

**ORDINANCE 182
FINDINGS OF FACT**

A. Consistency with Dunes City Comprehensive Plan

Finding #1: Dunes City Comprehensive Plan Policy A1 contemplates a Committee for Citizen Involvement (CCI) that will be involved in all phases of the planning process.

Finding #2: The Dunes City CCI was initially involved in the revision to the subdivision and zoning regulations of the DCCO but was not thereafter formally included in the ongoing revision process until late in 2006. The CCI was extensively involved in the revision process in October and November of 2006.

Finding #3: Dunes City Comprehensive Plan Policy C6 requires that development on slopes between 12 and 16 percent is subject to site review and that development on slopes over 16 percent be subject to documentation from a licensed Oregon Engineer that shows the development is safe.

Finding #3a. The current site review regulations of Section 156.218 have been retained but the previous comments that the site review process did not require documentation from a licensed Oregon Engineer for development on slopes in excess of 16 percent are still relevant recommend the addition of the following criterion to Section 155.4.2.C:

“13. New development on slopes in excess of 16 percent shall require documentation from a licensed Oregon Engineer that shows such development to be safe.”

Finding #3b. Section 155.3.4.1.N (Transportation Standards—Grades and Curves) of Ordinance 182 generally limits grades to 12 percent except for local or residential access streets with segments of no greater than 250 (15 percent).

Finding #3c. Section 155.2.4.200.B.2 (Excessive Slopes) of Ordinance 182 does require a licensed Oregon Engineers report documenting the safety of development on slopes in excess of 16 percent.

Finding #3d. Section 155.4.3.140(A).5 of Ordinance 182 requires that a licensed Oregon engineer document the safety of all development proposed on slopes in excess of 16 percent.

Conclusion: Ordinance 182, with the additional of the above-recommended provision that requires an engineering analysis of development on slopes in excess of 16 percent, is consistent with the Dunes City Comprehensive Plan.

B. Consistency with Applicable Statewide Planning Goals

Goal 1: Citizen Involvement

Goal 1 requires that a citizen involvement program be adopted that provides an opportunity for citizens to be involved in all phases of the planning process. Dunes City's citizen involvement process includes the use of a Committee for Citizen Involvement (CCI) that makes recommendations to the Planning Commission regarding post acknowledgement plan amendments. [Comp. Plan Policy A.1.]

Finding #1: The City Council suggested that the Planning Commission review the subdivision and zoning provisions of the Dunes City Code of Ordinances (DCCO) in Fall of 2000. This meeting was noticed in accordance with Oregon Open Meetings Law requirements.

Finding #2: The Planning Commission requested that the Road Commission review the subdivision ordinance for changes on November 9, 2000. This meeting was noticed in accordance with Oregon Open Meetings Law requirements.

Finding #3: The Road Commission, at their November 15, 2000 meeting, agreed that the subdivision and zoning regulations of the DCCO should be modified, using the Creswell Development Code format. This meeting was noticed in accordance with Oregon Open Meetings Law requirements.

Finding #4: The Planning Commission, at its December 20, 2000 meeting, decided to adopt the Model Development Code & User's Guide for Small Cities, 1st Edition (Model Code) instead of patching the current DCCO. This meeting was noticed in accordance with Oregon Open Meetings Law requirements.

Finding #5: On February 21, 2001, the Planning Commission requested that the Lane Council of Governments (LCOG) pursue grant funds to revise the subdivision and zoning regulations of the DCCO. This meeting was noticed in accordance with Oregon Open Meetings Law requirements.

Finding #6: Dunes City, through LCOG, requested a TGM grant to assist in the revision of the subdivision and zoning regulations of the DCCO. This meeting was noticed in accordance with Oregon Open Meetings Law requirements.

Finding #7: A work session between the Planning Commission and members of the City Council was held on November 14, 2001 to discuss procedures to review the subdivision and zoning regulations of the DCCO. This meeting was noticed in accordance with Oregon Open Meetings Law requirements.

Finding #8: At a February 21, 2002 work session, members of the Planning Commission were assigned sections of the Model Code to review in light of possible modifications to the subdivision and zoning regulations of the DCCO.

