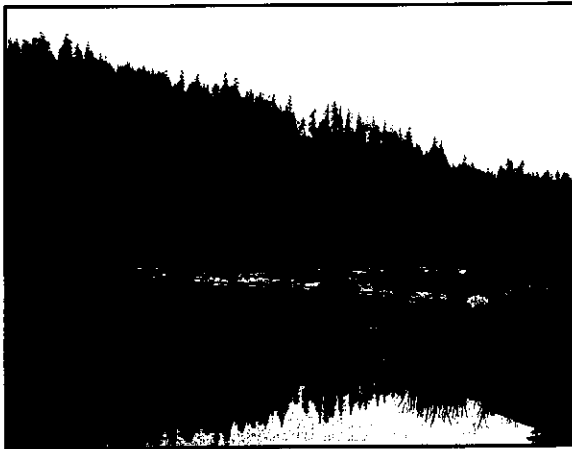


REVISED DATA SUMMARY:

Smith River Watershed

Bacteria Source Tracking (BST) Study



Acknowledgements

The Smith River Watershed Council would like to thank the following individuals and agencies who helped support this project financially, or otherwise.

Granting Agency	Contact
Oregon Department of Environmental Quality	Bobbi Lindberg, Paul Heberling
U.S. BLM, Coos Bay District	Aimee Hoefs, Glenn Harkelroad
U.S. Forest Service, Umpqua National Forest	Cheryl Walters, Jim Caplan

Team Member	Name
CH2M HILL	Barry Collom, Jenni York, Landon Collom, Tom Dupuis, Larry Little, Liz Tepper, Maria Kauffman, Katie Miller, Sherrill Doran
Delta Environmental	Kevin Hunt, Liz Fisher, Valerie Babb
Institute of Env. Health	Dr. Mansour Samadpour

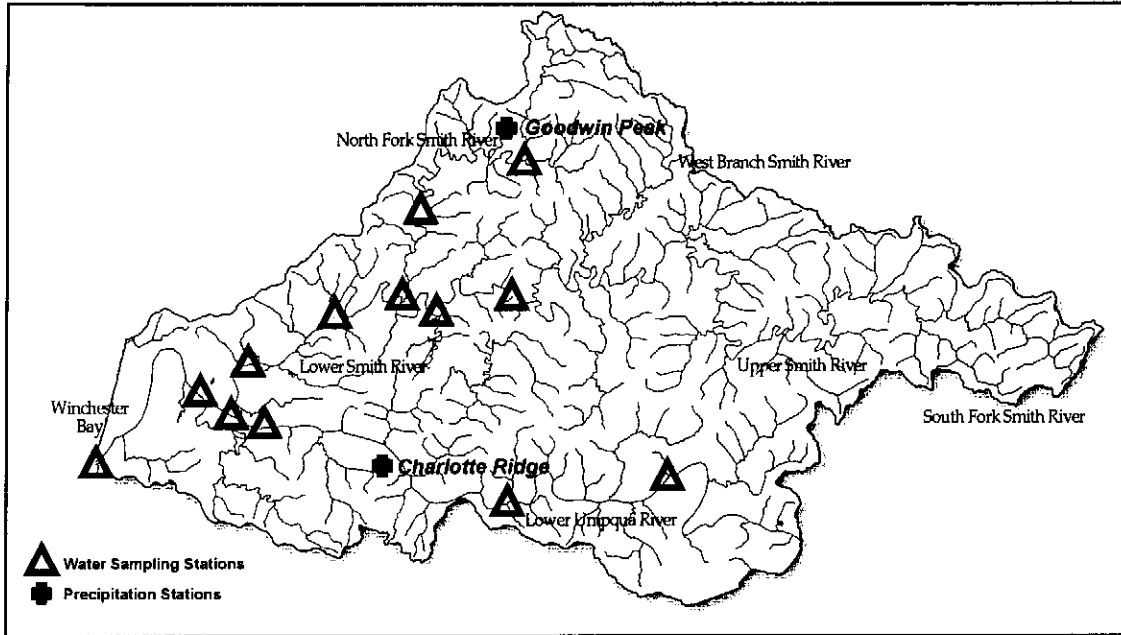
Team Member	Name
Oregon Department of Fish and Wildlife	Bill Kinyon
Smith River Watershed Council	Bill and Sally Town, Paul Dailey, Leo Naapi, George and Karen Black, Brenda Priest, Dave Harris, Ean Wright, Jim Stennett, Kendal Hansen, Lou Mohlman, Mike Mast, Norm Jones, Richard Baumgartner, Tommy Ursry, Walter Butrus
U.S. Department of Agriculture	Dave Wilson

Project Background

The Smith River watershed discharges near the estuarine mouth of the lower Umpqua River in the vicinity of Reedsport, Oregon. The Smith River bacteria source tracking project is designed to focus on bacteria reduction improvements by relying on deoxyribonucleic acid (DNA) fingerprinting. The DNA fingerprinting tool helps identify where fecal coliform bacteria originates.

With this information, directed actions and best management practices can be identified and proposed to specifically address the controllable sources of bacteria pollution. In addition to providing a basis for prioritizing pollution prevention actions, this information will help local landowners improve their understanding of how bacteria affect water quality.

Project Sampling Stations



Project Overview

Local scat samples were collected from the Smith River and Umpqua Estuary by volunteers to supplement an existing DNA library. Monthly water sampling monitoring events were conducted over a full range of precipitation and tidal conditions between August 2004 and July 2005 to supplement the existing monitoring data the Oregon Department of Environmental Quality has collected. A winter synoptic storm sampling event was also conducted on January 18 and 19, 2005.

Water samples were collected using field teams comprised of trained field technicians and watershed council volunteers. Samples were collected according to strict protocols outlined in a field work plan, and submitted to Delta Environmental in Eugene, Oregon for bacteriological analysis of fecal coliform and *Escherichia coli* (*E. coli*).

Composited samples (one from each station for each of the monthly events and throughout the synoptic storm event) were also submitted to the Institute of

Environmental Health in Seattle, Washington for DNA ribotyping. From these samples, up to seven colonies (for a total of 618 isolates) with *E. coli*-like morphologies were chosen for ribotyping.

Results

Bacteria Levels

E. coli and fecal coliform concentrations throughout the study area were relatively low, particularly compared to applicable water quality standards.

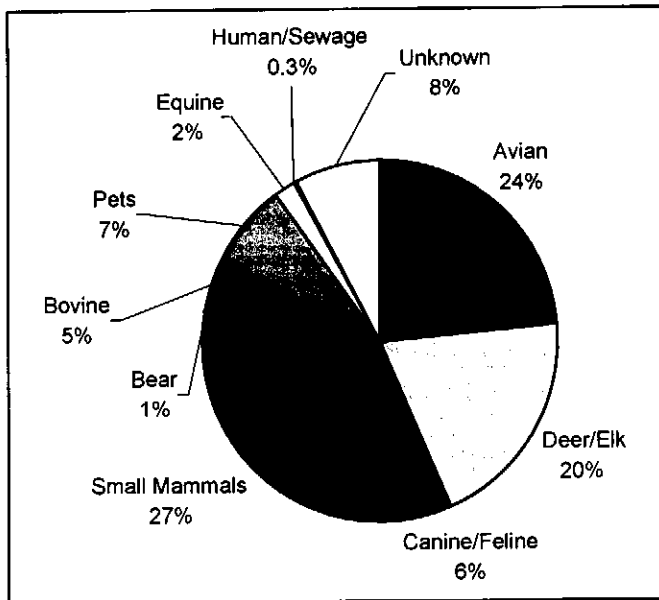
Waterbody	Water Quality Standard	
Smith River		
<i>E. coli</i> geomean:	6-10	126
<i>E. coli</i> maximum:	20-111	406
Umpqua River		
<i>E. coli</i> geomean:	5	126
<i>E. coli</i> maximum:	48-58	406
Umpqua Estuary (including mouth of Smith and Umpqua Rivers)		
Fecal geomean:	4-8	14
Fecal 90 th percentile:	13-61	43

NOTES:

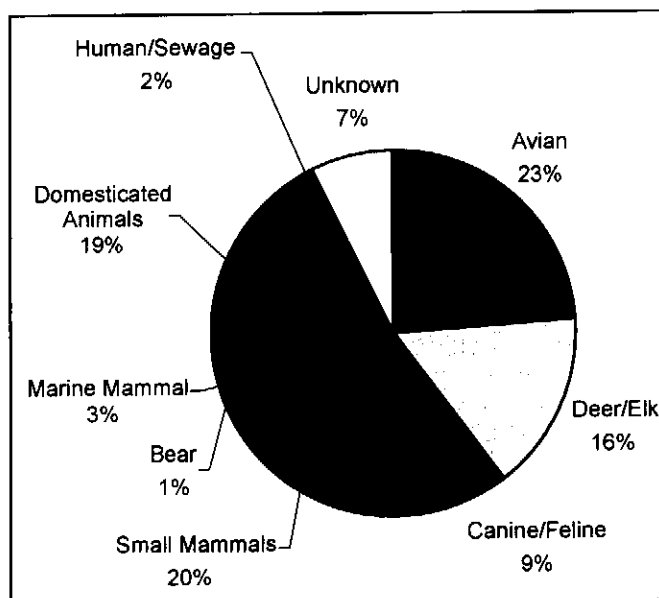
All values expressed in # colonies/100 mL.

