL

SPECIAL MEETING - MINUTES

June 22, 1978

The Special Meeting was duly advertised and called for the purpose of conducting a public hearing on the proposed budget for FY 1978-79. Members present included Mayor Petersdorf, Mr. Browne, Mr. Ellson and Mr. Stroud.

As the first order of business, the recorder administered the oath of office to Phil Tout, previously appointed at the regular meeting of June 8, 1978, to fill the vacancy created by the resignation of Rob Ward. Mr. Tout then took his seat on the council to consider the business of the evening.

The public hearing was opened by Mayor Petersdorf who announced the hearing would remain open for one hour. No comments were forthcoming from the audience of five so the mayor stated the proposed nuisance ordinance would be discussed at this time.

Mary Wallace, a resident of Pioneer Road addressed the council. She was very irate over the fact that two dogs had injured and nearly killed a nanny goat in her yard.

Considerable discussion was held on the ability of the city to enforce a dog control ordinance if they passed one. The consensus was that without a source of revenue, enforcement was unrealistic. Mrs. Wallace was assured that she would be entirely within her legal rights to shoot the dogs under the circumstances.

Discussion continued on the nuisance ordinance for the purpose of giving direction to the new city attorney on what to include in a re-draft of the proposed ordinance.

Ellson moved, Browne second, to accept Section I.1(a) as revised, paragraph (b) as it is; 2.(a) as is and add (b) dealing with hazardous buildings; 3(a) as is; and eliminate 3(b). Motion carried with Tout voting NAY.

Budget Hearing - The public hearing on the proposed budget was closed by the mayor at 8:40 p.m. Ellson moved to adopt the budget as submitted. Browne second. Motion carried.

Nuisance Ordinance (cont.) - Further direction was given legal counsel on how they wanted the nuisance ordinance to read.

Zoning Ordinance - The recorder requested direction from council on the matter of changes required to the text of the proposed zoning ordinance to make it coincide with changes formally made by the council as a result of public hearings, as well as obvious typographical errors. She was instructed to circle the needed changes and make a list for council's consideration.

Adjournment - The meeting was adjourned at 9:30 p.m.

Attest

Pat Barber
Phil Tout
Eugene Stroud

Robert Petersdorf
Shirley M. May

DUNES CITY COUNCIL

MINUTES

July 13, 1978

The meeting was called to order with council members Petersdorf, Merz, Stroud and Tout responding to Roll Call. Mayor Petersdorf noted the city attorney was present, Mr. Ellson was excused to attend a meeting in Eugene regarding the Siltcoos Outlet road closure and Mr. Browne was on vacation, and Mr. Morgan's seat is still vacant. There were 15 interested citizens present.

Merz moved the minutes of June 8, 1978 and Special Meeting of June 22, 1978 be approved as submitted. Stroud second. Motion carried.

Bid Opening - The first item of business was opening of sealed bids for the proposed patching and resurfacing of Dunes City streets and roadways. Jim Barber, Road Committee Chairman reported a letter was received from Johnson Rock Products declining to bid on the project since they were too busy and opened the one bid received which was from Ray Wells, Inc. for \$21,297.00. Barber stated the bid must be rejected since they only have \$10,000 to spend at this time.

Merz moved to reject the bid of Ray Wells, Inc. Tout second, motion carried.

Discussion was held on perhaps getting part of the work done using funds available. Barber was instructed to pursue the matter and negotiate with Ray Wells.

BILLS

West Coast Laundry	\$ 15.20
Post Office; Box Rent & Stamps	21.00
Siuslaw News, public notices	65.26
Municipal Finance Officers; dues	5.00
Lane County; sheriff, Mayo & June	774.15
LCC; 1/2 annual service charge	232.30
Pacific N. W. Bell	38.75
Petty Cash	7.08
CLPUD; 249.40/11.20	260.60
G. P. Excavating; gravel	86.84
Shirley Merz; mileage, L-CCG meeting	20.16
Pat Barber; mileage, May & June	34.30
Copy Paper & Dispersant; coupons	299.80
Ron Gerber; retainer, May & June	400.00
Dept. of Transportation; city maps (paid)	11.00
	<u>\$ 2,271.44</u>

Tout moved the bills be allowed. Merz second, motion carried.

RECEIPTS

CLPUD	\$ 224.60
Department of Commerce	8.80
Motel Tax, March & April	113.60
Highway Division	1,115.98
Copies	9.92
Building Permits	416.28
Cigarette Tax	212.96
Federal Revenue Sharing	979.00
Tri-agency Dog Control	118.75
	<hr/>
	\$ 3,125.21

CORRESPONDENCE

Progress Review Report - L-COG has conducted a Progress Review of the city's planning extension request. It is their recommendation the planning extension be granted to June 30, 1979 and the Compliance Date be extended to June 30, 1979 and placement of conditions.

Dept. of Transportation - A questionnaire received identifying the department's concerns related to comprehensive plans, zoning and subdivision ordinances. The questionnaire is quite lengthy and was referred to the planning commission by council.

League of Oregon Cities - Information was received relative to the Oregon Property Tax Limitation Initiative. The League is opposed to the petition being circulated and presented their position after review and analysis of the measure.

Read Insurance - Mr. Read addressed the council concerning the insurance which comes up for renewal next month with specific concern for the contract with Lane County Sheriff's Department. He suggested a committee from council meet with him and Dick Hays to discuss the coverage. Merz & Stroud were appointed to form this committee together with Mayor Petersdorf.

Charles Strong - The city's water rights application for 1.4 cfs from Woahink Lake will be cancelled if not renewed shortly.

Council Stroud reported John Stoner recommends filing for the extension plus applying for an additional 1.5 cfs which is reserved for municipal use and is still available. The 1.4 is for domestic use only and could not be used for irrigation, etc.

After some discussion, Stroud moved to renew the 1.4 cfs application and make and additional filing for 1.5 cfs on Woahink. Tout second, motion carried.

REPORTS

Building Inspector - Howard Campbell reported seven permits for construction and one mobile home permit for June at a value of \$112,300. Mr. Campbell stated his authority as Building Inspector terminated June 30 and suggested a fee of \$100 per month for three months to finish up the outstanding permits since the county prefers it be handled this way.

Mr. Campbell reported on the situation with the road into Little Woahink Second Addition which is supposed to be under construction. He called Don Frisbie to inquire on the progress and the call was not returned. He will pursue this.

The city attorney was instructed to write a letter on the matter.

Gary Darnielle, Richard Danielson - Darnielle and Danielson arrived at the meeting and had previously requested to be put on the agenda. Mayor Petersdorf recognized them at this time.

Mr. Darnielle reported the planning assistance grant is still a couple of weeks away but he needs guidance from council concerning maintenance and update grants available from LCDC to jurisdictions who have their Comp Plan acknowledged. These grants take over and help cities revise and update plans, handle litigation problems and other technical requirements of Coastal Goals. He explained a plan being worked on to pool money among coastal cities when the grant monies are received as opposed to individual jurisdictions receiving it.

After discussing the matter and questioning Mr. Darnielle on the ramifications of pooling, Tout moved to accept the money with the intention of pooling if a compatible unit can be found. Merz second. Motion carried.

Richard Danielson, planning consultant hired by the city to update the Comp Plan pointed out the need to reactivate the citizens committee and requested direction from council on contacting people and getting ready to start the process.

Merz recommended a worksession with the council, planning commission and as many of the C-PAC group as possible. Monday, the 24th was set for the meeting.

The question was put to Gary Darnielle as to what would happen to L-COG if Lane County withdraws their membership. He explained that he did not think the service to small cities would be affected. He stated it would be late August before they knew for sure what might happen but the service he personally performs for the city as a representative for LCDC would not be affected.

REPORTS (cont)

L-COG - Councilwoman Merz reported on a special session which has been called for June 19 to review material being prepared for the county and requested direction from council on how to vote on the matter of supporting the COG or withdrawing membership.

The recorder was questioned on the various services provided by L-COG and council discussed the merits of continuing membership.

Stroud moved to go on record in favor on continuing in L-COG and so notify the county commissioners by letter. Tout seconded. It was further added that Dunes City would continue even if Lane County pulls out. On call for the question, motion carried.

Planning Commission - Ed Fillman was the only planning commission member present and reported the commission has started work on a master road plan but because of topography it would be difficult to create a master road plan and a road policy statement would be a good idea.

The planning commission is also in the process of researching fees charged for various permits by other jurisdictions and will prepare recommendations to forward to council to accompany the proposed zoning ordinance.

Bob Merz appeared before the commission to request the city accept Cloud 9 Road as a city street. Don Lee Davidson will donate an additional ten feet to make the road 50 feet wide. PLANNING commission recommends accepting the road.

Councilwoman Merz went on record as abstaining from this part of the discussion. Since without Merz' vote there was no quorum, Stroud suggested the matter be tabled till the special meeting of the 24th.

Mayor Petersdorf asked Mr. Fillman to relay to the commission that the next time they have occasion to discuss roads they should call the road committee chairman to be present at the meeting.

Howard Campbell reported contact with Chickering who would make a topo map for 45 - 50¢ per acre and an aerial photo could be made for approximately \$1,000. He suggested this be considered.

Water Committee - Councilman Stroud reported on a meeting Charles Strong held with the coast water committee to bring them up to date on the project. The engineering is 59% complete timewise with 57% of the work completed. Mr. Strong is trying to come up with a mastersystem for the entire area and felt that Siltcoos Lake was the most logical source at this point. A very thorough and detailed study is being done with representatives of all local districts participating.

Recorder - Council had previously authorized the purchase of a map measurer. The price which had been quoted was \$29.50 but when they were called it was found the price should have been \$42 and the tool was not ordered.

ORV Regulations - It was announced a meeting will be held August 10 in Harris Hall in Eugene regarding the Bureau of Land Management rules for Off Road Vehicles and which roads will have limited ORV use or closed to ORV's.

A meeting is scheduled in Florence for July 27 to discuss the closure of the Siltcoos Outlet Road. Everyone who can should attend and testify.

OLD BUSINESS

Wilsey & Ham - The response to Wilsey & Ham with corrections to be considered in the final Coastal Resource Inventory is due July 28. A committee is needed to formulate the input before that date.

Mayor Petersdorf directed Mrs. Merz to contact the other jurisdictions and coordinate efforts and see that input from Dunes City is sent in.

Clear Cutting - Richard Gray addressed council and stated he has observed results of various clear cuts within the city. This produces such a change in the environment as well as visual impact and questioned if there are any restrictions on clear cutting, requirements for buffers, etc. He asked if council has dealt with this before and if there are any ordinances concerning it.

Mayor Petersdorf responded the problem has come up before and there are no ordinances dealing with it although the Comp Plan does address it. An ordinance was to have been written but so far has not.

The pros and cons of clear cutting were discussed by council and several members of the audience. The attorney will look into this.

NEW BUSINESS

Appointment to fill Vacancy - A letter of resignation has been received from Jim Morgan, creating a vacancy on the council. The names of Bob Schären, Ed Fillman and Charles Banks have been submitted as candidates for nomination.

A question of voting was raised following a prior meeting at which the council voted on a council replacement by secret ballot. Legal counsel instructed council they must vote in open meeting but he saw no problem with voting by secret ballot if the ballots were signed, therefore affording the opportunity for the ballots to be available for inspection. Resumes of the candidates were read. Dorothy Premer and Mrs. Betty Brown were asked to count and verify ballots.

On the first ballot Fillman and Banks each received two votes and a second ballot was taken. The vote was the same on the second ballot and the item was tabled to become the first thing on the agenda for the ^{next} regular meeting.

