

DUNES CITY COUNCIL

REGULAR MEETING
MAY 8, 1986

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF APRIL 10, 1986
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. REPORTS
 - A. Buffer Zone in N.R.A. -- Nancy Johnson report
 - B. Buckskin Bob -- Darryl and Roy
 - C. League of Oregon Cities Meeting -- B. Stocking and B. Pitts report
 - D. Any Other Reports Council Members May Have
- VII. EXECUTIVE SESSION a) Litigation, b) Personnel, c) Negotiations
- VIII. UNFINISHED BUSINESS
 - A. City Council Applicants
- IX. NEW BUSINESS
 - A. Discussion of amending nuisance ordinance and Conditional Use Permit
 - B. Discussion of Meeting with County Commissioners Regarding Intergovernmental Agreement.
- X. CITIZEN INPUT ON UNSCHEDULED ITEMS
- XI. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING

MAY 8, 1986

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 PM by Mayor J. Baumeister.

PRESENT: D. Eastman, R. Donaghey, R. DePiero, Attorney Ron Gerber, Mayor Baumeister, City Recorder B. Stocking, N. Johnson, B. Pitts, and secretary K. Bacon. There was one representative from the press and 11 citizens present in the audience.

II. APPROVAL OF MINUTES OF APRIL 10, 1986

The minutes of the April 10, 1986, meeting were approved without corrections.

III. BILLS AGAINST THE CITY

ACTION

A motion was made by B. Pitts and seconded by R. De Piero to pay the bills against the City in the amount of \$2,381.06 plus the addition of \$81.60 for mileage for B. Stocking and B. Pitts for a total of \$2,462.66. Motion carried.

IV. RECEIPTS OF SESSION - \$5,031.67

V. ANNOUNCEMENTS AND CORRESPONDENCE

- A. **Thank you note.** B. Stocking read a thank you letter from the family of Bill Beck.
- B. **Certificate of Appreciation.** B. Stocking showed the council the Certificate of Appreciation the City had received from the Northwest Bass Club.
- C. **Letter from the Florence Chamber of Commerce.** The City had received a request from the Florence Chamber of Commerce for financial support to help promote the Florence and Dunes City area. The letter had suggested a donation of \$5,000. It was decided the request was probably meant to ask that an amount be included in the Dunes City 1987-87 budget for that purpose. It will be brought up at the next budget meeting. B. Stocking will write a letter to Tom Grove of the Florence Chamber of Commerce notifying him of this. However, the council felt that \$5,000 was more than the City could afford to spend.

- D. **Meeting with Lane County.** The City had received a letter from James Johnson, the Lane County Administrator, stating that he and the county commissioners would be available to talk to a group of ten or more about county issues. The mayor said that he thought it would be a good idea. He and B. Stocking said that the City has wanted to discuss the intergovernmental agreement, the City's area of influence, and the joint management agreement with the county.
- E. **911.** B. Stocking said that the City has received the quarterly report on emergency 911. It is available in the office if anyone would be interested in looking at it.
- F. **Sign for Darlings' Resort.** B. Stocking had drafted a letter to the Ambrosios of Darlings' Resort concerning the Dunes City sign ordinance. She requested that the back of the sign be painted in earth tones to blend with surrounding scenery. The back of the sign had been painted a bright blue.

VI. REPORTS

- A. **Buffer Zone.** N. Johnson read a report that she had prepared following her meeting April 30 with Ranger Rick Scott of the Dunes N.R.A. That report is attached with these minutes. N. Johnson had been introduced to the new ranger, Carl Dennison. He had expressed his desire to work with Dunes City. The D.E.Q., along with the N.R.A., has proposed doing some noise testing throughout the summer. They will pick different areas and times for the testing and will do it on a random basis. They expect the study will take about a year. Before the end of the meeting, N. Johnson asked John Carlson who was in the audience where he would like to see noise level tests made. He said Tyee Campground, Woahink Trailer Park, Martha Jakob's property and anywhere along Highway 101.

The N.R.A. had requested the City to appoint a spokesperson to work with the N.R.A. N. Johnson volunteered to be that person. The N.R.A. said they would also be happy to come, if invited, to answer questions.

ACTION

A motion was made by B. Pitts and seconded by R. Donaghey to accept N. Johnson as the City's representative to work with the N.R.A. Motion carried.

- B. **Buckskin Bob.** D. Eastman and R. Donaghey gave a report on Buckskin Bob that they had researched over the past month. Their report is attached to these minutes, and a copy is placed in the Road Documentation file in the City office. Darryl and Roy had measured the width of the road in several places to try to establish the roadway widths. They determined that the blacktopped surface was ten feet wide most of the length. At one point it widens to 17 feet at the intersection with Parkway.

The conclusion was that the road was paved in the place that it presently lies and has been for at least twenty years. Mr. Walt Steen was in the audience. In 1958, he bought property on Buckskin Bob. he said the road was placed in its present location before Dunes City was formed. Mr. John Carlson testified that he built a house on Buckskin Bob, and that the location of the road has not changed in the last 15 years. Mr. Vince LaRocco testified that the best way to establish the location of where the road should be is to have it surveyed.

Attorney Gerber responded that if Mr. LaRocco's "pins" are correct, and he said that he had no doubt that they probably were, Mr. LaRocco has a claim that "evokes sympathy". However, if the road has been in its present location for more than 10 years, the City now owns it by adverse possession, prescriptive easement, or both. He says the City now has ownership and title to Buckskin Bob. He recommended that the City write Mr. LaRocco's attorney, A. Dean Owens, advising him that the City's investigation has determined that the blacktopped surface is presently being utilized pretty much as it now lies and has lain since 1965. Therefore, the City would lay claim to adverse possession, prescriptive easement, or both. Also, advise him that we are not going to survey the road because the City has no need to survey it.

D. Eastman agreed with Attorney Gerber that a letter be sent.

ACTION

A motion was made by D. Eastman and seconded by R. Donaghey to send a letter to Mr. LaRocco's attorney. Motion carried. Attorney Gerber will write the letter. A copy of the material gathered by D. Eastman and R. Donaghey will be included in the letter, and a copy of the material will be given to Mr. LaRocco as well. Mr. Gerber will also outline the steps Mr. laRocco can take for property tax relief.

- C. **League Meeting.** B. Stocking reported on the League of Oregon Cities Meeting she and B. Pitts attended. Among some of the things suggested in the meeting for improving the effectiveness of the City were:

Utilizing an 18-year-old high school student to serve on the Planning Commission. This would be a student recommended by a high school counselor or social studies teacher.

Identify those in the community who are capable of making things happen.

Have a goal-setting session.

Have a Mayor's corner in the local newspaper.

- D. **LCOG.** B. Pitts reported on a request LCOG had received for grant monies from Facts, Inc. Facts, Inc. is a group of volunteers in Florence organized to help provide transportation to the elderly and handicapped. LCOG was asking Dunes City to comment on the grant request of \$18,000 to buy a van to use in the program. Facts, Inc., would serve the area of the Siuslaw School District.

ACTION

A motion was made by R. Donaghey and seconded by N. Johnson to send a letter in support of the request to LCOG. R. DePiero questioned how the group plans to budget for operational costs once they acquire the van, and B. Stocking asked if the group plans to establish a route or schedule. The answers to those questions were unknown at this time. Motion carried.

- E. **Malicious Mischief.** D. Eastman reported on a case of malicious mischief that had occurred in Dunes City the past month. A tractor at Darlings' Resort had been heavily damaged. Three young kids were involved and the state police had handled the case.
- F. **Park Benches.** N. Johnson reported on progress for acquiring park benches for the two city parks. She said it has taken her quite awhile because she has been trying to get as much of the benches donated as possible. She has gotten 12 each 4 by 4 blocks that can be used as bases for benches.

VII. UNFINISHED BUSINESS

- A. **City Council Applicants.** Mr. Jack Freeland and Mr. Richard Parent were in the audience as City Council applicants. Mr. Ed Fillman, another council applicant, was unable to attend because of a prior commitment. The mayor asked each of the applicants if they had anything to say to the council that wasn't in their applications. Mr. Parent said that he did not.

Mr. Jack Freeland asked about smoking at the meetings. He was told by the attorney that state law prohibits smoking in public meetings. Mr. Freeland said that he would be unable to sit through a meeting without smoking and withdrew his application.

B. Stocking distributed ballots to the council members. She asked the council members to strike through the name of Mr. Freeland. Following the balloting, Mrs. Stocking collected the votes, tabulated them, and announced that the voting was unanimous for Mr. Fillman. The ballots are attached to these minutes.

Mr. Richard Parent expressed dissatisfaction with the results of the election and asked the council members how they had arrived at their decision. Mr. Eastman told him that he had voted for Mr. Fillman because he had prior council experience. Mr. Parent asked to see the applications of the other applicants. He was told he could see them at the office during office hours the following day.

Mr. Eastman asked if it was true that the entire council and mayor would have to be elected at the general election in November. He was answered that they would because the City's charter requires that those appointed to the council stand for election at the next general election. He asked how it would be determined which council members received the longest terms and which received the shortest terms. B. Stocking replied that she had checked with the elections division at Lane County. They advised that our council members are elected at large, and the candidates receiving the largest number of votes get the longest terms while the candidates receiving the smallest number of votes receive the shortest terms.

VIII. NEW BUSINESS

- A. **Insurance.** The City's insurance carrier is still working out a settlement with Mr. Ball's insurance company following the fire that damaged the Dunes City Community Center last fall. Attorney Gerber advised the council not to do anything until the insurance companies settle.
- B. **Garbage Franchise.** Mayor Baumeister stated that Siuslaw Disposal is still working with its insurance company to get Dunes City listed on the insurance.
- C. **Discussion of Amending Nuisance Ordinance and Conditional Use Permit.** Attorney Gerber had talked to the League of Oregon Cities about a dog ordinance. He had learned that dog ordinances have to be fairly specific in order to be effective. He found a lengthy ordinance that has been implemented in Multnomah County and has since been adopted by other counties. However, the ordinance required holding facilities and enforcement personnel. N. Johnson and R. DePiero wanted to go on record as being in favor of a leash law. There was discussion of the City's current nuisance abatement ordinance. The current ordinance excepts dogs and cats from abatement as a nuisance.

ACTION

A motion was made by D. Eastman and seconded by B. Pitts to have Attorney R. Gerber notify Garey Butler of the University of Oregon concerning ordinance compilation of the City's ordinances -- specifically that Ordinance #51 -- the nuisance abatement ordinance be amended as follows:

Under Section II - Abatement Procedure, Subparagraph 1. should read:

1. Upon a signed written allegation to the City Recorder that a nuisance as defined in this ordinance exists, the City shall cause:" The amendment would strike out the language: "except for paragraphs 1a and 1b of Section 1." Those paragraphs except dogs and cats as nuisances and will now be removed.

Motion carried.

Attorney Gerber suggested that some council members be assigned to study the ramifications of a leash law and what level of enforcement would be feasible for Dunes City.

No one was appointed, but the mayor said the matter would be discussed again at the June meeting to determine the direction the City wants to take on dog licensing.