Source Identification

The two figures below summarize available DNA sourcing information for Smith River, as well as for all stations in the project area.



Summary of *E. coli* DNA Fingerprinting – Smith River Watershed Only



Summary of *E. coli* DNA Fingerprinting – All Stations

Important notes for these figures include the following definitions and information:

- The canine/feline category represents wild dogs and cats such as coyotes and cougars.
- The small mammals category represents opossum, porcupine, raccoon, rodent, and squirrels.
- The domesticated animals category represents bovine/cows, equine/horses, swine/pigs, and domesticated dogs.
- The unknown category represents isolates that could not be positively identified. That is, unidentified isolates could either have the same distribution as the known isolates in the study, or they could represent source groups that are underrepresented (mostly wildlife) in the source library. While the reality is somewhere in between the two scenarios, speculative and predictive analysis of individual unknowns is not an appropriate use of the data set.
- Aggregated results are presented because there is not enough DNA ribotyping data to reach a meaningful conclusion at any single station at any single event.

The field of bacteria source tracking continues to evolve and the reliability of various techniques continues to be debated. A recent USGS-sponsored study concludes that each protocol has its limitations, as no single protocol can achieve 100 percent complete levels of reproducibility and accuracy. However, compared to the other protocols that are available, the methodology used in this study compares very well, particularly with respect to accuracy.

Discussion

Within the Smith River reaches, bacteria levels observed during this study were relatively low compared to applicable water quality standards.

Within Smith River as a whole, wildlife sources contribute between 70 and 80 percent of bacteria sources depending on location. Domesticated animals (bovine, equine, pets) contribute about 15 percent, humans contribute less than 1 percent, and 7 percent of the isolates could not be positively identified.

Fecal coliform values at the mouth of Smith River slightly exceed shellfish harvesting standards (90th percentile 46 fecal coliforms/100 mL observed versus 43 fecal coliforms/100 mL allowed).

However, data show that all of the events that drive the exceedance represent conditions where the tide that also contained elevated bacteria concentrations was coming into Smith River from the Umpqua estuary. These data provide quantitative insight into the presumption in the draft Total Maximum Daily Load that tidal influences from the Umpqua River affect elevated bacteria levels at the mouth of Smith River, more so than upstream bacteria sources within Smith River watershed.

Project Funding and Next Steps

Smith River Watershed Council working with state and federal agencies represents an important partnership that has resulted in the best available science that should inform the Umpqua River Total Maximum Daily Load process.

The total budget for the project involved funding from multiple sources, including in-kind match from the Smith River Watershed Council.

Team Member	Budget
CH2M HILL	\$87,415
Delta Environmental	\$29,880
Institute for Environmental Health	\$74,625
Smith River Watershed Council (In-Kind)	\$43,675
Other (BLM, USFS, Parkside Accounting)	\$ 6,650
	\$ 242,245

ODEQ 319 funding contributed \$65,513 (27%), Roseburg USFS RAC funding contributed \$54,493(23%), Coos Bay RAC funding contributed \$78,564 (32%), and the Smith River Watershed Council donated \$43,675 (18%) of in-kind labor/equipment.

Relying on BST as a tool is consistent with ODEQ's goal to develop TMDLs based on the best available science. The Smith River Watershed Council strongly believes that the available BST data can and should be used to answer the outstanding question of what sources contribute to bacteria loads under wet and high-flow conditions in the context of the Total Maximum Daily Load process.

For More Information

Bill and Sally Town
Smith River Watershed Council
1-541-587-4413

Paul Dailey
Smith River Watershed Council
1-541-271-5848

Leo Naapi
Smith River Watershed Council
1-541-271-4785

Sherrill Doran
CH2M HILL
1-208-383-6355

MINUTES

A. Call to Order and Roll Call

Present: Bob Petersdorf, Keith Herring, David Persons, Bill Connell,
George Burke, Linda Lauck, George McKenzie, and
Christy Lewis.

B. Approval of Minutes – August 21, 2006

ACTION: George McKenzie made a motion to approve the August 21, 2006 Road
Commission Minutes as submitted. Bill Connell seconded the motion.
There were 4 ayes, 0 nays. Motion carried.

C. Guests – None.

D. Citizen Input

Gerald Reavis, 83602 Kiechle Arm Road, Florence OR 97439

Reavis asked Petersdorf when the second culvert on Kiechle Arm would be
ditched. Bob answered that he has talked to Leisure Excavating about doing the
work. Reavis asked when the two corners of his property that were lost during
excavating of the new street would be relocated by the surveyor. Bob said that
Wobbe (surveyor) has been very busy, but he would have the corners marked in
the next couple of months.

E. Unfinished/Old Business

1. Request for Abatement for Encroachment into the Right-of-Way –
Parkway Estates, Homeowners Association of Parkway Estates.

Prior to the meeting, Richard Kuert, Chair for the Parkway Estates
Homeowner's Association, presented a document outlining the concerns
of the Homeowner's Association (HOA). George Burke asked to respond
to comments directed to him in the document (see Exhibit A). Burke said
at no time was he ever at a BBQ and in fact did not know where Hickey
lived prior to the site meeting. Burke explained that as Planning
Commission Chair, he has attended the Road Meetings after the
resignation of prior chair, Lee Riechel. Linda Lauck also addressed the
document saying that the position where the pictures were taken was
clarified at the August Road Commission Meeting, and she thought the
issue had been settled with that clarification.

Petersdorf asked if there were any Commissioners who had a conflict of interest, bias, or ex parte contact. Petersdorf announced that the Commission had visited the site previously, but no discussion or decisions were made. Petersdorf asked the audience if anyone would like to challenge any member of the Commission for impartiality. There were none.

Michael Farthing, Attorney for Joanne Hickey and Bob Chuzas,
767 Willamette Street, Suite 203, Eugene OR 97401

Farthing outlined the letters from himself and Hickey as provided in the Commission packets. Petersdorf identified that he had talked to Contractor Duman at the time excavation was being done on the Hickey property. Petersdorf told Duman that the cut slope would have to be revegetated for stabilization. Farthing pointed out that in the Master Road Plan (MRP), Appendix K, Defining Certain Un-Enumerated Nuisances, the few shrubs did not constitute a nuisance. Farthing said that in Dunes City there are numerous plantings by homeowners in the City's right-of-way; in fact, in most instances the right-of-way is 50-feet wide with 20-feet being paved and the remainder vegetation. Petersdorf had suggested the removal of the two large trees in the right-of-way above the Hickey property. Farthing said there is no blocked vision, disruption of traffic or safety concerns that would indicate a nuisance. Farthing cautioned that the issue is a gray area that would allow neighbors the use of the Road Commission to decide civil issues. Farthing pointed out that Dunes City encourages vegetation and a permit is required to remove vegetation, but there is no permit to vegetate. In Appendix E, Right-of-Way Use Permit, the permit requires that people revegetate the right-of-way. Farthing said that in his research of Parkway Estates HOA, he found the HOA is not registered with the Secretary of State and they have no bylaws that would give the HOA public authority. Farthing said it appears that Genereaux, the developer, did not go through the process under the Oregon Planned Communities Act. Farthing went through a couple of the items required of that process and ended by saying the process lapsed in 2003.