Merz asked the recorder to notify the press of the positions on the council which will be up for election this year. They include the Mayor's seat and those of Ellson, Browne and Stroud.

Sheriff Contract - The amount budgeted for sheriff's services was \$6,500 and the contract as presented for signing was \$6,995. Council discussed how to handle the situation.

Tout moved to reduce the hours to 12 per week and limit the cost to the amount budgeted. Merz second, motion carried.

L-COG Dues - Stroud moved to pay the dues. Tout second, motion carried.

Policing of Mobile Homes and Travel Trailers - In losing the services of our building inspector, the question was raised as to who would keep their eye on the situation of trailers moving in and draining water, etc. on the ground.

Merz moved to retain Mr. Campbell as mobile home inspector and travel trailer inspector and complete the seven permits presently issued for the next three months at \$100 per month. Tout second. Motion carried.

West Coast Laundry - The recorder reported the rising costs of having the services of West Coast Laundry and the poor service received. An alternative would be to purchase the dispensers and furnish the tissue, etc. ourselves.

Merz moved to discontinue the West Coast Laundry Service. Tout second. Motion carried.

Hazardous Phone Lines - Phil Tout brought a situation to the attention of council whereby the phone company is placing lines under the bridges thru conduit

with bolts that are only 6'4" above the water and presents a tremendous hazard to water skiers. He made several contacts and finally talked to the attorney for Pacific Northwest Bell and the work has stopped. He suggested writing a letter and taking a stand on the issue.

The recorder was instructed to get together with Tout and draft a letter with a copy to be sent to the engineering department of Lane County.

ORDINANCES

Zoning Ordinance - A list of corrections needed in the proposed ordinance was provided for council's consideration. The attorney instructed council that for the sake of orderly procedure, the ordinance should be adopted as written then amended to correct scrivener errors as well as a couple of errors of substance.

Hearing no objection from council, counsellor read the proposed zoning ordinance by short title.

Merz moved to adopt Ordinance #50 on its second reading. Tout second. On Roll Call vote: Petersdorf AYE; Merz AYE; Stroud AYE; Tout AYE. Motion carried. The ordinance will become effective in thirty days.

Legal counsel emphasized most of the problems with the ordinance are minor but he requested the planning commission consider the problems presented by omitting the reference to mobile homes on pages 53 and 54 and give him direction. Also to be included is a fee schedule.

Nuisance Ordinance - A preliminary redraft of the nuisance ordinance has been prepared by Attorney Gerber.

Merz moved the proposed nuisance ordinance be advertised for public hearing at the August meeting. Stroud second, motion carried.

The business session was adjourned at 10:50 p.m. with an Executive Session to follow for discussing personell matters. The press was informed and invited to attend.

Mayor Petersdorf re-opened the public meeting. Tout moved the recorder's salary be increased to \$450 per month as budgeted. Stroud second, motion carried.

Attest

Dat Barber
City Recorder

Robert Petersdorf
Mayor

Phil Tout

Eugene C Stroud

Shirley M. Merz

DUNES CITY COUNCIL

SPECIAL MEETING

July 24, 1978

The Dunes City Council met in Special Session with several items for consideration as announced at the regular meeting. The meeting was held jointly with the council, planning commission and Committee for Citizens Involvement. Council members present included Mayor Petersdorf, Stroud, Merz, Browne, Tout and Ellson; planning commission members present were Bucko, Fillman and Feigel. CCI members present were Sven Lohn and Elmer Petersen.

The first item of business was the introduction of Richard Danielson, Planning Consultant hire by the city under a Planning Assistance Grant, who explained the citizen involvement process as required by LCDC and requested assistance in reforming the CCI. He also asked how the council wanted him to proceed in the process of updating the Comprehensive Plan to bring it into compliance with the statewide goals. He suggested neighborhood meetings, barbeques, newsletters, etc.

The council, planning commission and CCI were all in accord with the following remarks made by various members:

Years of research went into the preparation of the Comp Plan - use the plan as it was adopted and bring it to state standards, still using the basic plan.

The Comp Plan was adopted by the council after much citizen input and many public hearings, at this time only the Coastal Goals need addressed. At one point LCDC had said this was one of the finest small city plans ever written.

Mr. Danielson should be a mechanic. The citizens have already had input, now we want him to bring the plan into compliance.

Council is not reluctant to meet and help in the process and all meetings will be open to the public - we just don't want to throw out this plan which we think is a good one and start all over.

Considerable discussion was held with Mr. Danielson on the matter with no other view being expressed except that he should proceed on the plan as written and do what is necessary to bring it into compliance. The council further designated the city office to be the distribution point for material from Mr. Danielson and decided to augment the CCI list by adding names of council and planning commission.

Wilsey & Ham Review - Bernard LaForge had been asked to go over the Coastal Resource Inventory preliminary draft prepared by Wilsey & Ham and make corrections for submission before the final document is prepared. A copy of Mr. LaForge's comments was provided for council.

After discussion, council determined to send the report of Mr. LaForge to Wilsey & Ham as written with a copy of the cover letter to go to Lane County and to the Register Guard.

Cloud 9 Road - Bob Merz requested the council consider accepting Cloud 9 Road as a city street. Councilwoman Merz declared she would abstain from any discussion on the matter as one of the owners and left the council table. Legal counsel pointed out the council no longer had a quorum. Since Mr. Merz was present, council heard his proposal and the minutes of the Planning Commission relative to the request were read.

Mr. Bucko added to the minutes by saying the voluntary upgrading of the road was an improvement over what we now have and a step in the right direction by voluntarily making it 50' wide.

Concern was expressed over accepting a substandard road which would require maintenance by the city and Mr. Merz responded that the city would not be expected to maintain the road. He also pointed out the road is virtually a public road by proscriptive rights.

Ellson moved to table the matter until next meeting and have the attorney research the procedure for a road dedication and after review by the road committee. Tout seconded, motion carried.

Siltcoos Outlet Road Closure - Council Ellson reported on the meeting he attended in Eugene regarding the road closure and urged everyone who can to go to the meeting to be held in Florence. Everyone who can be there to comment will be counted. The planning commission and council were specifically urged to attend.

Zoning Ordinance Amendments - A lengthy discussion was held on allowing travel trailers in a residential zone. The Planning Commission was directed to address the proposed amendment to the zoning ordinance at their next meeting. Also, the press is to be notified that the Planning Commission is working on a proposed zoning map.

Adjournment - The meeting was adjourned at 9:40 p.m.

Attest

Pat Barber
City Recorder

Robert P. Ellson
Mayor

Phil Tout

Ken Eason

Eugene Ellson

Philly M. Merz

* * * STAFF NOTES * * *

1. The names of Ed Fillman and Chuck Banks are to be considered for appointment to the vacant seat on the council. On two ballots, both candidates received equal number of votes at last meeting. New appointee has the duty of Community Center as his committee responsibility.
2. Kathy Keene - a copy of the letter sent to Lane County Commissioners regarding L-COG dues is enclosed and Ms. Keene will respond to this.
3. Road Committee - a new proposal was presented to Ray Wells, only bidder on the original proposal for road patching and resurfacing. The road committee recommends acceptance of Cloud 9 Road as a city street. The Planning Commission also recommends acceptance.
4. Water Rights - Once the service district boundaries are established there is great difficulty in getting them changed. Charles Strong recommends enlarging the service boundary on the application for 1.5 cfs reserve from Woahink Lake. His suggestion is to increase the potential service boundary from Lilly Lake on the north to the Douglas County line. Mr. Stroud will elaborate on this. The application has been sent in but will require amending if council decides to change the service area from the present city limits.
5. Planning Commission - A recommended fee schedule to accompany Ordinance 50 is enclosed - bring a copy of the zoning ordinance for consideration of process for different types of fees.
6. John Long, risk manager for Lane County insurance contacted the city office regarding the concern over the sheriff's contract. Lane County provides false arrest protection for its officer. The only time a problem would come up is if a city official caused a warrant to be issued. If named in a suit, it would be necessary for the city attorney to appear to avoid a default judgement, then "coast along on the coattails of the county's defense." (Mr. Long's quote)
Renewal date for the insurance is August 4th but policy has not been received to date, although it is bound.
7. Lavatories - Mr. Riggs spends a great deal of time over-hauling the toilets to keep them in working condition. The problem is the sand point which is pumping sand. There is a thick layer of sand in the toilet tanks which prevents them from flushing properly and this will ultimately lead to septic tank problems. He suggests either putting down a new sandpoint or pumping water from the outlet with the outlet being a preferable long-range solution. A new point wouldn't really help since the water isn't fit to drink anyway because of the iron content.
8. Parking Lot - the city has received an offer from Jim Massey to stripe the parking lot (diagram enclosed) for a fee of \$65 which would include some lettering and directional arrows or a counter offer of \$50 for striping only.
9. Wheeler Proposal - (copy enclosed) Planning Commission recommends approval. According to terms of Ordinance 50, this may require a conditional use permit.
10. Gene Premier requests that the lease for the site of the sign on Highway 101 and Pacific Avenue be put in the city's name. The city already has ownership of the sign and the problems of any one of the five business in Westlake having the lease in their name are becoming insurmountable, requiring a complete Environmental Impact Study, etc. The cost to the city would be \$20 per year plus an initial cost of \$20 for transferring the lease.
Enclosed letter relates to removal of brush from the site of the sign.

1778

The enclosed Planning Commission minutes contain several items for consideration by Council. Copies of letters they have directed to be written are attached.

Lane County Planning Commission - The property in question is south of Alderwood Estates on Erhart Road and not within Dunes City but is within the designated area of concern. The city was informed by phone of the proposed subdivision on Monday, July 31 with the hearing set for August 3. No other information has been received to date. The fact that we were not notified far enough in advance to give adequate review of the request prompted the letter.

Mrs. Clemens - the property is not within Dunes City and she has already been informed by the recorder of this fact and the matter was turned over to Al Wysong, Chairman, West Lane Planning Commission who subsequently wrote and informed her of the proper procedure for processing the zone change application. The instructions from Lane County Planning Division which accompanied the Data Sheet stated:

A request for Lane use action, as described on attached Data Sheet, has been received by the Planning Division. If significant impact is evident, please send recommendations to Land Controls Section by August 15, 1978. Specific concerns of your agency should be addressed in addition to adverse impacts on the general livability of the area and its future development.

The request is for a zone change Rural Residential to Commercial Tourist.

DUNES CITY COUNCIL

MINUTES

August 10, 1978

The meeting was called to order by Mayor Petersdorf with council members Browne, Ellson, Merz, Stroud and Tout present. There were twelve people in the audience and it was noted the city attorney was present.

Merz moved to accept the minutes after correction of typographical errors. Ellson second, motion carried.

BILLS

Ron Gerber; draft nuisance ordinance	\$ 90.00
Pacific Northwest Bell	35.07
Galeria; office supplies	3.34
West Lane Plumbing; parts	4.75
West Coast Laundry; includes purchase of dispensers	13.80
	<hr/>
	\$ 146.96

Previously authorized and not reported:

Copy machine, Oregon Photocopy (paid)	\$ 500.00
---------------------------------------	-----------

Request authorization to Pay CLPUD when bills arrive.

Browne moved the bills be paid. Ellson second, motion carried. No action was taken on request to issue check to CLPUD.

A bill was also presented for reimbursement of mileage to attend an L-COG meeting for Shirley Merz in the amount of \$21.56. Tout moved it be allowed. Browne second. Motion carried.