Conditional Use Permit for Animals. The attorney recommended that the C.C.I. discuss the Conditional Use Permit for consideration for a more moderate fee for owning poultry and small fur-bearing animals.

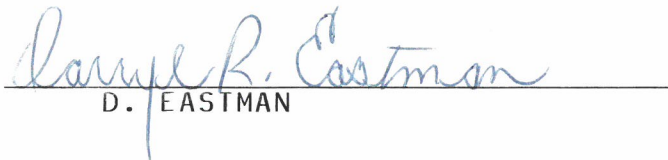
D. Office Equipment. There was a discussion of equipment for the office. The office staff proposes buying a new desk with a typewriter return, a new file cabinet, and a new typewriter. One of the two typewriters in the office had worn out and was not repairable. the council authorized the City Recorder and secretary to shop for the best prices. The council will be polled for authority to purchase the items before the next meeting.

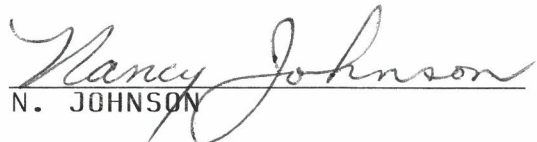
IX. ADJOURNMENT

The meeting was adjourned at 9:35 PM.


MAYOR BAUMEISTER


SECRETARY K. BACON


D. EASTMAN


N. JOHNSON

CITY COUNCIL POSITION
VOTE FOR ONE

X ED FILLMAN

JACK FREELAND

RICHARD PARENT

Ronald A. DePiero

CITY COUNCIL POSITION
VOTE FOR ONE

ED FILLMAN X

JACK FREELAND

RICHARD PARENT

Paul J. J. J.

CITY COUNCIL POSITION
VOTE FOR ONE

X ED FILLMAN

JACK FREELAND

RICHARD PARENT

Charles R. Eastman

CITY COUNCIL POSITION
VOTE FOR ONE

X ED FILLMAN

JACK FREELAND

RICHARD PARENT

CITY COUNCIL POSITION
VOTE FOR ONE

ED FILLMAN X

JACK FREELAND

RICHARD PARENT

James J. J.

CITY COUNCIL POSITION
VOTE FOR ONE

ED FILLMAN X

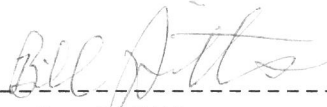
JACK FREELAND

RICHARD PARENT

James J.

Dunes City Council
May 8, 1986

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B. PITTS



R. DE PIERO



R. DONAGHEY

TO: Mayor and Members of Dunes City Council
FROM: Nancy Johnson, City Council Member
DATE: April 30, 1986
SUBJECT: Meeting with NRA - Ranger Rick Scott

On Wednesday, April 30th, I met with Ranger Rick Scott at 11:30 A.M.

First we discussed the possibility of a buffer zone.

Last summer the NRA placed signs restricting vehicles behind some of the private residences in the area of concern. This helped a little, but still didn't keep everyone off. They do patrol on a regular basis and have had talks with all the RV clubs asking for their cooperation. Some of the recreational vehicles have been tested for noise and almost all of them meet the standards.

The NRA is in a plan right now to help combat the noise problem that has caused so many complaints. They want very much to work with the Dunes City government. They would like the City Council to appoint a person they could work with over the next several months on a 'study plan'.

The D.E.Q. along with the NRA has proposed doing some noise testing throughout the summer. They will pick different areas for testing and will do it on a random basis; testing times being on week-ends, during the middle of the week, and holidays. If they find a noise problem in certain areas, they want to go even further into the study and find out what kind of vehicles are making the most noise. They would welcome any suggestions from the community on areas of testing they would like to have done.

The Forestry department's first priority has always been their Forestry Plan, and then came their NRA Plan. This year they are in the process of bringing together the Forestry/NRA Plan. So this is the year to work with the NRA on items we need their help with.

Next we discussed the closed area along Hwy 101 between Westlake turn-off and Clear Lake road - where the old house used to be. My question: Would the NRA consider opening up that area for a Day Park?

The reason they closed it in the first place was because of citizen concern over noise in that area. They didn't want to create a larger problem. They felt it would be best to close it off and let nature take over.

Report: NRA by Nancy Johnson

April 30, 1986

The local camping facilities in our area are not being utilized to the fullest. This is another reason not to build or invest in another camp area. This is not to say they would not consider it in the future if the city really wanted it.

There are many possibilities for our area and the NRA is more than willing to work with Dunes City.

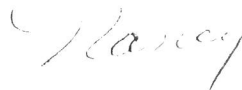
The NRA is thinking about closing off the southern tip of the sand dunes (area circled in red on the attached map) because the dunes are getting too close to Hwy 101. They have to build a barrier of some kind to hold back the sand, and they don't want to plant grass.

Ranger Scott felt that this might help John Carlson with some of the problems he has with noise.

Ranger Scott mentioned that upon invitation the NRA would appear at one of our City Council meetings for questions and answers.

Ranger Scott will be leaving May 11th and will be replaced by Carl Dennison temporarily until a permanent replacement can be appointed. Probably sometime late summer. Ranger Dennison is due in Reedsport May 7th, and Ranger Scott was going to make sure he was introduced to me before he leaves.

Respectfully,

A handwritten signature in cursive script, appearing to read "Nancy", written in dark ink.

Nancy Johnson

To: Mayor and City Council Members

From: Darryl Eastman and Roy Donaghey, Councilmen

Date: May 8, 1986

Re: Buckskin Bob Road

During the course of this investigation the following people were contacted:

- 1) Mary Worley
5391 Buckskin Bob (Poker Jim's Pass)
Florence 997-6502
- 2) William F. Campbell
5360 Buckskin Bob
Florence 997-3062
- 3) Eugene A. Cockeram
5306 Boy Scout Road
Florence 997-2377
- 4) Wallace B. Johnson
5388 Buckskin Bob (poker Jim's Pass)
Florence 997-8885
- 5) Richard Palmer
Central Lincoln P.U.D.
Florence 997-3414
- 6) Bob Read
1010 Hwy 101
Florence 997-3455

- Attachments:
- 1) Copy of Warranty Deed # 9612 May 1912
 - 2) Copy of P.U.D. work order A20219 April 1965
 - 3) Copy of minutes from Road Committee Meeting July 1979
 - 4) Copy of Bid Proposal by Ray Wells from special meeting of Dunes City Council meeting on August 23, 1979.
 - 5) Drawing of Buckskin Bob and Parkway

Mary Worley said they bought their property in 1969 and actually moved onto it in 1974. In about 1976 or 1977 she was given permission to remove a stump from the NW corner of Helkat Trail and Buckskin Bob to make it easier to move her mobil home in. This permission was given by Wally Johnson's daughter who owned the property at the time. Mrs Worley later went to the Johnson's to say it would not be necessary to cross the property after all.

Mrs Worley advises that the road has always been exactly where it is now. For years it was a gravel roadway and when it was blacktopped the width did not change.

William Campbell moved into his home in 1966. For many years all there was for a road were a couple of tracks about 10 feet wide. When it was blacktopped the width did not change. He said the area that had been cleared on the corner of Helkat and Buckskin Bob was never used as part of the roadway. He also said the flared portion at Parkway had always been there and did not change when it was blacktopped.

Eugene Cockeram has lived in his home for 30 years. The fence mentioned by Mr LaRocco is on Mr Cockeram's property. Mr Cockeram has two marked, and known corners on his South line. Since his property is 400 feet wide he went to his Southwest corner and measured to his Northwest corner. This came to a fenceline along his Northern line. Sometime over 20 years ago he merely replaced the old fenceposts and put up new fencing. On doing this he removed an old fence which had been attached to apple trees in his yard. This appeared to be a single line fence. The trees are about 11 to 12 feet South of the present fence and 13½ to 14 feet South of the blacktop.

There is evidence to the South of the intersection of Buckskin Bob and Parkway that shows the road at one time cut the corner across Mr Cockeram's property. This starts about 23 feet from the corner and goes diagonally until it joins the present roadway about 55 feet East of the corner. Mr Cockeram agreed with the others that the road was only a trail for many years. The neighbors took care of it and rocked it. One year the City oiled the road (most likely 1979) and the next year blacktopped it (most likely 1980).

Mr Cockeram said that at the time of paving the road more brush was removed from the roadside but the traveled roadway did not get any wider.

Wally Johnson has lived in his home for 13 years. He said the road width remained the same after being blacktopped.

Richard Palmer of P.U.D. furnished a copy of a work order from April 1965. This shows installation of a pole to be used as a guy for the pole at the Southeast corner of Parkway and Buckskin Bob. The original guy was in the roadway and was in the way after Mr Cockeram moved his fence. This would indicate the road has been in it's present location since at least April 1965.

We were able to find a copy of a Deed from 1912 giving a 10 foot strip off of lot 23 to be a public roadway.

Bob Rear said that in about 1973 while he was on the City Council he became involved with the roads. To avoid the loss of funds they began work on all public streets. As Buckskin Bob is on County maps as a public road it was given a share of funds based on the number of full-time residents. At that time a sincere effort was made to find out if there was any problem with the actual location of the roadway. Finding no objection it was assumed the location was proper.

We did find the minutes and bid proposal that would indicate the road was oiled in 1979 and the bid for paving opened in August 1979. It is likely the actual work was done the following year.

In summation, we have four long-time residents all agreeing that the road surface did not get any wider at the time it was blacktopped. We have a work order showing a pole being installed in 1965 after Mr Cockeram's fence was in place. This shows the roadway has been in place for at least 21 years.

If Mr LaRocco wishes to establish the road is in fact on his property we feel it should be up to him to pay for a survey.

and that I will warrant.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 20th day of April, 1911.

Notary Public, Lane County, Oregon

Witness: J. M. Lutton (SEAL)
 J. M. Lutton (SEAL)
 J. M. Lutton (SEAL)
 J. M. Lutton (SEAL)

STATE OF OREGON, ss. This 20th day of April, A.D. 1911.

COUNTY OF LANE, ss. I, Notary Public, do hereby certify that the foregoing instrument, and for said County.

personally came before me, J. M. Lutton, an authorized Notary Public, and acknowledged to me that he was a husband and wife, and who executed the within instrument, and

is the person known to be the identical person described in and who executed the within instrument, and

was executed to be that person, executed the same freely and voluntarily for the purposes therein named.

Witness my hand and seal this 20th day of April, 1911.

J. M. Lutton
 Notary Public, Lane County, Oregon

Notary Seal.

Filed for record May 10, 1912 at 10:00 A.M. at the County Clerk's Office.

By S. L. Lutton, Deputy J. M. Lutton, County Clerk

WARRANTY DEED

9612

THE INDENTURE WITNESSETH, That J. M. Lutton, married, for and in consideration of the sum of

one dollar and other valuable consideration, ~~payable~~ to him in hand paid, the receipt whereof is hereby acknowledged by these presents to bargain, sell and convey unto the public, as a highway, the following described premises, to-wit:

The South East of Lot numbered Twenty-three in Buckskin 'Rob's Camp' as the same is located and of record in the office of the County Clerk of Lane County, Oregon, situated in said county and state.

