

**DUNES CITY PLANNING COMMISSION**

**REGULAR MEETING**

**FEBRUARY 17, 2005 --- 7:00 P.M.**

**I. CALL TO ORDER**

**II. APPROVAL OF MINUTES**

**III. ANNOUNCEMENTS AND CORRESPONDENCE**

A. 02/01/05 - Oregon Government Standards and Practices Commission

B. 02/04/05 - MEMO - Training Workshop

C. 02/08/05 - Interoffice Memo - Bob Petersdorf - Planning Commission Notice of Public Hearing.

D. 02/09/05 - Email - Lee Riechel, Planning Commission Chair - Response to Bob Petersdorf Memo.

E. 02/10/05 - Memo - Jeannie Cerda, Planning Secretary - Response to Bob Petersdorf Memo.

F. 02/10/05 - Letter - Oregon Water Resources - Woahink Lake Water Right Amendment.

**IV. PUBLIC HEARINGS**

A. Minor Partition Application - MP0105  
D.D.R. Inc., Dan Scarberry, President  
Map 19-12-23-10 • Tax Lot 901

B. Minor Partition Application - MP0205  
D.D.R. Inc., Dan Scarberry, President  
Map 19-12-23-10 Tax Lot 800

**V. NEW BUSINESS**

A. Concept Assistance Application - CUP 0105  
Ward Northwest, Rob Ward, Agent  
Map 19-12-27-14 Tax Lots 1300 & 900

B. P.U.D. Process Interpretation  
Ward Northwest, Rob Ward, Agent

**VI. OLD BUSINESS**

A. Ordinance Revision Update

**VII. ADJOURNMENT**

**STAFF REPORT**  
**Dunes City Planning Commission**

TENTATIVE MINOR PARTITION FOR PAR SHOAIL  
(FILE NO. MPO305)

**Submitted:** February 15, 2005  
**Deemed Complete:** February 18, 2005  
**Property:** Tax Lots 900 & 1300--Assessor's Map 19-12-27-14  
**Location:** Clear Lake Road  
**Area:** Approximately 3.042 Acres  
**Zoning:** R-1 Residential District  
**Request:** Tentative partition approval to create three parcels  
**Applicant:** Par Shoail, Rob Ward, Agent  
**Hearing Date:** March 17, 2005

**I. REQUEST / BACKGROUND**

The requested action is to minor partition approximately 3.042 acres into three parcels. Access to proposed Parcel 1 would be either from Clear Lake Road or a 33' Private Road right-of-way. Access to proposed parcel 2 is via a 33' Private Road right-of-way. Access to proposed parcel 3 is via a 33' Private Road. The subject property is in the R-1 zoning district within the City limits of Dunes City. The Minor Partition Application was submitted on February 15, 2005 and deemed complete on February 18, 2005.

**II. SUMMARY OF RESPONSES**

None

**III. APPLICABLE CRITERIA**

Dunes City applies the following criteria from Dunes City Code §155.031 to applications for Minor Partition:

- A. The minor partition shall be reviewed by the Planning Commission within 30 days of the submittal of the application. The Planning Commission shall recommend approval or denial of the application to the City Council, or when further information is required postpone a decision on the application.
- B. Recommendation for approval must include affirmative findings that:
  - (1) The minor partition complies in all respects to the partitioning requirements and purpose of this chapter, the Comprehensive Plan, and the laws of the state.
  - (2) The minor partition does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.

### III. EVALUATION

- A. The minor partition complies in all respects to the partitioning requirements and purpose of this chapter, the Comprehensive Plan, and the laws of the state.
1. Compliance with the Partitioning Requirements of Dunes City Code Chapter 155.

B. §155.081 STREETS.

*DCC §155.081 applies only to the subdivision process. Therefore, the City is not applying it to the partition proposal.*

C. §155.082 ALLEYS.

*DCC §155.082 applies only to the subdivision process. Therefore, the City is not applying it to the partition proposal.*

D. §155.083 EASEMENTS.

*DCC §155.083 applies only to the subdivision process. Therefore, the City is not applying it to the partition proposal.*

E. §155.084 LOTS.

*DCC §155.084 applies only to the creation of lots through a subdivision process. Therefore, the City is not applying it to the partition proposal.*

F. §155.085 DRAINAGE.

*DCC §155.085 applies only to the subdivision process. Therefore, the City is not applying it to the partition proposal.*

G. §155.086 PARTIAL DEVELOPMENT.

*DCC §155.086 applies only to the subdivision process. Therefore, the City is not applying it to the partition proposal.*

H. §155.087 UNSUITABLE AREAS.

*DCC §155.087 applies only to subdivisions. Therefore, the City is not applying it to the partition proposal.*

I. §155.088 DEVELOPMENT LIMITATIONS.

**DCC §155.088 applies only to the subdivision process. Therefore, the City is not applying it to the partition proposal.**

**J. §155.089 ACCESS**

- (A) Restrictions with regard to access points.
  - (1) Each property is entitled to access to a street.

**Tax lot 800 will grant and easement to proposed parcel 3 across the 10-foot strip to the Private Road right-of-way. Proposed Parcel 2 has direct access to a Private Road right-of-way easement and Parcel 1 has direct access to the Private Road right-of-way or Clear Lake Road. The proposal complies with this standard.**

- (2) Direct driveway access to collector and arterial streets shall be avoided where possible . . .

**Clear Lake Road is a collector street. Compliance will be achieved if proposed parcel 2 access was taken off of the Private Road right-of-way.**

- (3) When appropriate, the use of joint driveways for adjoining properties may be required.

**The applicant does not propose a joint driveway.**

**B. Relation to adjoining road system.**

- (1) A subdivision or partition shall provide for the continuation of major and secondary roads existing in adjoining subdivisions or partitions . . .
- (2) Redevelopment plans may be required to show compliance with 2 (B) of this chapter.

**These standards do not apply.**

**C. Access.**

- (1) Lots or parcels shall have verifiable access by way of a street, either county, local access - public or an easement. Verifiable access shall meet the following criteria:
  - (a) Each lot or parcel abuts on the roadway for a distance of at least 60 feet.

**Proposed Parcels 1 & 2 abut a roadway for a distance of at least 60 feet. Proposed Parcel 3 does not comply with these standards. Compliance will be achieved through a condition of approval requiring that the applicant provide to the City, proof that an easement has been recorded for proposed parcel 3 that provides for the 50' wide roadway/driveway easement referred to under DCC §155.089(C)(3)(c) to provide the proposed parcel with at least 60 feet of frontage on that roadway/driveway easement.**

- (b) There is a legal right appurtenant to the lots or parcels to use the road for ingress and egress. A legal right to use an easement may be evidenced by:
  - 1. An express grant or reservation of an easement in a document recorded with the County Recorder.

2. A decree or judgment issued by a court of competent jurisdiction.
3. An order of the court establishing a statutory way of necessity or gateway road.
4. An express easement set forth in an approved and recorded subdivision or partition.

***Compliance will be achieved through a condition of approval requiring that the applicant provide to the City, proof that (b)1. "A express grant or reservation of an easement in a document recorded with the County Recorder" or, (b)4. "An express easement set forth in an approved and recorded subdivision or partition", providing for the 50' wide roadway/driveway easement referred to under DCC §155.089(C)(3)(c) to provide each proposed parcel with at least 60 feet of frontage on that roadway/driveway easement.***

- (c) The roadway provides actual physical access to the lots or parcels.

***Compliance will be achieved through a condition of approval requiring that the applicant provide to the City, prior to approval of the final plat for this partition, proof that an easement has been recorded for proposed parcel 3 that provides for the 50' wide roadway/driveway easement referred to under DCC §155.089(C)(3)(c) to provide the proposed parcel with at least 60 feet of frontage on that roadway/driveway easement.***

- (2) Public roadways and easements used as access to lots or parcels shall be designed and developed according to the standards of this chapter.

