

#### CITY COUNCIL MEETING MINUTES ~ APPROVED OCTOBER 13, 2011 AT 7:00 PM

City Hall ~ 82877 Spruce St., Westlake, OR

These proceedings of the Dunes City Council were recorded on tape and are on file at Dunes City Hall. Upon approval by the City Council, these minutes will be available online at www.DunesCity.com

#### 1. CALL TO ORDER

Mayor Rebecca Ruede called the meeting of the Dunes City Council to order at 7:00 pm.

#### 2. ROLL CALL

Roll Call was taken by City Recorder Fred Hilden.

**Present:** Mayor Rebecca Ruede, Council President Jamie Mills, Councilor Duke Wells, Councilor Troy Sathe, Councilor Richard Koehler, Councilor Dick Anderson and Councilor Ed Scarberry.

Also Present: City Recorder Fred Hilden and several citizens.

#### **3. PLEDGE OF ALLEGIANCE**

All who were present stood for the Pledge of Allegiance.

#### 4. APPROVAL OF THE AGENDA

## Councilor Anderson made a motion to approve the Agenda as presented. Council President Mills seconded the motion. The motion passed by unanimous vote.

#### 5. CONSENT AGENDA

Mayor Rebecca Ruede asked City Recorder Fred Hilden if there were any changes to the Consent Agenda. City Recorder Fred Hilden said that on the minutes of September 8, 2011, page 7 of 7, second paragraph, line four omitted the word "to" between "according" and "Policy E6." The amended minutes will include this correction. **Council President Mills made a motion to approve the Consent Agenda as amended. Councilor Anderson seconded the motion. The motion passed by unanimous vote.** 

#### 6. ANNOUNCEMENTS / CORRESPONDENCE

Mayor Ruede announced that the artist of the month is photographer April McCalmont and encouraged everyone to look at her photographs in the Community Center.

Mayor Ruede announced that there will be Public Hearings at City Hall on the proposed Septic Ordinances on Thursday, October 27, 2011 during the Planning Commission Regular Session and on Thursday, November 10, 2011 during the City Council Regular Session. The proposed Ordinances #210A and #211A are available for viewing at City Hall during regular business hours and on the City's website at www.dunescity.com.

Mayor Ruede announced that there will be a Budget Committee Meeting on Tuesday, October 25, 2011 at 6:00 pm at City Hall to review our 2011-2012 first quarter results. The meeting is open to the public.

#### 7. CITIZEN INPUT

Mayor Ruede explained that 20 minutes are allowed for these comments, giving each citizen 3 minutes.

#### Lee Riechel, Dunes City Resident/Planning Commission Chairman:

Planning Commission Chairman Riechel stated there is a conflict of 155.3.4.1 and a responsibility problem. The question is: is this a Planning Commission responsibility or Road Commission responsibility? Should it to be part of the Master Road Plan? The code is too wide open for interpretation and is not clear and objective. Chairman Riechel requested the Council to help with some recommendations and to define what the responsibility is. Councilor Sathe recommended that the City Councilors visit the Road Commission meeting on Monday (10/17/11) at 6:30 pm to gather data and listen to input. Councilor Koehler recommended that after the data is gathered to have a special session.

#### Susie Navetta, Dunes City Resident:

Susie Navetta spoke against LCOG (Lane Council of Governments). She stated they have not been a help in the past and have steered the City in the wrong direction in regards to planning. She suggested not having any further doings with them.

#### 8. COMMITTEE /COMMISSION REPORTS

Mayor Ruede reported having no written report but gives her time over to a Municipal Judge consideration (Charter/Code Enforcement) and presentation to be done by the Justice of the Peace Cindy Cable.

#### Municipal Judge Consideration:

Judge Cable explained that one of the problems with having a municipal court in Dunes City is that the Dunes City Charter states it needs to be held in Dunes City. Judge Cable suggested a way around that was to either: 1) adjust the Charter; 2) have a branch of the Florence court in Dunes City upon approval of Lane County; or 3) set up a court and contract an individual to serve. Judge Cable inquired as to what type of cases the court would have. The Council would need to adopt the appropriate option. She also commented that the Council would need to contract with a police force or decide how to deal with enforcements. Also, a discussion and decisions are needed on fines and collections and statutes in regards to bookkeeping. Councilor Koehler asked questions regarding processes on code and ordinance enforcement and if a court could serve those purposes. Judge Cable responded that it could. Judge Cable also suggested to look at the City budget in regards to having a court.