There was a discussion between Petersdorf, Darnielle and Farthing about having a written guideline, the City having the right to interpret the Code, and making the resolution (Appendix K) more finite. Petersdorf said there was leeway in the Resolution to let the Road Commission make a determination on a case by case basis, instead of restricting use of the right-of-way. There was a discussion about the interpretation of when a Temporary Right-of-Way Use Permit should apply. Darnielle suggested that the Road Commission propose clarification changes to the City Council.

Farthing concluded that a fine was not appropriate and that Hickey would file for a permit for right-of-way use.

There was a discussion of the Commission regarding the City's responsibility for view clearance. Burke pointed out that the City does not have a view ordinance. Darnielle said that anyone in the City could plant a tree one foot from the right-of-way that might affect the neighbor's view. Darnielle said there are no standards, but if the issue is important, then the City could write some standards. Darnielle said that a subdivision's CCRs regulate the view easement and it is a private matter that can be decided in circuit court. Darnielle said that the City could get into tort liability by making a decision that is not in its jurisdiction.

Bill Connell said that the City does require revegetation for erosion control and the property across from Hickey should be reviewed due to the bareness of the slope. Linda Lauck inquired about the correctness of the rock in the right-of-way on the east side of the street. Petersdorf said there was no problem with the rock.

Richard Kuert, 83420 Parkway Drive, Florence OR 97439.

Kuert said he has water and electricity in the right-of-way without a permit, but at the August Road Commission Meeting, he was informed that evergreens and maples were not to be planted in the right-of-way.

ACTION: George McKenzie made a motion that Joanne Hickey document the electricity and water lines in the right-of-way and apply for a permit for right-of-way usage. Hickey may use a photo to document plantings, rockwork, water lines and electricity. Linda Lauck seconded the motion. There were 4 ayes, 0 nays. Motion carried.

2. Review Street Inspection Form

The Commission reviewed the form prepared by Teri Tinker. Changes were made in the title (added Engineer Required), times of inspection and the addition of signature blocks.

F. New Business

1. Driveway Permit – Clarence Childrey, 19-12-26-12-03900, Parkway Drive. *Note: The Road Commission met with Childrey and his contractor (Mike Cochrane) at the site for viewing prior to the meeting. Also present was Childrey's wife and son, Joanne Hickey, Michael Farthing, Gary Darnielle, and two unidentified people.*

Clarence Childrey, PO Box 2208, Sisters, OR.

Childrey said he would like to angle the driveway starting in the right-of-way in front of the Hickey property and going between two large stumps located in the right-of-way towards the north of his property. Childrey indicated that he would leave the stumps in place. Childrey stated that he did not want to place the driveway at the top of his property because of the necessity of removing a tree in the right-of-way.

George Burke asked for clarification of the lot size, since Cochrane, the contractor, stated the lot was 99-feet by 99-feet. Childrey said the size of his lot is 50-feet by 100-feet. Burke said that at the site viewing the information on lot size was incorrect making it hard to base a decision on. Petersdorf said that the driveway access should be parallel to the Childrey property, since the City has never allowed a property owner to use right-of-way property parallel to another property. Petersdorf said the City would want to avoid disputes that would arise in the future between neighbors caused by the location of a driveway.

Childrey said that the utility lines were 45 – 50-feet from his property line, but later stated that the distance was only 10-feet. Childrey said that his special circumstances of steepness should allow him to angle into his property for access. Childrey said three years ago there was a driveway into his property that is no longer in existence, since Hickey had put in landscaping where the driveway had been present. Darnielle cautioned the Commission to consider only the driveway. Petersdorf said that the tree in the right-of-way parallel to the Childrey property should be removed now so that the City is not liable for any future damage or removal. Petersdorf also said that the south side of the Childrey property is less steep making it a more suitable area for the driveway. Childrey was instructed to place PVC pipe or stakes showing the 12-foot width of the driveway. Childrey contested the parallel issue insisting that he be allowed to start the driveway entrance parallel to the Hickey property.

Michael Farthing, Attorney for Joanne Hickey and Bob Chuzas,
767 Willamette Street, Suite 203, Eugene OR 97401

Farthing cited the Master Road Plan, Chapter 2, Section 9, Page 2, Subsection 3: Driveway Permits, Items A – H. Farthing said those requirements include siting a septic tank and well, which due to the size of the lot and a nearby wetland may not allow the site to be developed. Petersdorf said that regardless, the Road Commission would allow access to a property. Farthing said that is in conflict with the Master Road Plan.

Childrey said the lot corners are in place and the right-of-way has been surveyed.

Darnielle suggested that a condition to the driveway permit be made upon issuance for the Items A through H. Darnielle said that there may have been a good reason to defer the criteria to the future development, but even so, the criteria in the MRP needs to be applied. Linda Lauck asked Childrey what his plans for the property were. Childrey said he had no plans to develop the property or clear any vegetation. Lauck said it sounded as though there was plenty of time to follow the Code and place the structure, well and septic system.

Barbara Childrey, PO Box 2208, Sisters, OR 97759.

Mrs. Childrey said they only want access to the property, not a driveway.
Mrs. Childrey said she wants to place a small travel trailer on the property.

George McKenzie said he thought the lot was wider. McKenzie suggested placing the access on the hill to the south. Childrey made the point that the two trees in the right-of-way parallel to his property were allowed to be removed with out his notification when Hickey was developing her property. Petersdorf said the trees were allowed to be removed due to their danger; in fact, the winter after that, a similar tree had the top blow out of it onto the Hickey property. McKenzie said it would be the City who would determine where the driveway access would be located, not Childrey.

Petersdorf again instructed Childrey to stake the proposed driveway.

ACTION: George McKenzie made a motion to disapprove the driveway as proposed by Clarence Childrey, but the Commission would listen to the request at the October meeting if the access is located parallel to the Childrey property. Bill Connell seconded the motion. There were 4 ayes, 0 nays. Motion carried.

Childrey stated that he *would* use the right-of-way parallel to the Hickey property. Petersdorf instructed Childrey that he may appeal the Road Commission decision to the City Council and has seven-days to make notice to City Hall of such an appeal.

G. Unscheduled Items Not Listed on Agenda – None.

H. Reports

1. Keith Herring, Road Inspector
Keith presented his report (see Exhibit B). Keith presented three bills for limbing and brush disposal, flagging for mowing, and street construction inspections for The Woods on Woahink and The Point at Summerbell.

ACTION: Bill Connell made a motion to approve payment to Keith Herring for inspections for Summerbell and Woods on Woahink streets for \$312.50. Dave Persons seconded the motion. There were 4 ayes, 0 nays. Motion carried.

ACTION: Bill Connell made a motion to approve payment of \$125 to Keith Herring for flagging during mowing of the streets by Lane County. Dave Persons seconded the motion. There were 4 ayes, 0 nays. Motion carried.

ACTION: Bill Connell made a motion to approve payment of \$34.50 for limbing and brush disposal to Keith Herring. Linda Lauck seconded the motion. There were 4 ayes, 0 nays. Motion carried

2. Christy Lewis, Road Secretary

Lewis said ex-councilor Della Robinson had not returned her copy of the MRP.

ACTION: George McKenzie made a motion to send a letter to Robinson stating that she either return the MRP or pay the City \$50. Bill Connell seconded the motion. There were 4 ayes, 0 nays. Motion carried.

There was a site view for a Driveway Permit on Helkat Trail prior to the meeting. Lewis asked if the permit could be approved. Petersdorf said the location was okay, but there would need to be an engineered culvert placed in the canyon drainage and the usual 12-inch culvert placed for drainage at the street.

Lewis presented a request by Terrace Homes for the return of \$1975 of a \$2000 performance bond. There was a \$25 fee for a vegetation removal permit.

ACTION: Linda Lauck made a motion to release Terrace Homes from the performance bond and refund \$1975.00. Dave Persons seconded the motion. There were 4 ayes, 0 nay. Motion carried.

Petersdorf asked Herring to make a final inspection report to the Commission at the next meeting.

Lewis suggested that the City might want to start charging a fee for a Temporary Right-of-Way Use Permit, since the last couple of applications had required significant staff time. Petersdorf agreed and asked that the topic be brought up at a future meeting.

