

ORDINANCE 63

A THIRD AMENDMENT TO ORDINANCE 50, Dunes City Zoning Ordinance, making substantive changes in Ordinance 50, to bring Ordinance 50 into compliance with the newly adopted comprehensive plan.

WHEREAS, the City of Dunes City adopted its updated comprehensive plan on the 28th day of June, 1979, and

WHEREAS, certain conflicts between that plan and Ordinance 50 have come to the attention of the Dunes City, and

WHEREAS, these conflicts might lead to confusion and/or misunderstanding as to the legislative intent of the comprehensive plan and/or Zoning Ordinance 50.

THE CITY OF DUNES CITY does ordain as follows:

1. Section 3, Paragraph 1 at Page 4 is amended to read:

In order to carry out the purposes and provisions of this Ordinance, land within Dunes City may be classified into one or more of the following districts:

Residential District (R-1)
Community Commercial (CC)
Open Space Overlay (OS)
Fragile Lands Overlay (FL)

2. There shall be inserted at Page 9, following Section 5, Paragraph IVa, Section 5.1 which shall read as follows:

Section 5.1: OPEN SPACE OVERLAY ZONE

- I. Purpose. Dunes City has determined as a matter of policy that significant development restraints should be placed upon certain lands. These lands shall be generally designated OS. OS lands shall be further delineated according to whether they are lakes (OS-L) or shorelands (OS-S); as defined herein and by the Dunes City Comprehensive Plan. These designations, and their attendant development restrictions, shall attach to appropriate zoned and unzoned lands within Dunes City.

The purpose of the OS designation is to prevent irreparable ecological damage and construction upon land which will flood, not support structures, etc. Specific development restraints shall be accorded different sub-designations as follows:

- II. Lakes. For purposes of this ordinance lakes are defined as all waters within that portion of Woahink Lake falling within Dunes City city limits, measured at the mean high water mark.

A. Permitted Uses

1. Recreational uses such as swimming, fishing or boating and water supply for community water systems.

B. Conditional Uses:

1. Boat houses and docks are the only conditional uses allowed in OS-L zones, but only to the extent that:
 - (1) The color scheme is recommended by the Planning Commission and approved by the City Council. Said color scheme is to be of earth tones, subdued, and blend with the rural forest nature of Dunes City.
 - (2) Only one (1) Dock/Boathouse may be erected per lot.
 - (3) The City shall have the right to require placement of the structure at its discretion.
 - (4) If extensive shallows make a dock impractical without dredging, said dock shall not be permitted.
 - (5) The dock will be constructed so as to minimize physical damage to the shore line.
 - (6) Residential house boats are not an acceptable conditional use upon Woahink Lake and will not be approved.

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

A. Permitted Uses:

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

B. Conditional Uses:

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

3. There shall be inserted at Page 9, following Section 5.1, a Section 5.2 which shall read:

Section 5.2: FRAGILE LANDS OVERLAY ZONE

I. Purpose. Dunes City has determined as a matter of policy that significant development restraints be placed upon certain fragile lands. These lands shall be generally designated FL. FL lands shall be further delineated according to whether they are excessive in slope (FL-S) or stabilized or active dunes (FL-D); as defined herein and by the Dunes City Comprehensive Plan.

The purpose of the FL designation is to prevent irreparable ecological damage and construction upon land where development can create potential for wind and water erosion. In the interests of protecting the general health, welfare and safety of the citizens of Dunes City, the different FL sub-designations shall be defined and implemented as follows:

II. Excessive Slopes. For purposes of this ordinance, excessive slopes are those slopes 12 degrees or steeper.

A. Permitted Uses:

1. All uses allowed in the underlying zone except that:

- (a) Development on slopes of 12 percent to 16 percent shall be subject to site review and approval by the City Council. The Council may require the applicant to obtain an engineer's or geologist's report concerning the property and development in question.
- (b) Development on slopes greater than 16 percent will be allowed only after the applicant has supplied proof of safety of the proposed development. For purposes of this ordinance an engineering geologist's report or a foundation design by a licensed architect or engineer shall satisfy proof of safety of the proposed development.

B. Conditional Uses:

1. All conditional uses allowed in the underlying zone and subject to the slope requirements outlined in Section II.A above.

