

DUNES CITY MASTER ROAD PLAN  
(MRP)

ROAD COMMISSION  
YEAR 2004

Presented By

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# INTRODUCTION

The City of Dunes City Comprehensive Plan, Section F, details transportation policies. Policy F14 states, “The City will develop a master transportation plan that includes an inventory of existing streets, bike and pedestrian ways and their condition, prioritizes needed improvements, and estimates costs.”

The Master Road Plan is adopted by Ordinance 171 as is shown in Appendix A.

The City of Dunes City Code of Ordinances Title 15 Land Usage, Chapter 155 Subdivisions, Section 155.081 Streets, paragraph (A)(3)(a), Adoption of a Master Road Plan states, “Upon adoption and approval by the City Council of any such plan or amendments thereto, as from time to time may be submitted by the Planning Commission, a copy thereof shall be filed with the City Recorder and a copy shall be kept in City offices for the use and information of the general public.” A copy of all land use applications shall be provided to the Road Commission Secretary to allow the Road Commission adequate time to review the application and to make a timely recommendation to the Planning Commission. Prior to the finalization of the Master Road Plan amendments, the City Council shall solicit participation from the Road Commission, Planning Commission and citizens.

This document, Dunes City Master Road Plan (MRP), contains the procedures, copies of City code of ordinances and resolutions, and data necessary to satisfy the current community transportation needs relating to Policy F14 at the time of its acceptance by the Dunes City Council. This Master Road Plan will be revised and approved by the City Council when community needs change.

Dunes City contracted with Lane Council of Governments (LCOG) to help produce this MRP. This Contract was initiated in September 1999 and completed in June 2000. Dunes City provided LCOG certain data and maps. Dunes City is responsible for its publication.

The City boundaries and Urban Growth Boundary (UGB) of Dunes City coincide. This plan addresses the streets within Dunes City boundaries.

This document contains all policies, procedures, standards, and data necessary for community activity relating to Dunes City streets. Ordinances and regulations, which control the activities of the Road Commission, are contained in appendices to this document for ease of reference.

**Users of this document have the responsibility to confirm the current status of all referenced City Codes and resolutions copied herein.**

**In the event of a conflict between the Dunes City Master Road Plan and the Dunes City Code of Ordinances, the Master Road Plan shall prevail.**

# ROAD COMMISSION ESTABLISHED

*The following is a reprint of the Dunes City Code of Ordinances, Title III, Chapter 32.40 through 32.49 that establishes the Road Commission.*

## § 32.40 ESTABLISHED

A Road Commission (“Commission”) is hereby established for the City.  
(Ord. 149. Passed 8-8-96)

## § 32.41 PURPOSE.

The purpose for the creation and continued existence of the Commission is to maintain the public health, welfare, and safety of its citizens, and:

- (A) To standardize road construction specifications; prepare and maintain an inventory of streets, including length, traveled width, rights-of-way width, and conditions, in order to prioritize road projects, improvements, and maintenance;
- (B) To provide long-range planning of street improvements, including but not limited to the laying out, widening, extending, and location of streets; the construction of sidewalks, boulevards, and storm drains; and the control of parking, street light placement, and use of street rights-of-way;
- (C) To study the public need for street construction improvements and maintenance and to establish priorities therefore;
- (D) To develop long-range strategies for financing capital improvements and make recommendations on such strategies to the Budget Committee and to the City Council. To serve in an advisory capacity to the City Council.  
(Ord. 149, passed 8-8-96)

## § 32.42 MEMBERS; QUALIFICATIONS.

- (A) *Number of members.* The Road Commission shall consist of seven members, one of whom shall be a member of the City Council, who shall act as the non-voting Road Commission Chairperson; five voting members appointed by the City Council, who shall be legal residents of the City and shall not be employees of nor hold any official position with the City; and the City’s Director of Roads, who shall be an ex-officio non-voting member of the Road Commission.