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto the said ~~J. M. Lutton~~ forever. And the said ~~J. M. Lutton~~ hereby covenant or have and assigns, that the said premises are free from all encumbrances and that he will warrant and defend the same from all such claims, whomever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 17th day of May, 1912.

Notary Public, Lane County, Oregon

Witness: J. M. Lutton (SEAL)
 J. M. Lutton (SEAL)
 J. M. Lutton (SEAL)
 J. M. Lutton (SEAL)

STATE OF OREGON, ss. This 17th day of May, A.D. 1912.

COUNTY OF LANE, ss. I, Notary Public, do hereby certify that the foregoing instrument, and for said State.

personally came before me, J. M. Lutton, an authorized Notary Public, and acknowledged to me that he was a husband and wife, and who executed the within instrument, and

is the person known to be the identical person described in and who executed the within instrument, and

was executed to be that person, executed the same freely and voluntarily for the purposes therein named.

Witness my hand and seal this 17th day of May, 1912.

J. M. Lutton
 Notary Public, Lane County, Oregon

Notary Seal.

Filed for record May 10, 1912 at 10:00 A.M. at the County Clerk's Office.

By S. L. Lutton, Deputy J. M. Lutton, County Clerk

WORK ORDER
CENTRAL LINCOLN PEOPLES UTILITY DISTRICT

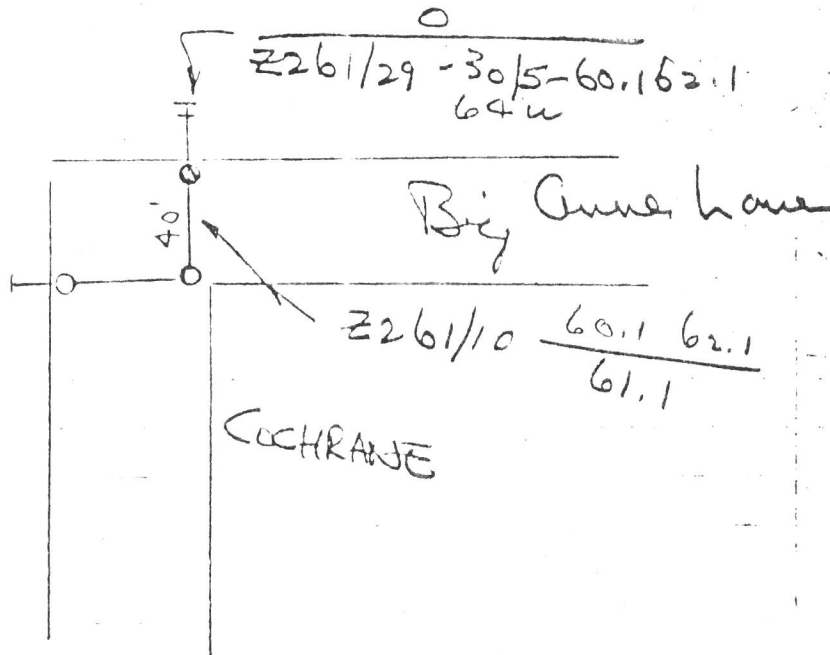
A 20219

A. No. FD844 District Florence Date 4-16-65 B. I. No. 77
Location Breakdown Bobo Camp Truck No. _____
Zone _____
Brief description of work to be performed _____

Added Guy Stubs and anchor in order
provide adequate clearance over road way.

Rough Drawing (if required)

MAPPING COPY →
FIELD CHECK 04-30-65
MAPPED UNI 5-3-65 5-13-65 TKA
DIVISION SYSTEM RB OPER. ST. LT. _____
G. O. SYSTEM RB OPER. ST. LT. _____



(J)
Z261
Schedule No. _____ Map No. _____
Originator RB Campbell
Auth. By R. H. H. H. H.
Checked By R/S Date 5-12-65

DUPLICATE COPY

When work is completed supervisor Retains Original Copy with Duplicate Material Requisition and files in the Work Authorization file. Duplicate Copy with Original Copy of Material Requisition is Routed to the Accounting Department. When ALL W.O. Covered by a W.A. has been completed, the W.A. will be closed

ROAD COMMITTEE MEETING

The meeting was called to order at 7 P.M., July 1, 1979, at Dunes City Community Building with a quorum present.

The committee members approved \$10,000.00 for oiling 700 feet of Buckskin Bob Road; 300 feet of Fir Lane; plus patching Hill Top and Huckleberry Lane. Also approved was \$6400.00 for grading, ditching, brush cutting and culverts on whatever roads require it.

G.P. Excavating will finish their original contract, plus ditching at \$23.00 for grader.

After discussion, the committee members decided not to accept any new road expenses, including Hell cat Trail off of Buckskin Bob Road.

John Sampson was appointed as Vice Chairman.

Road meeting nights will be set on either Monday or Tuesday night, whichever is available.

There being no further business, the meeting adjourned.

Ira S. Mann, Chairman

PROPOSAL

PATCHING AND RESURFACING

DUNES CITY STREETS AND ROADWAYS

Sealed, written bids will be accepted by Dunes City Council at their special meeting of August 23, 1979, until 8:00 p.m., for the patching of all roads listed below and for a 2" layer of asphaltic concrete on those roads so designated.

Fir Lane - 300' x 11' wide;

Buckskin Bob Road - 700' x 12' wide plus 15' wide on curves;

Patch chuck holes on Hilltop Drive and add wing on curves at bottom;

Patch chuck holes and add wings to curves on Huckleberry Lane;

Patch chuck holes on Parkway Drive.

B I D S C H E D U L E

Item 1 - Brushing, grading and rolling where needed

\$ 160⁰⁰
(Lump Sum)

Item 2 - Patching: Approximately 225 square yards:

Cost per ton in place 29 tons @ \$ 35.01 ton.

Item 3 - Asphaltic Concrete - 2" thick in place and rolled on streets
indicated in the proposal.

Approximately 1700 square yards:

Cost Per ton in place 189 tons @ \$ 27⁷⁸ ton.

TOTAL ESTIMATED COST OF PROJECT \$ 7,026.50.

Conversion factor used by Contractor-

Asphaltic concrete: Cubic yards/ton = _____.

Time required to complete project 45 days.

Ray Wells Inc
BIDDER

Ray Wells Pres.
Signed by REPRESENTATIVE

29	2000
28	2100
27	2200
26	2300
25	2400
24	2500
23	2600
22	2700
21	2800
20	2900
19	3000
18	3100

53	3000	3100	3200
54	2800	2900	3000
55	2600	2700	2800
56	2400	2500	2600
57	2200	2300	2400
58	2000	2100	2200
59	1800	1900	2000
60	1600	1700	1800
61	1400	1500	1600
62	1200	1300	1400
63	1000	1100	1200
64	800	900	1000
65	600	700	800
66	400	500	600
67	200	300	400
68	0	100	200
69	0	0	0
70	0	0	0

BIG ANNIE

4201	4300	4400	4500
4202	4301	4401	4501
4203	4302	4402	4502
4204	4303	4403	4503
4205	4304	4404	4504
4206	4305	4405	4505
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DUNES CITY COUNCIL

REGULAR MEETING

JUNE 12, 1986

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF MAY 8, 1986
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. PUBLIC HEARINGS
 - A. Budget Hearing
 - B. Vacation of Larch Street
 - C. Sheriff's Agreement
- VII. REPORTS
 - A. Nancy Johnson - Siuslaw Parks and Recreation Meeting
 - Any other reports
- VIII. EXECUTIVE SESSION a) Litigation, b) Personnel, c) Negotiations
- IX. UNFINISHED BUSINESS
 - A. Nuisance Abatement Ordinance
- X. NEW BUSINESS
 - A. State-Shared Revenues -- Resolution
 - B. Transfer of Funds
 - C. International Paper Request to use Little Woahink Drive
 - D. McCaw Cablevision
 - E. Special Cities Allotment -- Resolution
- XI CITIZEN INPUT ON UNSCHEDULED ITEMS
- XII. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING
JUNE 12, 1986

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:30 p.m. by Mayor James Baumeister.

PRESENT: Mayor Baumeister, D. Eastman, N. Johnson, B. Pitts, R. Donaghey, R. DePiero, Attorney Ron Gerber, City Recorder B. Stocking, and secretary K. Bacon. Councilman E. Fillman was on vacation and was excused. There were 13 citizens in the audience. There was no representative of the press.

II. APPROVAL OF MINUTES OF MAY 8, 1986

There were no corrections to the minutes of May 8, 1986, and they were approved as presented.

III. BILLS AGAINST THE CITY

ACTION

A motion was made by B. Pitts and seconded by R. Donaghey to approve the bills in the amount of \$5,716.12. Motion carried.

IV. RECEIPTS OF THE SESSION - \$6,830.75

There was some comment about the signs at the Lakeshore Myrtlewood Shop. The mayor asked that the council members look at the signs that have been erected. He also asked B. Stocking to contact the owner and ask that he appear before the city council.

V. ANNOUNCEMENTS AND CORRESPONDENCE

A. Lane County Vacancies. B. Stocking reviewed for the council a list of vacancies that exist on a number of Lane County boards. The boards are seeking volunteers to serve.

B. Letter to Tom Grove. B. Stocking had written a letter to Tom Grove of the Florence Chamber of Commerce concerning his request for a donation of \$5,000 from Dunes City. She had asked that he call to clarify the request. He had not responded to the letter at the time of this meeting.

C. Buckwald Hearing. B. Stocking advised the council that

Lane County would be conducting a hearing on the Mike Buckwald zoning request change at the Pier Point on June 24 at 7 PM.

VI. PUBLIC HEARINGS

- A. **Budget Hearing.** The mayor opened the hearing on the proposed budget at 7:42 PM. B. Pitts went over the line items of the budget for those present. B. Stocking pointed out an error on Page 1 of the budget. Under Resources, "Building Materials" should be "Building Rentals". A member of the audience asked about the reason for budgeting \$500 for a water study. He was told that the study and analysis of water samples taken quarterly and submitted by the City could be costly. More discussion brought out that during the Comprehensive Plan Update meetings, the coastal water study was discussed. Dunes City wanted to participate in the study and budgeted money to do so.

The public hearing was closed at 8:05 PM.

ACTION

A motion was made by B. Pitts and seconded by N. Johnson to accept the budget as presented. Motion carried.

B. Pitts read Resolution 6-12-86A approving the budget.

ACTION

A motion was made by R. Donaghey and seconded by R. DePiero to approve Resolution 6-12-86A. Motion carried.

- B. **Vacation of Larch Street.** The public hearing opened at 8:10 PM on the Vacation of Larch Street. Attorney Tom Nicholson presented a map to the city council outlining an area that would be affected by the street vacation and an area owned by Doug Hickman. The Hickman property comprises in excess of 2/3 of the real property affected by the vacation of Larch Street. Mr. Hickman had requested the vacation to allow for better utilization of Parcel 1 (of his recent Minor Partition) for residential purposes. He said the vacated land will be used for residential purposes.