Petersdorf wished to thank Sue Scott for filling in at the August meeting for Lewis. The Commission suggested buying her a plant and signing a thank you card.

3. Bill Connell, Road Commissioner – Connell reported that there were two dead trees along the View Terrace right-of-way requiring removal. Petersdorf asked Lewis to call PUD to see if they would remove the trees. If not, Petersdorf will contact John White to remove the trees. The property is between the Kim Fossom and Jim Epple properties.
4. Linda Lauck, Road Commissioner – None.
5. Dave Persons, Road Commissioner – Dave said the property developed by Terrace Homes is being landscaped by the owner and they are making good progress. Persons said the last vacant property on Lake Drive has

been purchased and will be owner built. Persons said he would help the owner with the City's process.

6. George McKenzie, Road Commissioner – None.
7. George Burke, Planning and Road Commissioner – None.
8. Bob Petersdorf, Road Chairperson – Bob instructed Lewis to develop a business card for all the Road Commissioners as a method of identification to the public.

I. **Adjournment** - Meeting adjourned at 10:02 p.m.

ROBERT PETERSDORF

CHRISTINA LEWIS



DUNES CITY ROAD COMMISSION
REGULAR MEETING
OCTOBER 16, 2006, 6:30 PM

EXHIBIT C
PAGE 11-9-06

MINUTES

A. Call to Order and Roll Call

The meeting was called to order by Chair Petersdorf at approximately 6:45 p.m. The Commission was late due to a site view of the proposed Montgomery Subdivision prior to the meeting.

Present: Bob Petersdorf, Keith Herring, David Persons, George Burke, Linda Lauck, and Christy Lewis.

Excused: George McKenzie and Bill Connell

B. Approval of Minutes – September 18, 2006

ACTION: Linda Lauck made a motion to approve the September 18, 2006, Dunes City Road Minutes as presented. David Persons seconded the motion. There were 2 ayes, 0 nays, 2 excused. Motion carried.

C. Guests – None.

D. Citizen Input

John Scott, 83416 Parkway Drive, Florence OR 97439. Scott attended the meeting to discuss drainage issues on Parkway Drive that is washing onto his private driveway. Scott said that on the southern drain, the ditch is not directing the water into the existing culvert. Petersdorf said that a rocked portion next to the Saubert's needed a culvert, which does not allow the water to drain correctly. Scott identified that the ditch on the Westside of Parkway needs to be cleared.

E. Unfinished/Old Business

1. Dick Booth – Seeking additional information prior to a minor partition off Jensen Lane.

Booth addressed the Commission about getting access to develop his property. The Commission had assisted Booth at its April meeting (concept assistance). Petersdorf said that Booth could get a modification of the 50-foot width road standard down to 30-feet, plus bring the street up to the City standard with 22-foot paved width with 2-foot rocked shoulder for the minor partition. Petersdorf said that Booth should show how drainage would not affect neighboring properties. The street would be deeded over to the City. Burke said it was the Planning Commission's

previous recommendation to gain access from the north lot-line by getting a 50-foot right-of-way off Clear Lake Road. Petersdorf said developers need to look toward the future when accessing property so that problems, which now exist for Booth, does not happen to other property owners. Booth will go back and negotiate with the neighbor for access on the north lot-line.

2. Koning and Cooper: Request for payment of \$1975.00 for culvert installation on Lake Drive. Reported incorrectly at the September Road Commission Meeting.

Lewis explained that during the previous month, she had misread the letter from Koning and Cooper. The letter requested payment for the culvert installations and asphalt patching after such installations. Petersdorf had researched the crossing driveways and found those properties to be grandfathered from the culvert requirement. The City will pay for the costs.

ACTION: Dave Persons made a motion to pay \$1975 to Koning and Cooper for the culvert installation and required asphalt patching. Linda Lauck seconded the motion. There were 2 ayes, 0 nays, 2 excused. Motion carried.

3. View Terrace Tree Removal in Right-of-Way: Update

Lewis reported that PUD will not remove any of the danger trees in the right-of-way. PUD does not have the means to remove large trees, so it is their policy to let the trees fall, then remove the debris and fix the damage.

ACTION: Linda Lauck made a motion to have the trees removed in the City right-of-way along View Terrace at a cost of approximately \$1000. Petersdorf is to contact John White for removal. Dave Persons seconded the motion. There were 2 ayes, 0 nays, 2 excused. Motion carried.

4. Kiechle Arm Road:

- a. Gerald Reavis' request to divert the drainage from just south of Julie Ellis. Petersdorf reported that he, Reavis, Linda and David Lauck, and George McKenzie had fixed the ditch to keep road drainage out of Reavis' garage. The ditch was lined with rock. George McKenzie used his tractor to complete the job.

ACTION: Linda Lauck made a motion to reimburse George McKenzie for the use of his tractor for the ditching and moving of a brush pile on Kiechle Arm Road. Dave Persons seconded the motion. There were 2 ayes, 0 nays, 2 excused. Motion carried.

- b. Update on when survey corners will be marked for Reavis – Petersdorf said he would make contact with Wobbe to get the corners marked as soon as possible.

5. Review Plans for Fish Mill Way

The Road Commission looked over the plans for Fish Mill Way. The Commission approved the plans and the City would go out for bid after the City Attorney contacts the Bedsole's attorney to secure a hold harmless clause and an agreement that the Bedsole's will not harass any person representing the City, including the contractor for the construction. After the agreements have been received, Petersdorf will contact McAllister for an estimate. Burke said there was a previous estimate by McAllister of \$40,000, and agreed with Petersdorf that the City should go out for bids only after receiving the signed agreements.

6. Montgomery View Subdivision – Review continued from the April 2006 Road Commission Meeting. Alan Montgomery and Terry Duman were present.

Burke said that in the application there was a discrepancy between page 10 and page 13 of 27.

The Road Commission identified the following conditions:

1. Street shall have a 50-foot right-of-way, with 22-foot paved surface and two-foot rocked shoulder.
2. Street shall be designed by an engineer showing an adequate stormwater drainage plan.
3. A street light shall be placed at the end of Kiechle Arm Road where the new street will intersect.
4. A street light shall be placed along Clear Lake Road.
5. Center striping shall be required on the subdivision street.

ACTION: Dave Persons made a motion to recommend to the Planning Commission, the concept approval as submitted by Alan Montgomery for a subdivision located at Map and Tax Lot #19-12-23-40-0100, application SUB 01-06, with the five conditions listed above. Linda Lauck seconded the motion. There were 2 ayes, 0 nays, 2 excused. Motion carried.

F. New Business

1. Clear Water Cove Subdivision

- a. Street name request.

Lewis recommended Clearwater (one word) to keep the size of the street sign smaller. Cox and Scarberry agreed that their intention was that Clearwater be one word.

ACTION: Linda Lauck made a motion to approve the street name Clearwater Way for the street in the Clearwater Cove Subdivision. Dave Persons seconded the motion. There were 2 ayes, 0 nays, 2 excused. Motion carried.

b. Subdivision review

Representatives for the subdivision: Rick Cox, Dan Scarberry and Clare Brien were present. Cox said there would be a deed restriction on the 2.15 acre parcel (Lot 4) restricting further partition.

Petersdorf voiced his disappointment of the division of the parcel after the property owner's past promises (during the prior minor partition) that the lots would not be further subdivided as a reason to avoid the development of a continuous City street as recommended by the Road Commission.

Petersdorf said that the City Engineer would be required to review the drainage plan at the expense of the subdivider. Burke said that there shall be no advertising of properties for sale until the roads and utilities are completely constructed and installed.

Road Commission Conditions for Clearwater Cove Subdivision:

1. Street shall have a 50-foot right-of-way, with 22-foot paved surface and two-foot rocked shoulder.
2. There shall be a non-remonstrance agreement for each lot for the widening of Cloud Nine Road.
3. The City Engineer shall review the required storm water drainage plan.
4. Street light shall be required at the intersection of Clearwater Way and Cloud Nine Road.
5. Striping shall be required down the center of Clearwater Way.

ACTION: Linda Lauck made a motion to recommend to the Planning Commission the approval of the proposed Clearwater Cove Subdivision, Map and Tax Lot 19-12-23-10-0806 with the above listed five conditions. Dave Persons seconded the motion. There were 2 ayes, 0 nays, 2 excused. Motion carried.