RECEIPTS

C L C C	\$ 551.87
C L P U D	241.60
Highway Division	1,225.64
Cigarette Tax	233.29
Building Rental	10.00
Copies	2.30
	<hr/>
	\$ 2,264.70

Appointment to Fill Vacancy - A vacancy exists on the council due to the resignation of Jim Morgan. Two names had been given as candidates for the seat however, Ed Fillman has indicated he wishes to withdraw his name in favor of remaining on the Planning Commission.

Stroud moved Chuck Banks be appointed to fill the vacancy. Merz second. Motion carried.

Mr. Banks was sworn in by the recorder and took his seat on the council. The term will expire December 31, 1980.

Kathy Keene, L-COG - Ms. Keene appeared before council to convey personal thanks for the support of L-COG extended at a previous meeting. She also presented council with material prepared by the COG in response to what they perceive to be the concerns of the Lane County Commissioners. It is a summary of L-COG.

Mayor Petersdorf questioned Ms. Keene on the availability of grant money and requested her to investigate sources of monies for water studies and creation of a water district. She responded she will prepare a list.

Gary Darnielle, LCDC - Mr. Darnielle addressed council regarding his concern over a recent newspaper article giving an account of the July 24th meeting. He thought there were some real problems and stressed the four Coastal Goals need citizen participation. The tone of the article indicated there was reluctance on the part of citizens to get involved. After talking to the recorder he learned the article had hit only the high spots and left some critical gaps which indicated potential problems that do not exist.

He went on to further explain for Dick Danielson what he is going to be trying to do over here and why he needs to get into the community to such a large extent. They agree the plan is a good one but there remains four goals to be addressed and they want the people to know what they are doing. A base for communication and citizen involvement needs to be established. He has a job to do and wants to make sure that problems don't occur at the end but are resolved as early in the process as possible, rather than wait till the deadline and have to rush to LCDC with the plan and have people come in and complain at that point.

CORRESPONDENCE

CLPUD - The audit has been completed and the franchise payment will be \$241.60 for the new year as opposed to \$224.60.

City of Florence - A meeting will be held in the Florence Council Chambers August 16, 1978 at 7:00 p.m. with representatives of Wilsey & Ham to discuss the information developed for the Lane County Coastal Resource Inventory.

Read Insurance - The policy expired August 4th and although we do not have the new policy as yet, it is bound.

Stroud reported on the meeting with Bob Read and Dick Hays attended by Stroud, Petersdorf and Merz. It was felt there may be a problem with the liability in conjunction with the services of the county sheriff's office since the city does not carry any false arrest coverage and to buy it separately would cost 3,000 to 5,000 dollars beyond budget.

The alternatives were: continue the way we are and hope that we do not get tacked with a judgement; do away with the police service and eliminate the exposure that way; or to purchase the coverage separately. Lane County feels the city does not have that much exposure and would be covered under the county policy.

Attorney Gerber responded he will research the question of insurance and if the county has \$50,000 per incident, the city is covered since a municipality cannot be sued for more than \$50,000.

REPORTS

Building Inspector - Mr. Campbell reported that since the county took over the chores of building inspection, there were no new permits issued since July 1, however there were a number of inspections still going on of homes under construction.

He also reported receipt of a letter from Chickering, Greene regarding an estimate for preparing a topographical map of Dunes City. The estimate was given at \$10,000 including a new flight which would be desirable since several areas have been logged. Mr. Campbell felt such a map would be of value and should be considered. He suggested the letter be referred to I-COG and other agencies to see how best it could be funded and perhaps if someone else would do part of the project in overlapping areas.

Road Committee - Jim Barber reported a committee meeting July 31 to resubmit the proposal on oiling and gravelling of roads and reduce the total project cost. The committee came up with 1.12 miles of roads to be done at this time. A new bid was secured from Ray Wells of \$6,627.18 for pathcing all roads selected and oiling one mile. He recommended the bid be accepted.

Ellson moved to accept the bid and get the roads in shape before winter. Tout second, motion carried.

Planning Commission - Evelyn Passenger reported on the meeting which included several items of business with recommendations to council: a proposed fee schedule was prepared after researching fees charged by other jurisdictions and submitted to council for approval; a request for a conditional use permit by Ron Wheeler to maintain a mobile home on his property for use by his mother-in-law after a house is built received approval of the commission with a further recommendation that the kitchen of the mobile home need not be removed as suggested by Lane County; the commission recommends the section regarding mobile homes as drafted by Mike Yeager be inserted in the zoning ordinance; they would like to request that Richard Danielson attend the next commission meeting to coincide the work on the proposed zoning map with that being done by Mr. Danielson on the Comp Plan; recommend a letter be sent to Lane County Planning Commission regarding a proposed subdivision at the south end of Ehart Road and asking Dunes City be informed of such proposed development since the only access is across Dunes City roads and does affect us; request council approval to move the commission meetings to the fourth Wednesday instead of fourth Thursday; and requested the council hear a recommendation in executive session regarding commission members.

Merz questioned Mrs. Passenger on the intent of the commission regarding the recommendation on mobile homes and if they wanted to go over it again or accept it as is. Mrs. Passenger replied the commission would like to see it inserted as written and suggested that Mr. Danielson may like to look it over.

Mayor Petersdorf referred to the minutes and asked that all letters being sent by the commission be referred to him before being mailed.

Water Committee - Councilman Stroud reported Chuck Strong assisted in making the application for an additional filing for 1.5 cfs on Woahink and the extension for the 1.4 cfs. Mr. Strong suggested the service boundary on the application be extended from Heceta to the Douglas County line to coincide with the study being conducted. The application will be sent in as is with the city limits as the service boundary but should be amended to include a larger area.

Siltcoos Road Closure - Councilwoman Merz reported on the meeting held by the Forest Service on the beach access road closure. Those present were overwhelmingly in favor of reopening the road. An answer is expected sometime in October.

L-COG - Merz stated that anyone interested in L-COG should get a copy of the material that Kathy Keene brought and read up on it.

OLD BUSINESS

Cloud 9 Road - Councilwoman Merz abstained from any discussion on the item and left the council table.

Bob Merz stated that since they bought the road there have been additional houses go in and since the road is in continuous use they feel it should be put in public ownership. He owns 40 feet and Don Davidson has agreed to deed an additional 10 feet to make a 50 foot road.

The Road Committee and Planning Commission both recommend accepting the road providing it is dedicated at 50 feet wide.

Tout moved the road be accepted provided the 50 foot width is deeded. Browne second, motion carried. It was determined Merz would provide the survey.

Fee Schedule - Ellson moved to accept the fees as recommended by the Planning Commission to accompany the zoning ordinance. Tout second. Motion carried.

Legal Counsel - The city attorney had been directed to do two things: 1) tree ordinance, preliminary info has been prepared; 2) amendments to zoning ordinance are ready. He suggested the material be reviewed by the council and planning commission and considered at the next meeting.

Mr. Gerber further reported a letter was written to Don Lemke concerning the progress of work on Little Woahink Drive and was informed construction would start August 21.

NEW BUSINESS

Restrooms - The problem with the restrooms was discussed along with possible alternatives. The pump is pumping sand with a thick layer in the toilet tanks causing considerable problems. Possible solutions were discussed by council with the most logical solution for immediate relief to pursue the possibility of getting water from on of the neighbors.

Mayor Petersdorf took this opportunity to announce he had two committee appointments to make - Community Center and Road Committee liaison. Chuck Banks was appointed to be the Community Center representative and Phil Tout was appointed to the Road Committee.

Mayor Petersdorf asked for volunteers to work on the problem of the water. Howard Campbell offered to explore the possibilities of getting water from one of the neighbors and Gene Premier as well as Carrell Riggs were appointed to meet with Chuck Banks to come up with possible answers.

Stripe Parking Lot - An offer from Mr. Massey has been received for striping the parking lot for a fee of \$65 which would include some lettering or \$55 for striping only.

Council felt the money could best be spent elsewhere and declined to move in favor of the proposal.

Mobile Home Permit - Ron Wheeler has presented a request to retain a mobile home on his property for use of his mother-in-law after their house is built. The planning commission recommends in favor of the request with the condition the property not be subdivided and the mobile home never be rented. They further recommend the kitchen need not be removed as suggested by Lane County.

Merz moved to accept the planning commission recommendation and give Wheelers the Conditional Use Permit. The motion was amended to include the condition the Conditional Use Permit is limited to the present owners. Tout second, motion carried. It was further stipulated the request would be submitted following the criteria set down by the zoning ordinance and the formal procedure followed.

Ownership, Resort Sign - Gene Premier requests the lease for the site of the sign on Highway 101 and Pacific Avenue be put in the city's name. The city already has ownership of the sign and the problems of any one of the five businesses in Westlake having the lease in the name are becoming insurmountable, requiring a complete Environmental Impact Study, etc. The cost to the city would be \$20 per year plus an initial cost of \$20 for transferring the lease.

Merz moved to accept the lease transfer from Don Kreick to Dunes City. Stroud second. Motion carried.

Permission was received by letter from the Forest Service to cut brush around the site of the sign to make it more visible to motorists. Petersdorf will contact Alan Nelson and arrange to meet with him as he suggests before any cutting is done.

ORDINANCES

Nuisance Ordinance - The public hearing on the proposed nuisance ordinance was opened by the mayor. The following changes were made:

Page 1,1. b) add: , or animals doing damage to or endangering property.

Page 2, b) 1) insert: 75 yards and 50 yards respectively.

A question was raised on the matter of enforcement. The attorney responded

an ordinance could be written authorizing the sheriff to enforce the municipal ordinance which also leads to the question of prosecuting. Gerber will contact county counsel and come back with technical answers at the next meeting.

Counsellor read proposed Ordinance 51 by short title for its first reading. Browne moved the first reading of Ordinance 51 be accepted. Ellson second. Motion carried. The second reading will be at the next meeting.

OTHER BUSINESS

Evelyn Passenger - The planning commission chairman asked council to act on their request to change the meeting night. Council granted permission.

Citizen Complaints - The recorder reported receiving complaints on the situation on the south end of Woahink Lake on Hiway 101 where several people are living, in violation of Dunes City's zoning ordinance. Deputy Winsor was contacted and in turn contacted Frank Elliott, one of the four owners, who assured him eviction proceedings would be started. This has not taken place and the situation remains. The concern expressed in the complaints was for young people who go in there for the parties that take place and the fear that something will happen to them.

The city attorney was instructed to write Mr. Elliott informing him there appeared to be a violation of a Dunes City ordinance in regards to the number of people living there and ask that it be abated.

Speed Zone - Tout brought up that previously council had requested a speed zone investigation and asked that Canary Road be added to that request. There is an inconsistency with the speed zones at different times of the year. He further stated he felt 55 was too fast and 25 too slow and log trucks present an additional hazard.

Executive Session - Mayor Petersdorf announced they would recess to hold an executive session to discuss personnel matters.

The meeting was re-opened by the mayor with the statement that personnel matters were discussed and the meeting was adjourned at 10:00 p.m.

Attest: Pat Barker
City Recorder

Robert H. Petersdorf
Mayor

Phil Post

Judd R. Browne

Eugene Steward

Charles L. Banks

Ron Ellson

DUNES CITY COUNCIL

MINUTES

September 14, 1978

The regular meeting of the Dunes City Council was called to order by Mayor Petersdorf with members Browne, Ellson, Stroud, Tout and Banks present. It was noted that Mrs. Merz was excused. Also present was Floyd Doland with a Webelos Den working on Citizenship and a high school student from the American Studies class.

Browne moved, Tout second, the minutes of August 10, 1978 be adopted as submitted. Motion carried.

Mrs. Gerber arrived a few minutes late to fill in for the City Attorney who had not returned from Portland.