Mr. Nicholson outlined three criteria from ORS statutes that the council should consider in making its determination. They are:

Dunes City Council

Regular Meeting
June 12, 1986

Page 3

1. Consent of the owners of the requisite area have been obtained. Mr. Hickman's property constitutes more than 2/3 of the requisite area.
2. That notice was duly given. Notice was duly given. The notice was published for four weeks, and the property was physically posted at both ends of the proposed vacation.
3. Whether the public interest will be prejudiced by the vacation of the street.

The City had received one letter of objection. It was read at the meeting.

Attorney Gerber suggested that the city council move to adopt an ordinance vacating the street. The attorney also reminded the group that if the ordinance was adopted at this meeting the process would still not be completed for another 30 days. The applicant must pay any recording fees that are necessary to record the document with the county. Attorney Nicholson said they would be happy to pay those fees.

ACTION

A motion was made by N. Johnson and seconded by R. Donaghey to approve the vacation of Larch Street subject to the Findings of Fact and Conclusions of Law of the Dunes City Planning Commission and to adopt an ordinance vacating Larch Street. Motion carried.

The public hearing was closed at 8:20 PM.

- C. Sheriff's Agreement.** The Lane County Sheriff's Department had submitted an agreement to provide police protection to the City for \$12,074. This would be for ten hours of patrols a week for 52 weeks a year. The City had recently budgeted \$11,778. Joe English, the City's accountant, advised that the City could move some money from another area to make up the difference. R. DePiero pointed out a typographical error on Page 2 in the first paragraph. The word "or" should be changed to "of". There was also a typographical error in Section IV. The word "anc" should be "and".

ACTION A motion was made by D. Eastman and seconded by N. Johnson to accept the Sheriff's Agreement with the two typographical changes as noted. Motion carried.

VII. NEW BUSINESS

A. **McCaw Cablevision.** The mayor moved the agenda to New Business because McCaw had a representative from out of town who needed to travel to Roseburg that night. Mr. Carroll Lockhart and Barbara Kelley, District Manager for McCaw, were present to inform the council and those present of changes in the programming that McCaw intends to make. McCaw plans to have 18 basic channels that customers would be able to get on all their outlets. Every customer will be given a converter box at no additional cost. The monthly cost of service will be increased \$3+ for the basic service and there will be an installation cost of \$39 which will be discounted to \$25 if the home is already served by cable. Ms. Kelley said the system will be upgraded by the end of June, the company will begin distributing converter boxes July 12, and the rates will go up August 1st.

B. **International Paper.** Mr. Carey Weatherly, logging engineer for International Paper, had submitted a letter requesting to use Little Woahink Drive for access to an area I.P. wishes to log. In his letter, Mr. Weatherly had stated that the road would be used for access during road construction, road rocking, logging and reforestation. Heavy equipment would be hauled on a low boy trailer. No lug equipment will be used on city-maintained streets. The letter requested a permit to construct the short street platted between lots 1 and 9 of Little Woahink Lake Second Addition and improvement of Little Woahink Drive from the end of the pavement to its junction with the above short street. He had listed six questions concerning using the street and constructing the short street.

The council expressed concern for safety because of the steep grade coming down the road with a loaded log truck or low boys and making a sharp turn onto Canary Road. D. Eastman asked if the City had any ordinances that would restrict log trucks on City streets. The attorney advised that when the City accepted Little

Woahink as a City street, there had been discussion of restricting log trucks and the city council decided not to restrict heavy trucks. He also advised that I.P. would have to get a permit to put in the short section of road, and the City could refuse to issue the permit because of safety considerations. The council mentioned the problems that had been encountered by the developer in getting the ditch along Little Woahink Drive stabilized before the City would accept it. The attorney remarked that the cement slurry that had been poured in the ditch to keep the sand in place would not hold up if a log truck went off the road into the ditch. Mr. Bob Petersdorf was in the audience and testified that log trucks using Parkway Drive have damaged it from the vibration of shifting gears. B. Pitts suggested that the City enter into a maintenance agreement with I.P. to maintain the roads at or above present standards. The attorney also reminded the council that at some time the City or the property owners along the unimproved portion of the road may decide to pave it. In that case, the same maintenance standards would apply for I.P. as are attached to the rest of the road that is now paved.

The mayor wanted to hold the public hearing so that the surrounding property owners could respond.

The mayor appointed Roy Donaghey, Ed Fillman, and the Director of Roads Keith Watson to go over the six items Mr. Weatherly had listed in his letter and see how best to address the issues.

It was decided that a special meeting would be held before the July regular meeting to help expedite Mr. Weatherly's request. Surrounding property owners will be notified. No date was set for the meeting at this time.

VIII. REPORTS

- A. **Siuslaw Parks and Recreation.** N. Johnson reported that she had attended a meeting June 2 sponsored by the Siuslaw Parks and Recreation Committee. The purpose of the meeting was to assemble representatives from different governmental jurisdictions in western Lane County with the idea of petitioning the legislature to be released from the jurisdiction of the Lane County Boundary Commission.

It was mentioned that there are only three counties in Oregon which have boundary commissions: Marion, Multnomah, and Lane counties. The move would not be to abolish the Lane County Boundary Commission; it would be to divest western Lane County from the boundary commission, according to Attorney Gerber.

- B. **Insurance.** Bob Read presented an insurance proposal for the City. His proposal is attached with these minutes. Attorney Gerber explained tort liability as a citizen's right to sue governmental units, such as cities, for damage done. There was considerable discussion of the cost for the \$1 million "umbrella" policy which constituted a large part of the premium cost. There was discussion of the possibility of the City buying each individual on the city council and the office staff an individual umbrella policy. The cost of this would be quite a bit lower. However, Bob Read said the individual umbrella policies are not written as broad to cover errors and omissions.

The attorney advised the council to buy the \$1 million umbrella policy. He said that he realizes the costs are high; but, when balanced against the coverage received, he felt that it was worth it.

ACTION

A motion was made by R. Donaghey and seconded by N. Johnson to accept the insurance package as presented including the \$1 million umbrella policy. Bob Read will look further for a lower premium for the umbrella and notify the mayor if he finds one. Motion carried.

- C. **Parks.** N. Johnson reported that she has acquired all the materials needed for the park benches now except the concrete. She asked if she could have permission to get a check for the concrete when the time comes. Permission was approved.
- D **Noise Tests.** N. Johnson reported that the Forest Service had conducted two noise tests on the dunes. Both of the tests had been taken on Martha Jakob's property. One test was done Memorial Day weekend and the other had been conducted the previous weekend. Nancy had not received a report on the results of those tests by this meeting.

- E. **Roads.** Keith Watson, the Road Chairman, had asked how much money he could spend on the roads without asking for prior permission. The attorney advised that this had all been worked out by a previous council. The office staff will look through the minutes to find how much was authorized.
- F. **Police.** D. Eastman reported that the only crime reported for May by the sheriff's office had been the theft of a canoe on Siltcoos Lake.

IX. UNFINISHED BUSINESS

- A. **Nuisance Abatement Ordinance.** D. Eastman said he thought the City should draft a form letter that could be sent out following a written complaint. The council discussed the best way to handle complaints about dogs and cats and thought the nuisance abatement procedure would be the best way since we do not have a municipal court or an animal control officer. However, the first letter that would be sent to an offender would be to request that the matter be remedied and advising that the City does have a Nuisance Abatement Ordinance.
- B. Stocking suggested that a Resolution be passed including dogs and cats as abateable nuisances.

ACTION

A motion was made by R. DePiero and seconded by R. Donaghey to adopt Ordinance #94 amending Ordinance #51 - the Nuisance Abatement Ordinance- and striking out the language "except for paragraph 1a and 1b of Section I" from paragraph 1. of Section II in Ordinance #51 and declaring an emergency. Motion carried.

The City's policy will be that a form letter will be sent stating that a complaint has been filed and asking that the nuisance be remedied. It will also notify the property owner and offender that the City has a nuisance abatement ordinance. If there is no response, the attorney will send out a letter notifying the offender that abatement proceedings had begun, and the police commissioner will investigate.

X. NEW BUSINESS - Continued

- C. State-Shared Revenues.** The city council waived the reading of Resolution 6-12-86B - State Shared Revenues.

ACTION

A motion was made by D. Eastman and seconded by R. Donaghey to accept Resolution 6-12-86B concerning state-shared revenues without a reading. Motion carried.

- D. Special Cities Allotment.** The council was presented with Resolution 6-12-86C - Special Cities Allotment. The request is for funds to pave Leavitt Loop from Wright Road to Wright Road.

ACTION

A motion was made by R. DePiero and seconded by B. Pitts to accept Resolution 6-12-86C - Special Cities Allotment without a reading. Motion carried.

- E. Liquor License.** The City had received notice of the liquor license renewal for Darlings Loop.

ACTION

A motion was made by R. Donaghey and seconded by N. Johnson to recommend to the Oregon Liquor Control Commission that it renew the license for Darlings Loop for retail malt beverages and a package store. Motion carried.

- F. Typewriter Purchase for Office.** The council had in their packets a memo from the City secretary and a recommendation for the purchase of a new typewriter for the City office. The previous typewriter had been declared unrepairable by the service repairman who holds the City service contract. The secretary recommended that the City purchase a Sharp XQ-380 from South Coast Office Supply in Coos Bay. South Coast had quoted a price of \$645 for the machine less a trade-in on the old typewriter. The amount of the trade-in would be determined if the City decided to purchase the machine. The council was in agreement with the recommendation and gave permission for the City to purchase the Sharp XQ-380.

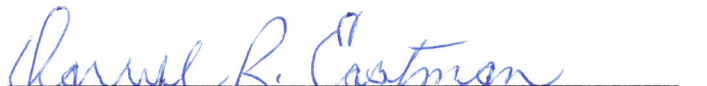
- G. **Letter of Credit.** Robert Hartshorne had submitted a letter of credit to the City in the amount of \$36,000 as requested as a conditional for approval of his subdivision. However, the council asked that B. Stocking contact Mr. Hartshorne and notify him that his letter of credit is unacceptable as presented because it is only good until 1989. The council had requested one for five years.

XI **ADJOURNMENT**

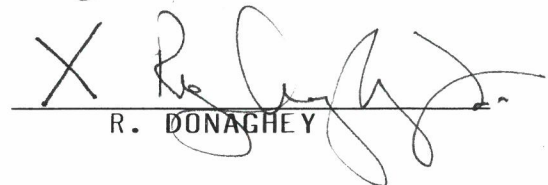
The meeting was adjourned at 10:35 PM.