2. New Street Inspection by Dunes City Road Inspector. City Recorder requests a meeting between Petersdorf, McAllister, Burke and herself to develop a procedure for Road Inspections.

There was a discussion regarding the rate of pay that was requested by Keith Herring for performing road inspections as supervised by Mike McAllister. There was some confusion as to who Herring was employed

by: the City or McAllister. Lewis, who had talked to McAllister regarding such employment, said that McAllister would not employ Herring. It was decided to discuss the rate of pay and procedure at the upcoming meeting. Petersdorf will contact McAllister and set up the meeting. Petersdorf requested that Herring attend that meeting.

3. Placement of Political Signs – Procedure Discussion.

Petersdorf said that there did not need to be a discussion. The procedure is clear as outlined in the resolution located in Appendix G of the Master Road Plan. Before the placement of any political signs, that person must notify City Hall of the type of sign and a contact phone number of the person placing the sign. Petersdorf said that just having the election information on a candidate is not enough, since the signs are placed by different people. Petersdorf brought up other political signs such as the library measure where a specific person cannot be identified. Lauck wanted to know how the public would be notified. Petersdorf said it is not the City's responsibility to notify the public of each regulation of the City. Lewis suggested including a copy of the resolution with the candidate information at the beginning of the election procedure. The Commission agreed. Petersdorf will talk to the City Recorder about what is required by the resolution.

G. Unscheduled Items Not Listed on Agenda – None.

H. Reports

1. Keith Herring, Road Inspector - Keith presented his report (see Exhibit A). Herring asked when the City would do something about Terry Austen on Wright Road and the continual use of the City right-of-way with out a permit. It was suggested by Lewis that the Road Commission meet with Austen prior to the November Road Commission Meeting. Petersdorf asked to wait until he gets his new work schedule before setting an appointment with Austen. Herring said the Downing's had repaired the street as required.

Herring presented bills for payment.

ACTION: Linda Lauck made a motion to approve payment to Keith Herring for limbing and dump fees in the amount of \$34.50. Dave Persons seconded the motion. There were 2 ayes, 0 nays, 2 excused. Motion carried.

ACTION: Linda Lauck made a motion to approve payment to Keith Herring for inspection during the paving at Sunset Cove in the amount of \$350. Dave Persons seconded the motion. There were 2 ayes, 0 nays, 2 excused. Motion carried.

Hydro-seeding for Little Woahink Drive had not been completed and Petersdorf said he was concerned because of the recent heavy rains. Lewis said Darnielle had contacted the applicant and they were in agreement to have the slopes hydro-seeded. Petersdorf told Lewis to have Darnielle contact the applicant again to see that the job is completed without delay.

Petersdorf said that Kiechle Arm Road never had its required hydro-seeding completed by Ray Wells, Inc. Petersdorf said that there was a couple who started hydro-seeding when their equipment broke-down. They were to come back and complete the job, but after three years, the slopes still have not been seeded. Petersdorf said the area is from Julie Ellis continuing down to the end of Kiechle Arm. Lewis will contact Wells for completion.

2. Christy Lewis, Road Secretary – None.
3. Bill Connell, Road Commissioner – Excused
4. Linda Lauck, Road Commissioner – Lauck asked if the Road Commission was going to check the condition of the roads this fall. Petersdorf said he would like to hold off on any spending while waiting to see if there is any more money that would be handed down to Dunes City from Lane County. Petersdorf said he had talked to Commissioner Anna Morrison who traveled to Washington DC to request additional payments. Petersdorf said there may be a two year extension to the funding.
5. Dave Persons, Road Commissioner - Persons said there is a new sign on Ford Way courtesy of his wife Lucy. Persons asked if there were a driveway permit from the person doing development on Lake Dr. Lewis said there was not.
6. George Burke, Planning and Road Commissioner – None.
7. George McKenzie, Road Commissioner – Excused.
8. Bob Petersdorf, Road Chairperson – Petersdorf said that the picnic tables have been placed at Petersdorf and Byrd Parks. There was a barbeque donated to the park.

I. **Adjournment** - Meeting adjourned at 10:00 p.m.

ROBERT PETERSDORF

CHRISTINA LEWIS

MSC – minutes – Sept. 27, 2006

Peter Howison opened the meeting at 7:04 PM. The minutes were approved as corrected by a date change.

Those in attendance were David Bellemore, Mark Chandler, Audrey and Ralph Farnsworth, Peter Howison, Richard Koehler, Susie Navetta, and Gerry Wasserburg.

The agenda for the meeting was comprised of a calendar of upcoming events.

September 29th – 10AM – 2PM

A meeting with Rural Community Assistance Corporation (RCAC, assistance) and Pam Blake will take place in Coos Bay. Richard Koehler, Susie Navetta, and John Stead will attend the meeting and give us a report at the next MSCCCI and Council meetings.

October 4th –

A meeting at Dunes City with Tim Bingham (LGOG), Dave Bellemore and John Stead Will be held to discuss the Storm Water Runoff Ordinance. Dave Bellemore will report on the BMP's. Dave Bellemore and John Stead will work on deletion suggestions. Dave Bellemore and John Stead will give Tim Bingman a tour around Dunes City and then hold a meeting.

October 11th –

Work session on land use 155/156 (LCOG document) with Council, Planning Commission, and etc. Gary Darnielle will make the presentation of the ordinance.

October 18th –

Public comment on the Erosion and Sediment Control Ordinance and the Higher Standards for Septic Systems Ordinance will take place with the CCI.

October 20th –

City Planners will be meeting in Newport. David Bellemore and Susie Navetta will be attending, there are spaces left open for other interested people.

Other business – Peter Howison said that Johan Hogervorst has information from DLCD that the MSC will receive another \$2000 for administration added on the existing grant.

The committee discussed the DEQ #319 grant and whether to pursue it with Mark Chernaik. It was believed that we would have to pass up this grant because it is due in October. This is a grant for monitoring the sediment and the ground water supply with Secchi and phosphorus recordings. We will have to acquire an outside source to do the work.

Mark Chernaik will be writing the Fertilizer/pesticides ban around the lakes. Mark Chandler said he had some information from the web and would pass it on to Mark Chernaik.

The meeting adjourned at 8:17 PM

Respectfully submitted, Susie Navetta

MSC/CCI minutes - Oct. 4, 2006
DRAFT

The meeting was opened at 7:04 by Peter Howison. Jerry Wasserburg made a motion that the minutes of Sept. 27th be approved as written and a second came from John Stead. The minutes were approved.

Those attending were Darlene and Marv Beckman, Dave Bellemore, Mark Chandler, Audrey and Ralph Farnsworth, Richard Koehler, Susie Navetta, Denise Ruttan (Siuslaw News), John Stead, and Jerry Wasserburg

At 7:07 Johan arrived to take over the chair and review the agenda.

A report on the last phosphorus reading from May 2006 was delivered by Mark Chandler. He stated that this was the highest reading ever recorded. The phosphorus level was at 23.2 and it is usually 10 to 14. Mark Chandler will write a short report for the next council meeting. Reminding the Council that Phosphorus and Nitrogen are indicators of lake water degradation. Richard Koehler will make a transparency. Mark also stated the need for more volunteers to help monitor Siltcoos Lake.

The meeting with Tim Bingham from LCOG, David Bellemore, Mark Chandler and John Stead was an eye opener for Tim Bingham. The group went on a tour around the city. Tim Bingham remarked that the narrows roads were protecting the lake. Tim Bingham, who is writing the Storm Water Runoff Ordinance will go back to work on the ordinance with a new perspective. He suggested that we use the rainfall records from Honeyman State Park as a guideline. The records go back to 1970. After massaging the ordinance, Tim will report back to the sub-committee of David Bellemore, Mark Chandler and John Stead. We need to look into the future of Stormwater Management. Owners must follow the CCR's and not let water pass through properties. These type of statement must follow the deeds.

The work session on October 11th will be chaired by Sheldon Meyer the Mayor. Denise Walters (LCOG) sent changes and other editing for the 155/156 land use ordinance. Gary Darnielle (LCOG) will do the presentation at the work session.

Gary Darnielle will be writing the findings of fact for the 182 Ordinance for the City Council meeting on October 12th. Johan Hogervorst will check with Gary on the budget.