BILLS

Read Insurance; annual premium	\$ 1,610.00
CLPUD; July, Aug. 498.80/15.20	514.00
West Lane Plumbing; parts	69.85
Howard Campbell; hose supplies	3.37
Pacific Northwest Bell	23.47
Galeria; office supplies	36.71
Ron Gerber; Aug. bal due for services	171.77
Lane County; sheriff	591.80
Pat Barber; mileage, July & Aug	40.60
Petty Cash	8.53
	<hr/>
	\$ 3,070.10

Ellson moved the bills be paid. Tout second, motion carried.

RECEIPTS

Conditional Use Permit fee	\$ 25.00
Miscellaneous	3.95
C L P U D; July & Aug	483.20
Hiway Division	1,280.23
O L C C	501.55
Hotel Motel Tax; May & June	207.25
Cigarette Tax	229.63
	<hr/>
	\$ 2,730.81

~~Mr. Dick Danielson - Mr. Danielson reported he had met with the Planning Commission to discuss anticipated problems and suggest they strive to reactivate~~

the Committee for Citizen Involvement. He also presented council with a proposed news release for council approval and a status report letter on beginnings of the work program as well as a proposed contract for signing.

Council gave approval for the news release and asked Mrs. Passenger, Planning Commission Chairman to set up an organizational meeting for the CCI and elect a chairman. The meeting was set for Monday, September 25th at 7:30 p.m.

Stroud moved the contract be accepted. Ellson second. Motion carried.

CORRESPONDENCE

Water Resources Dept. - Extension of permit #33923 for 1.4 cfs from Woahink Lake has been granted until October 1, 1980.

Read Insurance - A cover letter accompanied the policy stating personal injury under the policy will not cover law enforcement.

Mrs. Gerber responded regarding a conversation with the county counsellor and the county carries insurance up to \$300,000 per year. The general feeling is that the city faces no great chance of getting involved in a situation where they would be faced with a liability beyond that covered by the county.

City of Florence - A training session has been set up for September 21 and being conducted by the League of Oregon Cities on "Conducting a Public Meeting." Pre-registration has been made for 7 representatives of Dunes City.

LCDC - The commission has approved an extension of the compliance date for completing the Comprehensive Plan and implementing ordinances to Jun 30, 1979.

Jerry Rust - Response to some of the specifics brought to the board of commissioners concerning L-COG, clarifying his position.

REPORTS

Planning Commission - Chairman Passenger reported on the meeting of August 23rd. It is their recommendation to reactivate the CCI committee. Also reported was the resignation of Lee Bucko.

A resume had been received by the recorder from Mr. Don Brown who expressed interest in serving on the Planning Commission. Copies of the resume were before council.

Tout moved to appoint Mr. Brown to the Planning Commission. Ellson second. Motion carried. The term expires December 31, 1978.

Building Inspector - Mr. Campbell reported he is still inspecting incomplete building projects as they come along. He has prepared a preliminary zoning map to be considered.

Mayor Petersdorf asked that the preliminary zoning map be referred to the Planning Commission for initial consideration.

Road Committee - Mr. Barber was not present but had asked Tout to report for him. The road work previously contracted for is to be done this month, weather allowing.

Councilman Browne reported on the request to evaluate speed zones on Canary Road. Browne talked to Tom Lancaster who is involved with speed zone investigations with the county. The situation will be looked into with subsequent recommendation to the state if he feels something needs to be done.

Howard Campbell reported checking on the status of the Little Woahink II subdivision and the road is under construction.

Community Center - Councilman Banks reported on the investigation into an alternate solution to the problems of water in the building. Nowhere on the property is a site suitable for a well without conflicting with the drain field. Water could be pumped from the creek at an estimated cost of \$2200-2300 including submersible pump, pressure tank, filtration and chlorinator.

The possibility of putting a well in the street right of way was discussed. A cased well could be installed for \$1200-1300 if a satisfactory site could be found.

Budget restrictions were discussed with the only money available to be the contingency fund. With the limited budget, it was agreed that only emergency measures could be undertaken at this time. The best solution seemed to be to continue using Mr. Fillman's water if he was agreeable with perhaps some compensation to be paid.

City Attorney - Mrs. Gerber reported on the alledged zoning violation on the south end of Woahink Lake. A letter was sent to Frank Elliott, one of the owners of the property and no response has been received, however the city is covered against liability regarding the possible violation.

Gerber was directed to continue with the next step and send a certified letter with a return receipt requested.

OLD BUSINESS

Proposed Tree Ordinance - A legal opinion was written by Attorney Gerber with a request for direction from the council and planning commission as to what items should be incorporated into a tree ordinance.

The Planning Commission has not had the opportunity to review the proposal and it was turned over to them at this time.

RARE II - Mrs. Merz was not present but she had suggested that someone prepare a response to this study before the October 1 deadline.

Ellson moved that council write a letter objecting to the general closures of lands in RARE II. Browne second. Howard Campbell offered to help draft the letter. It was agreed copies should be sent to local political representatives. Motion carried.

NEW BUSINESS

State Shared Revenues - A letter from the state asks council to send a resolution certifying municipal services. The resolution from the previous year was read.

Tout moved to draft a resolution same as last year. Ellson second. Motion carried.

Phone Books - Councilman Tout brought up there is a shortage of phone books in the area for areas other than ours. He felt the city hall should provide, as a service to the residents, a set of phone books to aid people in making long distance phone calls. Tout was named by the mayor to approach the problem.

Councilman Ellson questioned Mr. Tout on the results of getting the pipe raised under the bridge on Woahink Lake. Tout responded it turned out well and the pipe was placed on the side of the bridge with none of the opening obstructed.

American Studies Class - Mr. McCorkle, teacher at Siuslaw High School, has approached the mayor regarding a program the school has for long term projects to last through the school year for the students to work on.

Different types of projects were discussed with the mayor stating he would take the suggestions to Mr. McCorkle.

ORDINANCES

Nuisance Ordinance - Ellson moved to read Ordinance 51 by short title. Tout second. Motion carried.

The proposed nuisance ordinance was read by short title by Mrs. Gerber.

Tout moved Ordinance 51 be adopted. Stroud second. A roll call vote was held:

Petersdorf	AYE	Stroud	AYE
Browne	AYE	Tout	AYE
Ellson	AYE	Banks	AYE
Merz	absent		

The ordinance will take effect October 13, 1978.

Ordinance Amending Ordinance 50 - Ellson moved proposed Ordinance #52 be read by short title. Tout second. Motion carried.

The ordinance was read by short title only for its first reading by Mrs. Gerber.

Ellson moved to accept the first reading of Ordinance 52. Browne second. Motion carried.

Fee Schedule - The fee schedule to accompany the zoning ordinance was adopted by motion and should have been by resolution. Resolution #9-14-78 b was read.

Browne moved to adopt Resolution 9-14-78 b. Ellson second. The motion carried unanimously on roll call vote.

Adjournment - There being no further business to come before council, the meeting was adjourned at 9:05 p.m.

Attest: Pat Barber
Pat Barber, City Recorder

DUNES CITY COUNCIL

MINUTES

October 12, 1978

The regular meeting of the Dunes City Council was called to order by Council President Shirley Merz in the absence of Mayor Petersdorf. Council members Ellson, Stroud, Tout and Banks responded to Roll Call. There were 11 citizens present. Acting Mayor Merz stated Attorney Gerber was absent at this time but should be here shortly.

The minutes of September 14, 1978 were approved as submitted.

BILLS

Lane County; Sheriff, Aug & Sept	\$ 885.12
Pacific Northwest Bell	23.05
Galeria; flowers, Carrell Riggs	17.50
CLPUD; 249.40/8.40	257.80
Siuslaw News; publishing	51.69
Ron Gerber; quarterly retainer	600.00
Howard Campbell; engineering services	80.00
Ray Wells, Inc.; road work	7,213.08
	<hr/>
	\$ 9,128.24

Ellson moved to pay the bills. Tout second, motion carried.

The recorder reported receipt of a bill from Richard Danielson in the amount of \$500 for preliminary work on the Comprehensive Plan and requested authorization to issue the check on receipt of grant funds.

Stroud moved to issue the check when the grant funds arrive. Tout second. Motion carried.

RECEIPTS

Dept. of Transportation	\$ 1,388.15
Cigarette Tax	193.48
Variance Request Fee	50.00
C L P U D	241.60
O L C C	808.63
Revenue Sharing	979.00
Copies	4.50
	<hr/>
	\$ 3,665.36

PUBLIC HEARINGS

Ron Wheeler, Conditional Use Permit - Acting Mayor Merz opened the Public Hearing on the request of Ron Wheeler for a Conditional Use Permit to retain a mobile home on his property after construction of proposed conventional housing. Mrs. Merz pointed out this request has previously been approved but in order to fulfill the requirements and procedures of the zoning ordinance it has come up again after filing of proper notices and publications.

A letter from Don Lemke addressing the issue was read into the record. The letter was in response to the notice of the public hearing he received as one of the owners of property within 300' of the exterior boundaries of the property for which the request is being made. Mr. Lemke stated he would give approval to the request if the following conditions were met: 1) a definite time period for removal of the mobile home once vacated by the mother or mother-in-law; 2) a setback of 60 feet from adjoining property lines; 3) trailer color to conform to natural setting, blending into the landscape (no bright colors); 4) landscaping satisfactory enough to hide mobile home from adjoining property. He further stated the property contains many large fir trees that should remain with only dangerous trees or trees approved by the City Council should be cut.

Attorney Gerber arrived and Mrs. Merz questioned him on the need of sending the CUP request back to the Planning Commission in light of the new testimony.

Planning Commission Chairman Evelyn Passenger responded the commission had approved the matter and had no opposing opinions after being duly advertised and appropriate notices sent. The attorney felt this answered the question.

The Wheelers were questioned in regard to the questions posed by Mr. Lemke. There was no other testimony relating to the request.

The following findings were made by Council:

- 1) the building site is composed of two lots totaling approximately 1.6 acres with the building centrally located on the two lots;
- 2) the mobile home is situated approximately 100' from the property line;
- 3) the color of the mobile home is such as to blend in with the natural surroundings;
- 4) the site cannot be seen from surrounding property.

It was determined at a previous meeting (8-10-78) at which this issue was considered that it would not be necessary to remove the kitchen from the mobile home.

Two conditions were placed by Council:

- 1) under no circumstances could the unit be used as a rental;
- 2) the mobile home will be removed from the site when permanently vacated by the mother (mother-in-law).

Ellson moved to grant the Conditional Use Permit with conditions noted. Browne second. Motion carried with Tout abstaining since he had signed the original application as an adjoining property owner.

Welsh-Mann Enterprises, Inc., Variance Request - The Public Hearing on the request of Welsh-Mann Enterprises, Inc. for a variance to the setback requirements of the zoning ordinance, specifically for a 25' setback instead of 50' as called for in the ordinance for shorelands was opened by Acting Mayor Mez.

Chairman Passenger reported the Planning Commission had conducted a public hearing on the request and recommended approval be granted.

John Hunt, representing Stanton Welsh, presented copies of maps of the site to council for their information.

Council also had a memorandum from Attorney Gerber addressing the issue.

Harry McLain, represented Lars Lind at the planning commission hearing at which time he contested the request, not because of the distance from the lake but the granting of a variance to the zoning ordinance.

Mrs. Merz questioned Mr. McLain on his objections. He responded he and Mr. Lind did not like specious reasons for variances. The ordinance states the applicant must present "substantive and probative evidence" establishing need for the variance.

Counsellor instructed council the people wishing to testify in favor of the request should be heard first.