***This standard does not apply.***

- (3) Easements used as access to lots or parcels shall meet the following criteria:
  - (a) There shall be no more than three lots, parcels, or unpartitioned or unpartitioned tracts of land accessed by any portion of the easement.

***The applicant proposes that proposed parcel 3 would take access by way of the easement. Therefore, the proposal complies with this standard.***

- (b) Easements shall not be approved if the roadway is presently needed or is likely to be needed for access to adjacent properties or to be utilized for a county or public road in the normal development of the area.

***This standard does not apply.***

- (c) The minimum width of roadway easements shall be 50 feet.

***Compliance will be achieved through a condition of approval requiring that the applicant shall provide to the City prior to approval of the final plat for this partition proof that a 50' wide roadway/driveway easement providing access to proposed parcel 3 has been recorded on the affected property.***

- (d) All approved documents creating a roadway easement shall provide for the

installation, construction, and maintenance thereof and provide access for all public utilities and facilities, which are now or may in the future be needed for the area abutting the roadway easement and the surrounding area.

***Compliance will be achieved through a condition of approval requiring that the applicant shall provide to the City, prior to approval of the final plat for this partition, proof that the recorded easement referred to above also provides for the installation, construction and maintenance thereof and for access for public utilities and facilities. Installation, construction and maintenance shall be carried out only in accordance with the requirements in DCC §90 regarding permits for private excavation and driveway construction and maintenance.***

- (e) The city may require such improvements as are reasonably necessary to provide safe and adequate access to the lot or parcel.

***Through the conditions attached to this approval, the applicant will comply with this standard.***

- (f) A lot or parcel abutting a railroad or limited access road right-of-way.

***This standard does not apply.***

- (g) Any roadway easement approved shall be documented on a form acceptable to the city and shall contain the minimum following information: the grantor and grantee, a description of dominant and servient tenements, a description of the intent or purpose of the easement, and a statement of maintenance responsibility.

***Compliance will be achieved through a condition of approval requiring that the applicant provide to the City proof that the easement referred to above contains the grantor, grantee, a description of dominant and servient tenements, a description of the intent and purpose of the easement, and a statement of maintenance responsibility.***

- (h) All approved roadway easements shall be recorded in the title of the affected properties and recorded with the county.

***Compliance with this criterion will be achieved through a condition of approval requiring that the applicant provide to the City proof that the required roadway/driveway easement has been recorded in the respective titles.***

- (i) If the city determines that the access and transportation needs of the public would be better served if the roadway easement being considered would be established as a public road, it may require that a public road dedication be made to a length and width deemed sufficient by the city.

***The proposed roadway/driveway easement does not need to be a public road. Therefore, the proposal complies with this standard.***

§155.090 SOLAR ACCESS STANDARDS.

*The City is not applying DCC §155.090 because solar access is not proposed and compliance can be achieved through the building permit process.*

B. Compliance with the Purpose of Dunes City Code Chapter 155: The City Council of the city hereby finds and deems that it is reasonably necessary, in order to accomplish the orderly development of land within the city, and in order to promote the public health, safety, and general welfare of the city, to enact this chapter, to be hereinafter known as the Subdivision Ordinance of the city, in order to provide procedures, regulations, and standards to govern the approval of plats for subdivisions, and also the partitioning of land by creation of a street or way; to carry out the development pattern and plan of the city and to promote the public health, safety, and general welfare thereof; and in order to minimize congestion of streets, secure safety from fire, flood, pollution, geological hazards and other detrimental effects on the environment; to provide adequate light and air; to prevent overcrowding of land; to facilitate adequate provision for transportation, water supply, sewage disposal, drainage, education, recreation, and other needs of the people of the city; and to provide and protect solar access.

*By complying with the conditions of approval, the proposed partition will be consistent with the purpose of Chapter 155.*

C. Compliance with the Comprehensive Plan.

*The City has not yet incorporated its comprehensive plan policies into its code. Therefore, it will not apply any of those otherwise applicable policies to this request for a limited land use decision.*

D. Compliance with the Laws of the State.

*The City is not aware of any inconsistencies between the proposed partition and applicable state laws. Therefore, the proposal complies with this part of the criterion at DCC §155.032(1).*

(2) The minor partition does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.

A. The minor partition does not impede the future best use of the remainder of the property under the same ownership

B. The minor partition does not adversely affect the safe and healthful development of:

1. The remainder of the property under the same ownership; or
2. Any adjoining land or access thereto.

*As a condition of approval to ensure fire safety for the adjoining land, a condition will be imposed requiring the applicant to provide to the City, prior to approval of a building permit for residential use of either parcel of this partition site, written certification from the Siuslaw Valley Fire and Rescue that the proposed access to the parcels is sufficient for purposes of fire protection.*

#### IV. SUGGESTED FINDINGS OF FACT AND CONCLUSIONS

##### 155.031 Review by the Planning Commission:

- (A) The minor partition shall be reviewed by the Planning Commission within 30 days of the submittal of the application. The Planning Commission shall recommend approval or denial of the application to the City Council, or when further information is required postpone a decision on the application.

- *Reviewed by Planning Commission within 30 days of being deemed complete. The Planning Commission reviewed the application within the 30-day time limit.*
- *Planning Commission shall recommend approval or denial: The Planning Commission does not recommend that further information be required.*
- *If further information is requiring, postpone decision: The Planning Commission recommended approval.*

- (B) Recommendation for approval must include affirmative findings that:

- (1) The minor partition complies in all respects to the partitioning requirements and purpose of this chapter, the Comprehensive Plan and the laws of the state.

*The Planning Commission finds that the minor partition complies with the requirements for a minor partition provided by the Ordinance and by state law.*

- (2) The minor partition does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.

*The Planning Commission finds that the application for a minor partition meets the requirements for a safe and healthful development in accordance with 155.031(B)(2)*



## V. RECOMMENDED DECISION

The application for minor partition is approved, subject to the following conditions:

1. The applicant shall provide to the City proof that a 50' wide roadway/driveway easement providing proposed parcel 3 with access has been recorded on the affected properties. DCC §155.089(C)(3)(c)
2. The applicant shall provide to the City proof that an easement has been recorded for proposed parcel 3 that provides for the continuation of the 50' wide roadway/driveway easement referred to in condition #1 to provide proposed parcel 3 with at least 60' of frontage on that roadway/driveway easement. DCC §155.089(C)(1)(a).
3. The applicant shall provide to the City proof that the recorded easements referred to in #1 and #2 above also provide for the installation, construction and maintenance thereof and for access for public utilities and facilities. Installation, construction and maintenance shall be carried out only in accordance with the requirements in DCC §90 regarding permits for private excavation and driveway construction and maintenance. DCC §155.089(C)(3)(d).
4. The applicant shall provide to the City proof that the recorded easements referred to in #1 and #2 above contain the grantor, grantee, a description of dominant and servient tenements, a description of the intent and purpose of the easement, and a statement of maintenance responsibility. DCC §155.089(C)(3)(g).
5. Prior to approval of a building permit for residential use of either parcel of this partition site, the applicant shall provide to the City written certification from the Siuslaw Valley Fire and Rescue that the proposed access to the parcels is sufficient for purposes of fire protection. DCC §155.132(2).
6. The Minor Partition approval will expire on one year from the date of final approval, if the Final Plat Map is not submitted to Dunes City for approval with all conditions fulfilled on or before that date.