On October 18th there will be a hearing with public comment on the Higher Standards for New Septic System Ordinance and the Erosion and Sediment Control Ordinance. Johan Hogervorst will facilitate the meeting and David Bellemore will be recording the

comments on a flip chart assisted by Richard Koehler. Audrey Farnsworth will be keeping a list of the comments. Johan Hogervorst reported that Amanda Punton, from DLCD, had favorable comments in her letter for these new proposed ordinances. Mark Chandler and John Stead are the contacts on the Erosion Control Ordinances. They will make sure it matches the 1201C process, so it will fit our ordinances, and send it on to Denise Kalakay for her approval.

Bobby Lindgren will be working (writing specifications) with Mark Chandler and Johan Hogervorst on the #319 grant (\$22,000) before sending it off to Mark Chernaik for grant writing. Mark Stysma, from Portland State University, will also be working with us.

Adjournment 9:30 PM

Respectfully submitted, Susie Navetta

TASKS:

Johan Hogervorst will check with Gary Darnielle on the budget.

Mark Chandler will make a report (water testing and volunteer for water testing) at the next Council Meeting.

Mark Chandler and Johan Hogervorst will be working with Mark Stysma on the #319 grant.

Mark Chandler and John Stead will make sure the Erosion Ordinance matches the 1201C process and send it on the Denise Kalakay.

Susie will ask Teri for a "Septic Evaluation Packet" and ask if Dunes city has a module set up for the septic system.

Public Meeting for Citizen Input

An Ordinance to Protect Critical Water Resources in Dunes City, Oregon
I – Minimizing phosphorous releases from septic systems
and
Erosion Control Ordinance

October 18, 2006 – 7 p.m.

The meeting was facilitated by Dunes City Councilor Johan Hogervorst with approximately 30 audience members. Dave Bellemore condensed comments on a flip chart.

Hogervorst began the meeting by going over the following:

Objective: Collect public comment on two draft ordinances:

1. Septic Standards/Phosphate and Nitrogen Reduction
2. Sediment and Erosion Control Ordinance

Ground Rules

1. No Personal Attack
2. Be Respectful of the Speaker on the Floor
3. Focus on Content of Ordinances
4. Limit Comments to 5 minutes

Testimony:

Mark Chandler

Comment on Phosphorus Ordinance: Chandler provided an exhibit from the EPA titled "Court Ordered Buffers Around Pacific Salmon-Supporting Waters." Chandler recommended the following:

1. Include provision that there be no pesticides and fertilizers.
2. Ban pesticides within 20 yards of fish bearing waters. Woahink Lake, Woahink Creek, Siltcoos Lake and Siltcoos River.

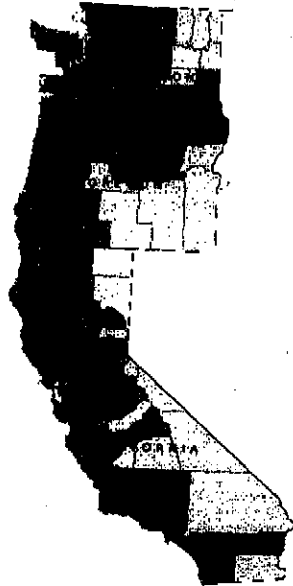
Exhibit follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY

Court Ordered Buffers Around Pacific Salmon-Supporting Waters

Shaded Counties on the map below, are those that support threatened and endangered salmon or steelhead habitat, and in which pesticide use buffers may have been ordered by the court. If you plan to use any of the pesticides subject to the court order in a shaded county **YOU SHOULD FIRST READ THE BACKGROUND** section. Pesticide users are urged to check this site, before, but close to the time of application of the pesticide, since the buffers may become unnecessary as EPA continues its review of the pesticides subject to the court order.

- Quick Resources
- [Court Ordered Limitations](#)
- [Effects Determinations](#)
- [and Consultations](#)



BACKGROUND

A citizen suit was filed under the Endangered Species Act against EPA by a group of environmental organizations (Washington Toxics Coalition, et al. v. EPA). In response, the United States District Court for the Western District of Washington issued on January 22, 2004, an order that establishes pesticide buffer zones. Buffer zones are areas adjacent to certain streams, rivers, lakes estuaries and other water bodies, in which the court is ordering certain pesticides not be used. Generally, the buffers established by the Court are 20 yards for ground application and 100 yards for aerial application, adjacent to certain "salmon-supporting waters" in Washington, Oregon and California. The order applies to pesticide use in these three states, for any product containing one or more of the pesticides subject to the court order.

The Court Order which became effective on February 5, 2004, defines salmon-supporting waters as certain water bodies below the "normal high water mark" and thus, any buffer should be measured from that normal high water mark. The buffers apply to the waters indicated on our interactive mapper, and to estuaries relevant to each of the salmon and steelhead. An estuary is a water passage where a tide meets a river current. Failure to comply with the court order is not a violation of the Federal Insecticide and Fungicide Act (FIFRA). ~~EXT. BUREAU~~ However, EPA recognizes the legal effect of the Court's order and is providing the information on this Web site and linked sites, to assist pesticide users in understanding the specific provisions of the Court's order.

There are several general exceptions to the buffers in the court order and many pesticide specific variations. You should read the general exceptions to determine if any buffers apply to your use of the pesticides subject to the order.

TOP ▲ TOP

If the general exceptions do not apply to you, consult our interactive map to determine whether a specific buffer applies to your use of a pesticide, and the waters to which that buffer applies. Enter our [interactive map](#) site to determine how the Court's order applies to a pesticide use you intend to make.

GENERAL EXCEPTIONS

Below are descriptions of specific uses for which there is no buffer for any of the pesticides subject to the court order, and uses where only a one yard buffer applies for any of the pesticides subject to the court order. Also below are specific exceptions that apply to Noxious Weed Control Programs, and Programs Authorized by the National Marine Fisheries Service.

USES FOR WHICH THERE IS NO BUFFER

No buffers apply for the following uses of any of the pesticides subject to the order:

- Use in a public health vector control program administered by a public entity
- Use to manufacture an end-use pesticide product
- Use in flea or tick collars for dogs or cats
- Indoor uses
- Use by tree injection
- Homeowner applications to household potted plants

USES FOR WHICH THERE IS A ONE YARD BUFFER

A one yard buffer applies for the following uses of any of the pesticides subject to the order:

- Localized spot treatments using hand-held, ready-to-use devices, as long as the area treated is limited to 10 percent of the treated right-of-way, roadside, pasture, lawn or forestry site
- Insect bait stations
- spot treatments of wasp and hornet nests, as long as the area treated is limited to 10 percent of the treated right-of-way, roadside, pasture, lawn or forestry site
- individual tree removal using cut stump applications
- basal bark applications to individual plants

NOXIOUS WEED CONTROL PROGRAMS

Buffers for use of the pesticides for noxious weed control are the same as those indicated for your use area and the specific active ingredient, on the interactive map with the following exceptions:

- A. Application of a pesticide registered for aquatic use, and used to control state-designated noxious weeds as part of a program administered by a public entity, does not require any buffer if:
 - The application is overseen by a Certified Applicator AND
 - Precipitation is not occurring or forecast to occur within 24 hours.
 - If using 2,4-D or Triclopyr, only the amine formulations are used.

- B. Application of a pesticide which is not registered for aquatic use, but used to control state-designated noxious weeds as part of a program administered by a public entity, requires only a 15 foot buffer if:
 - The application if overseen by a Certified Applicator AND
 - Precipitation is not occurring or forecast to occur within 24 hours, AND
 - Winds are not greater than 5 mph AND

- o If using 2,4-D or Triclopyr, only the amine formulations are used.

**PROGRAMS AUTHORIZED BY THE
NATIONAL MARINE FISHERIES SERVICE (NMFS)**

Use of a pesticide undertaken as part of a specific agency action (other than EPA's authorization of a pesticide use under FIFRA) as authorized by:

- a no-jeopardy biological opinion issued by NMFS that addresses the pesticide's use and effects on a salmon Evolutionarily Significant Unit (ESU), and an incidental take statement issued by NMFS under the Endangered Species Act (ESA) Section 7(a)(2) that authorizes the take of listed salmon or steelhead;
- a written concurrence by NMFS in a "not likely to adversely affect" determination issued under ESA Section 7(a)(2) that addresses the pesticide's use and effects on a salmon ESU;
- an incidental take permit issued by NMFS under ESA Section 10(a) that authorizes the take of listed salmon or steelhead from application or use of the pesticide; or
- a limit on the take prohibition of ESA Section 9 with respect to a specific use of a pesticide promulgated by NMFS pursuant to ESA Section 4(d) and incorporated into the salmon 4(d) rule codified at 50 CFR § 223.203.