John Hunt testified the proposed residence is to be used for a summer home and distributed pictures of the property with explanations of the shots showing the features of the property as they related to the map of the site. He stated the house is to be approximately 30 x 40 feet although he has not seen the plans. With the 25' additional to be gained by the variance, nothing would have to be done to the site, but a 50' setback would move the house back and parking area would be lost, a hillside would possibly have to be cut into, additional trees would have to be cut and it would possibly encroach on a pond which is on the site. They are trying to avoid cutting any more trees.

Mr. Hunt also pointed out the planning commission felt they had met the criteria for a variance and recommended approval of the request after looking at the property. They could get by with a 50' setback but it would cut down the amount of parking and necessitate cutting approximately 11 trees.

Howard Campbell reported he had reviewed the site and the easement leading in is quite steep and requires adequate turn around. Trees will effectively shield the building and it will be less visible than many homes setting much further back.

Harry McLain stressed the burden of substantial proof resting on the part of the person making the request. In his experience he finds few people are able to locate a house exactly where they would like without making some sacrifices and cited the case of Paul Patrick who wanted to build at the lakeside but on learning of the restrictions went to considerable expense to situate his house on the lot within the guidelines of the Comp Plan. Mr. Patrick's attitude was that if he could possibly take a non-conforming lot and make it into a satisfactory building site, it was his duty as a citizen, in order to comply with the law.

Mr. McLain further stated that if variances are granted capriciously, anytime someone asks, you have no law at all. He was questioned on his preference in clearing additional land and cutting more trees instead of granting variances and responded he agreed with the philosophy but not with the conclusion being drawn in this particular case.

Lars Lind testified he has been concerned about cutting of trees long before there was a body such as the planning commission or council and has also looked at the property and what is proposed and is in full agreement with the terms of the ordinance which sets a setback of 50'. He was interested in seeing how the planning commission and council were going to act on this request and the requests that will come in the future. In his opinion, if a variance can be granted as easily as it appears they are considering in this instance, they might as well tear out that section of the ordinance.

Mr. Lind pointed out errors on the site plan: meets and bounds off by 10'; pond is located in wrong position in that approximately 1/3 to 1/2 of the pond is on his (Lind's) property. He also addressed the matter of need to use substantial fill without the variance and is in disagreement with the statement of Mr. Welsh regarding such a need. Further, the parking area as proposed is three times as much available parking as most other homes in the area. He maintained the house could be located without any additional clearing and still maintain the 50' setback. Mr. Lind objected to the reasons being used in seeking a variance and felt it would be better to come out and say they wanted a better view of the lake.

A question was raised as to the steepness of the driveway and Mr. Lind responded that other people on the lake, including himself and particularly on Fir Street, have as steep or steeper driveways.

Mr. Lind sought assurance from council they will look into any possible filling that may be done. He has heard talk that it may be filled and in view of the fact that it is a natural habitat for animals around there as well as the fish, frogs, flora, etc. and he wished to go on record as opposing such action.

John Hunt conceded that the pond and driveway are closer to the south property line than illustrated but disagreed with Lind that no trees would have to be cut. Further, the Welsh's agree the pond is one of the beauties of nature and they do not want to have to fill it in and they are not trying to get a better view because they could do this by more excavating and building on the bank.

Mr. Hunt was questioned as to whether the Welsh's were aware of the 50' setback and responded in the affirmative. He pointed out the house, although it isn't designed yet, will only have one corner encroaching on the required setback.

Councilman Tout stated he preferred to see people provide adequate parking without encroaching on other property and felt owners should make adequate provision for guests.

Councilman Ellson stated he checked the site and felt they eliminated some of their own parking space by moving existing buildings onto usable land. He felt the buildings could be moved further into the trees and the proposed building could be turned and additional parking made available.

Councilman Stroud noted this request was similar to the Houghton variance previously granted as far as topo, etc.

Tout moved the variance be allowed. Motion died for lack of a second.

Ellson moved to allow the variance with a setback of 35'. Motion died for lack of a second.

Stroud moved to table the issue till next meeting to allow opportunity for a look at the site. Browne second. Motion carried.

Mr. Hunt will put stakes in at proposed location of building. Hunt, Lind, McLain, Campbell and council will meet Monday at 9:00 a.m. to review the site.

Chairman Merz called a short recess before resuming the balance of the agenda.

The meeting was re-convened with Correspondence the next agenda item.

League of Oregon Cities - The annual LOC Convention is to be held in Portland November 12, 14. Anyone wishing to attend should so notify the city recorder for registration and housing reservations.

Paul Coyne - A letter of resignation has been received from Paul Coyne of the planning commission. The commission recommends the name of Gladys Miller for the vacancy. She is a lifetime resident of the Florence and Dunes City area.

Stroud moved to appoint Gladys Miller to fill the vacancy on the planning commission created by the resignation of Paul Coyne. Ellson second, motion carried.

Judy Winsor - Mrs. Winsor submitted a letter of resignation as secretary to the planning commission. The commission requests the council advertise for someone to fill the position. The recorder was so instructed.

Water Resources Dept. - Receipt of the application for 1.5 cfs from Woahink Lake has been confirmed. The application is incomplete and will be returned for completion after the area-wide study of water is completed in January 1979.

CITIZENS FOR ANYTHING NOT ON THE AGENDA

Don Brown presented a plea on behalf of the Siuslaw Rural Fire Protection District for volunteers. He proposed the council consider a campaign or advertising to stimulate interest in the department, especially for daytime hours.

Tout moved to support advertising for the SRFPD in an amount up to \$50 for two publications, for volunteers for the area south of the river. Ellson second. Motion carried.

REPORTS

Road Committee - Chairman Barber reported the roads have been oiled. They had extra oil and were given authority by Mr. Barber to apply rather than waste the material and it was well within the budget. In addition an extra 1,260 gallons was applied at no charge.

Tout questioned the fall maintenance and stated his road was not done in the spring. He was assured that grading would be done during regular fall maintenance.

Mr. Tout also reported the Parson's property has been sold and asked about the responsibility of the new owner regarding an intended extension of the road.

Barber responded as long as he expects to maintain the road, he can do as he wants. Otherwise, both the road committee and council would be concerned that a proper road bed was laid before the city would accept it and maintain it.

Mr. Campbell stressed the need for culverts to take care of drainage. Since the house is located at the top of a hill a problem could result if drainage was not considered. Mr. Tout stated he would monitor it since he would be affected.

Planning Commission - Chairman Passenger reported the commission recommendations on the zoning ordinance: page 7, paragraph J has been changed to add 3 and 4 family dwellings; page 24, second paragraph, lines 7 and 8 should be amended to read 3 and 4 family dwellings to make the PUD consistent with the R-1 zone. Page 25, paragraph IV, sub-paragraph 2 should also be amended to read 3 and 4 family dwellings.

The recorder stated the matter of 3 and 4 family dwellings was confusing in reading the ordinance but since PUD was a suffix of either the Commercial or R-1 zone and on page 25, item 5 states all other uses permitted in the parent district are permitted uses within the PUD, therefore, 3 and 4 family dwellings are permitted in the PUD. Counsellor agreed no change was necessary.

The commission recommends that "mobile home" be re-inserted on pages 53 and 54 as well as adding 3 and 4 family dwellings.

Ellson questioned whether there were any 3 or 4 family dwellings in the city at this time since the section on pages 53 and 54 deal with non-conforming uses.

It was concluded there were no 3 or 4 family dwellings in the city but the question was raised on those that may exist in areas of any future annexations.

The problem of leaving out the reference to mobile homes as non-conforming comes up in the event of the mobile home being destroyed such as by fire.

Attorney Gerber was instructed to prepare an amendment and the recorder instructed to advertise a public hearing for amending the zoning ordinance.

OLD BUSINESS

Tree Ordinance - An opinion was prepared by counsel regarding the proposed tree ordinance subsequent to the planning commission meeting and made available to council members for their consideration.

Discussion was held on the points made by counsel with the consensus being a workshop was in order.

NEW BUSINESS

Zoning Map - A preliminary zoning map was demonstrated by Howard Campbell.

Further discussion was tabled to a workshop session set for October 23, 1978, 7:30 p.m. to be held in conjunction with the CCI meeting. The proposed tree ordinance will also be taken up at this time.

Zoning Information Request - A letter was received from Lyle Larson requesting information on zoning and building requirements. He wanted to build a house and include separate living quarters for his mother-in-law which would be rented for several years until she was ready to occupy it.

The recorder drafter a response and gave to the city attorney for review and on his advice it was not mailed. Mr. Gerber prepared a memo regarding his position on the matter. He felt the city was being put in the position of issuing title insurance since he was not sure the property in question had been properly grandfathered through the various ordinances.

The council discussed the matter and the question was posed regarding the issuance of building permits if we did not know if the lot conformed under the grandfather clause. Since building permits issued by the county are first forwarded to the city for determination of adequate setbacks, etc. the attorney withdrew his objection.

On further discussion, it was recommended by counsel the safest thing would be for the applicant to apply for a variance to the lot size in conjunction with the Conditional Use Permit which would be required for the additional living unit as proposed. In the meantime, an amendment will be prepared for the zoning ordinance to clear up any ambiguity in wording and make lots of less than one acre platted before the adoption of the ordinance pre-existing non-conforming use status. It was agreed the intent of council was that any platted lot existing at the time of adoption of the ordinance could be built upon providing the criteria of DEQ was met.

ORDINANCES

Ordinance 52 - Amending Ordinance 50 and correcting scrivener errors was read by short title by the city attorney.

Stroud moved the second reading be accepted and the ordinance be adopted. Ellson second. A roll call vote was held:

Browne	Absent	Petersdorf	Absent
Ellson	AYE	Stroud	AYE
Merz	AYE	Tout	AYE
		Banks	AYE

OTHER BUSINESS

South End of Woahink Lake - Attorney Gerber reported receiving a report from the sheriff's office subsequent to his request for an investigation to find whether it was in fact in violation of the zoning ordinance. One tax lot is involved in an R-1 zone with a family consisting of a man and woman and their four children, and three or possibly four other unrelated adults. There are approximately six non-operable vehicles parked on the property and visible from the highway.

It appears from the information available there are two violations, one of the zoning ordinance: more than one family liniving in an R-1 zone without a

conditional use permit or variance; and one of the nuisance ordinance: storing of disabled vehicles in view of a public highway for more than two weeks.

The zoning ordinance provides for abatement of violations as a nuisance and the council was directed to proceed to abate the violation of the zoning ordinance and the violation of the nuisance ordinance pursuant to the abatement procedure of the nuisance if they in fact find the violations do exist.

Council determined, on the basis of the sheriff's report, that the alleged violations do exist. The procedure for abatement was outlined by counsellor.

Ellson moved that having been found that a violation does in fact exist in the more than one family is residing on the lot and that disabled vehicles have been stored on the property for more than two weeks and are visible from a public right of way, the city attorney is directed to proceed with nuisance abatement procedures. Banks second. Motion carried.

Phone Books - Councilman Tout reported on the outcome of his contact with the phone company requesting phone books for various cities to be made available at the city office. If more than 10 directories are requested, it must come by letter. He submitted a list a major cities in Oregon as a start and the recorder was instructed to make the request by letter.

Adjournment - There being no further business to come before council, the meeting was adjourned at 10:10 p.m.

Attest

Pat Daples
City Recorder

Charles G. Banks

Eugene Shaw

RECEIVED

Shirley M. May

Ken Goss

DUNES CITY COUNCIL

MINUTES

November 9, 1978

The meeting was called to order by Mayor Petersdorf with all members present as well as the city attorney and 18 interested citizens.