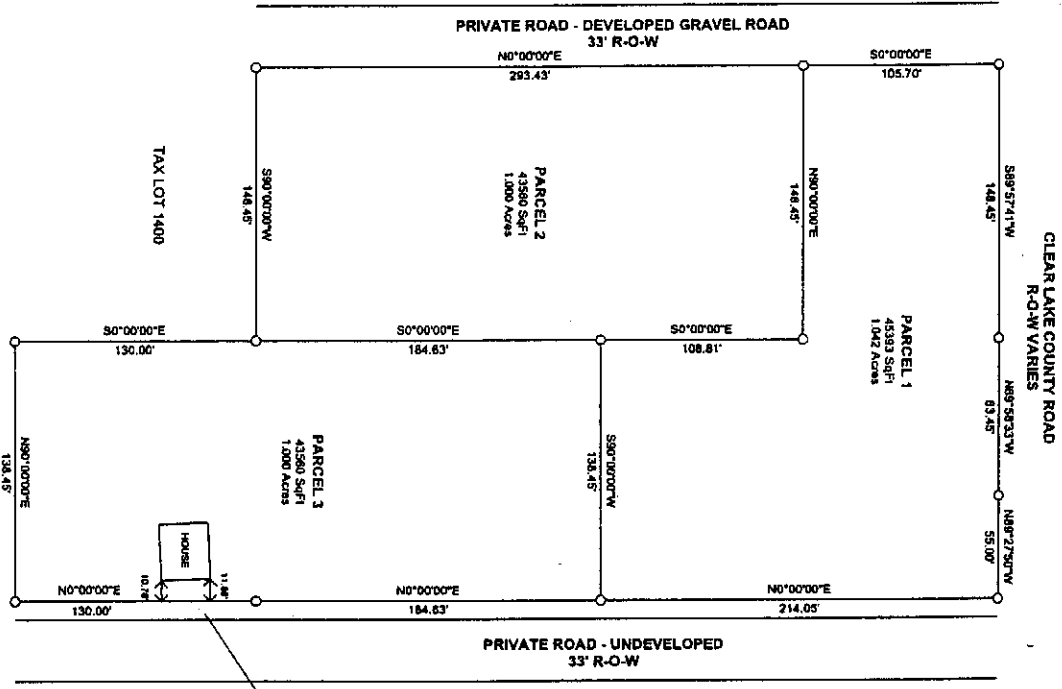
**PRELIMINARY PARTITION PLAT  
FOR: PAR SHOAI  
SE1/4 NE1/4 SECTION 27, T19S, R12W,  
DUNES CITY, LANE COUNTY, OREGON**

THIS PARTITION PLAT INCLUDES TAX LOTS 1800 AND 900 OF MAP NUMBER 18-12-27-14, WHICH ARE THE ORIGINAL PROPERTIES. PARCELS 1, 2 AND 3 AS PROPOSED EXCEED THE MINIMUM ONE ACRE LOT SIZE MEASUREMENTS PER DUNES CITY CODE.

LAND OWNER: ROGER D. NELSON & VIVIAN Y. NELSON  
PURCHASER & PARTITIONER: PAN SHOAI  
480 OCEAN AVE  
LAJOLLA, CA 92030  
LAND SURVEYOR: ROB WARD  
WARD NORTHWEST INC.  
P.O. BOX 105  
FLORENCE, OREGON 97139  
541-987-9201

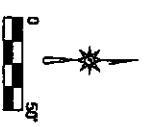
NOTE:  
ACCESS TO PROPOSED PARCEL 1 IS VIA EITHER CLEAR LAKE COUNTY ROAD OR VIA THE 33' PRIVATE ROAD R.O.W AS SHOWN HEREON.

NOTE:  
ACCESS TO PROPOSED PARCEL 2 IS VIA 33' PRIVATE ROAD R.O.W AS SHOWN HEREON.



NOTE:  
ACCESS TO PROPOSED PARCEL 3 IS VIA 33' PRIVATE ROAD. TAX LOT 800 WILL ALSO GRANT AN EASEMENT TO PROPOSED PARCEL 3, PROVIDING ACCESS ACROSS THE 10 FOOT STRIP PART OF TAX LOT 800

FILE NAME	REVISION	DATE	DRAWN BY
SD PLAN	2-15-2005		INSERT NAME
REVISED			SHEET
VI			VI



REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
ROBERT E. WARD JR.  
JULY 26, 1974  
EXPIRES: 6/30/06

**WARD NORTHWEST, INC.**  
P.O. BOX 105 FLORENCE, OR 97139  
(541) 987-9201 FAX: (541) 987-9346

**DUNES CITY APPLICATION  
FOR CONSIDERING A  
MINOR PARTITION PROPOSAL**

The procedures, regulations, and standards governing partitions of land within Dunes City can be found in the Dunes City Code of Ordinances. The definition for a minor partition is "a partition that does not include the creation of a street" - Section 155.004, Dunes City Code of Ordinances.

1. Scope. This application is to be used for the above purpose for property within the Dunes City limits.
2. Purpose. To provide an efficient, economical, and consistent method of presenting information and documentation to support the proposal (request) being presented.
3. Submission. A fee of \$425.00 along with the following information and documents must be submitted to meet application requirements:

A. Ward Robert  
 Last Name First Name Middle Initial

B. P.O. Box 105 Florence, OR 97439  
 Address

C. Agent  
 Statement of Applicant's Legal Interest in Property (Owner of Record; Authorized Agent; Lessee; Holder of an exclusive option to purchase)

D. \_\_\_\_\_  
 Address of Property

E. Map 19-12-27-14 Tax lots 1300, 900  
 Legal Description of Property

F. Rodger & Vivian Nelson  
Name and Address of Legal Owner

Purchaser: Par Shoaii  
480 Ocean Ave.  
Laguna, CA 92650

G. Written Statement Explaining the Intended Request

Partition into 3 parcels

H. Submittal Requirements

1. Five copies of a tentative plat map drawn at standard scale with the following information :
  - a. The date, north point, scale and sufficient description to define the location and boundaries of the parcel to be partitioned.
  - b. The names and addresses of the owner, partitioner and engineer or surveyor.
  - c. The approximate acreage of the parcel (s) under single ownership, or if more than one ownership is involved, the total contiguous acreage of all landowners directly involved in the minor partition.
  - d. An accurate map describing the boundaries of all contiguous land in the same ownership as the area to be partitioned.
  - e. For land adjacent to and within the parcel to be partitioned, the locations, names and existing and proposed width of all streets and easements of way; location, width and purpose of all other easements; and the location and size of all water lines, drainageways and poles.
  - f. The existing use or uses of the property, including the location of all existing structures to remain on the property.
  - g. The proposed lot layout, showing size and relationship to existing or proposed streets and utility easements.
  - h. The approximate location of areas subject to inundation or storm overflow; all areas covered by water; and the location, width, and direction of flow of all water courses.

2. Vicinity Map

- 3. A copy of the deed of record of the property and proof of current ownership
- 4. Description of adjacent properties (subdivision, developed, undeveloped)  
~~Properties to the south have been~~  
developed with homes
- 5. If access to property is off of an easement, provide copy of easement. In addition, if there are any easements existing on your property (i.e., water) please include a copy of that easement.
- 6. List of adjacent tax lots currently using the same easement as proposed in this partition application.  
None
- 7. Letter from applicant designating an agent to represent him/her at the public hearings (if applicable)
- 8. Overall conceptual Plan for the entire property if the proposed partition may be further divided at a future time.

I hereby certify that foregoing statements and other information attached hereto are true and accurate to the best of my knowledge.

*[Handwritten Signature]*

Applicants's Signature:

AGENT FOR APPLICANT

2-14-05

Date

**NOTICE TO APPLICANT PLEASE READ CAREFULLY**

You are applying for a MINOR PARTITION. The fee charged is a non-refundable application fee.

It is the applicant's responsibility to insure that all the required information including, all site plans and required documentation to be submitted at the time of application. City staff will not be responsible for incomplete applications. The completed application along with the appropriate fee must be received 30 days prior to the first public hearing. This application includes permission of the applicant to allow any and all reasonable site inspections necessary to ensure compliance with all municipal ordinances.

All property owners within 300' of the exterior boundaries of your property will be notified of your application, including the Division of State Lands and have an opportunity to respond to your application.

A minor partition application requires two (2) public hearings. The first hearing will be before the Dunes City Planning Commission. The second hearing will be before the Dunes City Council. The Dunes City Planning Commission meets the 3rd Wednesday of every month at 7:00 p.m. The Dunes City Council meets the 2nd Thursday of every month at 7:00 p.m.