PESTICIDES SUBJECT TO THE COURT ORDER

If you are planning to use a pesticide in one of the counties shaded in green on the map above, and that pesticide contains one or more of the active ingredients listed below, there may be court ordered buffers that apply to your use of the pesticide. You are encouraged to review the **BACKGROUND** section above to determine the general exceptions and then to use the interactive map to determine specific buffers the court has ordered and the waters to which those buffers apply. You are encouraged to check this site, before, but close to the time of pesticide application, since the information may change as EPA continues to review the pesticides and certain buffers may no longer be necessary.

1,3-dichloropropene	dimethoate	metolachlor
<u>2,4-D</u>	<u>disulfoton</u>	metribuzin
<u>azinphos-methyl</u>	<u>diuron - crop</u>	<u>naled</u>
bensulide	<u>diuron - non-crop</u>	oxyflourfen
bromoxynil	<u>ethoprop</u>	pendimethalin
<u>captan</u>	<u>fenamiphos</u>	<u>phorate</u>
<u>carbaryl</u>	fenbutatin oxide	prometryn
carbofuran	lindane	propargite
<u>chlorothalonil</u>	malathion	tebuthiuron
<u>chlorpyrifos</u>	<u>methidathion</u>	<u>triclopyr BEE</u>
coumaphos	<u>methomyl</u>	<u>trifluralin</u>
diazinon	<u>methyl parathion</u>	
diffubenzuron		

Unidentified Citizen

The pesticides on the market are regulated by the EPA and are inert when they contact the ground; therefore, there is no chance of contaminating the lakes, rivers.

Cost of a phosphorous containing system is not good. His system does not allow phosphorous to travel but a few feet and he is not close to the lake.

Bill Sathe—

Straw bales do not work for flooding and will not keep silt from entering the lake. Commented that opening the dam would flush the lake out. Erosion comes from the arms.

Unidentified Citizen

The majority of Siltcoos and its problem are in Douglas County.

Darlene Beckman

Septic Ordinance p. 31, d and c; not appropriate in the ordinance at this time. The systems are not approved by the EPA. Wait until systems are on the market and do not put in the ordinance now. Wait until outside sources are found to deal with the costs.

Dick Anderson

Need to cooperate and partnership with other entities such as ODOT, timber company, watershed users and include them in the Ordinance. It would do everyone good, not just a small part of the whole picture.

Bill Sathe—

Will there be public comment when changed at the PC Level? Hogervorst: Yes.

There are concerns from builders that they want to talk to the group; that the costs will make the houses too expensive.

Measure 37 lawsuits will occur if the ordinance is passed.

How are the ordinances going to be enforced? He does not like the City to tell citizens what they can and cannot do. He is concerned that the City is over-regulating its citizens. Sathe was also concerned that these ordinances may lead to more restrictions such as burning which keeps him from using chemicals to control diseases on fruit trees and berries.

Lori Robertson

Higher Density will require more regulation.

Lee Riechel

Erosion Ordinance – break into white paper and draft septic ordinance as section 12. The items are tutorial in nature and do not belong in ordinance form.

Minimize the cost to citizens and landowners.

Rex Wampler

No more homes should be built on Woahink Lake. There is currently sewage going into the lake.

Bill Sathe

New lake front lots could afford to keep septic systems 500' from the lake. Most are over an acre, so they should be okay.

Mark Chandler

50' riparian setback is minimal compared to other areas around the US – he would like to see a larger buffer.

Rick Cox

What do you do with existing homes and applying new standards?

Unidentified Citizen

People don't think the lake is being taken care of—whose jurisdiction is the lake? Hogervorst answered that the State regulates the water, but it is in the best interest of the City to protect the drinking water.

Ken Greger

Has anyone checked on other types of septic systems or toilets? Hogervorst answered that those looked into were not well tested and not approved by the DEQ.

George Burke

The State controls who can take water from the lake.

Teresa Sathe

Systems have not been proven to do what they say they do. Why are we going to require them?

Bill Sathe

DC makes people replace a septic with a more expensive system when they don't live anywhere near the lake.

There was a discussion about the proposed septic ordinance and its requirements. Effluent from the drainfield will have to be tested by sending off to University of Washington (may find a more local source). There was concern for the cost that would be incurred to each citizen. There was a comment that the citizens should have had an opportunity to vote on the Septic Maintenance Ordinance 173 – could the citizens still vote? Hogervorst said that was an issue for the City Council.

Hogervorst explained the process of getting an ordinance passed.

John Stead

PC will have a public hearing. There will be another public hearing at the City Council level.

Unidentified Citizen

He has a low pressure system and it is recommended by the pumping service that it be pumped every five years. He is in favor of the Septic Maintenance Ordinance.

Troy Sathe

Most people in Dunes City are great stewards of the land. Need to look at how much pollution is from septic, how much from boats, swimmers, wildlife, geese, highway (grease and oil).

State Parks have septic within close proximity of the lake.

Gordon Robertson

Erosion 1.113 a, b, c, d: Square footage too restrictive and too small to be practical.

Darlene Beckman

Size restriction could be enlarged for the erosion control ordinance.

There is a need for an engineer and hydrologist or required plan necessary in some locations, but not as many as provided in the ordinance.

Lori Robertson

Need standards and thresholds to determine the type of plan required.

Lee Riechel

Need definition for disturbance of land.

Gerald Reavis

He wants to let the Council know that there is more than one person that agrees with the comments voiced tonight.

Troy Sathe

MSC – against all building in the City? What is the committee about and what is their agenda?

Hogervorst explained the need for a moratorium.

Meeting adjourned at approximately 9:00 p.m.

Submitted by Christina Lewis, Recording Secretary



Reponses to Public Comments on Draft Ordinances for Sediment and Erosion Control, and Phosphorus Prevention; October 18, 2006 Public Meeting

- 1. Include provision – no fertilizers or pesticides in riparian zone.**
- 2. Ban pesticides within 20 yards of fish bearing waters for Woahink Lake, Woahink Creek, Siltcoos Lake and Siltcoos River.**

1 equates to 50 feet and #2 equates to 60 feet. The committee may want to combine these two for riparian areas to the water bodies mentioned in #2. This condition should be added to the Septic ordinance. It would only affect lawns that go right into the lakes, which we are concerned about anyway. This condition would provide some needed buffer to our waters.

- 3. All pesticides on market are safe around, but not in waters if used according to the manufacturer.**

The committee agrees that safe use of pesticides according to manufacturer's directions should be encouraged, and we see no reason to restrict the proper use of chemicals within city limits. We do, however, want to limit their use in riparian zones given the sensitivity of these areas and the need to protect their filtering abilities with regard to the shoreland. Cutting riparian vegetation and using chemicals and fertilizers here greatly increases the potential for negative effects on water quality. Reference comprehensive plan for supporting documentation.

- 4. Concerned excluding gardens within 1000-feet of the lakes. Also lawns.**

There is nothing in the sediment and erosion control ordinance that restricts all lawns and gardens within 1,000 feet of the lakes. There is a description of what constitutes a disturbance that requires an erosion control plan. This definition was never intended to target lawns and gardens. The definition will be amended to clarify this.

- 5. Concerned with cost to upgrade septic systems for people on fixed incomes.**

The committee has also been concerned with this problem and has discussed it at length. It should be noted that under our current code, if a septic system is found to be failing, Lane County would require that septic system to be repaired or replaced with an approved, traditional system. **Our draft septic ordinance does not change this.** Regular inspection and pumping are currently required every 5 years as part of Ordinance 173, our Septic Maintenance Ordinance, passed by the City outside our committee's jurisdiction.