- (B) *Qualifications.* No person shall be a voting member of the Road Commission unless such person is a legal resident of the City, is of legal voting age, and except for the Council member and the City's Director of Roads, is not an employee nor official of the City. (Ord. 149, passed 8-8-96)

**§ 32.43 TERMS OF OFFICE**

The resident members of the Road Commission shall serve a three-year term, except that the initial appointments to the Commission shall be for one, one-year term expiring 12-31-96, one, two-year term expiring 12-31-97; and three, three-year term expiring 12-31-98. (Ord. 149, passed 8-8-96)

**§ 32.44 VACANCIES.**

Vacancies shall be filled by City Council appointment for the remainder of the unexpired term of the predecessor in office. (Ord. 149, passed 8-8-96)

**§ 32.45 REMOVAL OF MEMBERS.**

Any member who, unless officially excused, fails to attend three consecutive meetings of the Road Commission, or fails to attend at least 50% of the meetings in any one year, may be disqualified from serving on the Road Commission, and upon certification of such absence by the Road Commission Chairperson, shall be replaced in the manner prescribed in § 32.44. (Ord. 149, passed 8-8-96)

**§ 32.46 MEETING; QUORUM.**

- (A) Meetings; quorum. The Road Commission should meet at least once each month and shall meet on the call of the Chairperson or on call by a majority of its members. In the absence of the Chairperson, the Director of Roads shall chair the meeting. Minutes shall be taken of meetings and are to include the meeting date, members present, items discussed, citizen input, matters voted upon by the members, and recommendations to the City Council. Minutes shall be presented in written form to the City Council at its next regularly scheduled meeting.
- (B) Quorum. A majority of voting members shall constitute a quorum. (Ord. 149, passed 8-8-96)

**§ 32.47 DUTIES.**

The duties and responsibilities of the Road Commission shall include but not be limited to the following:

- (A) It shall conduct studies of the current condition of streets, which are within the purview of this Commission and make recommendations to the City Council for the construction, repairs, modifications, or other needs in order for the streets to

meet relevant City, County, State, and Federal regulations.

- (B) It shall solicit and consider comments from the general public regarding the need for new, repaired, and/or modified street improvements.
- (C) It shall review and make recommendations to the Budget Committee and City Council for construction, repair or modification of any street improvements.
- (D) It shall consider citizen requests for placement of street lights and make suggestions and recommendations to the City Council.
- (E) It shall consider citizen requests for temporary use of City street rights-of-way, removal of trees and vegetation from street rights-of-way and make recommendations thereon to the City Council. (Ord. 149, passed 8-8-96)

**§ 32.48 POWERS AND LIMITATIONS.**

Neither the Road Commission, as a whole, nor any member or members individually or collectively shall exercise authority to bind the City, its officers, or its agents to any financial commitment or obligation (except as specifically directed or authorized by the City Council). The Road Commission has only those powers and duties as are now or hereafter granted and imposed on it by the City Charter, ordinances, and directives of the City Council. All actions of the Road Commission shall be deemed advisory to the Mayor and City Council and shall have no legislative or judicial effect unless and until formally adopted by the City Council. (Ord. 149, passed 8-8-96)

**§ 32.49 EMERGENCY PROCEDURES.**

In the event of storm or other disasters creating hazardous conditions on City streets or rights-of-way, or other roadway-related conditions which may be determined to be hazardous, injurious, or detrimental to the public safety and welfare, such as but not limited to, wind storm damaged trees on City rights-of-way, the Road Commission Chairperson and/or Director of Roads may declare an emergency and shall report immediately to the Mayor and/or Council President so that emergency action may be taken to alleviate the hazardous condition(s).  
(Ord. 149, passed 8-8-96)

# DUNES CITY ROAD DEPARTMENT JOB DESCRIPTIONS

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# **ROAD COMMISSION CHAIRPERSON**

## **Position Description**

### **INTRODUCTION:**

This position is that of Road Commission Chairperson for the Dunes City Roads Department. It is to provide leadership and direction in the areas outlined under responsibilities and duties and provide liaison between this working committee and the Dunes City Council and Mayor.

### **RESPONSIBILITIES AND DUTIES:**

The responsibilities and duties of this position are varied in scope. The intent of this description is to outline the responsibilities to be performed by the Road Commission Chairperson.