The Criteria which must be met in order to have your application approved is attached.

If the planning commission recommends denial, YOU must appeal the decision within 10 (ten) days if you wish the city council to take further testimony.

I have read the above and understand the contents. I have been provided with a copy of this document.

\_\_\_\_\_  
Date Signature of Applicant/Authorized Agent

2/15/05  
\_\_\_\_\_  
Date Received by Planning Secretary/City Recorder

Your public hearing dates are scheduled as follows:

CK# 12112 #425

Planning Commission Meeting 3-17-05 7:00 p.m.

City Council Meeting 4-14-05 7:00 p.m.

Land Use Application  
1-29-2005

**Applicant:** Par Shoaii  
480 Ocean Ave.  
Laguna, CA 92650

**Agent:** Rob Ward  
Ward Northwest Inc.  
P.O. Box 105  
Florence, Oregon 97439  
541-997-9201

**Description:** Map No. 19-12-27-14, Tax Lots 1300 & 900

**Requested Land Use Action**

This application is to request approval for a minor partition of the above described property. See the attached preliminary partition map.

**General Description:**

The subject property is composed of 3.042 acres and includes both tax lots 1300 & 900. The property is bordered on the north by Clear Lake County Road, on the west by a 33' Private Road right-of-way which includes a developed gravel roadway, on the east by an undeveloped Private Road and additional 10 foot wide strip of land as shown on the preliminary partition plat. The property to the south includes existing homes.

The subject property is found to have the following soil types per the Soil Survey of Lane County Area dated September 1987;

74C-Lint silt loam, 7 to 12 percent slopes  
74D-Lint silt loam, 12 to 20 percent slopes

The visual inspection of the property shows that both proposed parcels 1 and 2 have slopes which are less than 12 percent with portions of the property having slopes less than 7 percent. Parcel 3 is composed of many areas with slopes less than 7 percent.

Access to the proposed parcels is as shown on the preliminary partition plat.

No wetlands are present on the subject property.

The subject property is not within any flood zones.

Utilities to the subject property are available along Clear Lake Road and can be extended to proposed parcels 2 & 3 via the private road right-of-ways.

Water for all parcels will be provided by onsite wells.

As a condition of preliminary approval, septic permits will be applied for as required for preliminary septic system approval.

As required by Dunes City code, all proposed parcels are one acre in size or larger.

This application meets the criteria outlined within Dunes City Land Subdivision Ordinance No. 60, for a Minor Partition Proposal.



**PRELIMINARY PARTITION PLAT**  
**FOR: PAR SHOALI**  
**SE 1/4 NE 1/4 SECTION 27, T19S, R12W,**  
**DUNES CITY, LANE COUNTY, OREGON**

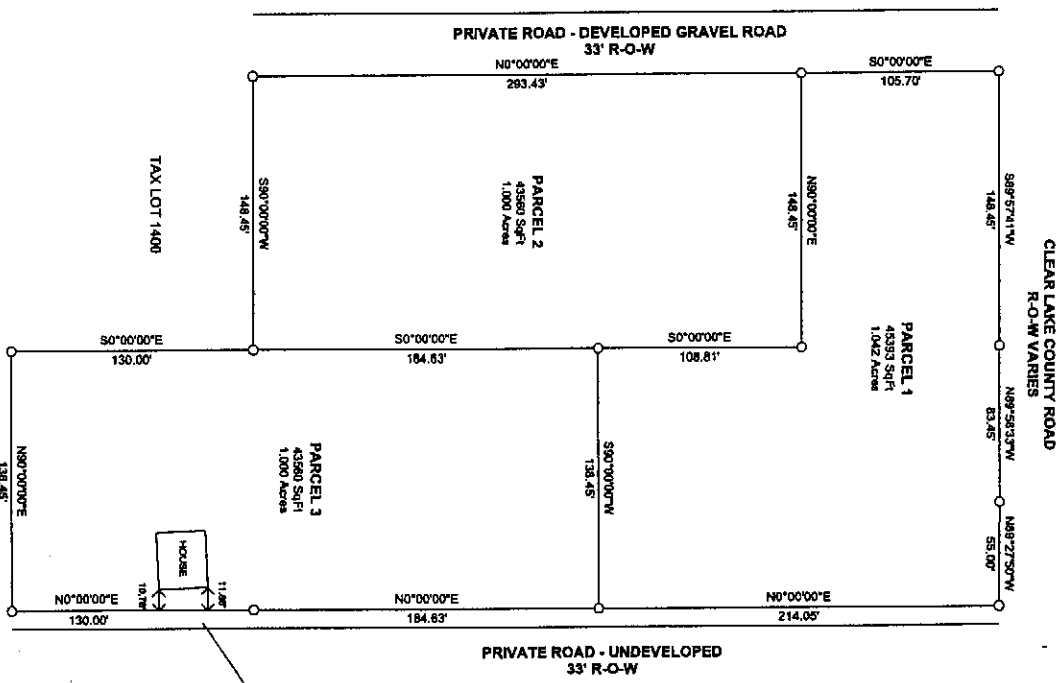
THIS PARTITION PLAT INCLUDES TAX LOTS 1300 AND 800 OF MAP NUMBER 19-122714, WHICH ARE THE ORIGINAL PROPERTIES. PARCELS 1, 2 AND 3 AS PROPOSED EXCEED THE MINIMUM ONE ACRE LOT SIZE REQUIREMENTS PER DUNES CITY CODE.

LAND OWNER: ROGER O. NELSON & VIVIAN Y. NELSON  
 PURCHASER & PARTITIONER: PAR SHOALI  
 480 OCEAN AVE  
 LAGUNA, CA 92650

3 SURVEYOR: ROB WARD  
 WARD NORTHWEST, INC.  
 1000 W. 10TH ST.  
 FLORENCE, OREGON 97439  
 541-987-2901

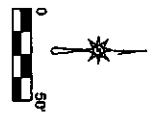
NOTE:  
 ACCESS TO PROPOSED PARCEL 1  
 IS VIA EITHER CLEAR LAKE COUNTY  
 ROAD OR SHOWN STRIP  
 ROAD AS SHOWN HEREON.

NOTE:  
 ACCESS TO PROPOSED PARCEL 2  
 IS VIA 33' PRIVATE ROAD R-O-W  
 AS SHOWN HEREON.



NOTE:  
 ACCESS TO PROPOSED PARCEL 3  
 IS VIA 33' PRIVATE ROAD, TAX LOT 800  
 AND THE SHOWN STRIP ROAD TO  
 PROPOSED PARCEL 3 PROVIDING  
 ACCESS ACROSS THE 10 FOOT STRIP  
 PART OF TAX LOT 800  
 10' STRIP

FILE NAME	05-09 TRV	DATE	DRAWN BY
SCALE	50 Ft/in	2-15-2005	INSERT NAME
JOB	REVISION	1/1	SHEET
05-09			1/1



ROBERT B. WARD, JR.  
 PROFESSIONAL  
 LAND SURVEYOR  
 OREGON  
 JULY 20, 1974  
 EXPIRES: 6/20/04

**WARD NORTHWEST, INC.**  
 PROFESSIONAL  
 LAND SURVEYORS  
 1000 W. 10TH ST.  
 FLORENCE, OR 97439  
 (541) 987-2901  
 FAX: (541) 987-2846



From:WCRES INC.

541 997 7654

02/15/2005 10:13 #137 P.001/001

02/15/2005 10:18 8770580

VALERO LP ALB TERM

PAGE 01/01

From:WCRES INC.

541 997 7654

02/15/2005 10:01 #136 P.002/002

Larry Nelson  
8805 Robin N. E.  
Albuquerque, NM 87112

February 14<sup>th</sup>, 2005

To Whom It May Concern,

This letter serves to convey permission for Ward North West, Inc. to proceed with the partition application relating to Tax Map #19-12-27-14 Tax Lots 900 and 1300.