MAYOR J. BAUMEISTER


SECRETARY K. BACON


D. EASTMAN
B. Pitts moved out of state and was
unavailable to sign these minutes
B. PITTS


N. JOHNSON


R. DONAGHEY


R. DE PIERO



INVOICE

ASSOCIATION OF OREGON COUNTIES
Local Government Center
1201 Court St. N.E.
P.O. Box 12729 Salem, OR 97309
(503) 585-8351

LEAGUE OF OREGON CITIES
Local Government Center
1201 Court St. N.E.
P.O. Box 928 Salem, OR 97308
(503) 588-6466 1-800-452-0338

ENTITY City of Dunes City
INVOICE NO. DNS-8601
DATE June 11, 1986

	PREMIUMS AND TAXES	POOL ASSESSMENTS	TOTAL CHARGES
GENERAL LIABILITY			
Policy Period 7/1/86 - 7/1/87			
Premium/Assessment	\$291.20	\$436.80	\$728.00
GL/AL Taxes	8.24		8.24
GL/AL Stamping Fee	1.00		1.00
GL/AL Policy Fee	35.00		35.00
AUTO LIABILITY			
Policy Period 7/1/86 - 7/1/87			
Premium/Assessment	40.00	60.00	100.00
AUTO PHYSICAL DAMAGE			
Coverage Period			
Assessment		0.00	0.00
PROPERTY			
Policy Period 7/1/86 - 7/1/87			
Premium	275.00		275.00
EXCESS			
Policy Period 7/1/86 - 7/1/87			
Premium	2,500.00		2,500.00
Umbrella Taxes	59.63		59.63
Umbrella Stamping Fee	11.00		11.00
Umbrella Policy Fee	150.00		150.00
ADMINISTRATIVE FEE		36.03	36.03
Totals	\$3,371.07	\$532.83	\$3,903.90
TOTAL DUE			\$3,903.90

PLEASE REMIT TOTAL DUE DIRECT TO: CIS; P.O. Box 928; Salem, OR 97308
ALL PREMIUMS AND ASSESSMENTS ARE DUE AND PAYABLE ON INCEPTION DATE.

JUN 12 1986

READ INSURANCE AGENCY

P. O. BOX 366
FLORENCE, OREGON 97439
TEL: 997-3455

6-10-86

CITY OF DUNES

PROPERTY

1. Perils: "all risk" form; main exclusions being flood, earthquake, normal wear & tear, mechanical or electrical breakdown, etc.
2. Form: Replacement cost insuring 90% to value.
3. Values: Blanket building and contents for \$95,000.
4. Deductible: \$250 per occurrence.

LIABILITY

1. Limits: \$300,000 combined single limit.
2. Coverage: premises, operations, tort liability, auto non-ownership.

UMBRELLA

1. For \$1,000,000

OTHER

1. Valuable papers for \$5,000. Covers expense of replacing certain valuable papers.
2. Glass coverage: included under the above property.

ANNUAL PREMIUM \$3,903.90

DUNES CITY COUNCIL

REGULAR MEETING

JULY 10, 1986

A G E N D A

- I. CALL TO ORDER AND ROLL CALL
- II. APPROVAL OF MINUTES OF JUNE 12, 1986
- III. BILLS AGAINST THE CITY
- IV. RECEIPTS OF THE SESSION
- V. ANNOUNCEMENTS AND CORRESPONDENCE
- VI. PUBLIC HEARINGS - Adoption of Building Code
- VII. REPORTS
- VIII. EXECUTIVE SESSION a) Litigation, b) Personnel, c) Negotiations
- IX. UNFINISHED BUSINESS
 - A. International Paper request to use Little Woahink Road
 - B. Hartshorne Letter of Credit
- X. NEW BUSINESS
- XI. CITIZEN INPUT ON UNSCHEDULED ITEMS
- XII. ADJOURNMENT

DUNES CITY COUNCIL

REGULAR MEETING JULY 10, 1986

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order at 7:35 PM by Mayor James Baumeister.

PRESENT: N. Johnson, E. Fillman, R. Donaghey, R. DePiero, D. Eastman, Mayor Baumeister, Attorney Ron Gerber, and secretary K. Bacon. City Recorder B. Stocking and councilman B. Pitts were absent and excused. There were one representative from the press and 21 citizens in the audience.

II. APPROVAL OF MINUTES OF JUNE 12, 1986

The minutes of June 12, 1986, were approved without changes.

III. BILLS AGAINST THE CITY

ACTION A motion was made by R. DePiero and seconded by E. Fillman to approve the bills against the City in the amount of \$7, 664.15. Motion carried.

IV. RECEIPTS OF THE SESSION - \$6,247.86

There was a discussion of the letter the City had received July 2 from Central Lincoln P.U.D. indicating that recent court rulings that cities may not force P.U.D.'s to enter franchise agreements has prompted Central Lincoln P.U.D. to put its franchise payments into a trust until the outcome of the case is decided.

V. ANNOUNCEMENTS AND CORRESPONDENCE

A. The secretary referred to the letter from Central Lincoln P.U.D. that the council members had in their packets.

B. **Chamber of Commerce.** The City had received a response from Tom Grove of the Florence Chamber of Commerce. Mr. Grove requested that the City give consideration to budgeting some funds which could be used by the Chamber to promote the area. The Chamber wanted to know how many dollars would be available so that it could plan for the coming year.

VI. REPORTS

There were no reports.

VII. PUBLIC HEARING - Building Code Amendment

The mayor opened the public hearing at 7:40 PM. Attorney Gerber recapped the need for the building code amendment. There was a discussion of change in wording in the proposed state building code from "shall" to "may" to reduce the City's liability. The changes in the code oblige the city building inspector to review all plans -- either structural or otherwise. Presently, only structural projects have to be engineered. In the future if the City adopts the state regulations, the City would be obligated to have the building inspector inspect non-structural developments, as well as structural, to be certain that they are properly engineered. If they are not, he would require them to be. J. Carlson voiced concerns that homeowners would undertake renovations without proper permits and inspections. He withdrew his objection after learning that the only change the City was adopting was in the wording of "shall" to "may" regarding engineered plans. The mayor closed the public hearing at 7:50 PM.

ACTION A motion was made by R. Donaghey and seconded by E. Fillman to adopt Ordinance 95, Amending Ordinance 76 Adopting the State Uniform Building Code. Motion carried.

VIII. UNFINISHED BUSINESS

A. International Paper Request to Use Little Woahink Drive. Council member N. Johnson asked to be excused from discussion of the request since she is an employee of International Paper (I.P.). At the last meeting the mayor had appointed E. Fillman, R. Donaghey and Road Chairman Keith Watson to investigate the request. E. Fillman reported on their findings. Fillman said that the committee is concerned that the road would not hold up under the weight of the trucks which would be using it. If I.P. cannot use some other road for access to its property, the committee felt that I.P. should be required to maintain the road. Steve Schell, attorney for I.P., said that I.P. would be willing to maintain the road in as good a condition as it is now or better. I.P. would be willing to post a \$25,000 bond to ensure that the road is maintained throughout the period of use by heavy equipment. The bond would be posted for five years and could be reviewed at the end of that time.

Carey Weatherly, Logging Engineer for I.P., outlined the proposal for the council members and audience. I.P. owns about 1,000 acres north of Dunes City, he said, and would like to begin managing those forest lands. They have looked at possible routes into the property and Little Woahink Drive was the most practical route from their property to a public road. He submitted a letter from Orville O. Caswell, the surveyor who had laid out the Little Woahink, second addition, subdivision. Mr. Caswell's letter states that it was the intent that the Little Woahink Drive was to provide access to the property to the north. He also submitted a letter from the Lane County surveyor stating that it is a public road.

Mr. Weatherly said that during the past month I.P. has been looking for solutions to the concerns that were expressed at last month's city council meeting. He said that I.P. would be willing to build the graveled portion of the road to whatever standard the City would require for a graveled road. They would brush the graveled portion and regravels it to make it wider and make it withstand logging traffic better. I.P. would agree to maintain the paved portion of the road and to correct all problems that arose. They would post a \$25,000 bond to ensure that it was done. To help reduce noise, they would require both company and contract loggers not to use "jake" brakes. They would post a sign to that effect, if the City desired them to do so. Although it is a steep road (20% grade), logging roads are generally steeper and the trucks are designed to handle that. Last month it had been expressed that the road was too narrow to accommodate log trucks. Mr. Weatherly said that logging roads are generally 14 feet wide and log trucks are able to pass each other. They feel that the present road at 20 feet wide should not be a problem. I.P. would be willing to build a 4-foot wide graveled walkway on the west side of the road to accommodate pedestrian traffic. I.P. would be willing to post speed limit signs. The City could determine the speed limit; I.P. would post the signs. Mr. Weatherly had suggested a 10 mph speed limit in his proposal.

Mr. Weatherly was asked whether or not he thought the present pavement would hold up under the increased heavy traffic. He responded that he is not an expert on paving but that some of the factors that would pertain would be moisture under the subgrade, the quality of the rock used and the subgrade.

Following Mr. Weatherly's presentation, the mayor opened the hearing to comments from the audience.

M. O. Mosher: Stated his concern that the road is too narrow for a large amount of log trucks to use the hill. The increased heavy traffic will provide noise and dust pollution. There are six water pipes located under the road. He was worried that repeated use will break down the road surface and may crack the water pipes. He felt that it would reduce the property value in the area.

Irwin Leach: Mr. Leach read a letter from George S. McEwen. A copy of the letter is on file in the City office. Mr. McEwen objected to the use because he thinks the road is too narrow to accommodate logging trucks, children use the road to go to and from the school bus stop, they also play in the area, property values would be adversely affected by the use of the road by logging trucks.

Mr. Leach also thought the road was too narrow. He said that the road is a "crown" shape construction so that people tend to drive in the center of the road. He thought I.P. should find another access road. And he thought property values would be lessened.

L. J. Murdock. Mr. Murdock said that he is a retired truck driver. He sees no objection to using the road. His concern was the five-year limit on the \$25,000 performance bond. He would have no objection as long as I.P. maintains the road as long as they are logging in the area north. He liked the idea of the walkway but questioned whether it could be built without cutting into the embankment and still maintain the ditch and a safebank. He recommended requiring a stop sign at the intersection of the cul-de-sac and Little Woahink Drive.

Dorothy Leach. She stated that the residents have one access into and out of their properties. If the road is torn up for repairs, she asked how they would get in and out. She said that it is a residential neighborhood with dogs and kids. She said that residents will have to change their lifestyles. She asked if the city council members would be willing to do the same.

In response to her concerns, Mr. Murdock said that there once existed a 30-foot easement on the back of Little Woahink. He showed the council members on a map where the easement existed. He suggested it might be developed into an emergency access.

Scott Robbins. Mr. Robbins stated that his concerns are that it is putting a commercial road through a residential neighborhood. He said that the Dunes City Comprehensive Plan lists three types of streets: arterial, collector and local. The arterial and collector streets are required to be 60 feet wide, and a local street is required to be 50 feet wide. The plat of Little Woahink, second addition, shows a dedicated 50-foot right-of-way which indicates, he said, that the city council intended at the time the plat was approved for the road to be a local road. He said that, although the road is dedicated to the public, it is not accepted for City maintenance until it is brought up to City standards. He said that since only part of the road is paved and the developer is "long gone", he wondered who was going to bring the road up to standard so that it could be accepted by the City. He was concerned about the ditch on the west side because of the problems that he and the City had in stabilizing the bank. In response to earlier testimony about the 30-foot right-of-way for an emergency access, he stated that his position and that of Lumber Services, Inc., would be that that easement is no longer available and Lumber Services would bring action if I.P. began cutting an emergency road on the former 30-foot easement.

Phil Tout. Mr. Tout sees a hazard of increased log trucks driving through the park area on Canary Road. Thought the council should probably consider creating an ordinance limiting weight on City streets even though the City has not had one.