- ? Prepare necessary documentation and reports to keep the Road Commission and City Council informed.
- ? Prepare bids and supporting documentation with help from the Road Commission and Road Secretary.
- ? The Road Commission Chairperson and City Engineer will review the preparation of advertisements for road bids, as prepared by the Road Secretary, and submit same to the Road Commission for their review and input.
- ? The Road Commission Chairperson shall have the authority to order street signs, traffic signs, culverts, etc. and other related miscellaneous road supplies.
- ? The Road Commission Chairperson shall have the authority to order work performed for tasks under \$2000 (two-thousand). This would cover areas where public safety and good would be better served by a quick response from the City.
- ? Ensure that the Road Commission meets as necessary to maintain an active road program within the City. Minutes of such meetings to be accurately taken and recommendations reported to the Dunes City Council for action.
- ? Set up Intergovernmental agreement with Lane County for the brushing and sweeping of City roads.
- ? Responsible, in cooperation with the City Engineer, for approving all change orders and other work not to exceed \$5000 (five-thousand), with the approval of the Mayor or the City Council President, except in the case of a new project requiring prior Council approval.
- ? Upon the request of the City Engineer, the Road Commission Chairperson, with the concurrence of either the Mayor or the City Council President, may approve change orders for an ongoing project, not to exceed \$5000 (five-thousand).

# ROAD COMMISSION SECRETARY

## Position Description

### INTRODUCTION:

This position is that of Road Secretary for the Dunes City Roads Department. The position is to provide service in the areas outlined under Responsibilities and Duties.

### RESPONSIBILITIES AND DUTIES:

The responsibilities and duties of this position are varied in scope. The intent of this description is to outline the routine tasks to be performed by the Road Secretary at the time, and in the situation, that the case dictates.

The following functions are the responsibility of this position:

- ? In early October, remind the Road Commission of the timeline for fiscal year road projects.
- ? Establish and maintain complete records and files on all matters relating to Dunes City roads.
- ? Consult at least two times weekly with the Road Commission Chairperson.
- ? Any road related permits and applications will be routed through the Road Secretary.
- ? Establish a good working relationship with the citizens of Dunes City. Keep a record of requests, by citizens, regarding roads and road related problems and refer such to the Road Commission Chairperson.
- ? Attend each Road Commission meeting as the Road Secretary and take the minutes.
- ? Perform other related tasks as necessary and as may be directed by the Mayor or Road Commission Chairperson.
- ? Maintain the Dunes City Master Road Plan binders by keeping them up-to-date.
- ? With the assistance of the City Engineer and Road Commission Chairperson, prepare the necessary documentation for bid work and submit same to the Road Commission for their review and input.
- ? Work with the Inspector of Roads on follow-up of work performed by various sources.
- ? Keep the Dunes City Road Commission minutes log up-to-date.
- ? Keep accurate time records.

# **DIRECTOR OF ROADS**

## **Position Description**

### **I. INTRODUCTION:**

This position is that of the head of the Dunes City Roads Department. It is to provide services and supervision in the areas outlined under responsibilities and duties.

### **II. RESPONSIBILITIES AND MAJOR DUTIES:**

The responsibilities and duties of this position are varied and wide in scope. The intent of this position description is to outline the major areas and to leave the more routine tasks to be determined by the Director of Roads at the time, and in the situation, that the case dictates.

A. The following functions are the responsibility of this position:

1. Prepare necessary documentation and reports to keep the Road Commission Chairperson (selected from the Council) and Road Commission informed.
2. Prepare bids and supporting documentation with help from the Road Commission, Road Commission Chairperson and Road Secretary.
3. Review the preparation of advertisements for road bids as prepared by the City Recorder and submit the same to Road Commission and Road Commission Chairperson for their review and input.
4. At the first of the year, for budget purposes, determine the need for road repair, maintenance, surfacing, patching and other related services. Report the findings to the Road Commission Chairperson and Road Commission no later than the January meeting. The Commission will then make its recommendations to the City Council for their approval regarding the recommended road work and allocation of funds for the coming fiscal year.
5. Determine the need for brushing and clearing at least twice a year (Spring and Fall).
6. Establish, with the help of the Road Secretary, complete records and files, on all matters relating to Dunes City roads.
7. The Director of Roads and the Road Commission Chairperson shall have the authority to order street signs, traffic signs, culverts, etc. and other related miscellaneous road supplies.
8. The Director of Roads shall have the authority to order work performed for tasks under \$1,000 (one thousand) with the approval of the Mayor and Road Commission Chairperson. This would cover areas where public safety and good would be better served by a quick response from the City.
9. Establish a good working relationship with the citizens of Dunes City. Keep a record of requests by citizens regarding roads and road related problems and refer such to the Road Commission, if such requests cannot be handled by the Director of Roads.