Signed,



Larry Nelson  
Trustee of The  
Roger D. Nelson and Vivian Y. Nelson,  
Trustees UTA dated April 23<sup>rd</sup>, 1991



# Western Pioneer Title Co.

*A Division of First American Title Insurance Company of Oregon*  
600 COUNTRY CLUB ROAD  
EUGENE, OREGON 97401  
541.484.2900 • Fax 541.484.7321

## CONSUMER INFORMATION REPORT

**ROB WARD**  
**WARD NORTHWEST INC**

### PROPERTY LOCATION

**DEED FOR MAP & TAX LOTS**  
**#19-12-27-14-00900 &**  
**#19-12-27-14-01300**

*Compliments of*

**MARY SHAFER**  
**CUSTOMER SERVICE REPRESENTATIVE**

**Valley River Village**  
4780 Village Plaza Loop, Suite 110  
Eugene, Oregon 97401  
541.345.5787  
Fax 541.345.9111

**Springfield**  
1011 Harlow Road, Suite 103  
Springfield, Oregon 97477  
541.726.0172  
Fax 541.726.5249

**Cottage Grove**  
435 East Main Street  
Cottage Grove, Oregon 97424  
541.942.2310  
Fax 541.942.0411

**Florence**  
715 Highway 101 North  
Florence, Oregon 97437  
541.997.8488  
Fax 541.997.2308

The State of Oregon Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds; indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.

**Western Pioneer Title Co**

# INDIVIDUAL BARGAIN AND SALE DEED

WFT 165626-C

TAX ACCT. NO.: 871416  
MAP NO.: 19-12-27-10-04400

ROGER DALE NELSON AND VIVIAN Y. NELSON, husband and wife, Grantor,  
conveys and warrants to  
ROGER D. NELSON AND VIVIAN Y. NELSON, Trustees UTA dated April 23, 1991, Grantee

The following described real property situated in Lane County, Oregon, to-wit:

Lot 28 and Lot 29, TSILTCOOS LAKE CLUB PLAT, as platted and recorded in Volume 3, Page 13,  
Lane County Oregon Plat Records, in Lane County, Oregon.

SAVE AND EXCEPT: That portion of Lot 28, TSILTCOOS LAKE CLUB PLAT, as platted and  
recorded in Volume 3, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon, lying  
Southerly of the North Bank of the Northernmost private road as now located.

The true consideration for this conveyance is \$ To Put Title in Trust.

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 20.930.**

Dated: February 23, 2001

Roger Dale Nelson  
ROGER DALE NELSON

[Signature]  
VIVIAN Y. NELSON

STATE OF OREGON }  
County of LANE } ss.

This instrument was acknowledged before me on February 23, 2001  
BY ROGER DALE NELSON AND VIVIAN Y. NELSON.

Connie Kay  
Notary Public for OREGON  
My commission expires: 4-16-04

Division of Chief Deputy Clerk  
Lane County Deeds and Records  
2001-010020  
\$31.00  
02/26/2001 10:16:22 AM  
RPR-DEED Crvl=1 Grms CASHIER 25  
\$10.00 \$11.00 \$10.00



Until a change is requested, all tax statements shall be sent to the following address:  
NO CHANGE.

After recording return to:  
Western Pioneer Title Co., PO Box 10146, Eugene, OR 97440

## EXHIBIT "A"

Lot 28 and Lot 29, TSILTCOOS LAKE CLUB PLAT, as platted and recorded in Volume 3, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.

SAVE AND EXCEPT: That portion of Lot 28, TSILTCOOS LAKE CLUB PLAT, as platted and recorded in Volume 3, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon, lying southerly of the North bank of the Northernmost private road as now located.

LID Property Report

**PROPERTY REPORT - LANE COUNTY**  
 Map, Tax Lot, & SIC # 19-12-27-14-01300

Account # 0871408

Site Address:	Owner Name & Address: Nelson Roger D Te 83191 Clear Lake Rd Florence, OR 97439	Taxpayer Name & Address: Nelson Roger D Te 83191 Clear Lake Rd Florence, OR 97439
Multiple Owners? Yes.*		
Additional Account Numbers for this Tax Lot & SIC:		

Approximate Tax Lot Acres	1.35 58,806'	Subdivision Name:		School District:	Siuslaw
Inc City:	Dunes City	Phase:		Elem	
UGB:	Dunes City	Lot #	TL 01300	Middle	
Census Tr/BlkGrp:	0702/2	Recording #		High	

Zoning: Parent/Overlay R

Statistical Class:

Land Use: 9100 Vacant, Unused, Undeveloped Land

Property Class: 400 Tract, Vacant

Property Value and Taxes		Improvement Value		Total Value	
	Land Value		Real Market		Assessed
	Real Market		Real Market		Assessed
2004	\$73,674	\$0	\$73,674	\$64,827	\$53,219
2003	\$64,627	\$0	\$64,827		\$51,669
2004 Taxable Value			2004 Taxes		Tax Code Area
\$ 53,219			\$495.21		09720

Two Most Recent Sales

Date	Price	Grantor	Grantee	Instrument #
01-05-2001	\$0	Nelson Roger D Te, Vivian Te	Nelson Roger D Te	20-01-001504
04-23-1991	\$0	Nelson, Roger D		91-01892500

Residential Building # 0 (of 0) Characteristics

	Square feet		Base	Finished
	Basement	First		
Year Built:				
Bedrooms				
Full Baths				
Half Baths				
% Improvmt Complete				

Bsmt Garage Sqft	
Att Garage Sqft	
Det Garage Sqft	
Att Carport Sqft	

Comments:

\*This report extracts commonly used information from the Detailed Property Report. [Click here for the full Detailed Property Report.](#)

**INDIVIDUAL BARGAIN AND SALE DEED**

NETCD 163249/20-13309

10-  
10-  
11-

ROGER D. NELSON and VIVIAN Y. NELSON, Grantor,

conveys to ROGER D. NELSON and VIVIAN Y. NELSON, Trustees UTA dated April 23, 1991, Grantee,

the following described real property situated in LANE County OREGON to-wit:

SEE ATTACHED EXHIBIT "A"

Division of Chief Deputy Clerk  
Lane County Deeds and Records  
2001-091504  
\$31.00  
01/10/2001 10:21:37 AM  
RPR-DEED Cnt=1 Sine= CASHIER 08  
\$10.00 \$11.00 \$10.00

To correct Bargain and Sale-Deed recorded April 25, 1991  
The true consideration for this conveyance is \$ Reel No. 1692A, Reception No. 9118925  
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE  
LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO  
THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES  
AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED BY ORS-90.930.

Dated: January 5, 2001

*Roger D. Nelson*  
ROGER D. NELSON  
*Vivian Y. Nelson*  
VIVIAN Y. NELSON

By: *Vivian Y. Nelson* ROGER D. NELSON, HER ATTORNEY IN FACT *By Roger D. Nelson Her attorney in fact*

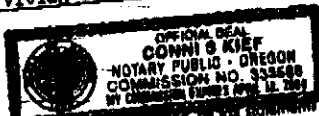
STATE OF: Oregon

County of Lane

This instrument was acknowledged before me on January 5, 2001 by  
Roger D. Nelson Individually and Roger D. Nelson as attorney in fact for  
Vivian Y. Nelson

*Connie S. Ky*  
Notary Public for Oregon  
4-16-2004

My commission expires:



Units of change is requested, all fee statements shall be sent to the following address:  
no change



Page No. 4

Our No. 763249-M

## EXHIBIT "A"

## PARCEL I:

The East 50 feet of Lot 35 of TSILTCOOS LAKE CLUB PLAT, EXCEPT that portion of the North end of said lot deeded to Lane County for road purposes, more definitely described as follows:

Beginning at a point on the East line of Lot 35, 20.1 feet South of the Northeast corner of said lot; thence following a 298.3 foot radius curve to the left to a point which is 50 feet West of the point of beginning; thence North to the North line of Lot 35; thence East 50 feet to the Northeast corner of Lot 35; thence South along the East line of Lot 35, 20.1 feet to the place of beginning; in Lane County, Oregon.