Browne moved the minutes of October 12, 1978 be approved as submitted Ellson second, motion carried.

BILLS

Postage stamps (paid)	\$	15.00
Siuslaw News, notices		23.91
Pacific Northwest Bell		23.05
SAIF; annual renewal		15.00
Guard Publishing; public notice		3.00
Ron Gerber; Oct hrs over retainer		92.50
Pat Barber; mileage, Sept & Oct		35.70
Oregon Photocopy		20.45
	\$	<u>228.61</u>

Merz moved the bills be paid. Ellson second. Motion carried

Also submitted for payment was a bill from Richard Danielson in the amount of \$2,081.88 for work on the Comprehensive Plan. Ellson moved to pay the bill. Stroud second, motion carried.

RECEIPTS

Motel Tax; July & Aug	\$	587.03
Building Rental		20.00
Planning Assistance Grant		4,500.00
Department of Transportation		1,282.43
C L C C		798.39
Cigarette Tax		170.69
C L P U D		241.60
Copies		4.90
	\$	<u>7,605.04</u>

CORRESPONDENCE

Siuslaw National Forest - Through the efforts of the Western Lane Sportsman Club, the Siltcoos Outlet road will be open from October 1 through April 30 each year.

Lane County - A copy of the new Lane County Road and Recreation Map was received and is an excellent publication.

Jerry Rust - Lane County is opening a new Operations Yard to house several county departments including Public Works, Public Safety, Environmental Management, Public Lands, Community Health and Social Services and Financial Services. It is located at 3040 N. Delta Highway.

Guest Speaker - Gary Darnielle was on the agenda to address council regarding the status of the Urban Growth Boundary agreement with Lane County but was unable to attend.

Mayor Petersdorf went on to other business to fill in the time before commencing the public hearing advertised for 8:00 p.m.

Resolution - A Resolution of Commendation was read commending the Western Lane Sportsman Club and particularly Bill Riesenhuber and Corinne Gehlke who worked long and hard with various agencies of government to re-open the Siltcoos Outlet Road for public use.

Merz moved the resolution be adopted. Tout second, motion carried.

Mr. Riesenhuber responded he wanted to thank everyone who helped in the effort and particularly Dunes City.

Don Brown - Mr. Brown stressed the fact the citizens committee still has a need for volunteers. A meeting will be held November 20 with Mr. Danielson to discuss progress.

OLD BUSINESS

Welsh-Mann Variance Request - This item was tabled from last meeting in order to give the council time to physically appraise the site. In the meantime, the covenants and restrictions of the particular subdivision in which the lot is located has come to the attention of the council.

Merz stated the item has pretty well solved itself in that the request is in violation of the subdivision covenants and restrictions which state that no building shall be located on any lot nearer to the front line or nearer to the side street line than the minimum building set-back as prescribed by the rules and regulations of the Dunes City, Oregon Planning Commission.

The city attorney pointed out it is a council matter in that the request must be approved or denied. In a written legal opinion, the attorney instructed council that Dunes City might become involved as a party in a lawsuit which could be brought by other property owners within the subdivision.

Tout stated he saw no need for the variance after looking at the site. Adequate room to build the structure they wanted to build on the land is available.

Tout moved to deny the variance request. Merz second and discussion followed.

Howard Campbell reported he accompanied other members on the field inspection of the site. He passed out maps with a 30 x 40 building located on the plot such as they intend to build if granted the variance. He pointed out some dead and scraggly trees that need to come out. He felt these trees could be cleared out and allow the building to be moved back to the 50' setback.

Merz added that an existing building on the lot has been moved in the last year or so and could be moved again, creating additional room on the site. She also reminded council of the length of time (about 2 years) the planning commission and council spent considering the subdivision and restrictions were put on it at the time it was accepted.

Ellson stated he did not object to the 25' setback but did not like violating the covenants and restrictions of the subdivision.

John Hunt, representing the Welsh's, stated the Welsh's knew of the Covenants and Restrictions but they felt if the variance was granted the rules and regulations of Dunes City would override the covenants and restrictions. They feel the deed restrictions represent a hardship to them because they would have to take out some trees, which they don't want to do.

Counsellor stated that in a subdivision, people buying property rely on the Covenants and Restrictions and the 50' setback requirement is general knowledge. If the neighbors are opposed to a variance to the setback there is a possibility of litigation with the possibility of the city being involved.

Banks stated he understood that if the city's rules and regulations were for a 50' setback and the city allowed a variance to 25', the people would still be abiding by the rules and regulations of Dunes City.

On call for the question a roll call vote was held. The motion was to deny the variance. Petersdorf, AYE; Browne, AYE; Ellson, NAY; Merz, AYE; Stroud, AYE; Tout, AYE; Banks, AYE. Motion carried.

The city attorney was directed to prepare a written order setting forth findings of fact and conclusions of law for consideration at the next meeting.

PUBLIC HEARING

The public hearing on Ordinance 53, an Interim Zoning Ordinance, was opened by Mayor Petersdorf. No comments were forthcoming from the public either for or against the proposed ordinance which was read in its entirety for the first reading.

Merz moved that Ordinance No. 53 be accepted for its first reading. Ellson second, motion carried.

Merz moved the second reading be by short title only. Ellson second. Motion carried.

The ordinance was read by the city attorney by short title only for the second reading.

Ellson moved to adopt Ordinance 53. Merz second. Motion carried unanimously on roll call vote. The ordinance will go into effect immediately since an emergency clause was included.

Ron Foss, Variance Request - The public hearing on the request of Ron Foss was opened by the mayor. Councilwoman Merz asked to be excused, declaring a conflict since she sold the property in question.

Gladys Miller reported the Planning Commission heard this request on October 25 and it was the recommendation of the Planning Commission to grant approval.

The criteria for granting a variance was set forth by the attorney with reference to page 45 of Ordinance 50 which was read.

Petersdorf stated he looked at the property, the septic tank is in, there are no other trees on the property and questioned, in view of knowing what the setbacks were, the need of a house that size for the lot. He believes a person should design a house to fit the property they buy.

Howard Campbell stated, if the house was set back the 50 feet, it would infringe on the drain field. Banks asked if the house were set back, then where would the septic tank go? Ellson felt there was a hardship in that the septic tank cannot be moved.

Mr. Foss stated he has redrawn the plans several times to get it to fit the lot. On the question of the tank, Foss checked with the county and they may have to add another drain line since it was designed for three bedrooms. He is waiting to hear from the county.

Mr. Foss presented pictures of the lot with explanations and demonstrated how his request involved only two points of the house rather than a variance for the full length of the house and stated the average setback on the lot would be in excess of 100 feet, with only those two points being 25' from the lake. He stated the house would be natural cedar to fit in with the landscape and he did not think there was any way it could be seen from anyone 20 feet out on the lake going by in a boat. He used as an example the storage shed that sits only a couple of feet from the lake that cannot be seen from the lake.

Mr. Foss stated the house could not be built without a variance and they had^{to} look for a year to find a lot on Woahink to build the house they wanted and without the variance, they would not be able to build it. At the time he purchased the property, he thought he would be able to build and only after the engineers started drawing plans did he discover there was a problem. He plans to build something that will fit the area, fit the lot and fit the community.

Ellson stated he felt the criteria of both a and b (page 45, Ordinance 50) had been met. There is a hardship in that 7000 square feet is claimed to be the size he needs and the lot is a narrow peninsula resulting in exceptional or extraordinary circumstances in that the septic tank is already installed that prevents him from building the house he needs without a variance.

Counsellor instructed council on the legal implications of the precedent being set in their decision which could bind the council to approve future variances when a house is designed which is too big for the lot.

John Hunt spoke from the audience to disagree with Mr. Gerber since each subject property is viewed on its own merits and the property was subdivided before the one acre lot size and minimum 50' setback was adopted and cited Don Houghton's house which was granted a variance and he felt the precedent had already been set.

Gerber responded that a new ordinance is being applied here and therefore decisions made under it does set precedent. He read from the second paragraph, sub-paragraph A (page 45) and stated that granting a variance is setting a precedent. He added that council was in a fact-finding situation and if they find the facts do in fact constitute a hardship they are on legally solid ground and if they find the facts do not constitute a hardship they are again on legally solid ground.

Foss stated the council should consider the esthetics and the original reasons for the 50' setback requirement and in his particular case the criteria for a setback variance have been met. He has tried in every way to get the house to fit within the 50' setback and it can't be done.

Banks questioned if the neighbors were all aware of what he proposed to do and Foss responded there are only two neighbors and they have no objections.

Tout stated the esthetics involved have to sway their decision, that is the purpose of the ordinance and have to be considered.

Mayor Petersdorf closed the public portion of the hearing and instructed council to make a decision as to what they wanted to do.

To get it on the floor, Ellson moved to allow the variance with the stipulation that remaing trees and brush remain on the lot.

Mayor Petersdorf said that other considerations were discussed that maybe should be within the motion such as Mr. Foss' statement that all the trees would be left and the house would be of natural wood.

The motion was withdrawn and discussion followed on what type and how much of the vegetation should be allowed to be removed.

Tout stated he would be reluctant to see brush involved because it presents a problem if you have to leave existing brush and cited the rhododendrons which grow large trunks with the branches and blossoms 30 feet above the ground. If they say the brush can't be removed, these couldn't come out.

Petersdorf responded they are not suggesting he cannot trim them, they just don't want them dug up as this is what keeps the house from being seen from the lake.

Foss said if the brush was allowed to grow wild, they would be closed in in notime. It was mainly the trees that provided the buffer, not the brush, and the trees were what provided the esthetic beauty. He said he could not agree with a restriction on cutting brush.

Ellson stated they were not discussing the encroaching brush but rather the brush on the shoreline and if it is taken away it will add to the erosion of the shoreline. Foss said he was not planning on taking all the brush away but only in certain places where it keeps growing back. He further said that brush will be left but he would not like to be limited to not cutting any brush.

He was assured by both Ellson and Petersdorf that only that brush on the shoreline was being discussed which would maintain a visual barrier along the lake. Petersdorf also added the removal of brush would allow the trees to blow down.

Foss said they were planning to do whatever they could to keep from losing any trees and he already has someone checking on how to cut down erosion and avoid losing trees.

Banks questioned Mr. Foss if he had said he planned on leaving the vegetation along the shoreline as much as possible to prevent erosion. Foss responded, "Yes, and whatever else can be done to prevent erosion." He added there was a tree behind the house that was considered dangerous that he planned to take out.

Howard Campbell commented that erosion was caused by wave action from passing boats, etc. He felt it may even be recommended to build a retaining wall.

Ellson stated he did not know how to propose a motion that would accomplish what they wanted. He felt if the brush was removed it would open it up and make the house really stand out. The brush makes a natural looking shoreline which is what they are trying to achieve. If all the brush were taken out, a lawn planted down to a rock wall with a bulkhead, they are not accomplishing their purpose.

Foss responded they are not planning on doing that. He wants to stop the erosion and one idea presented was a rock wall but he did not like that idea because it takes away the natural look of the shoreline. A second opinion was to put rock under the bank where erosion has started and cover it with sand. He said he wanted to publicly state they are going to leave it in as natural a condition as possible but they do have to stop the erosion under the trees or they will be lost and this is what they want to stop. He does not want to be limited to not cutting brush because there may be some that has to come out for one reason or another but they are not planning on cutting the shoreline down, removing all the brush, or any trees. The reason they bought the lot was they liked the screening and the natural effect of the lot.