III. Stabilized or Active Dunes. For purposes of this ordinance applicable dunes are those lands where development will destroy sand stabilizing surface vegetation or expose loose or cemented sand to wind or water erosion. Examples of soil series overlying these lands are Westport, 205c, 206d, 207h and Netarts, 240c.

A. Permitted Uses:

1. All uses allowed in the underlying zone except that:

(a) All development proposals shall be subject to a site review by the City Council. The Council may require the applicant to prepare a plan to revegetate damaged areas and to negate any erosion potential caused by the proposed development.

(b) All applicants proposing development in stabilized or active dune areas shall post a bond or deposit of money in lieu thereof, with the City Recorder, in the amount of \$1,000 per acre, to ensure that required revegetation and erosion control measures are successfully carried out.

B. Conditional Uses:

1. All conditional uses allowed in the underlying zone subject to the requirements of Section III.A, above.

4. At Page 24, Section 8-II is amended to read:

K. To provide for enhancement and preservation of desirable vegetation and trees within the PUD, and

at Page 26, Paragraph V is amended to read:

F. The plan shall preserve the maximum number of evergreen trees and desirable natural plants (as defined in the erosion control ordinance), given the limits of the area to be developed.

at Page 29, Paragraph XII should be amended to read:

A. ... outdoor areas containing natural features [, existing trees] and [ground cover] natural vegetation (as defined in the erosion control ordinance) may be left unimproved. Evergreen trees will be preserved whenever possible.

5. Section 6 at Page 17 is amended as follows:

G. Water Requirements: No building permit shall be approved unless the structure has a water system meeting state codes. In addition, if a well system is proposed, and it is probable that a significant drawdown of the water table will occur, or is occurring, the city will disallow development.

6. Section 8-III is amended to read:

...such subdistricts shall be established by ordinance, pursuant to the provisions [for zoning or rezoning land as provided in Section 9] Section 9-VIII-B herein, except the applicant need not comply with Section 9-VIII-B-2.

7. Section 8, Paragraph XIX, at Page 32 is amended to read:

B. If the Planning Commission finds that PUD does not meet the criteria of this Ordinance, it shall clearly and concisely set forth the reasons the application does not comply, citing the appropriate section of the zoning ordinance and recommend denial to the City Council. Applicant must, within 30 days, notify the City Recorder that (1) the applicant wishes the matter reviewed by the City Council and decided as submitted, or (2) Applicant will modify the application and resubmit said application to the Planning Commission.

[C]. Within five (5) days following consideration by the Planning Commission of the zone change and accompanying preliminary development plan, the applicant shall be notified in writing by the City Recorder of the Commission's action.

[D.] The City Recorder shall forward approved Preliminary Planned Unit Development applications to the City Council for public hearing.

8. Section 9, Paragraph IX, at pages 48 and 49, is amended to read:

C. Criteria. A Conditional Use Permit may be granted only if substantive and probative evidence establishing specific findings of fact have been made that said Conditional Use conforms to all of the following criteria:

1. Conformity with the Dunes City Comprehensive Plan.

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. Modify yard setbacks, coverage, and height to accomplish specified ends;

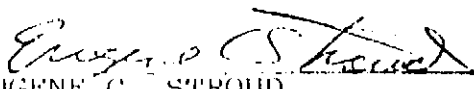
2. Screen unsightly development such as trash receptacles, mechanical apparatus, storage areas, or windowless walls;

3. Require walls, fences, hedges, 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, wind-breaks, wildlife and fisheries habitat, livestock habitat, scenic corridors or recreational use.
6. Require adequate off-street parking and loading-unloading facilities;
7. Modify access provisions 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 period within which the proposed use shall be developed;
15. Require a limit on total duration of use;
16. Additional conditions which may be necessary to implement policies of the Dunes City Comprehensive Plan.

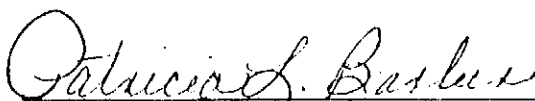
PASSED by the City Council of the City of Dunes City, Oregon, on this 28th day of June, 1979.

This Ordinance will take effect on the 28th day of July, 1979.

Approved by the Acting Mayor this 28th day of June, 1979.


EUGENE C. STROUD,
President of the City Council and
Acting Mayor

ATTEST:


PATRICIA L. BARBER
City Recorder