Boyd Mead. Mr. Mead said that he is concerned about I.P. spraying and burning in the area, and suggested that I.P. notify residents in the area when they intend to do either of those.

Mr. Weatherly was asked to respond to that concern. He replied that initially I.P. will log less than 200 acres. Three-fourths of the 1,000 acres has brush or young "reprod" on it. He said that he is not a forester, but sometimes I.P. sprays and sometimes it burns and sometimes it does both. It is dependent upon the State Forest Practices Act and what it allows, cost, weather. Typically, he said, in areas like this it is difficult to either burn or spray.

The mayor pointed out that I.P. would have to do that no matter which way they used for access into the property.

John Carlson. Mr. Carlson wondered if traffic would be two-way or one-way. He said that there are presently three main roads going through Dunes City already carrying considerable log traffic. As a lighter note, he added that log trucks would be preferable to dune buggies.

Response from I.P. The truck drivers who will be passing each other (each truck is 8 feet wide) do not feel that the road is too narrow. I.P. would have to excavate the embankment at the lower end of the road and the upper end to create the four-foot graveled walkway. However, I.P. "regularly" spray mulches on excavated banks to stabilize, Mr. Weatherly said. He became aware of the water pipes under the road just "this week", but that the performance bond could be written to cover the repair of the water pipes. He said that there was the possibility I.P. might have to excavate the road and put the water pipes into a culvert to protect them. I.P. would like to find the most practical route into land that would not impact homeowners. Although I.P. has looked at four other possible routes into the property, this route was the most practical and safe. One of their intents is to get onto a public highway as quickly as possible. Little Woahink is .2 miles long as compared to .8 to 2 miles on the other routes. All the other possible routes go through residential land, and I.P. would be trucking through Dunes City on all the possible routes.

I.P.'s intent is to permanently manage the land and to use the road perpetually. The intent is to build the road, log the merchantable wood, look at the young conifers, remove brush (may try spraying or burning). Mr. Weatherly said that the present merchantable timber should be logged off in three to five years. A gate would be put across the road just inside I.P.'s land to discourage ORV's from gaining access. One of the possible routes would run near a creek and spring, and I.P. may have problems getting permission from the state to build along that route.

The public hearing was closed at 9:05 PM and the meeting was recessed. The meeting was reconvened at 9:20 PM.

The meeting was opened to city council discussion. The council discussed previous stabilization problems. R. DePiero asked if I.P. would be willing to bring the graveled portion of the road up to the 20-foot width and blacktop it to keep the dust down. Mr. Weatherly said that he would not commit I.P. to that unless the city council made it one of the conditions. Then I.P. could consider accepting it or going somewhere else. The council talked again about water lines and electrical wires under the road. The council discussed making a requirement that trucks could not use the road during the half hour before the school bus would be loading in the morning and a half hour in the afternoon when the bus would be unloading.

The mayor questioned whether \$25,000 would be an adequate bond to repair the road over five years. Attorney Steve Schell explained that I.P. would repair the road at its expense. The bond money would be there just to ensure that the City had the money to fix the road if I.P. fails to repair it. Mr. Gerber explained that the City can do four things if I.P. fails to make repairs: 1) It can do nothing, 2) It can bring suit, 3) It can request the bonding company for money to make the repairs, or 4) It can bring administrative action to revoke the permit.

ACTION A motion was made by D. Eastman to reject the request of I.P. to use Little Woahink Drive. The motion died for a lack of a second.

The council then listed some conditions they would like to see added before they would consider approval. Following this a motion was made.

ACTION A motion was made by R. Donaghey and seconded by R. DePiero to approve the request of International Paper to use Little Woahink Drive for access to an area it wishes to log north of the Little Woahink, second addition, subdivision subject to the following conditions:

1. Any and all of the conditions stipulated by I.P. in Exhibits A and B which were submitted with the road permit unless specifically modified.
2. I.P. shall place a stop sign at the intersection of the cul-de-sac and Little Woahink Drive.
3. I.P. will post a 10 mph speed limit sign at each end of the blacktop. Said speed limit to apply on the entire road for all vehicles.

4. The log trucks shall not use the road during the time that the school bus will be loading and unloading children.
5. I.P. shall blacktop the road to the stub (not to I.P.'s property line) to match the 20-foot width of the existing paved portion of the road and will pave a 10-foot apron at the stub. The maintenance shall apply to the entire blacktopped surface.
6. The road will be gated just inside I.P.'s proeprty line when not in use.
7. The use of the road shall conform to the hours of the City's noise ordinance.
8. I.P. shall place signs on Canary road 300 to 500 feet in either direction from Little Woahink Drive when trucks are using the road advising that trucks are entering the road ahead.
9. I.P. shall repair and restore the present roadway and the utility services situated therein if damaged.
10. The Council requested that Item #7 of I.P.'s Exhibit B with regard to a proposed graveled walkway on the west side of the road be deleted. The council does not want a walkway.

Attorney Steve Schell requested that the final permit list each individual condition (including the ones from International Paper's Exhibits A and B) for ease of administration. Attorney Gerber agreed to do so.

AYE: R. Donaghey, R. DePiero, Mayor J. Baumeister
NAYE: E. Fillman, D. Eastman

Motion carried. Attorney Gerber will draft the permit.

- A. Hartshorne - South Shore Subdivision. Mr. Hartshorne was present and requested the city council to refund part of his subdivision fee. He reasoned that since he had to pay the Lane County Surveyor's Office to do the plat check which is required by the City's subdivision ordinance but is not a service provided by the City, he should be given a refund of that part that he pays for the plat check. The mayor told him that the City would consider it.

The City had received a letter from Mr. K. Robert Ezell of the Lane County Surveyor's office questioning the road access into South Shore Subdivision over the private roads in the Tsiltcoos Lake Club Plat. The secretary had replied to his letter and sent copies of pertinent documents in the file pertaining to the conveyance of a portion of a lot in the subdivision to Mr. Hartshorne which he later divided to give access to each lot owner within the South Shore Subdivision. Copies of this correspondence are on file in the Dunes City office. Mr. Hartshorne requested the City write to the county. Mr. Gerber said that he would call Mr. Ezell and will call Mr. Hartshorne after he talks to Mr. Ezell.

Mr. Hartshorne had submitted his amended irrevocable letter of credit which was accepted and completes the necessary conditions for approval of the subdivision. The City will send the final Order of Approval to Mr. Hartshorne.

IX. CITIZEN INPUT ON UNSCHEDULED ITEMS

- A. **McCaw Cablevision.** Mr. Phil Tout asked if the council had ever conducted a public hearing on the proposed programming changes of McCaw Cablevision. He was advised by the attorney that cable companies are no longer required to do so. McCaw had come to the previous council meeting to announce what it planned to do.


X. ADJOURNMENT


The meeting was adjourned at 11:15 PM


N. JOHNSON



D. EASTMAN


R. DONAGHEY


R. DEPIERO


MAYOR J. BAUMEISTER


SECRETARY


E. FILLMAN

DUNES CITY COUNCIL

REGULAR MEETING

August 14, 1986

I. CALL TO ORDER AND ROLL CALL

The meeting was called to order by Mayor James Baumeister at 7:35 PM.

PRESENT: Mayor Baumeister, E. Fillman, N. Johnson, R. DePiero, Attorney Ron Gerber, City Recorder B. Stocking, and secretary K. Bacon. There were two representatives from the press and 14 citizens present.

ABSENT: R. Donaghey, B. Pitts (who had moved) and D. Eastman.

II. APPROVAL OF THE MINUTES OF JULY 10, 1986

There were no corrections or additions to the minutes, and the minutes of the July 10, 1986, meeting were approved.

III. BILLS AGAINST THE CITY

MOTION A motion was made by N. Johnson and seconded by R. DePiero to pay the bills against the City in the amount of \$3,549.46. Motion carried.

IV. RECEIPTS OF THE SESSION - \$8,302.64

V. ANNOUNCEMENTS AND CORRESPONDENCE

B. Stocking reviewed for the council the correspondence the City had received during the previous month. The council did not take any action concerning the correspondence.

B. Stocking also reminded those in the audience and on the council that the filing deadline for council and mayor positions is September 4. Applicants may present a petition signed by 20 registered electors or pay \$10. to file for election.

VI. REPORTS

A. International Paper Request to Use Little Woahink. Mr. Carey Weatherly, Logging Engineer for International Paper, reported on the road permit. He said that after receiving the road permit and reviewing the conditions that the City had placed upon the permit, International Paper had done a cost analysis. I.P. now thinks that if they spend the same amount of money on a route on South Inlet, they can make it safer than they previously thought they could. I.P. has done some design work and has gotten Lane County approval. They will still need the cooperation of one landowner and the state forest

practices people. It is late enough in the year now, Mr. Weatherly said, that I.P. would not be using the road permit this year. Mr. Weatherly said that I.P. hoped that the option to use Little Woahink Drive was not closed for potential for future years for perhaps pickup traffic to gain access to the area for forestry operations.

The mayor advised Mr. Weatherly that if in the future I.P. wishes to use Little Woahink for commercial use, it would again have to apply for a road permit.

VII. PUBLIC HEARINGS

A. Sign Permit - Lakeshore Myrtlewood Shop

Mr. Stanfill was not present concerning his request for a sign permit for the Lakeshore Myrtlewood Shop. There were no people in the audience for or against the permit.

ACTION

A motion was made by E. Fillman and seconded by N. Johnson to accept the Planning Commission's recommendation to approve the sign permit adopting the following Findings of Fact, Conclusions of Law and Conditions:

FINDINGS OF FACT:

1. Lakeshore Myrtlewood Shop wishes to place one free-standing sign facing south on Highway 101 that would be 64 square feet and one building-mounted sign facing Highway 101 that would be 32 square feet.
2. Both signs would be located on commercial property.
3. Based upon observation, the free-standing sign is not higher than 10 feet and the building-mounted sign is not higher than 16 feet.
4. The applicant has submitted a diagram showing the size of signs, the size of the lettering and the colors to be used.
5. A number of the commissioners have seen the signs and can clearly visualize that the signs meet the criteria.

CONCLUSIONS

1. Neither of the signs exceeds 125 square feet individually or exceeds 250 square feet collectively. The size of the signs conforms to Section E of ordinance #74.
2. The sign permit conforms to the height requirements of Ordinance #74, Section B.

CONDITIONS:

1. That the back of the free-standing sign be cleaned up.

The voting was unanimous, and the motion carried.

- B. Minor Partition - Jay H. Mead.** The public hearing was opened at 7:52 PM. Mr. Eugene Wobbe, representing Dr. Jay H. Mead, was present to answer questions from the council. In answer to a questions from the council, Mr. Wobbe pointed out on the partition map where a creek is located that was mentioned by a nearby resident in her written response.

Dr. Mead requests a Minor Partition to partition 11+ acres into three parcels: two one-acre parcels, and one 9+-acre parcel. The property was owned by the Boy Scouts previously and is directly across the road north of Camp Baker Boy Scout Camp.

Mr. Wobbe was asked if he had done any surveying of the land. He replied that he had done some surveying; but since they were requesting only preliminary approval, the final survey would be done before they submit the partition for final approval.