## PARCEL II:

Lot 32, TSILTCOOS LAKE CLUB PLAT, as platted and recorded in Volume 3, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.

## PARCEL III:

Lot 28 and Lot 29, TSILTCOOS LAKE CLUB PLAT, as platted and recorded in Volume 3, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.

## PARCEL IV:

Lots 22 and 27, and the South 75 feet of Lot 26, TSILTCOOS LAKE CLUB PLAT, as platted and recorded in Volume 3, Page 13, Lane County Oregon Plat Records, in Lane County, Oregon.

EXCEPTING THEREFROM that portion of said lots described in Deed recorded February 6, 1962, as Reception No. 58573, Lane County Oregon Records, all in Lane County, Oregon.

## PARCEL V:

Commencing at a point 75 feet North of the Southwest corner of Lot numbered 26 in the TSILTCOOS LAKE CLUB PLAT, as the same is platted and of record in the office of the County Clerk of Lane County, Oregon; and running thence North 50 feet; thence East  $2 \frac{1}{4}$  chains to the East line of said Lot 26; thence South 50 feet; thence West  $2 \frac{1}{4}$  chains to the place of beginning, all in Section 27, Township 19 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon.

## PARCEL VI:

Commencing at a point 125 feet North of the Southwest corner of Lot 26 of TSILTCOOS LAKE CLUB PLAT, as same is platted and recorded in the office of the Clerk of Lane County, Oregon; running thence North 100 feet; thence East  $2 \frac{1}{4}$  chains to the East line of said Lot 26; thence South 100 feet; thence West  $2 \frac{1}{4}$  chains to the place of beginning, being in Section 26, Township 19 South, Range 12 West of the Willamette Meridian, in Lane County, Oregon.

(2) Compliance with special conditions established by the Planning Commission to carry out the purposes of the section.

(D) *Conditions.* The Planning Commission may impose the following conditions to minimize conflict between proposed and existing uses:

(1) Modification of yard setbacks, coverage, and height to accomplish specified ends.

(2) Requiring screening of unsightly development such as trash receptacles, mechanical apparatus, storage areas, or windowless walls.

(3) Requiring walls, fences, hedges, screen planting to accomplish specified ends.

(4) Requiring planting of ground cover or other surfacing to prevent erosion or reduce dust.

(5) Retaining trees or other natural features for buffers, windbreaks, wildlife and fisheries habitat, livestock habitat, scenic corridors, or recreational use.

(6) Requiring adequate off-street parking and loading/unloading facilities.

(7) Modifying access provisions for safety reasons.

(8) Modifying sign requirements to meet specified ends.

(9) Requiring landscaping and lighting plans to accomplish specified ends.

(10) Requiring on-going maintenance of buildings and grounds.

(11) Requiring adequate additional right-of-way and road improvements to promote traffic safety.

(12) Requiring abatement of noise, vibration, odors.

(13) Requiring time limitation for certain activities.

(14) Requiring a time period within which the proposed use shall be developed.

(15) Requiring a limit on total duration of use.

(16) Additional conditions which may be necessary to implement policies of the comprehensive plan.

(E) *Application, hearing, notice, and appeal.* Procedure for application, hearing, notice, and appeal shall be as provided in this section for conditional use permits.

(F) *Compliance with conditions of approval.* Compliance with conditions imposed in the conditional use permit and adherence to the plot plan submitted as approved are required. Any departure from these conditions of approval and approved plans constitutes a violation of this part.

(G) *Vested interest in approved conditional use.* A valid conditional use permit supersedes conflicting provisions of subsequent rezoning or amendments of this part, unless specifically provided otherwise by the provisions of this subchapter or the conditions of the approval of the conditional use permit.

(H) *Revocation.*

(1) Conditional use permits are automatically revoked without special action if:

(a) The permit has not been exercised within two years of the date of approval; or

(b) The use approved by the conditional use permit is discontinued for any reason for one continuous year or more.

(2) The City Council may revoke any conditional use permit for failure to comply with any prescribed condition of the conditional use approval.

(3) A hearing for revocation of a conditional use permit may be requested of the Planning Commission by the City Council when the City Council is of the opinion any or all of the bases

for revocation as stated in this section exist. Request for a revocation hearing shall be accomplished by submitting a letter to the Planning Commission stating the basis for requesting the hearing for the revocation. The Planning Commission shall then set a hearing for the revocation if it determines a hearing is warranted.

(4) The public hearing, notification, and appeal procedures for revocation hearings by the Planning Commission and City Council shall be the same as those for original conditional use application hearings and appeals provided in this section.

(I) *Limitations on re-filing of application.* An application which is substantially similar to an application which has been withdrawn by the applicant or has been denied or revoked shall not be re-filed within 12 months of the date of withdrawal, revocation, or denial unless the City Council determines there is good and sufficient cause to allow a re-filing.

(J) *Multi-family standards.*

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

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

(a) Requiring diking, berms, fencing, screening, landscaping, or other items to protect adjacent or nearby areas.

(b) Requiring two acres for two-family dwellings, three acres for three-family dwellings, and four acres for four-family dwellings.

(c) Requiring adequate off-street parking and loading/unloading facilities. (Ord. 50, § 9(IX), passed 7-13-78)

**§ 156.216 REQUIREMENTS FOR TEMPORARY PERMITS.**

(A) *Purpose.*

(1) The purpose of the temporary permit procedure is to allow on an interim basis:

(a) Temporary uses in undeveloped areas of the city not otherwise allowable in the applicable zoning district.

(b) Use of existing structures designed and intended for a use not allowable in a zoning district and not otherwise a nonconforming use.

(c) Erection of temporary structures for activities necessary for the general welfare of an area, provided such uses and activities are consistent with the intention of this part.

(2) No temporary permit can be granted which would have the effect of permanently rezoning and granting a special privilege not shared by other property in the same district.

(B) *Allowable temporary uses, criteria, and limitations.*

(1) The following are allowable temporary uses and may be permitted in any zoning district, if substantive and probative evidence is found and specific findings of fact have been made that the temporary permit conforms to the following criteria:

(a) The proposed use is a different use for existing structures or structures and premises in combination which are occupied or have been occupied by a nonconforming use, provided it is determined by the City Council that the character and nature of the proposed use will be less incompatible to the surrounding vicinity than the existing or previous nonconforming uses.

# DUNES CITY

P.O. Box 97 • Westlake, Oregon 97493 • (541) 997-3338 • Fax: (541) 997-5751

June 28, 2002

Gary & Lark Fisher  
5700 Maple Drive  
Florence, Oregon 97439

**Re: Order of Approval for Your Conditional Use Permit  
Map No. 19-12-24, Tax Lots 212 & 432**

Dear Mr. & Mrs. Fisher:

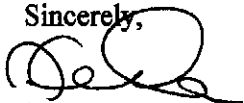
Enclosed is your Order of Approval for your Conditional Use Permit.

This is to advise you that your Conditional Use Permit will be automatically revoked without special action if the permit has not been exercised within two years of the date of approval or the use approved by the Conditional Use Permit is discontinued for any reason for one continuous year or more.

The City Council may revoke any Conditional Use Permit for failure to comply with any prescribed condition of the Conditional Use Permit.

I have enclosed a building permit application to be completed and submitted to our office for approval.

Sincerely,



Jeannie Cerda  
Planning Secretary

Enclosure

**BEFORE THE CITY COUNCIL OF THE CITY OF DUNES CITY**

**IN RE: APPLICATION FOR A )  
CONDITIONAL USE PERMIT )  
BY GARY & LARK FISHER )  
APPLICANTS )  
MAP NO. 19-12-24, TAX LOTS 432&212 )**

**CASE NO. CUP 0102  
FINDINGS OF FACT  
CONCLUSION OF LAW  
ORDER OF APPROVAL**

**THIS MATTER COMING BEFORE** the Dunes City Council meeting of May 9, 2002, and public notice of the time and place having been duly posted, and having the recommendation of the Planning Commission before the City Council, the City Council continued to take public testimony and discuss the above-entitled application for a Conditional Use Permit to allow horses on the property.

