

ORDINANCE NO. 184

AN ORDINANCE AMENDING ORDINANCE 50 AND MODIFYING SECTION 156.093 OF THE DUNES CITY CODE

WHEREAS, on January 17, 2006, Marvin & Darlene Beckman submitted an application to change the Dunes City Comprehensive Plan to remove the Open Space Overlay designation from Booth Island and to rezone tax Lots 200 and 201, Lane County Assessor's Map 20-12-00-00, to remove the Open Space Overlay Zone; and

WHEREAS, on February 16, 2006 this proposal was deemed complete by Dunes City; and

WHEREAS, subsequent to public hearings before the Dunes City Planning Commission the proposal was modified to include changes to Section 156.093 of the Dunes City Code; and

WHEREAS, public hearings on this proposal were held by the Dunes City Planning Commission on April 20, 2006, May 18, 2006, and May 23, 2006 and the Planning Commission made a recommendation to the City Council of Dunes City that the portion of the proposal modifying the Dunes City Comprehensive Plan and rezoning tax lots 200 and 201 be denied but that the proposed amendment to Section 156.093 of the Dunes City Code be approved; and

WHEREAS, the City Council of Dunes City heard the Beckman proposal at a public hearing on June 8, 2006 and voted to deny the portion of the application modifying the Dunes City Comprehensive Plan and rezoning tax lots 200 and 201; and

WHEREAS, at its June 8 meeting, the Dunes City Council voted to continue its hearing on the portion of the Beckman proposal that amends Section 156.093 of the Dunes City Code until July 13, 2006; and

WHEREAS, personal notice of the July 13, 2006 City Council meeting was mailed out on June 13, 2006 to individuals living within 300 feet of the properties affected by the amendment to Section 156.093 of the Dunes City Code; and

WHEREAS, evidence exists within the record indicating that the proposal meets the requirements of Sections 156.214(B)(1), (2) and (3) of the Dunes City Code.

NOW, THEREFORE, THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

Section 1. Dunes City Code Amendment. Section 156.093 of the Dunes City Code shall be modified as follows:

§ 156.093 BOOTH ISLAND.

(A) Un-platted areas. An Open Space Overlay Zone shall apply to the areas of Booth Island that were unplatted as of 7/13/78.

- (B) *Permitted uses. On the unplatted areas of Booth Island, the following uses are permitted as hereinafter specifically provided for by this section, subject to the general provisions and exceptions set forth in this part:*
- (1) *Low intensity uses such as hiking, walking, observation, and other similar uses are allowed.*
 - (2) *Residential use and structures which can meet underlying zone limitations and the following requirements through site review of the following requirements:*
 - (a) *Compliance with the following provisions of the Wetlands and Riparian Overlay Zone:*
 1. *Sections 156.120, 156.121, 156.122, 156.123, and 156.124.*
 - (b) *Compliance with the following provisions of the General Development Standards and Requirements:*
 1. *Sections 156.136, 156.137, 156.139, and 156.140.*
 - (c) *Compliance with the erosion control provisions of Exhibit B of Ordinance 181.*
 - (d) *No fencing of property boundaries shall be allowed.*
 - (e) *Livestock, pets or domesticated animals are prohibited.*
 - (f) *No hunting shall occur within the Open Space Overlay Zone.*
 - (g) *Vegetation removal shall be limited to 25 feet area around the dwelling site, its pathways, accessory structures and facilities. Vegetation removal shall be allowed for solar access, but limited to no more than needed based upon a solar site analysis utilizing sunchart methodology as required by Oregon Department of Energy tax credit standards as certified by ODE tax credit certified technician.*
 - (h) *All structures shall be of stick-built construction. Recreational vehicles, trailers and manufactured dwellings are prohibited for residential use. Dwelling structures shall be limited to 2000 square feet of living space. All structures shall be constructed with earth tone coloration consistent with the natural setting of Booth Island.*
 - (i) *Motorized vehicles are limited to all-terrain vehicles for transportation use only. Recreational use of motorcycles and all-terrain vehicles is prohibited.*
 - (j) *Fire retardant roofs on all structures.*

- (k) *Compliance with subsurface disposal standards of Sections 2.c. of Ordinance 181.*
- (l) *Motorized vehicles used for transportation purposes shall be used only on clearly marked pathways designed for common use and minimal vegetation disturbance and removal. Access easements for all parcels shall be recorded at the time of first partition application approval.*
- (m) *Construction materials for all allowed structures will be transported to all of the newly created parcels (Map 20120000 TL200 and Map 20120310 TL 3000) from a single access point, using only the designated pathways. Access easements for all parcels shall be recorded at the time of first partition application approval. The dock and/or loading area shall be designed with riparian vegetation protection measures and the location of the access point shall be agreed upon by expert and land owners.*
- (n) *The first 50 feet perpendicular to the shoreline (from water to upland on the island) shall be a “no touch” zone with no disturbance to vegetation, no building, and no recreational activities. The only exception to this “no touch” shall be docks specified below in section (p) for water access for boats and passive recreational activities.*
- (o) *Woody debris shall be left along the shoreline and in the 100 foot riparian buffer and aquatic plant life with the exception of invasive noxious plants shall be left undisturbed.*
- (p) *All docks shall be no larger than 400 square feet with a maximum shoreline width of 20 feet.*
- (q) *Only one residential structure and one accessory or facility structure, of 500 square foot or less, will be allowed per lot between 50 to 100 feet of the OHW.*
- (3) *The following parcels shall be limited in size as follows:*
 - (a) *Assessor’s Map No. 20-12-03-10 TL 3001 : Tax Lot 3001 shall not be further partitioned or subdivided and shall contain the same area as exists on the date in 2006 that this provision was enacted.*
 - (b) *Assessor’s Map No. 20-12-03-10 TL 3100 : Tax Lot 3100 shall not be further partitioned or subdivided and shall contain the same area as exists on the date in 2006 that this provision was enacted.*
 - (c) *Assessor’s Map No. 20-12-00-00 TL 201: Tax Lot 201 shall not be further partitioned or subdivided and shall contain the same*

or larger area as exists on the date in 2006 that this provision was enacted.

- (d) *Assessor's Map No. 20-12-00-00 TL 200 and 20-12-03-10 TL 3000: Tax Lots 200 and 3000 shall be considered together for the purposes of this provision and the total number of parcels that may be created from Tax Lots 200 and 3000 together shall not exceed six and the six parcels shall cumulatively average greater than 3.5 acres.*

Section 2. Findings. Although not a part of this Ordinance, the City Council adopts the findings in support of this action as set forth in the attached Exhibit "A".

Section 3. Repeal. The prior code language repealed or changed by this Ordinance remain in full force and effect prior to the effective date of this Ordinance.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

ADOPTED BY THE DUNES CITY COUNCIL THIS 13th DAY OF JULY, 2006.

Ayes: 3 Nays: 1 Abstain: 0 Absent: 2

[Signed copy available at City Hall]
Sheldon Meyer, Mayor

[Signed copy available at City Hall]
Joanne Hickey, City Recorder