City Recorder Fred Hilden asked if the City would be responsible to hire a City Public Defender if the person could not afford it. Judge Cable responded yes you would if you adopted a criminal code. City Recorder Fred Hilden asked if Judge Cable had an idea on the cost of establishing a court. Judge Cable responded saying she was not sure. She also responded that there might be a possibility of the Florence Court closing and the City might be looking at a contract with a judge out of Springfield. City Recorder Fred Hilden asked if the City could recover the costs of running the court. Judge Cable said she would have to research that. Mayor Ruede suggested that the Council put this discussion as part of the Goal Planning Session in January. Councilor Koehler asked if the staff could gather data on the number of crimes and code violations. City Recorder Fred Hilden said there are ways to do that.

#### Lane Council of Governments:

Mayor Ruede noticed in reviewing Lane Council of Governments (LCOG) that Dunes City was the only City that was not a member of LCOG. Mayor Ruede asked why we are no longer members and requested Byron Vanderpool to give a presentation on why LCOG is useful.

LCOG representative Byron Vanderpool stated that LCOG is here as a service organization and to provide expert quality services as the public or City needs them. LCOG is funded by dues and from contract and grant work. The membership is limited to Lane County. Services are also provided outside of the county. LCOG has three main divisions, administration, senior and disabled services, and government services. Dunes City is a member of the Lane Area Commission on Transportation. LCOG does work with water quality, storm water, and open space/parks planning. They provide legal services. LCOG also provides technological services. LCOG helps to provide the most up to date topography. They also do training and have a graphic staff. LCOG is the contact for small businesses. To become a member the Council has to adopt a resolution stating that the City desired to be a member of LCOG and accepts the LCOG Charter. The second item is to financially support the agency in the way of dues. Mr. Vanderpool pointed out that the key benefits to membership are association with other governments, access to RLID and 12 hours of services per year. The dues would be approximately \$644 a year.

There has been previous history with Dunes City and Mr. Vanderpool stated that there are receivables totaling something over \$14,000 outstanding. He requested responses on what is fair and how the City wants to proceed. Mayor Ruede asked the City Recorder what our current dues for RLID were and Mr. Hilden replied that they are \$50 per month or \$600 per year. He also commented that the City should be paying \$60 per month or \$720 per year, which would be more than LCOG membership dues. Councilor Sathe asked Mr. Vanderpool if the amount owed was negotiable and Mr. Vanderpool responded that it was. Councilor Wells expressed his support for membership in LCOG and his desire to resolve this past due invoice. Councilor Koehler expressed his disagreement with Mayor regarding "our past" and went on in substantial detail explaining specifics of his concerns with membership in LCOG. Mayor Ruede suggested a 50% split on the bill and asked if LCOG would be comfortable with that. LCOG representative Vanderpool said that would be fine. Mayor Ruede asked for the City Recorder's opinion. City Recorder Fred Hilden stated that whether the City moved forward with membership or not it was important to clear up this old debt. And since the City did not budget for this item perhaps LCOG would agree with a payment plan in the area of a 24 months that could be budgeted for in the Spring for 2012-2013 and 2013-2014, and begin payments starting in July.

Councilor Wells made a motion to wait for an LCOG Representative to send a detailed billing over to the City and have City Recorder Fred Hilden review it and to put this issue on the Agenda next month. Councilor Anderson seconded the motion. The motion passed with four ayes and two nays (Councilor Koehler and Councilor Anderson).

**Councilor Sathe made a motion to become members of Lane Council of Governments. Council President Mills seconded the motion.** Councilor Koehler expressed his concern that once the City becomes a member of LCOG we will automatically contract for additional services. Council President Mills stated that any additional contracts with LCOG would require approval of the Council. Mayor Ruede called for the question. The motion passed with four ayes and two nays (Councilor Koehler and Councilor Scarberry).

#### Communication and Education Committee report:

Councilor Anderson stated they are in need of two members.