10. Supervise and follow-up on work performed by various sources. If work is not acceptable, submit a dated report, in writing, to the City Recorder for the Dunes City Council's attention.
11. Attend each regular Dunes City Council meeting and report, in writing, the status of the roads.
12. Attend each regular Road Commission meeting as a member. The Director of Roads may fill the position of Chairperson and will ensure that there is an active Road Commission.
13. Ensure that the Road Commission meets as necessary to maintain an active road program within the City. Minutes of such meetings to be accurately taken and recommendations reported to the Dunes City Council for action.
14. Perform other related tasks as may be directed by the Mayor and Road Commission Chairperson.

# **INSPECTOR OF ROADS**

## **Position Description**

### **INTRODUCTION:**

This position is that of Inspector of Roads for the Dunes City Roads Department. It is to provide services and supervision in the areas outlined under responsibilities and duties.

### **RESPONSIBILITIES AND DUTIES:**

The responsibilities and duties of this position are varied in scope. The intent of this description is to outline the routine tasks to be performed by the Inspector of Roads at the time, and in the situation, that the case dictates.

#### ***The following functions are the responsibility of this position:***

- ? At the first of the year, for budget purposes, determine the need for road repair, maintenance, surfacing, patching and other related services. Report the findings to the Road Commission Chairperson no later than the January meeting. The Road Commission will then make its recommendations to the City Council for their approval regarding the recommended roadwork and allocation of funds for the coming fiscal year.
- ? Establish and maintain, with the help of the Road Secretary, complete records and files on all matters relating to Dunes City roads.
- ? Drive Dunes City roads at least twice weekly to monitor condition and requirements. Deliver meeting packets to members for upcoming Road Commission meetings.
- ? Maintain daily contact with City Hall staff regarding messages or assignment requests.
- ? The Inspector of Roads shall have the authority to order work performed for tasks under \$1000 (one-thousand) with the approval of the Road Commission Chairperson. This would cover areas where public safety and good would be better served by a quick response from the City.
- ? Establish a good working relationship with the citizens of Dunes City. Keep a record of requests, by citizens, regarding roads and road related problems and refer such to the Road Commission Chairperson, if such requests cannot be handled by the Inspector of Roads.
- ? With direction from the Road Commission Chairperson or City Engineer, supervise and follow up on work performed by various sources. If work is not acceptable, submit a dated report, in writing, to the Road Commission Chairperson for the City Council's attention.
- ? Attend each regular Road Commission meeting as a member. The Inspector of Roads may fill the position of Chairperson in the event of an absence.
- ? Perform other related tasks as may be directed by the Mayor or Council President and Road Commission Chairperson.

# MASTER ROAD PLAN (MRP)

## A. INTRODUCTION

The Master Road Plan strives to address Dunes City Comprehensive Plan Policy F14 and Land Subdivision Section of Dunes City Code, Section 155.081 (A)(3)(a)&(b), which call for developing such a plan. The primary focus is to evaluate, map and develop a future plan for roads within the Urban Growth Boundary (UGB). An atlas of four maps is included in this MRP (Appendix N).

## B. ROAD INVENTORY

The development of the Dunes City Master Road Plan began with an assessment and evaluation of the existing road system. The Dunes City UGB contains approximately 2,145 acres, all of which are within the City limits. The UGB lies almost exclusively east of Highway 101. It includes properties surrounding Woahink Lake, Little Woahink Lake, and Siltcoos Lake (including Booth Island). Roads within the UGB include a combination of City owned and maintained facilities, Lane County facilities, and privately owned roads. Highway 101, a State facility, also runs along the western edge of the UGB.