**I. APPROVAL CRITERIA AND ANALYSIS**

**ORS 223.173:** Approval or denial of a discretionary permit application shall be based on standards and criteria, which shall be set forth in the development ordinance and which shall relate approval or denial or a discretionary permit application to the development ordinance and to the comprehensive plan for the area in which the development would occur and to the development ordinance and comprehensive plan for the city as a whole.

**A. CONFORMITY WITH DUNES CITY COMPREHENSIVE PLAN**

**M. Agriculture**  
**Agriculture and Livestock Policies**

**Policy M3** Dunes City will review proposals to raise domestic animals and livestock as conditional uses with restrictions necessary to avoid public nuisances, health hazards, or contamination of the shoreland, streams, and wetlands.

**Policy M4** The city shall require all water front owners to restrict all livestock from entering the setback requirement for all lakes, streams, and wetlands within the city.

**Policy B16** Dunes City hereby adopts the Dunes City Local Wetlands Inventory and Riparian Inventory, prepared by LCOG/Pacific Habitat Services, Inc., November 1996 as part of its Comprehensive Plan.

**Policy B17** The wetlands in Dunes City serve as the most efficient biofilter in maintaining a high level of water quality. They provide critical habitat for fish, plants, and wildlife. The city shall protect these assets by regulating filling or dredging of the wetlands and by requiring setbacks to protect and maintain these values.. Review of development activities within the setback area will be coordinated with the Division of State Lands.

**B.** Compliance with special conditions established by the Planning Commission to carry out the purposes of the section.

**II. CRITERIA REQUIREMENT FOR APPROVAL OF CONDITIONAL USE PERMITS**

**A. CONDITIONS**

The Planning Commission may impose the following conditions to minimize conflict between proposed and existing uses.

1. Modify yard setbacks, coverage, and height to accomplish specified ends;
2. Screen unsightly development such as trash receptacles, mechanical apparatus, storage areas, or windowless wall;
3. Require walls, fences, hedges, and screen planting to accomplish specified ends;
4. Require planting of ground cover or other surfacing to prevent erosion or reduce dust;
5. Retain trees or other natural features for buffers, windbreaks, wildlife and fisheries habitat, livestock habitat, scenic corridors or recreational uses;
6. Require adequate off-street parking and loading-unloading facilities;
7. Modify access provision for safety reasons;
8. Modify sign requirements to meet specified ends;
9. Require landscaping and lighting plans to accomplish specified ends;
10. Require on-going maintenance of buildings and grounds;
11. Require adequate additional right-of-way and road improvements to promote traffic safety;
12. Require abatement of noise, vibration, odors;
13. Require time limitation for certain activities;
14. Require a time within which the proposed use shall be developed;
15. Require a limit of total duration of use;
16. Additional conditions which may be necessary to implement policies of the Dunes City Comprehensive Plan

**III. SUMMARY**

**A. FINDINGS OF FACT**

1. This application was submitted in compliance with Dunes City Code of Ordinances, Land Usage; 156.215 Requirements for Conditional Use Permits.
2. Conditional Uses. The following conditional uses, subject to a Conditional Use Permit granted pursuant to the general provision of this ordinance.
  - a. The soils located on Tax Lots 432 & 212 are as follows;

**Lint Silt Loam, 12 to 20 percent slopes;** is a deep, well-drained soil found on dissected marine terraces. It formed in mixed alluvium and volcanic ash. The surface is typically covered with a mat of needles and roots about two inches thick. The surface layer is a dark brown silt loam about 16 inches thick. The subsoil is dark brown to yellowish brown silt loam and silty clay loam about 43 inches thick. The substratum to a depth of 69 inches is yellowish brown, mottled silty clay loam.

**Lint Silt Loam, 20 to 40 Percent Slopes;** is a deep, well-drained soil found on side slopes of uplands in Coast Range. It formed in colluvium and residuum derived from sedimentary rock. The surface layer is typically very dark gray and very dark grayish brown loam about 18 inches thick. The subsoil is dark yellowish brown loam about 34 inches thick. The substratum to a depth of 58 inches is dark yellowish brown loam. Weathered, fractured sandstone is at a depth of 59 inches. Depth to bedrock ranges from 40 to 60 inches.

**Preacher-Bohannon-Slickrock Complex, 50 to 75 Percent Slopes;** is a deep, well-drained soil found on side slopes of upland in the Coast Range. It formed in colluvium and residuum derived from sedimentary rock. It consists of 35 percent Preacher loam, 30 percent Bohannon gravelly loam, and 20 percent Slickrock gravelly loam. The Bohannon soil is mainly on the upper part of down trending ridges and headwalls, while the Slickrock soil is on small slump benches and toe slopes. The Preacher soil is in the intermediate positions. The surface layer is typically very dark grayish brown and very dark gray loam about 18 inches thick. The subsoil is dark yellowish brown loam about 34 inches thick. The substratum to a depth of 58 inches is dark yellowish brown loam. Weathered bedrock is at a depth of 58 inches. Depth to bedrock ranges from 40 to 60 inches.

**B. CONCLUSIONS OF LAW**

1. The application complies with the Dunes City Zoning Ordinance that requires a Conditional Use Permit to be obtained to permit animal husbandry in a Dunes City Residential R-1 Zoning District.
2. The application meets the definition of animal husbandry in the Dunes City Zoning Ordinance; "the raising, tending, or breeding of horses for domestic use."

**C. ADDITIONAL FINDINGS OF FACT**

1. The combined acreage of Tax Lot 212 & 432 is approximately 10-acres.
2. The proposed acreage to be utilized for pasture is approximately 5-acres.
3. There are two natural springs on the property.
4. There appears to be slopes on the property.
5. The property is currently being logged and regulated by State of Oregon Department of Forestry.
6. Oregon State Extension services recommends the following:

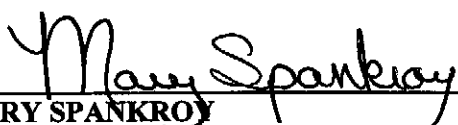
- A. Two acres per horse if the pasture is intended to feed the horse during most of the year.
  - B. One horse per acre if the farms are buying most of the feed.
7. The property abuts Erhart Road.

**THEREFORE, IT IS ORDERED** that Final Order of Approval is issued to Gary A. & Lark J. Fisher, for a Conditional Use Permit allowing horses on their property with the following conditions:

1. An accurate map surveyed by a licensed land surveyor showing the topographical features, the drainages, the springs and accurate location of the fence line and any other associated features.
2. Based upon the net acreage within the pasture that is delineated to scale, the maximum number of horses to be contained on the property is one horse per acre of fenced pasture.
3. The fence abutting Erhart Road needs to maintain a 20-foot minimum setback.
4. Vegetated buffer and fencing must be maintained at least 50' back from any streams or springs.
5. A driveway will be required if a barn is constructed.
6. Must comply with the submitted pasture rotation plan.
7. No horses are to be pastured upon the property until the pasture is established as indicated in the pasture rotation plan.

IT IS ORDERED AND SIGNED IN DUPLICATE THIS 28<sup>th</sup> DAY OF JUNE 2002.

  
\_\_\_\_\_, MAYOR  
ROBERT B. WARD, JR.

  
\_\_\_\_\_, CITY RECORDER  
MARY SPANKROY



**DUNES CITY PLANNING COMMISSION MEETING**

**MARCH 17, 2005**

PLEASE PRINT YOUR NAME AND ADDRESS BELOW IF YOU WISH TO SPEAK REGARDING THE PUBLIC HEARING APPLICATION FOR A **MINOR PARTITION**

**APPLICANT:**                    **PAR SHOH** Shoa'i

**PROPONENTS**

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**OPPONENTS**

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\* Tim MYERS

**DUNES CITY PLANNING COMMISSION  
REGULAR MEETING  
February 17, 2005**

**I. CALL TO ORDER**

Chair Lee Riechel called the meeting to order at 7:00 p.m.