Councilor Anderson made a motion to move the social and recreational activities, such as the Festival of Lakes and the Christmas activities to the Parks and Recreation Commission. Councilor Sathe seconded the motion. Councilor Koehler expressed his concern about transferring these responsibilities to the Parks and Recreation Commission without clear direction and an understanding of the objectives. Council President Mills expressed her concern about transferring these responsibilities to a group where the Chairman didn't support it. The Mayor stated this was a valid point. A roll call vote resulted in four ayes and two nays (Councilor Koehler and Council President Mills). Susie Navetta announced her resignation from the Parks and Recreation Commission. Mayor Ruede announced that the motion carried. Council Rules of Procedure stipulates that an item not on the Agenda can only be acted on by unanimous vote of the Council. For this reason, the motion failed and must be put on a future Agenda for Council action.

#### Community Center Report:

Councilor Wells reported that there is no Community Center report this month.

#### Conservation Committee Report:

Councilor Anderson stated as part of the Conservation Committee Report that there has been no violations reported this month.

#### Ordinance Review Committee Report:

Councilor Mills read the Ordinance Review Committee Report into the record. Councilor Mills reported that their next meeting will be on October 24 at 9:00 am at Dunes City Hall.

#### Parks and Recreation Commission:

Councilor Koehler reported there is no Parks and Recreation Commission Report and is not sure when the next meeting will be since they just had a resignation from Susie Navetta tonight and a problem with some of the members not attending meetings. Councilor Koehler will report as soon as he knows. Councilor Sathe requested a review of the members standing. City Recorder Fred Hilden said he can contact the two members that are not coming to the meetings.

#### Revenue Committee Report:

Councilor Scarberry reported that the Revenue Committee met on Sept 22 and everyone was in attendance. They are still in need of one more member for the Committee. Councilor Scarberry read the Revenue Committee Report into the record. Councilor Scarberry reported the next meeting to be October 20 at 3:30 pm at Dunes City Hall.

#### Road Commission Report and September RC Draft Minutes:

Councilor Sathe read the Road Commission report into the record. The next Road Commission meeting will be October 17 at 6:30 pm at Dunes City Hall.

#### Site Review Committee Report:

Councilor Wells reported there was no report for the Site Review Committee this month.

#### Water Quality Committee Report:

Council President Mills reported the Water Quality Committee met on September 21<sup>st</sup> and read the Water Quality Committee report into the record. The next scheduled meeting will be October 19 at 3:00 pm at Dunes City Hall.

#### **Emergency Services Coordinator Report:**

Emergency Services Coordinator Don Hayes submitted his resignation. City Recorder Fred Hilden read his letter into the record. City Recorder Fred Hilden and Council President Mills will be attending the Western Emergency Services meeting on Monday, October 17.

#### September Planning Commission Minutes:

City Recorder Fred Hilden reported that the September Planning Commission minutes are not available due to staff shortage and he will do his best to get caught up.

#### City Recorder Report and Planning Staff Report:

City Recorder Fred Hilden read the City Recorder report and the Planning Staff Report into the record.

Mayor Ruede called for a recess at 9:11 pm and reconvened the meeting at 9:20 pm.

#### 9. PUBLIC HEARING

#### Ordinance #213 First Reading:

An Ordinance Adopting An Amended Dunes City Fee Schedule (Title 15: Land Usage).

Mayor Ruede read the title of Ordinance #213 into the record and asked City Recorder Fred Hilden if all advertisement and posting requirements have been met. City Recorder Fred Hilden stated yes they have.

# Council President Mills made a motion to have the first reading of Ordinance #213 by title only into the record. Councilor Wells seconded the motion. The motion failed with five ayes and one nay (Councilor Koehler).

Mayor Ruede and City Recorder Hilden read the First Reading of Ordinance #213 in its entirety into the record.

Mayor Ruede opened the Public Hearing for this Agenda item at 9:37 pm.

#### William Tizzard, Dunes City Resident:

Mr. Tizzard expressed his concerns about the fees going up for maintaining the City right-ofway along his property. He thinks that the owners should maintain their own property and the street right-of-way without any fees occurring.

Council President Mills explained the reason for the adjustments to the fees and that the purpose of the Public Hearing is to gather citizen input. Councilor Sathe explained why the no brushing process came into being. He further explained that the fees help cover staff time.

#### Susie Navetta, Dunes City Resident:

Ms. Navetta commented that one year the brusher did a horrible job and destroyed some ornamental plants. They had 6 or 8 citizens complain. This was the reason for the ordinance. Ms. Navetta stated that her complaint is that the renewal has gone up 525%. She would like a refund for the time that the brushing has not occurred.

