

**ORDINANCE NO. 157**

**ORDINANCE REPEALING ORDINANCE NO. 57; AFFIRMING DUNES CITY ZONING; REVISING URBAN GROWTH BOUNDARY; ADOPTING AN OFFICIAL DUNES CITY ZONING MAP; AND DECLARING AN EMERGENCY.**

**WHEREAS**, lands purported to have been annexed by Ordinance #15 prior to adoption of Dunes City Zoning Ordinance #50 were not included in the zoning map adopted by Ordinance #55 in 1978 which established zoning districts within the municipal boundaries; and

**WHEREAS**, in 1978 Dunes City adopted a Comprehensive Plan and Zoning Ordinances which defined all property within the city to be single-family residential with the exception of specific parcels designated as community commercial in Ordinance #55; and

**WHEREAS**, Lane County Boundary Commission Final Order 1108 (C DU 97-34) dated June 5, 1997 approved the withdrawal of certain Ordinance #15 lands from the city limits; and

**WHEREAS**, Periodic Review Work Task #7 mandated City examine land within the city limits, but not presently within the UGB, and amend plan and land use regulations to ensure compliance with statewide planning goals; and

**WHEREAS**, as the official Dunes City Zoning Map dated April 12, 1979 adopted by Ordinance #57 cannot be located creating the need for a new official Dunes City zoning map indicating zoning and UGB status of all properties within the Dunes City limits including the three Ordinance #15 parcels consisting of approximately 22.5 acres along Clear Lake Road; and

**WHEREAS**, including the three parcels within Dunes City's UGB meets the standard of OAR 660-04-010 (i)(a)(A); and

**WHEREAS**, at a joint public hearing with the City Council on September 16, 1997, the Planning Commission reviewed and evaluated the revised Plan and supporting Ordinances addressing periodic review tasks #1, #2, and #7, and based on supporting findings made their recommendations to the Council.

**NOW THEREFORE DUNES CITY ORDAINS AS FOLLOWS:**

**SECTION 1. DUNES CITY ZONING**

All properties located within the Dunes City boundaries are zoned Residential (R-1) except for commercial properties as shown on the attached list (Exhibit "A") and described by tax

lot numbers as shown on the 1979 assessors map. These listed commercial properties are hereby declared to be zoned Community Commercial.

**SECTION 2. URBAN GROWTH BOUNDARY**

All properties located within the Dunes City limits are declared to be within City's Urban Growth Boundary including the three Ordinance #15 parcels described as follows:

- (1) The West One-half of the North One-half of Government Lot 5, Section 13, Township 19 South, Range 12 West, Willamette Meridian, in Lane County, Oregon.
- (2) A parcel of land in Government Lot 13 in Section 13, Township 19 South, Range 12 West of the Willamette Meridian, more particularly described as follows: Beginning at the point of intersection of the North line of said Government Lot 13 with the Easterly right-of-way line of Clear lake Road; thence along said North line South  $89^{\circ} 58'30''$  East, 775 feet; thence leaving said North line, South  $7^{\circ} 00'00''$  West, 1212 feet more or less to Northeasterly right-of-way line of Clear Lake Road; thence Northwesterly along said Northeasterly right-of-way line of Clear Lake Road to the point of beginning, all in Lane County, Oregon.
- (3) That part of Government Lot 2, lying East of County Road 1174, in Section 24, Township 19 South, Range 12 West, Willamette Meridian, Lane County, Oregon.

**SECTION 3. ZONING MAP**

City adopts a new official Dunes City Zoning Map dated September 16, 1997 reflecting Sections 1 and 2 above which shall supersede any previous zoning maps adopted.

**SECTION 4. SEVERABILITY.**

The Council declares that should any section, paragraph, sentence, or word of this ordinance be declared for any reason by DLCD, LUBA, or any court of competent jurisdiction to be invalid, it is the intent of the Council that it would have passed all other portions of this ordinance, independent of the elimination of any portion as may be declared invalid.

**SECTION 5. EMERGENCY CLAUSE.**

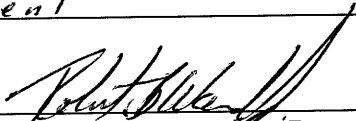
The City hereby declares the adoption of this Ordinance to be an emergency due to time limitations for completion of periodic review process. This Ordinance shall become effective immediately.

ADOPTED: Sept 16, 1997 (Date)

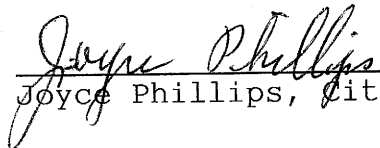
Ayes: Councilors: D. Jackson; R. Anderson; R. Micklewright; J. Buehler

Nays: Councilors: R. Petersdorf

Absent/Abstain: R. Parent

  
Robert B. Ward, Jr., Mayor

**ATTEST:**

  
Joyce Phillips, City Recorder

LIST OF COMMERCIAL AREAS

TAX LOT LIST OF COMMERCIAL AREAS

19-12-22-1	Tax Lots	800&900
19-12-22-4	" "	1000&300
19-12-22-3	" "	100 & 200
19-12-27-1	" "	6200 & 6800
19-12-27-4	" "	1300 & 1301 to a line 400' south of county road R.O.W.
19-12-34-2-1	" "	1600,1700,1800,2200 4900,4800,4700,4600 4500,3600,5400,5300 6000.
19-12-34-2-4	" "	1300 & 2000

COMMUNITY COMMERCIAL (CC)

EXHIBIT "A"