The partition map shows dotted lines indicating possible divisions for future partitions. Of those possible lots, Mr. Wobbe was asked how it was determined the two lots on the east end of the package would be partitioned. Mr. Wobbe replied that they were probably the nicest lots and would sell better. That was why it was decided to partition just a few to sell at first and to choose the best.

Mr. Wobbe was asked about some clearing that had been going on on the property. He replied that they had been doing some clearing for topography work so as to determine the drainage of the property.

ACTION

A motion was made by N. Johnson and seconded by R. DePiero adopt the Minor Partition request of Dr. Jay H. Mead subject to the Planning Commission's Findings of Facts and Conclusions of Law listed below. The voting was unanimous and the motion carried.

FINDINGS OF FACT

1. All property owners within 300 feet were notified. There were three written responses. One response had no objections, one response was concerned about possible contamination of a creek that runs across the property and, based upon past history of the area, concern about the ability to get water to the lots. And the third response was from the property owners of tax lots 128 and 129 that about the proposed partition. They had been told when they purchased the property that Tax Lot 101 was owned by the Boy Scouts and were shocked to learn that it had been sold.
2. Dr. Mead wishes to create three parcels out of 11+ acres. There would be two 1-acre parcels fronting Spruce Street and one 9+-acre parcel fronting Boy Scout Road.
3. Dr. Mead had submitted a legal description of the property and a deed of record.
4. Tax Lot 101 also extends south of Boy Scout road and is owned by the Boy Scouts of America. Emile Mortier, the City building inspector, indicated that the definitions of a lot in the City Zoning Ordinance would allow a portion of a lot of record to be partitioned.

CONCLUSIONS OF LAW

1. Since Dr. Mead is not creating a street, he does need a minor partition rather than a major partition.
2. The lots will meet the 1-acre minimum requirement of the Zoning Ordinance.
3. All property, including the portion of Tax Lot 101 south of Boy Scout Road has access to a road. Therefore, the partition does not adversely affect the safe and healthful development of the remainder of the land or any adjoining land.

The public hearing was closed at 7:55 PM.

C. Comprehensive Plan Periodic Review. Cindi Butler from LCOG was present to present the Periodic Review of the Plan.

The public hearing on the Comprehensive Plan was opened at 8 PM.

The council members had received in their packets proposed amendments to the Comprehensive Plan, Subdivision Ordinance and Zoning Ordinance. The proposed amendments were to update the Comprehensive Plan and see that it complied with the state goals and guidelines.

The proposed amendments were the result of several meetings held by the C.C.I. Committee and the Planning Commission.

There was considerable discussion of the requirement to provide increased public access for Siltcoos and Woahink Lakes. The mayor asked what "public access" means. He was told by Mrs. Butler that it means either a street to, a ramp to, or even a trail or path to the lake. It does not mean development of facilities.

One way to provide public access would be to require subdividers of 25 lots or more adjacent to a lake to provide public access.

The mayor pointed out that the Mid-Coast Basin Program adopted by the Water Resource Board designates Woahink and Siltcoos Lakes as the chief source of water for domestic use. He said it does not seem compatible to increase public access and perhaps hasten the deterioration of the water quality of the lake. Gary Darnielle of LCOG offered to meet with John Carlson and Attorney Gerber to draft new language concerning providing public access.

There was a discussion of encouraging economic development in nearby communities. The C.C.I. had wanted to encourage economic growth in nearby communities since many people from Dunes City work in other communities. However, the Planning Commission members were uncomfortable with the suggested amendments to the economic goals. They felt the current language concerning economic goals in the present Comprehensive Plan was adequate.

Dunes City Council
August 14, 1986

Page 6

The council agreed to keep the present language in the Comprehensive Plan and to add the suggested language concerning economic goals but to add the words "wherever appropriate". The additional language would thus read:

"Encourage coastal communities to promote the continued diversification of natural resource production, including timber and agricultural products and support the continued expansion of the tourism and convention business wherever appropriate.

Encourage development activities in coastal communities that result in more effective use of local resources that are under-utilized, renewable or non-renewable, wherever appropriate."

Mr. John Carlson made several comments concerning the proposed amendments. A copy of his comments is attached with these minutes.

Mr. Carlson suggested that the last sentence of Item 2 on page 6 concerning road standards be changed. The council agreed, and the item will be changed to read:

2. By the end of 1986, the City shall adopt Lane County road standards for new road construction."

Mr. Carlson had helped with the periodic review, and he asked that the City establish an administrative policy which would require applicants for building permits to put the size of the building lot on the application. Mr. Carlson said that it would help with the land use inventory for the next periodic review to have this information more readily available.

Mr. Darnielle and Mr. Gerber will work on the Zoning Ordinance amendment on appeal from the Planning Commission and the Ordinance on Lake Access. The council gave approval to the majority of the amendments to the Comprehensive Plan with the exceptions of those items specifically discussed herein -- public access to the lakes, and encouraging economic growth in nearby communities.

Next month the council will consider new language concerning the changes discussed at this meeting. The council hopes to pass the resolution on the periodic review order and the ordinance amending the Comprehensive Plan.

The public hearing was closed at 9:10 PM.

VIII. UNFINISHED BUSINESS

A. P.U.D. Franchise. Mayor Baumeister had attended a meeting in Newport with mayors from other cities within the Central Lincoln P.U.D. district on August 6. Representatives of P.U.D. were present to discuss franchise fee payments. Central Lincoln P.U.D. had earlier advised the cities within its district that it would be putting its franchise fee payments into a trust account pending the outcome of a court decision concerning whether it is legal for public utility districts to make franchise fee payments. The mayor reported that nothing was resolved at the meeting. P.U.D. officials offered to work with the cities on finding a solution.

B. Southshore Subdivision. Attorney Gerber advised the council concerning a lawsuit against Dunes City that is pending before the Land Use Board of Appeals concerning the Southshore Subdivision.

Mr. Gerber recommended that the City not contest the suit. He did not feel the taxpayer money should be spent on this. The council directed Mr. Gerber to file a Waiver of Appearance.

Mr. Gerber advised the council that it needs to decide whether it wants to continue with the Intergovernmental Agreement with Lane County. Mr. Gerber recommended that the City continue with the agreement, and the council agreed that it should remain. Mr. Gerber recommended that a letter be sent to Lane County reaffirming the intergovernmental agreement.

Mr. Gerber reported that Mr. Hartshorne has hired Mr. Michael Farthing, a respected land use lawyer, to represent him before LUBA; and Mr. Gerber feels that Mr. Hartshorne will be well-represented.

Mr. John Carlson asked if the City could be sued by Mr. Hartshorne. Mr. Gerber advised that the City's "liability exposure in this instance is almost nonexistent."

C. Resignation of Mr. Pitts. The City had received the resignation of Mr. Bill Pitts who had moved from the state. Because there were only a few months remaining until the next election, the mayor felt the council should appoint an experienced council member to fill the interim. He recommended that the council appoint

Mr. Bob Petersdorf to fill Mr. Pitts' unexpired term until January 1, 1987. The council concurred. Mr. Petersdorf had been contacted by phone and had agreed to serve if appointed.

IX. CITIZEN INPUT ON UNSCHEDULED ITEMS

- A. **Sign Permit.** Mr. E. Fillman from the council asked B. Stocking if Mr. Jim Fish of Siltcoos Lake Resort had applied for a sign permit for the new sign he had recently erected. She said that Mr. Fish had not. Mrs. Stocking was asked to write a letter to Mr. Fish advising him that he needs to apply to the City for a sign permit.

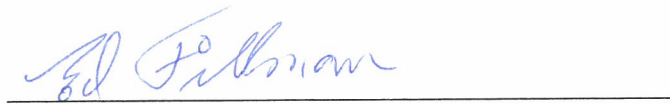
Mr. Gerber advised that some cities are now charging punitive fees for fait accompli violations of city sign ordinances. He said that some cities are assessing double and even triple fees if it is felt the signs were willfully erected with disregard for the ordinance. Mr. Gerber said that he will draft new language for Ordinance #74 for the council to consider at its next meeting. The secretary asked Mr. Gerber to reword Item G. of Section Two since it is hard to interpret.

X. ADJOURNMENT

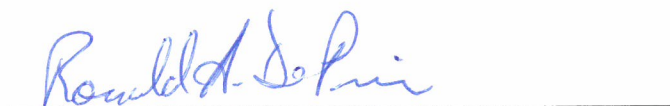
The meeting was adjourned at 9:40 PM.


MAYOR J. BAUMEISTER


SECRETARY K. BACON


E. FILLMAN


N. JOHNSON


R. DEPIERO

Aug 14, 1986

Dunes City Council.-

R.E. Draft of Comp Plan
update + periodic Review

page ³/₄ Item 6, there is one reference to a number of people (107) and another to families (25) Both references should be made the same way preferably in terms of families. also it should be clear if one is in addition to the other.

page 5 Lamin Areas

add a recommendation that a copy of the vegetation ordinance be given to each building permit applicant.

page 6 last sentence - ^{will change} what does this entail?

add old goals and modify lang. of proposed goals to ^{include where approp.}

page 7 Economic Goals.- The present economic goals are a result of surveys of Dunes City Citizens. If these new goals are to be added a citizen poll should be taken after the bureau we just went through with commercial developers. I am positive the majority of Dunes City Citizens want their area to remain a beautiful community to live in, not work in and do not want either sawmills or new tourist business to clutter up the area more than it is. They are aware that the continued emphasis

on rural residential use is a greater enhancement of the local economy than the minimum wage 4 month tourist industry as well as being complimentary to their present life style.

page 7. Land use Policies

add # 5. Dunes City will negotiate with Lane County to clarify the position of Lane County agencies in recognizing and accepting the land use philosophy of the Dunes City Comprehensive Plan.

P 3 -
page 23. The N.R.A sits on a huge pure water aquifer that will provide for drinking, bathing, and irrigation. I don't know of any way that new sources of water for recreation purposes can be created

Page 24, C. P 5, ending with "a boat landing at Westlake". add and two hike in campgrounds on the shore west of Booth Island. They are reached by boat or a trail starting at milepost 198 on Highway 101.

page 25 - first P addition of 15 houses could not result in development of 159 acres.

page 39

These 2 new economic goals should be deleted. The planning commission recommended that they should not be added as they do not reflect citizen desires.

pg 43

add.- Building permits shall include approximate lot size such as 175' by 340' or about 1.36 acres. Also included should be the amount of shoreline and which body of water the lot is on. Also a notation or applicant signature for receipt of a copy of the vegetation ordinance.