#### George Burke, Dunes City Resident:

Mr. Burke was on the Committee that developed this ordinance. Everything was done based on the estimate of time required and a \$35 per hour rate. The brushing increased again based on the estimate of time. For example, phone time, maintenance of files, treated four by fours, signage, forms to fill out, flagging, etc. The old renew fee did not recover the costs.

Mayor Ruede asked the question to City Recorder Fred Hilden on how many permits we issue a year. City Recorder Fred Hilden responded with an estimate of 8. City Recorder Fred Hilden further expands his statement to say that the City is losing money on this. Councilor Sathe also stated that the City doesn't even recoup its costs for the permits.

Mayor Ruede closed the Public Hearing at 9:52 pm. Councilor Sathe expressed his concern about the fee for vegetation removal in the City's right-of-way.

Councilor Koehler expressed his concerns about the use of deposits and the fact that no minimum costs are listed. There was additional Council deliberation about this matter. Councilor Koehler suggested that a column with a minimum fee would also deal with situations where the applicant wanted to back out after the application had been filed. Council President Mills reminded everyone that the City can only charge based on its actual costs. George Burke commented from the audience that listing a minimum fee would give people the misconception that the cost might be less than it will actually be.

Mayor Ruede announced that Ordinance #213 will be on November 10, 2011 City Council agenda for its second reading and possible adoption.

#### **10.** UNFINISHED / OLD BUSINESS

#### A. Codification Proposal from American Legal Publishing:

City Recorder Fred Hilden noted that the City had received an extension from American Legal Publishing on the proposal acceptance date from October 31, 2011 to March 31, 2012. Prior to that time, we will have a proposal from a second vendor.

#### B. Council Goal Setting Session:

Mayor Ruede announced that pursuant to prior discussions on having a Council goal setting session, a tentative date of Wednesday, January 25, 2012 from 9:00 am to 4:00 pm. has been set. This will be a day-long work session at City Hall with a facilitator. Councilor Koehler expressed his concern about waiting until January when the Council may need to vote on ordinances prior to that time. Mayor Ruede pointed out that the Council is working on ordinances because amongst other reasons, many of them are not enforceable. Councilor Koehler argued that goals need to be established before ordinances. Mayor Ruede thanked Councilor Koehler for his input. Mayor Ruede pointed out that this meeting will be open to the public but there will not be an opportunity for public input at the meeting, so you need to contact a member of the Council or write a letter to the Council to make your input about the goals of the City.

Councilor Sathe made a motion to confirm the date of Wednesday, January 25, 2012 from 9:00 am to 4:00 pm for the goal-setting meeting. Councilor Wells seconded the motion. Councilor Koehler made another request to amend the motion to have the goal setting meeting sooner to ensure open and transparent government and the citizens would benefit from this. Mayor Ruede called for the question. The motion passed with five ayes and one nay (Councilor Koehler).

#### 11. New Business

A. Resolution Series 2011, No 10 (10/13/2011)

City Recorder Fred Hilden commented that at the last City Council meeting, Council requested that a resolution be drafted naming a City employee as the voting representative of the West Lane Emergency Operations Group.

**Council President Mills made a motion to approve Resolution Series 2011, No. 10** (10/13/2011). Councilor Scarberry seconded the motion. Councilor Koehler inquired about the cost of this to the City and questioned whether that had been taken into account when this ordinance was drawn up. Council President Mills commented that this is a resolution, not an ordinance and that it was her opinion that Emergency Preparedness is very important and she would rather put her faith in an employee to get updates as a City Councilor. Mayor Ruede concurred and called for the question. The motion passed by unanimous vote.

#### 12. UNSCHEDULED ITEMS NOT LISTED ON THE AGENDA

Councilor Scarberry explained that he would like to have some discussion regarding the Dunes City business license process. Mayor Ruede suggested it be placed on the Agenda for discussion in December.

Council President Mills explained that she would like permission to send a letter to Peter DeFazio to ask him to please look into ownership of the weir because of the CCC participation. Also, she would like a task force appointed to address concerns. There was a general consensus that Council President Mills move forward with her letter. Mayor Ruede appointed Council President Mills as the chair, Councilor Sathe as the co-chair and Bill Sathe as a member of the ad-hoc committee. Council President Mills said her first report could be ready in December.