Ellson moved to allow the variance with site restrictions as follows: 1) healthy trees to remain on shoreline; 2) natural vegetation on shoreline to remain, wherever practical; 3) natural colors of wood used, as proposed. Tout second.

Ellson responded to a question regarding the vegetation and said the motion dealt with the vegetation on the shoreline.

Browne felt the conditions should be more specific regarding the vegetation with condition 2 to possibly read, "A ten foot strip of natural vegetation along shoreline to remain for visual screening."

Considerable discussion was held on how to properly word the conditions to allow reasonable maintenance and still retain the natural vegetation buffer area to provide visual screening from the lake. A question was raised on the proposed tree ordinance which comes up later on the agenda and the screening requirements in it, which states that each property will maintain a 5 foot buffer, providing a 10 foot strip between properties. Also discussed was what would be considered reasonable trimming with the statement made that, "Obviously, cutting a bush to six inches above the ground was not 'reasonable trimming'."

Foss agreed that he wanted it natural and though that "reasonable trimming" sounded good to him so everything doesn't go wild. He felt the conditions should be kept simple and that natural vegetation with reasonable trimming was what both sides were trying to accomplish. He and Ellson agreed that only about a ten foot strip was all he had to deal with.

Bill Riesenhuber spoke to the issue and objected to the granting of variances after all the time spent by citizens working on the ordinance and coming up with the 50' setback, yet every time someone asks to change it they can.

Ellson responded the council feels the same way but if they can't have any flexibility in there and stick to hard and fast rules, this is impractical too.

Tout stated it was impossible to write a rule that would cover every situation that arises. They have to examine each one and see if there is a definite need to be lenient.

Ellson modified the motion and moved to allow the variance with three site restrictions: 1) healthy trees to remain on shoreline; 2) natural vegetation on shoreline to be left, with allowable trimming; 3) natural colors of wood used, as proposed. Tout second.

Browne questioned if this was a single family dwelling with one central kitchen and Foss responded, "Yes."

On call for the question a roll call vote was held: Petersdorf, NAY; Browne, AYE; Ellson, AYE; Merz, abstain; Stroud, NAY; Tout, AYE; Banks, AYE. Motion carried.

Mayor Petersdorf commented for the audience that the council does not take these things lightly, they do hash them over and it may make a longer meeting, but they do try to be fair.

Councilwoman Merz rejoined the council and the agenda was taken up again with the first item to be considered the matter of the copy machine to accommodate the two gentlemen from Eugene who were in the audience.

Copy Machine - The city was given the option, when the new copy machine was purchased, to trade it in with full purchase price applied to an upgraded machine if done within six months. The proposal was outlined by the city recorder with the best alternative being a lease agreement with the \$795 trade-in representing the payments from now until June 30, leaving a \$1200 balance to be budgeted in the next fiscal year. The new machine is a dry copier as opposed to the one which we have which requires a fluid to process copies. Paper costs for the two machines are the same with some saving realized by not buying additional supplies for processing - the dry powder is included with the paper for the other machine.

The consensus of council was that there were more pressing problems, particularly with water, and the money could best be used in other areas.

REPORTS

Planning Commission - Gladys Miller reported in the absence of Evelyn Passenger. The Planning Commission recommended approval of the Foss variance request; recommended the hiring of Mary Jaye Gerber as planning commission secretary believing she'd be a good asset; recommended approval of the request for a Minor Land Partition by Ron Ellson; and recommended passage of the interim zoning ordinance.

Browne moved to hire Mary Jaye Gerber as secretary to the planning commission. Stroud second. Motion carried.

Road Committee - There was no report from the committee but Petersdorf raised a question on the fall maintenance as to the report that only grading was to be done and no gravel placed.

Tout responded there had been no committee meeting in the last month and he was not aware of what was being done other than the maintenance contract. Council felt a road committee meeting should be held and re-assess the situation of the roads and whether the work being done is satisfactory.

Community Center - Banks had no report but stated Mr. Fillman, from whom we are getting water, has a real concern for his own well. The resources and alternatives were discussed briefly.

OLD BUSINESS

Alleged Nuisance Violation - Legal opinion was prepared for council on the alleged nuisance violation on the south end of Woahink Lake. Martha Treber submitted a letter in support of the claim that the property is commercial.

Attorney Gerber informed council that a letter was mailed to William Wilkes, registered agent of the owners, and posted on the property by the city recorder, informing them of the two alleged nuisances occurring on the property, namely, abandoned vehicles visible from public right of way and adjoining property, and more than one family living in a residence known as a single family dwelling. A report from the sheriff's office, following investigation of the property, showed six vehicles on the premises that were inoperable and in discussion with people living on the premises at the time indicated there were people maintaining a residence there who did not constitute a part of the family. Based on this report, proceedings were instituted to abate the nuisance.

The occupant, Neal Hubbard, testified that more than one family in the dwelling is a fallacy and asked the definition of abandoned vehicle before he could elaborate on that portion of the charge. Terry Wilhite is living on the property but not in the residence, he is living in the former tackle shop on the lake. A Shelley Conley who was reported as living there has been working in Albany for two months. A fellow by the name of Carlos is not living there.

The council determined that only one family and one other person are living on the property and in light of Mr. Hubbard's testimony, he is trying to comply with the ordinances of Dunes City in that he has constructed a fence to screen the vehicles from view and the cars on the property belong to him.

Merz moved to find there is no violation. Ellson second. Motion carried.

Zoning Map - Howard Campbell presented a revised version of the proposed zoning map for council's preliminary approval. The marsh and swamplands have been illustrated in green, blue represents county facilities and red is commercial property. A legend still needs to be added to the map. He also stated he would not guarantee the boundaries and felt individual property owners of commercial property should comment on whether or not they were reasonably accurate.

Stroud questioned if there had been any feedback from the Boundary Commission on any changes to make the boundaries more logical. Mr. Danielson has not relayed any conversations with the Boundary Commission.

The matter was referred to the Planning Commission to hold a public hearing on the proposed map and make a recommendation.

Water Situation at Building - Mr. Fillman was unable to be present at the meeting but asked that his concern be expressed over the possibility of water freezing in the hose supplying water from his house. He continues to be concerned over the possibility of his well going dry and while he is willing to furnish water to the city, he does not feel he can furnish water for social functions.

It was discussed whether compensation should be made to Mr. Fillman for the use of his water. Banks responded that wasn't the problem, it probably did not cost more than 25¢ per month to use it, rather Mr. Fillman was concerned for his water supply. The recorder reported that when the building has been rented, \$5 of the \$15 rental fee has been given to Mr. Fillman to leave the water on, with the prior approval of the mayor.

Council agreed the immediate problem was in getting a water system for the building and discussed the previously suggested ways to accomplish it.

Browne moved to let for bid a water system that will supply the recreation hall, based on taking water from the Siltcoos Cutlet. Merz second, motion carried. Howard Campbell was instructed to draw up plans and specs for such a system.

Minor Land Partition - Ron Ellson presented his request and stated this was the only logical and practical way to divide the property. He proposes to build spec houses on the two lots.

Browne moved to approve the Minor Land Partition of Ron Ellson. Seconded by Tout. Motion carried with Ellson abstaining as applicant.

Siuslaw News - It has been suggested the City subscribe to the Siuslaw News in order that articles and notices regarding the City be available at meetings.

Merz moved to subscribe to the Siuslaw News. Browne second, motion carried.

Dunes NRA - Merz wanted to comment that the NRA has just acquired an additional 2300 acres and are moving in. Also, RARE II had the most public input than any proposal ever submitted and most of the comments came from Oregon.

Street Naming - Council was remiss in approving the two minor partitions for Westbrook-Harper in that they required the street to be dedicated but failed to have it named by the parties involved. The street needs to be named in order to assign addresses in the area. The street in question comes off of Salal Street and Mayor Petersdorf suggested Salal Court. There is only one resident on the street at this time and they wanted to call it Foss Terrace.

The city recorder contacted Mr. Enlund, who represented the partitioners during the processing of the application and asked if he had any preference. He had no suggestion except that he would not like to see it named after any private party and if it was, it should be named Harper.

Merz moved to adopt the name of Salal Court for the street. Browne second. Motion carried.

Election Returns - The recorder reported contacting the Elections Department and gave the unofficial returns for the mayor and council races.

ORDINANCES

Second Amendment to Ordinance 50 - The preliminary draft of a proposed amendment to the zoning ordinance was before council for consideration.

The short title was insufficient on the first draft and will be changed before the ordinance is turned over to the planning commission for public hearing.

Tree Ordinance - A preliminary draft of a proposed tree ordinance was to be given consideration by the council.

Merz referred to Section 2,C, and brought up a point regarding surety bonds, after having talked to Bob Read. It was felt this would not accomplish what they wanted to accomplish. Performance bonds have become so expensive and an alternative is to set the permit fee high enough to command reforestation or whatever is required, part of which could be refunded after restoration is made.

Merz suggested discussion be postponed till the workshop session November 20th.

Adjournment - The meeting was adjourned at 10:55 p.m.

Attest

Pat Barber
Pat Barber, City Recorder

Robert Petersdorf
Bob Petersdorf, Mayor

Shirley Merz
Shirley Merz

Judd Browne

Gene Stroud
Gene Stroud

Ron Ellison
Ron Ellison

Phil Tout
Phil Tout

Charles G. Banks
Chuck Banks

DUNES CITY COUNCIL

MINUTES

December 14, 1978

The meeting was called to order by Mayor Petersdorf with all members present except for Mr. Browne who had asked to be excused. The City Attorney was present as well as seven students from Siuslaw High School and 16 interested citizens.

The minutes of November 9, 1978 were approved as submitted.

BILLS

Lane County; sheriff, Oct & Nov	\$ 916.67
Forest Service; sign lease & tsf fee	40.00
Division of Audits; filing fee	30.00
C L P U D; Oct & Nov	562.00
Siuslaw News; subscription, stationary, publications	69.18
Pacific Northwest Bell	26.07
Richard Danielson; progress billing	2,000.00
Williamson & Anderson; audit	820.00
L-COG; second 1/2 annual dues	252.00
Pat Barber; grantsmanship conference	24.50
Petty Cash	8.92
Grant Directories; Fed & Foundation	53.00
L O C; convention expenses, reg & meals	249.75
LOC Conv. - misc out-of-pocket expenses	291.45
Bob Petersdorf; Polaroid film	5.75
	<hr/>
	\$ 5,349.29

Stroud moved the bills be paid. Ellson second. Motion carried.

RECEIPTS

Building Rental	\$ 25.00
Copies & Postage	8.62
Planning Assistance Grant	4,500.00
Cigarette Tax	283.86
Department of Transportation	1,406.17
O L C C	220.30
C L P U D	241.60
Motel Tax; September	305.70
	<hr/>
	\$ 6,991.25

CORRESPONDENCE

Lane County Planning Division - Two final draft studies relating to the Coastal Goal Inventories and the Siuslaw River Dredged Materials Disposal Study are available for inspection. The Dunes City office has two copies of the Coastal Goals Inventories for anyone interested. An information workshop will be scheduled in the near future on the two documents.

Oregon State Speed Control Board - The speed zone study on Clear Lake Road has been completed and the Board proposes to retain the 55 mph. An objections to the proposed zoning must be received within 30 days from receipt of the letter.

Council expressed displeasure at the decision, feeling that 55 mph was too fast for the area involved and asked that a letter be written in protest fo the decision.

Dick Wyatt - Mr. Wyatt requested a street light on Clear Lake Road. Councilman Ellson prepared a sketch of the proposed site for council consideration.

Stroud moved to approve the light for the proposed location. Browne second. Motion carried.