**II. ROLL CALL**

**Present:** Chair Lee Riechel, Commissioners, Duane Thompson, Susie Navetta, Les Zemlicka, Bud Maxwell and Planning Secretary Jeannie Cerda. There were nine people in the audience at the beginning of the meeting.

**III. ANNOUNCEMENTS AND CORRESPONDENCE**

- A. 02/01/05 - Oregon Government Standards and Practices Commission.
- B. 02/04/05 - MEMO - Training Workshop.
- C. 02/08/05 - Interoffice Memo - Bob Petersdorf - Planning Commission Notice of Public Hearing.
- D. 02/09/05 - Email - Lee Riechel, Planning Commission Chair - Response to Bob Petersdorf Memo.
- E. 02/10/05 - Memo - Jeannie Cerda, Planning Secretary - Response to Bob Petersdorf Memo.
- F. 02/10/05 - Letter - Oregon Water Resources - Woahink Lake Water Right Amendment.

**IV. Unscheduled Items Not Listed On the agenda**

- A. Road Commission Chair, Bob Petersdorf, presented the completed Master Road Plan to the Planning Commission.

**V. Public Hearing**

- A. Minor Partition Application – MP0105 - D.D.R. Inc., Dan Scarberry, President  
Map 19-12-23-10 • Tax Lot 901

Chair Riechel, announced the hearing was for a Minor Partition request by D.D.R. Inc., to create three parcels. The property is identified as Tax Lot 901 on Map 19-12-23-10. Clear Lake Road, in Dunes City.

Chair Riechel noted that there were several people in the audience.

The public hearing rules and procedures were explained and the “raise it or waive it” rule was read. The Variance criteria were projected on the wall. Chair Riechel stated for the

record that all commissioners had visited the property site. No discovery of any additional findings, ex-parte, or conflicts of interest was declared.

The introduction to the staff report was read. Typographical errors were corrected in the staff report.

Chair Riechel asked the applicant to address the criteria in his presentation and to state how the application meets that criterion:

Chair Riechel opened the public hearing at 7:29 p.m.

**David Davis, DDR Inc, Florence Oregon 97439**

**Gene Wobbe, Wobbe & Associates Florence, Oregon 97439**

**Rick Cox D.D.R., Inc., Florence, Oregon 97439**

Mr. Davis stated that DDR, INC would like to divide 15+ acres into three parcels. The property has been granted a facility permit from Lane County to access off of Clear Lake Road. Each property would have their own individuals septic systems. Each property would use Woahink Lake water via a water use permit through dunes city and easements to the lake.

Commissioner Riechel asked if there was anything else to present. There was not. Commissioner Riechel asked Planning Secretary J. Cerda if the recently recorded Lot line adjustment was satisfactory. J. Cerda responded that it was.

#### **Proponents**

None

#### **Opponents**

None

There was a lengthy discussion regarding the slopes on the property.

It was noted that the steep grade is not going to be an issue since the access does not encroach into the slope areas.

There was a lengthy discussion regarding 50' easements and 60' frontage requirement. The proposal did not provide for 60' of frontage.

It was noted that a 60' easement (length & width) would satisfy the requirement of the 60' frontage.

Public Hearing was closed at 7:28.

**ACTION:** L. Zemlicka made a motion to accept the staffs report as corrected.  
D. Thompson seconded the motion. There was no discussion.  
The motion passed 5 aye 0 nays.

ACTION: L. Riechel made a motion to accept the Findings of Fact and Conclusion of Law. L. Zemlicka seconded the motion. There was no discussion. The motion passed 5aye 0nay.

ACTION: B. Maxwell made a motion to approve the minor partition application with the following conditions:

L. Zemlicka seconded the motion. There was no discussion. The motion passed 5 aye 0 nays.

**B. Minor Partition Application – MP0205 - D.D.R. Inc., Dan Scarberry, President  
Map 19-12-23-10 • Tax Lot 800**

Chair Riechel, announced the hearing was for a Minor Partition request by D.D.R. Inc., to create three parcels. The property is identified as Tax Lot 800 on Map 19-12-23-10, Cloud Nine Road and Clear Lake Road, in Dunes City.

Chair Riechel noted that there were several people in the audience.

The public hearing rules and procedures were explained and the “raise it or waive it” rule was read. The Variance criteria were projected on the wall. Chair Riechel stated for the record that all commissioners had visited the property site. No discovery of any additional findings, ex-parte, or conflicts of interest was declared.

The introduction to the staff report was read. Typographical errors were corrected in the staff report.

Chair Riechel asked the applicant to address the criteria in his presentation and to state how the application meets that criterion:

Chair Riechel opened the public hearing at 7:31 p.m.

**David Davis, DDR Inc, Florence Oregon 97439**  
**Gene Wobbe, Wobbe & Associates Florence, Oregon 97439**  
**Rick Cox D.D.R., Inc., Florence, Oregon 97439**

Mr. Davis stated that DDR, INC would like to divide 16+ acres into three parcels. The properties would access off of Cloud Nine Road. Each property would have their own individuals septic systems. Each property would use Woahink Lake water via a water use permit through dunes city and easements to the lake.

Commissioner Riechel asked if there was anything else to present. There was not.

**Proponents**

None

**Opponents**

None

There was a lengthy discussion regarding 50' easements and 60' frontage requirement. The proposal did not provide for 60' of frontage.

It was noted that a 60' easement (length & width) would satisfy the requirement of the 60' frontage.

Public Hearing was closed at 7:48.

**ACTION:** L. Zemlicka made a motion to accept the staffs report as corrected.  
S. Navetta seconded the motion. There was no discussion.  
The motion passed 5 aye 0 nays.

**ACTION:** S. Navetta made a motion to accept the Findings of Fact and Conclusion of Law.  
L. Zemlicka seconded the motion. There was no discussion. The motion passed 5aye 0nay.

**ACTION:** S. Navetta made a motion to approve the minor partition application with the following conditions:

B. Maxwell seconded the motion. There was no discussion. The motion passed 5 aye 0 nays.

Chair Riechel announced that this application would be heard by the City Council on March 10, 2005, at 7:00 p.m.

## **I. NEW BUSINESS**

### **A. Concept Assistance Application - CUP 0105 Ward Northwest, Rob Ward, Agent Map 19-12-27-14 Tax Lots 1300 & 900**

Rob Ward presented a proposal to replat two lots over three acres total into three one-acre lots. Proposed parcel one to take access off of Clear Lake Road or an existing private right of way easement. , Proposed parcel 2 to take access off an existing private right of way easement. Proposed parcel three currently has an access off of the existing graveled right of way and will continue to utilize that access.

Chair L. Riechel inquired about the ownership of the rights of way. He stated that proof of the access easement is needed for Proposed parcel three.

Each parcel would have individual subsurface sanitation and could access water through individual wells or water from Siltcoos Lake.

After a lengthy discussion regarding building setbacks for a parcel 50' wide and 400' long it was found that a 25' front property line setback must be from a public street not a private street.

### **B. P.U.D. Process Interpretation Ward Northwest, Rob Ward, Agent**

The Planning Commission explained their interpretation of the Planned Unit Development Process. A lengthy question and answer period followed.

**VII. UNSCHEDULED ITEMS NOT LISTED ON AGENDA**

None

**VIII. ADJOURNMENT**

Chair Riechel adjourned the meeting at 9:07 p.m.

  
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CHAIR, LEE RIECHEL

  
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PLANNING SECRETARY, J. CERDA

  
\_\_\_\_\_  
LES ZEMLIKA

  
\_\_\_\_\_  
BOB MAXWELL  
BVA

  
\_\_\_\_\_  
DUANE THOMPSON

  
\_\_\_\_\_  
SUSIE NAVETTA