Councilor Koehler stated he would like to see the Water Quality Committee meet with an agenda item and the agenda item would be to get their view on the proposed Septic Maintenance Ordinances as they were part of the history. Council President Mills stated that she will put this on the next Water Quality Committee agenda.

Councilor Sathe would like to see a person selected to assist with the City's emergency planning and suggested Dr. Wasserburg since he has experience and maps that would be helpful. City recorder Fred Hilden commented that he would welcome Dr. Wasserburg's assistance along with that of Council President Mills, Councilor Koehler and Don Hayes.

#### **13. EXECUTIVE SESSION - None**

#### **14. Adjournment**

There being no further business to come before the City Council, Councilor Anderson made a motion to adjourn the meeting. The motion was not seconded and no vote was taken.

Mayor Ruede adjourned the meeting of the Dunes City Council at 10:30 pm.

### APPROVED BY THE DUNES CITY COUNCIL ON THE 10<sup>th</sup> DAY OF NOVEMBER 2011.

[ Signed copy available at City Hall ] Rebecca Ruede, Mayor

ATTEST:

[ Signed copy available at City Hall ] Fred Hilden, City Recorder

#### ORDINANCE REVIEW COMMITTEE REPORT OCTOBER 13, 2011

The Ordinance Review Committee met on September 12<sup>th</sup> and 26th. The fees and deposits schedule and ordinance base language was finalized and sent to the City Recorder for determination as to attorney review and placement on the City Council agenda for consideration with a recommendation of approval. The Committee decided to review the entirety of the Dunes City Code on the same timeline as the Planning Commission is using for its review of Title 15, so that all changes can go in to the company that will be doing the codification as one cohesive unit. Review of Title I. was started.

Universal changes to the Code being suggested are to change all "shalls" to "wills" and to capitalize the 'c' in City and Code when specific references to Dunes City and the Dunes City Code are being made.

The next meetings are scheduled for October 10<sup>th</sup> and 24th, both Mondays, at 9:00 a.m., at City Hall.

Jamie Mills Ordinance Review Committee Chair Revenue Committee Meeting Report Sept. 22, 2011 Dunes City Hall

- 1. Meeting was called to order at 3:30 pm. All members were present.
- 2. Approval of the July 28, 2011 meeting minutes. There were no August meeting minutes to approve, as we did not have an August meeting.
- 3. Old Business:
  - A. The question was raised if the City was pursuing any grants relating to Certification for Perfecting the City's water rights. Related to this we discussed the difference between Certification and a permit.
  - B. Continued discussing the possibility of Dunes City sponsoring an event to raise funds, such as a Triathlon or other sporting event to draw visitors.
  - C. The question was raised again about the progress being made about obtaining a Judge for the City's collection of fines.
- 4. New Business:
  - A. A member asked whether or not a private water company located in Dunes City was paying a franchise fee in conjunction with its operation. They would like to see this investigated.
- 5. Adjournment: Adjourned at 4:37 pm

Next Revenue Committee meeting is Oct. 20, Dunes City Hall at 3:30 pm This meeting is a week early since the Chair would not be available the following week

Ed Scarberry Revenue Committee Chair Road Chairman's Report to City Council October 13, 2011 ~ Prepared by Troy Sathe, Road Chairman

The Road Commission met on September 19<sup>th</sup> at 6:30 pm at Dunes City Hall. All members were present.

Tom Nicholson attended the Road Commission Meeting to find out what proper permits he needed for an issue with a right of way.

Some residents from S. Pioneer attended the Road Commission Meeting to discuss a tree that was in a right of way. It was discovered that the tree was in the Siltcoos Lake Club Plat, and Dunes City has no right of way there.

The Road Commission went to look at some trees on Peninsula Road. They found the trees to be no major emergency.

The next Road Commission meeting will be at 6:30 pm October 17, at Dunes City Hall.