City of Rogue River - Concern is felt over the role of small cities in relation to large cities and the encroachment of State government on the small cities.

Council concurred with the opinions in the letter and agreed they would like to study the situation further. A letter was directed to be written in response to Mr. Deland.

I-COG - An orientation session for elected officials and Board members will be held January 17, 1979. More information will be submitted with next month's agenda material.

HUD - The Department of Housing and Urban Development will conduct a Flood Insurance Study for Dunes City which started in March 1978 and will be completed in approximately 18 months. The Study will develop the technical information needed to establish actuarial flood insurance rates and will provide an accurate basis for the City's flood plain management program.

OTHER BUSINESS

Bid Opening - Mayor Petersdorf announced the time had now passed 8:00 p.m. and no bids have been received on the proposed water system for the Community Eldg.

Students - The Mayor noted that seven students were in attendance from the American Studies class of Siuslaw High School.

Gary Darnielle - Mr. Darnielle appeared before council to discuss the Urban Growth Management agreement between the City and County. The LCDC Goals mandate establishment of an Urban Growth Boundary. The County has forwarded two document; 1) policies county proposes to adopt to amend the General Plan; 2) proposed agreement which has to be worked out before compliance of the Comp Plan and must include: a) area of interest; b) specific activities of county

which city should be interested in; c) flow of information; d) blank spaces which need to be filled in.

A council workshop session was set for December 18 at 7:00 p.m. to work out the details of the agreement.

Water Supply - Howard Campbell addressed council on the matter of a water supply for the building. Bill Campbell called and said there were no problems on materials and work but he could not obtain the necessary permits from the state, as specified.

Council Banks and Howard Campbell were directed to seek additional information from the state in regards to permits, etc.

CITIZENS FOR ANYTHING NOT ON THE AGENDA

Bill Reisenhuber - Mr. Reisenhuber raised a question on the float houses on Siltcoos Lake. The property leading to the lake is posted Private Property. There is a holding tank on shore, yet the party with the float house owns nothing in there. It is located at the foot of Cherry Street and there are other float houses in there. He feels the city should look into it.

Council questioned Mr. Reisenhuber further and discussed the situation. Jim Barber was instructed to look into it and report back to council.

REPORTS

Planning Commission - Evelyn Passenger reported on the last commission meeting. Three recommendations were prepared for council and all appear later on the agenda.

Roads - Jim Barber reported on the meeting of the road committee held last Monday. A problem presented at that time was two streets with similar names, Spruce Street and Spruce Lane, and some streets with no names. The budget for the remainder of the fiscal year was worked on and they will look into getting a new contractor for next year's work.

The matter of the road names was referred to the Planning Commission for their consideration and recommendation.

CCI - Don Brown reported that notebooks were distributed by Danielson at their last meeting, for use by the committee members to keep abreast of what is being considered. They also met for an hour prior to the council meeting to discuss a proposed questionnaire which will be made up and turned in for the next meeting to be held January 8th.

L-COG - Merz encouraged members to attend the January 17th meeting and anyone else who wants to understand how L-COG works.

OLD BUSINESS

Welsh-Mann - The Final Order was before council in the matter of the Welsh-Mann variance request as well as a letter from the Welsh's requesting council to reconsider and render a compromise decision.

Various comments from council members during discussion included: Ellson - like to reconsider and make a compromise; Merz - does not believe council should change their mind without legal reasons for doing so; Stroud - concerned over only 50' in view of LCDC requirements that 500' be considered and felt it would run counter to LCDC guidelines if they vary from the 50' as set by ordinance; Petersdorf - one week a year that they need additional parking does not present a hardship.

Council was in agreement that the original decision should stand and the Final Order be signed.

Ron Foss - A copy of the Final Order for the Ron Foss Variance Request and an open letter to the council from Harry McLain addressing the issue was before council for consideration.

Petersdorf stated he was disappointed that Foss did not hold to his statements as to what he would do with the lakeshore vegetation. Some officials went by boat to look at the property after being told the vegetation was removed.

Councilman Ellson stated Foss' idea of trimming and the council's were different and a lot of brush has been removed.

It was established that Mayor Petersdorf, Councilman Tout, City Attorney, and City Recorder were the ones who had looked at the property from the lake.

Tout stated that it was specified a 10' strip of brush should be maintained and Mr. Foss agreed to leave the strip. Perhaps there is 5' in places and nothing in some places and the trees have been limbed up about 30'.

Counsellor stated Foss made representations on at least two occasions that he would leave the brush on the shoreline. At this point Mr. Foss will have to obtain a building permit and in order for the city to approve the permit, Mr. Foss will have to demonstrate compliance with the conditions of the variance. An alternative would be to approve the permit and bring nuisance proceedings against him.

In discussing the matter, council felt Mr. Foss should be advised that he has violated the terms of the variance, the city is not obligated to approve the building permit, and give him the opportunity to respond.

Browne moved to draft a letter informing Mr. Foss the council feels he has violated the terms of his variance and the city council requests he be present at the next council meeting to show cause why approval of the building permit should not be withheld. Stroud second. Motion carried with Merz abstaining.

The letter from Harry McLain was read for the benefit of the audience. The letter addressed the handling of variance requests by council and what effect it can have in the future.

Dismissal Order - A Dismissal Order was prepared in regards to the alleged nuisance violation at the south end of Woahink Lake.

Stroud moved the Dismissal Order be executed. Merz second, motion carried.

NEW BUSINESS

Woahink Lake - Dave Clark, representing Woahink Lodge, Inc., presented an OLCC application on behalf of Ken Van Devender, new owner.

Merz moved to grant the liquor license. Ellson second. Motion carried with Banks abstaining as previous owner.

Duck Shooting - A letter was received from Clay Baumiester protesting shooting on Woahink Lake and the inhabited areas of Siltcoos Lake.

Evelyn Passenger reported that Ed Miller had attended the planning commission meeting and complained about the shooting on the lake as being disturbing in a residential neighborhood. His complaint dealt with Woahink Lake.

Dunes City has no jurisdiction on the lake and we do have an ordinance which permits the hunting of ducks with a shotgun. Mr. Miller was informed he would have to sign a nuisance complaint if he wished to pursue the matter and have council take any action on his complaint.

Dick Lane, resident, commented as a concerned citizen that people have moved into a hunting area, the hunting area did not move in on them and he would be opposed to any curtailment of duck hunting on the lakes.

Mr. Miller responded that Woahink is a residential area and the shooting goes across property, directly towards houses. He further stated the person involved is baiting the ducks to bring them in and then shoots them on the water.

Bill Winsor, resident and a deputy sheriff, stated that baiting of waterfowl is illegal and, if happening, it must be documented. He advised Mr. Miller if he sees an instance of baiting, to call the State police.

Comments were received by several citizens and council members with most feeling the rural atmosphere should be maintained. Discussion closed with the ordinance being left as is.

Certification of Votes - The official abstract of votes from the November 7, 1978 general election was read into the record: Mayor, Shirley Merz, 378 with William Reisenhuber and Ron Ellson each receiving one write-in vote; Councilman, Gene Stroud, 344. Write-in council votes: Bob Petersdorf, 58; Chet Hostick, 2; Ed Fillman, 6; Jim Gwilliam, 25; Yosh Machida, 1; Lewis Chase, 1; Phil Tout, 1; Herb Sauter, 1. Total registered voters was 713.

Planning Commission Appointments - The terms of Don Brown and Tim Feigel will expire December 31. The planning commission did not consider the matter but Mrs. Passenger felt, as a citizen, the vacancies should be publicized. The recorder was instructed to publish notice.

Annual Audit - The audit for fiscal year 1977-78 was available. Merz moved to adopt the resolution accepting the audit. Ellison second, motion carried.

ORDINANCES

Zoning Map - An explanation of the zoning map was given by Howard Campbell. The recorder reported a call from Mrs. Gallo who lives between the Seaplane Rides and Woahink Lodge. She was inquiring about council intent on the zoning of her property.

Evelyn Passenger reported the planning commission recommends those two pieces of property be residential.

Mr. Campbell will make the boundary adjustments on a tax map. He further recommended property owners be notified of marsh lands on the proposed map so they could provide input and aid in making the boundaries of those areas as accurate as possible.

A public hearing will be held next month when an ordinance will be prepared implementing the map. Also included at that time will be a legend on the map.

Second Amendment, Ordinance 50 - The council had before them a draft of the proposed second amendment to the zoning ordinance as well as a letter submitted by Pat Barber, as a resident of the city, which specifically dealt with the handling of mobile homes and multi-family dwellings as a pre-existing use.

Council discussed the matter and agreed there should not be any change to add 3 & 4 family dwellings and the reference to mobile homes should be re-inserted as it was originally drafted (pages 53 & 54). The ordinance will be redrafted to reflect these decisions and to add a procedure for revocation of a variance and come before council again next month for public hearing.

Tree Ordinance - Councilwoman Merz stated she wished they would stop calling this a tree ordinance and call it an erosion control ordinance. Every time a tree ordinance is mentioned, someone goes out and clear cuts a piece of ground.

Considerable discussion was held on the proposed ordinance and the best way to approach this issue as well as the purpose to be accomplished. It was pointed out that no one has appeared before the city to testify that such an ordinance would work a hardship.

The matter was turned over to the citizens committee.

OTHER BUSINESS

Don Brown announced a workshop will be held December 18th with the planning commission and CCI.

Adjournment - The meeting was adjourned at 10:45 p.m.

Attest:

Pat Barber
City Recorder

Robert Atchey
Mayor

DUNES CITY COUNCIL

MINUTES - SPECIAL MEETING

December 19, 1978

The Special Meeting was called to order by presiding officer Ellson for the purpose of hearing Ron Foss' response to charges he had violated the terms of his variance. Councilmen Banks, Browne and Tout responded to Roll Call in addition to Ellson. The City Attorney was also present. Meeting notice had been given at the workshop session held the previous evening and the press had been notified.

Foss gave a presentation in response to the letter he received giving notice that he had violated the conditions of the variance. Copies of a landscape inventory were presented by Bruce Pratt. Considerable discussion was held between council, Foss and Pratt as to what had been done, why, and how & when it would be restored.

Mr. Foss maintained it was necessary to remove some brush in order to move equipment in to place rock along the shoreline for erosion control. He was reminded that he had agreed to keep a 10' vegetation strip along the shoreline and responded that when he is finished, it will be more than 10' and explained how he planned to plant pines, etc. along the shore.

Mr. Pratt was questioned on the matter of re-growth of the natural vegetation and responded that in his professional opinion, when the root systems are left it grows fast, from one foot and up per year. It was established upon questioning Mr. Pratt that the root systems of the huckleberry, etc. were still there.

Jim Barber questioned whether permits had been received for placing rock on the shoreline. Mr. Foss responded, no, he was not aware of the need of a permit and the rock was placed under the bank to prevent erosion.

Legal counsel informed council that to approve a building permit, the plans must conform to the conditions of the variance and if permission granted to build, it will be in conflict with those conditions.

Tout moved to change condition "e" of the Final Order to read, "That the applicant will re-establish damaged areas after completion of construction and maintain a natural vegetation strip....." Browne second. Motion carried.

Tout moved to release the building permit as soon as possible. Browne second. Motion carried.

Another item was before the council for consideration in the matter of an OLCC license application.

Jim Gwilliam presented the application with the explanation that the Westlake Store has been sold and the application is for the new owners. Browne moved to grant approval of the application. Tout second. Motion carried.

There being no other business to come before council, the meeting was adjourned at 8:25 p.m.

Pat Barber, City Recorder
Ron Ellson
Bruce Pratt
Jim Gwilliam