Finding #9: Between March of 2002 and December of 2004, planning commission members met, usually on a Friday, to review progress on integrating the subdivision and zoning regulations of the DCCO into Model Code format. Often a quorum of the Planning Commission were present at these work sessions, which were not noticed in accordance with Oregon Open Meetings Law requirements.

Finding #10: At the February 12, 2004 city council meeting, Lee Riechel, Planning Commission Chair, reported on the progress of the code update.

Finding #11: On April 14, 2005, the City Council reviewed the status of the draft changes to the subdivision and zoning regulations of the DCCO.

Finding #12: On January 17, 2005 the Planning Commission reported to the City Council that the Planning Commission's work on the revision to the land use code was completed.

Finding #13: The CCI, on January 10, 2006, considered the issue of the Planning Commission's role in decision-making in regard to the draft revision to the land use code.

Finding #14: The CCI group presented its recommendations to the Planning Commission on January 19, 2006 regarding the draft land use code revision.

Finding #15: On February 12, 2006, the City Council tabled its consideration of Ordinance 182.

Finding #16: On August 10, 2006, the City Council had a first reading and public hearing on Ordinance 182.

Finding #17: On September 14, 2006 the City Council had a second reading of Ordinance 182. Public testimony was considered at this meeting.

Finding #18: On October 12, 2006 the City Council had a third reading of Ordinance 182.

Finding #19: The CCI meet on November 1, 8, 15, and 22 to review and comment on Ordinance 182. Public testimony was heard at this meeting.

Finding #20: The Planning Commission and City Council held a joint work session on Ordinance 182 on November 28, 2006 and forwarded the draft to the City Council for consideration of adoption.

Conclusion: The adoption process of Ordinance 182 is consistent with the requirements of Statewide Planning Goal 1.

Goal 2: Land Use Planning

Goal 2 requires that land use plans include evaluation of alternative courses of action regarding each statewide planning goal. Goal 2 also requires that opportunities for review and comment by citizens and affected governmental units be provided during the preparation, review and revision of plans and implementation ordinances. Finally, Goal 2 has been interpreted to require that land use regulations comply with applicable statutes.

Finding #1: As an affected agency, Lane County has been provided a copy of the November 28, 2006 draft of Ordinance 182 for review and comment.

Finding #2: Section 155.1.2.2.F. of Ordinance 182, which requires that conflicts between Ordinance 182 and the Master Road Plan be resolved in favor of the latter document has been deleted as the Master Road Plan is not yet acknowledged.

Finding #3: In compliance with ORS 197.660(2) and 657A.440(4) the permitted use and conditional use sections of the Residential District have been amended accordingly require that residential homes and family child care facilities, respectfully, be allowed in any zoning district that allows single-family dwellings as a matter of right.

The statutory term of “property line adjustment” should be substituted for the term “lot line adjustment” that is used in Ordinance 182. [This change can be made by the Council at its December 12 meeting.]

Conclusion: Ordinance 182 is consistent with Statewide Planning Goal #2.

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces

Finding #1: Goal 5 states that wetlands and riparian corridors shall be inventoried. Policy B16 of the Dunes City Comprehensive Plan notes that the City has adopted a Local Wetlands Inventory and Riparian Inventory prepared by LCOG & Pacific Habitat Services, Inc.

Finding #2: Ordinance 185, adopted June 9, 2005, revised the Dunes City Local Wetlands Inventory and Riparian Inventory referenced in Policy B16 of the Dunes City Comprehensive Plan. The Department of Land Conservation and Development (DLCD) received notice of the first evidentiary hearing on this ordinance on March 17, 2005. Final Notice of Adoption was sent to DLCD within 5 days of the adoption of Ordinance 185 and no appeals were submitted.

Finding #3: Current code provisions (§156.120 – .124) apply the traditional Goal 5 protection measures to wetlands and riparian corridors. These provisions essentially duplicate the regulatory language of existing administrative rules. Ordinance 182 retains the traditional Goal 5 protections but references the administrative rule sections instead of duplicating the rule language.

Conclusion: Ordinance 182 complies with the applicable provisions of Statewide Planning Goal #5.