If the council has ^{found} new additions or changes that will be made to the update that have not been previously discussed by the CCI or the planning commission or is not shown in the draft update I hereby request that adoption of the update be delayed for one month to allow the public an opportunity to respond in accordance with Statement Goal 2

John S. Carlson

RESOLUTION NUMBER _____

A RESOLUTION ADOPTING THE LOCAL PERIODIC REVIEW ORDER FOR DUNES CITY, OREGON

WHEREAS, In accordance with Oregon Administrative Rule (OAR) Chapter 660, Division 19, the State's Land Conservation and Development Commission (LCDC) requires Periodic Review to ensure that acknowledged comprehensive plans and land use regulations comply with State Goals and Rules and are coordinated with state agency plans, and;

WHEREAS, ORS 197.640 and OAR 660-19-055 requires local governments to adopt findings responding to four periodic review factors including the following:

1. Substantial change in circumstances
2. New or amended goals or rules adopted since the date of acknowledgment
3. New or amended state agency plans
4. Additional planning tasks, and;

WHEREAS, The Citizens Committee for Involvement (CCI) of Dunes City has held eight (8) work sessions to review and recommend changes to the Comprehensive Plan, and to provide input on the findings responding to the required four periodic review factors, and;

WHEREAS, The Planning Commission has held a public hearing on April 30, 1986 on the Local Periodic Order and the Commission recommended that the City Council approve the Periodic Review with the suggested changes, and;

NOW THEREFORE, Be it resolved by the City Council of Dunes City, Oregon that the Local Periodic Review Order be adopted.

Adopted by the City Council of Dunes City, Oregon this 14th day of August, 1986.

Approved and signed by the Mayor of the City of Dunes City this 14th day of August, 1986.

Mayor

ATTEST:

City Recorder

CGB:jw/C8D-R

ORDINANCE NUMBER _____

AN ORDINANCE AMENDING SECTION 4.05.H (LAKE ACCESS) OF THE DUNES CITY LAND SUBDIVISION ORDINANCE (ORDINANCE NO. 60).

WHEREAS, Oregon Administrative Rule Chapter 660, Division 19, and ORS 197.640 to 197.649, specify that the Dunes City Comprehensive Plan and land use regulations be reviewed for conformance with changing circumstances in state and federal laws, new administrative rules, and new case law. Evaluation of the Plan and land use regulations shall be conducted as part of the Plan Update and Periodic Review process required by the State Department of Land Conservation and Development, and;

WHEREAS, The purpose of this ordinance is to amend the Dunes City Subdivision Ordinance in order to comply with statewide regulations, and;

WHEREAS, The City Council of Dunes City finds that the amendment of Section 4.05.H of the Dunes City Subdivision Ordinance as described below is in conformance with the goals and policies of the Dunes City Comprehensive Plan.

WHEREAS, The Planning Commission held a public hearing on April 30, 1986 on the amendment to Section 4.05.H of the Dunes City Subdivision Ordinance and the Commission has approved and recommended that the City Council approve the proposed amendment to the Subdivision Ordinance, and;

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

Additions will be underlined and deletions are in (brackets).

Section 1. Section 4.05.H of the Dunes City Subdivision Ordinance No. 60 is amended to read as follows:

LAKE ACCESS. Common access may be provided within a subdivision where maintenance is provided for in deed covenants. The City shall require the subdivider of 25 or more lots adjacent to Woahink or Siltcoos Lakes to dedicate to the public pedestrian and bicycle ways up to 15 feet in width to provide public access to the coastal lakes.

Adopted by the City Council of Dunes City, Oregon this 14th day of August, 1986.

Approved and signed by the Mayor of the City of Dunes City this 14th day of August, 1986.

Mayor

ATTEST:

City Recorder

ORDINANCE NUMBER _____

AN ORDINANCE AMENDING THE DUNES CITY COMPREHENSIVE PLAN

The City of Dunes City ordains as follows:

WHEREAS, Oregon Administrative Rule Chapter 660, Division 19, and ORS 197.640 to 197.649, specify that the Dunes City Comprehensive Plan be reviewed for conformance with changing circumstances in state and federal laws, new administrative rules, and new case law. Evaluation of the Plan and land use regulations were conducted as part of the Plan Update and Periodic Review process required by the State Department of Land Conservation and Development, and;

WHEREAS, The purpose of this ordinance is to make amendments and additions to the Dunes City Comprehensive Plan in order to comply with statewide regulations, and;

WHEREAS, The Citizens Committee for Involvement (CCI) of Dunes City has met numerous times in 1985 to review and recommend changes to the Dunes City Comprehensive Plan, and;

WHEREAS, The Planning Commission held a public hearing on April 30, 1986 on the proposed amendments to the Comprehensive Plan. The Planning Commission recommended the proposed amendments to the Comprehensive Plan with various changes to the City Council of Dunes City, Oregon, and;

NOW THEREFORE: The Dunes City Comprehensive Plan, adopted by Resolution No. 9-9-76 B on September 9, 1980, is reaffirmed and amended according to the attached Exhibit "A" and entitled, "Amendments - Dunes City Comprehensive Plan" dated August 1986. Exhibit "A" is adopted by reference in its entirety as part of this ordinance.

Adopted by the City Council of Dunes City, Oregon this 14th day of August, 1986.

Approved and signed by the Mayor of the City of Dunes City this 14th day of August, 1986.

Mayor

ATTEST:

City Recorder

ORDINANCE NUMBER _____

AN ORDINANCE AMENDING THE DUNES CITY ZONING ORDINANCE
(ORDINANCE NO. 50)

WHEREAS, Oregon Administrative Rule Chapter 660, Division 19, and ORS 197.640 to 197.649, specify that the Dunes City Comprehensive Plan and land use regulations be reviewed for conformance with changing circumstances in state and federal laws, new administrative rules, and new case law. Evaluation of the Plan and land use regulations shall be conducted as part of the Plan Update and Periodic Review process required by the State Department of Land Conservation and Development, and;

WHEREAS, The purpose of this ordinance is to amend the Dunes City Zoning Ordinance in order to comply with statewide regulations, and;

WHEREAS, The City Council of Dunes City finds that amending the Dunes City Zoning Ordinance as described below is in conformance with the goals and policies of the Dunes City Comprehensive Plan.

WHEREAS, The Planning Commission held a public hearing on April 30, 1986 on the amendments to the Dunes City Zoning Ordinance and the Commission has approved and recommended that the City Council approve the proposed amendments to the Zoning Ordinance, and;

NOW THEREFORE, THE CITY OF DUNES CITY ORDAINS as follows:

Additions will be underlined and deletions are in (brackets).

Section 1. Section 9IX.A of Ordinance No. 50 is amended to read as follows:

IX. Criteria and Requirements for Approval of Conditional Use Permits

A. Purpose

Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration include, among others, the size of the area required for the full development of such uses, the nature of traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the City as a whole. All uses permitted conditionally possess unique and special characteristics making impractical their inclusion as outright uses in many of the various districts herein defined. Locations and operation of designated conditional uses shall be subject to review and authorized only by issuance of a Conditional Use Permit. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas, and for the further purpose of establishing

such conditions as may be reasonable so that the basic purposes of this Ordinance shall be served. [Nothing herein shall be construed to require the granting of a Conditional Use Permit.]

Section 2. Section 9IX of Ordinance No. 50 is amended by adding a new Section J, to read:

J. Multifamily Standards

When considering a conditional use for multifamily housing, conditions shall not be placed which would exclude needed housing, unnecessarily decrease density, or allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delays.

In permitting a conditional use or the modification of an existing conditional use that involves a housing type (two-, three-, and four-family dwellings), the planning commission may impose standards and requirements expressly specified for that use, other conditions which it considers necessary to protect the best interests of surrounding property or the City as a whole. These conditions include the following:

1. Require diking, fencing, screening, landscaping, berms or other items to protect adjacent or nearby areas.
2. Require two acres for two-family dwellings, three acres for three-family dwellings, and four acres for four-family dwellings.
3. Require adequate off-street parking and loading-unloading facilities.

Section 3. Section 9IV.B of Ordinance No. 50 is amended to read as follows:

- B. An application which is not acted upon by the Planning Commission within [60] 40 days from receipt of application by the City Recorder may be deemed denied and may be appealed to the City Council in the manner as provided for appeals of Planning Commission negative recommendations.

Section 4. Section 9.VII of Ordinance No. 50 is amended by deleting the following:

[VII. Moratorium on Permits and Applications]

- A. [After any matter for Rezoning, Zoning or Amendment to this Ordinance affecting particular property has been set for public hearing by the Planning Commission, no zoning, subdivision or building code application or request shall be accepted, granted, issued or approved except as herein provided until the final action has been taken on the matter.]

- B. [After such final action, granting of pending or subsequent applications or request shall be in accordance with the requirements of the zoning district classification or requirements as amended by the final action.]
- C. [In the event of the Planning Commission or City Council modifies the matter as originally set by the Planning Commission, pending application or requests shall, in addition, meet the requirements of the proposed change or amendment as modified.]
- D. [In the event that final action upon the proposed change or amendment is not taken within one hundred twenty (120) days of the date set for hearing by the Planning Commission, the provisions of this subsection shall no longer be applicable.]
- E. [The provisions of this subsection shall not be applicable to the issuance of building or plumbing permits for normal repairs or corrections, nor shall the provisions apply when the proposed application or request meets both the requirements of the existing zoning district requirement and the proposed change or amendment, or to the approval of a final major subdivision plat.]

Section 5. Section 2V.A of Ordinance No. 50 is amended to read as follows:.

- A. Continuation. Any public hearing may be continued by oral pronouncement prior to the close of such hearing if notice of the time and place thereof is publicly announced at the hearing or is given in the same manner as required for the first public hearing, and such announcement shall serve as sufficient notice of such continuance to all interested persons. Final action on a development permit or zone change shall occur within 120 days after the application has been received.

Section 6. Section 5.I.III of Ordinance No. 50 is amended by adding a new subsection C, to read:

III. Shorelands. For purposes of this ordinance, shorelands are defined as all lands within 50 feet of the mean high water line of Woahink and Siltcoos Lakes and Woahink Creek, and lands comprised of the following soil types: Nestucca, 145A; Heceta, 204A; and Brallier, 20A; identified as wetlands on the shorelands Map in the Dunes City Comprehensive Plan.

A. Permitted Uses

Low-intensity uses, such as parks, playgrounds, walking trails and similar uses are allowed.

B. Conditional Uses

1. Those uses set forth in Paragraph II.B.1.
2. Structures which can meet variance criteria and underlying zone limitations.

C. Other Requirements

Public access in coastal shoreland areas shall be retained or replaced when public property, rights-of-way or public easements are sold, exchanged or transferred. The Planning Commission will review all vacations of rights-of-way and easements against the requirements outlined in the Comprehensive Plan policy.

No more than one water access development (boathouse, dock, pier, wharf, or combination) shall be allowed per lakefront lot, consistent with reasonable use.

Section 7. Section 8IX of Ordinance No. 50 is amended to read as follows:

IX. Residential Density

- A. The residential density shall be equivalent to not more than one [dwelling] family unit per acre.
- B. The overall density of a Planned Residential Development shall be calculated by dividing the total net development area by the number of [dwelling] family units. The net development area shall be determined by subtracting from the gross development area lands intended or used for:
 - (1) Commercial purposes
 - (2) Churches or schools
 - (3) Public or semipublic uses not intended to primarily serve the residents of the PUD.

Adopted by the City Council of Dunes City, Oregon this 14th day of August, 1986.

Approved and signed by the Mayor of the City of Dunes City this 14th day of August, 1986.

Mayor

ATTEST:

City Recorder

CGB:pbC13/PA