Our draft septic ordinance does not require new zero phosphorus systems because we feel that these have not been sufficiently tested with proper scientific review. We have put language into our ordinance that encourages the city to employ new technology if and when this technology has been tested and approved. We would also encourage the city to partner with the Environmental Protection Agency (EPA) to test some of these new

technologies, taking advantage of grant money from EPA in exchange for the ability to document the results of a new system installed within our city limits. In any event, if this kind of arrangement could be brought to Dunes City, it would be voluntary, bringing with it the incentive of septic replacement funding. This option is being explored.

6. Concern on stopping large sources of sediment in Siltcoos Lake and Woahink and Douglas County inputs.

Dunes City cannot control all outside sources of sediment. It can, however, regulate septic drainage and the amount of sediment running off of newly developed sites for relatively little cost. It is this committee's view that with some planning and foresight, protection of the lakes in their immediate influence zones can delay the need for costly city improvements like sewer and water treatment.

Our committee acknowledges that there are several other sources of sediment that impact Siltcoos Lake. Dunes City has very little control over agriculture, logging and road building on private lands that are governed by the State of Oregon. Some of these operations are occurring within or directly adjacent to the city limits. However, it is important to note that Siltcoos Lake is a very different lake than Woahink Lake. Siltcoos has a very large drainage area that includes Maple and Fiddle Creeks. It is also a very shallow lake that allows light penetration to the bottom in many places. As such, it has major weed problems and is very high in nutrients (eutrophic).

Woahink, on the other hand, is very deep and its deepest depth is below sea level. It has very few drainages coming into it and these drainages, like Little Woahink Creek and Gibbs Creek, are very small. Woahink Lake is largely fed by a dunal aquifer, meaning that its water would naturally be very pure. Before human settlement, this lake had water very close to the quality of distilled water, being very nutrient poor (oligotrophic). As settlement has increased and greater sources of nutrients have been introduced into Woahink lake, nutrient levels have been shown to be increasing, leading to more algal blooms and occurrences of dangerous bacteria are more prevalent. For public safety, the city needs to regulate what it can in a reasonable but firm manner to protect the water resources that we drink.

7. Septic Ordinance p. 31 (d) – 1 mg/l and (c) 30 mg/l – not appropriate in Ordinance at this time. Wait until phosphorous systems are approved to add to the ordinance. (e) Same concern as above.

Committee discussion needed

8. Provisions to work with other jurisdictional entities and land owners put into ordinance.

This can easily be added. Agencies to work with should include: Oregon Dept of Forestry, Department of Environmental Quality, Oregon Department of Fish and Wildlife, Oregon Dept of Transportation, Lane County, Builders Associations,

Community interest groups, the Lake Association, the Siuslaw Watershed Council (of which we are members, etc.)

9. Include non-residents with an interest in ordinances in discussions, especially builders.

Our committee has been publicizing our meetings and has been publicly inviting anyone to attend since we began ordinance work in mid-May. We have had two meetings where we invited builders to attend and have discussions with us about certain conditions we were considering. Invites were made personally by phone to several builders based on a list of builders compiled by two of our committee members who are themselves builders.

10. Concern for Measure 37 lawsuits.

Any new water quality ordinances added to our city code will be included in a separate Water Quality section dealing with public health, and not in the land use portion of our code. According to our city attorney, this would likely prevent Measure 37 claims given that water quality is a health concern, which is not subject to Measure 37.

11. Concern City is over-regulating including (leading to) a burning ban (total).

A ban on backyard burning has never been discussed in our committee meetings. Large-scale burning of clearcut hillsides could potentially have water quality effects on our lake if burns are intense and cause all slash material to burn up. Dunes City should work closely with the local ODF forester to assure this does not occur in and around the city limits within direct proximity of our lakes.

12. Level of regulation is related to density of development.

This was a statement made in response to #11. It speaks to the fact that regulation by the city may need to increase with a higher density of homes being built around our lakes. Our committee believes that unchecked development without regard to protection of our lakes may eventually lead to water quality conditions that are untreatable. One example would be a toxic blue green algae bloom, which renders water untreatable by any system for an indefinite period of time. This type of bloom has occurred in both Tenmile Lake to the south and Mercer Lake to the north of us. Health advisories are posted, and there is no drinking or recreating anywhere near the water. Pets must also be kept away from accumulations of dead algae on shorelines.

13. Septic & phosphorous ordinance: break into white paper and ordinance starting at section 12.

This was the intent of the way this ordinance was structured by its author. This will be easy to implement.

14. Look to minimize costs to city and landowners.

Making provisions of our ordinances cost effective has also been a topic of much discussion in our committee. We firmly believe that if these ordinances are not practical, they will not be approved or enforced. However, we also believe that a developer who stands to make significant profit in our city will not be over burdened by preparation of a basic erosion control plan to protect the waters of city that all of us drink. There is a balance and we are seeking to find that balance.

15. Limit or stop building homes on Woahink Lake; concern over septic flowing directly into lake.

We realize that many people feel that building should stop entirely. Although our committee has been accused of having a "no development" agenda, we do not believe that building should be stopped permanently. We believe in smart growth to protect our lakes. Our septic maintenance ordinance is geared toward locating the oldest and worst septic systems in the city, requiring them to be inspected and pumped at regular intervals. If a failing system is found, owners will be required to replace or fix the system. This is in the interest of all city residents and we support this ordinance.

16. Keep septic 500-feet from the lake on new lots. Long, skinny lots desirable.

It would be the preference of our committee to see this direction taken, but it is the decision of the planning commission and ultimately, the city council who will decide this. Applications are now coming forward on some lots that are very difficult to develop, and it will be up to the city council to determine what is unacceptable. Before this past year, the city took a very lenient tact with regard to approval of controversial and risky development. We as a committee believe that the council should be taking a closer look at the effects of its decisions. This could also prevent costly lawsuits that can bankrupt our small city.

17. Other jurisdictions have greater than 50-foot (minimal) buffers. Would like to see larger buffers on riparian areas.

Committee discussion

18. New standards – How to relate to existing homes.

This too has been a topic of much discussion. With regard to existing septic systems, we have asked the question, "when is a septic system considered failing?" This is crucial given that until it fails, it may be a threat to our lakes, but it cannot be dealt with until it is determined that it no longer works. By this time, significant phosphorus loading in the general area will have occurred and ground water may even be affected. The best we can do is to prescribe standards that new systems must meet and require this of all new systems. Slowly, problems systems will be identified and these problems will eventually be fixed.

19. Look at all options for better septic systems.

Extensive research has been done on all possible systems by a sub-committee of our main committee. This has included discussions by phone and e-mail with authorities on the subject all over the US and in Canada. We have also talked with Oregon Department of Environmental Quality on what it would take to license such systems, which at present is not an easy thing. Our research included a meeting with a company that claims to remove phosphorus entirely from septic drainage. Thorough questioning by one of our members led the committee to back away from requiring one of these new technologies given that there was no credible proof that the claims of the company were either true or could be verified in any way. We have been diligent to be thorough in our questioning and will not employ an impractical and over-costly technology.

[Anything else to add, Jerry?]

20. Concerns over how to sample septic effluent, costs, procedure and opportunity to vote directly.

[Any specifics about the testing itself, Jerry?]

As we discussed at the public meeting, the City Council has the ultimate authority to decide the fate of anything recommended by our committee. This includes the requirement that new systems must be tested and also whether or not any new ordinance should be put to the citizens for a vote. At present, we live in a country that employs representative government, which means that at election time, citizens make decisions on who they elect to serve them, and these officials must do their best to protect the health and welfare of the citizens they represent. This is no different for Dunes City.

21. Concern that pollution from outside sources not addressed by ordinances including state parks.

The State Parks should be included in the list of cooperators mentioned in #8 above. They have actually upgraded their septic facilities in the last 10 years. Given the amount of raw sewage dumped at the RV dumpsites in the main campground, it would be reasonable to request extra ground water testing in this area. However, it should be noted that because they maintain public facilities, they are required to do monthly water testing and to report all results to the Oregon Department of Public Health. This means that they have to pass much higher scrutiny than any individual home around one of our lakes. The same goes for any water system that services several homes in our city limits.

22. 1.113 a, b, c. Restrictions on square footage are too restrictive.

23. Ditto above. Requirement plan for formal engineering not needed in all sites. Need threshold for smaller projects or checklists.

Committee discuss

24. Need precise definition of land disturbance.

Committee discuss