Thank you, Troy Sathe, Road Commission Chair

#### WATER QUALITY COMMITTEE REPORT OCTOBER 13, 2011

The Water Quality Committee met on September 21<sup>st</sup>. The water testers on both lakes had nothing out of the ordinary to report. The committee discussed the possibility of signage reminding recreationalists that both Siltcoos and Woahink are drinking water sources. The discussion will continue at the next committee meeting. Steve Hager attending the HAB training held at Ten Mile and wowed everyone with the microscope Ralph Farnsworth loaned to Dunes City. We will be inviting Honeyman Park Manager Mike Rivers to attend the next meeting to discuss projects at Honeyman Park. Concern was raised and discussion had regarding the DHS guidelines on Harmful Algal Blooms and a report of a loan denial because the primary drinking water source is a lake. The next regularly scheduled meeting will be October 19th, at 3:00 p.m. in City Hall.

Jamie Mills Water Quality Chair City Recorder Report to City Council October 13, 2011 ~ Prepared by Fred Hilden

During September we continued the Planning Commission work on Chapter 155, Zoning and Development, in four special sessions and one regular session. The Commission is approximately fifty percent through Chapter 155, however there are many sections that will require additional follow-up and review.

Contract Planner Melissa Anderson completed the proposed Septic Ordinances DLCD 45 day Notice, the Measure 56 Notice, the Public Hearing Notice and the Referral Notice. As we planned during the budget meetings, all of this work was completed in six hours at \$45 per hour for a total of \$270. Comparable staff time including learning curve on these tasks would have been 16 - 20 hours.

The Siltcoos River Canoe Trail Dam Portage caution signs were ordered, produced and installed during September and the first week of October. Bill Robert's Sign Shop completed this work, as they were the lowest bidder.

We received an extension on the Codification Proposal from American Legal Publishing to March 31, 2012. We have also identified their largest competitor and will prepare and submit a Request for Proposal to them during October. It may take up to three months for them to respond, making it an action item for February or March of 2012 at the latest.

As reported last month, the City's property files received a 100% septic information audit by staff-deputized Council President Mills. A report of Councilor Mills' findings is attached as Exhibit A. During September, staff mailed thirty-four septic notices, completing this process for all properties that were not already in compliance with Ordinance #173 or Ordinance #203. There are still approximately 30 properties that need to provide maps of their septic systems to complete their compliance.

During September, staff responsibilities were finalized. Selena Carter will continue as the Road Secretary. Haley Nelson will have primary responsibility for all building permit processing and scheduling of related inspections. She will also continue to maintain the City calendar and the Septic Database. Amanda Clinton will be focused on supporting the City Recorder, maintaining the Water Rights Database, and providing Planning Secretary support to the Planning Commission. During October, I will finalize my recommendations to the City Council to update the City Staff pay scale.

Respectfully submitted,

Fred Hilden City Recorder

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#### **MEMORANDUM**

TO:	City Recorder Fred Hilden
FROM:	Jamie Mills, temporary deputized employee
DATE:	August 8, 2011
RE:	Septic Database Audit Results

There are 1146 entries in the database:	1146
365 entries have no septic systems	<u>-365</u>
Meaning there are 781 septic systems in Dunes City:	781

Of the 781

534 have been either evaluated, pumped, or both (as of today) meaning 247 need to comply, although of the 247, I was unable to locate 8 files.

This means about 69% of Dunes City septic system owners have complied.

Of the 534 individuals, 83 have had their systems pumped, but not evaluated, under Ordinance No. 173; and 10 have had their systems evaluated but did not pump them under the mistaken interpretation of Ordinance No. 203.

Of the 534

34 were new systems resulting from new homes
43 were replacement systems
12 tanks were replaced
2 were minor repairs to the drain fields
1 was a complete replacement of the drain field
7 were determined to fail, of which 3 or in the progress of being repaired.

Meaning 65 of the 534 systems had either failed or needed replacement or repairs. I identified 4 systems that failed after having been pumped and/or evaluated according to the files.

-more-

Of the 781

- <u>-572</u> were sent notices from Dunes City; and
- 209
- 148 complied without receiving notices from Dunes City, meaning
  - 61 have not received notices yet (this includes the 8 files I couldn't locate)

As for the 8 unlocated files, they may have received notices, may be compliant, may be vacant properties - I was unable to make that determination.

I would like to commend Haley Nelson on the job she has done in identifying and creating files for ALL parcels located in the Dunes City limits, even though some may not yet appear in the Lane County records. She also did a great job of identifying, in the files, whether or not the parcel was vacant, had only an accessory or storage building, or whether it had a dwelling or commercial operation.