A complete inventory of Dunes City's road system was conducted in January 2000. All public roadway segments within the UGB were driven and evaluated for surface type, pavement condition, and roadway width. The length of each road segment, right-of-way width and jurisdictional responsibility were obtained from the LCOG digital parcel base layer. A spreadsheet and database containing this information is presented in Chapter 2, Section 7. During the field inventory, onsite drainage and maintenance issues were identified and noted.

Based on this inventory, there are over 20 miles of roads within the UGB. The length of roads by jurisdictional responsibility and type is shown in the table below.

	City Roads	Lane County Roads	Private Roads
Length of Roads (feet)	55,062	44,034	10,304
Length of Roads (miles)	10.43	8.34	1.95
Roads Paved (feet)	53,248	42,959	<i>unknown</i>
Roads Unpaved (feet)	4,704	1,075	<i>unknown</i>

Dunes City also has approximately 4,704 feet of undeveloped public rights-of-way. Some of these areas will provide rights-of-way for future road connections or walking paths while other areas will probably never be utilized due to environmental constraints such as slope and wetlands.

The majority of the City's roads were evaluated as being in good condition based on the Oregon Department of Transportation's Pavement Rating System. This information and the methodology used to evaluate roads is presented in the inventory. Of the more than 20 miles of City roads, less than 1.5 road miles are in Fair condition and no roads were evaluated as being in Poor condition. The majority of condition problems are due to road surface cracking and erosion issues typically located on the inside curve of roads. Roads range in width from about 10 feet to 24 feet with the majority of roads about 12 to 15 feet wide. Road rights-of-way widths range in size from 10 feet up to 60 feet.

## C. ENVIRONMENTAL CONSTRAINTS

Existing natural resource information was reviewed and compiled to assist in identifying problem areas for future road construction. Digital information available includes soils, topography, wetlands, waterways, and riparian areas.

### 1. Soils

Soils within the Dunes City UGB were identified using the Soil Survey of Lane County published by the USDA Natural Resource Conservation Service in 1987. Soil types found in the UGB are shown in the table below. Soil type can be a significant factor in determining the cost and feasibility of new road construction. Roads have an all-weather surface and carry automobile and light-truck traffic all year. They have a base of cut or fill soil material, and a flexible or rigid surface. Soil factors that affect the ease of excavating or grading a new road include depth to bedrock or to a cemented pan, a high water table, flooding, large stones, and slope. Soil strength and shrink-swell potential also affect traffic-supporting capacity. Within Dunes City, the primary soil limitations include slope, depth to a cemented pan, and high water table.

Soil Map No.	Soil Unit Name	Acres in UGB
7B	Bandon sandy loam, 0-7% slopes	16.5
7C	Bandon sandy loam, 7-12% slopes	11.4
7F	Bandon sandy loam, 12-50% slopes	57.4
17	Brallier muck, drained	65.1
21B	Bullards-Ferrello loams, 0-7% slopes	52.3
21C	Bullards-Ferrello loams, 7-12% slopes	135.8
21E	Bullards-Ferrello loams, 12-30% slopes	32.2
21G	Bullards-Ferrello loams, 30-60% slopes	83.6
44	Dune land	1.0
53	Heceta fine sand	42.7
74B	Lint silt loam, 0-7% slopes	399.7
74C	Lint silt loam, 7-12% slopes	279.5
74D	Lint silt loam, 12-20% slopes	325.8
74E	Lint silt loam, 20-40% slopes	61.8
111F	Preacher loam, 25-50% slopes	2.4
112G	Preacher-Bohannon-Slickrock complex, 50-75% slopes	0.1
131C	Waldport fine sand, 0-12% slopes	20.5
131G	Waldport fine sand, 30-70% slopes	6.8
132E	Waldport fine sand, 0-30% slopes	1.7
133C	Waldport-Urban Land complex, 0-12% slopes	24.9
	Water	523.8
	<b>Total</b>	<b>2,145</b>

## **2. Topography**

Woahink Lake serves as a central feature in the topography of Dunes City. In general, the land area separating Woahink Lake from Siltcoos Lake is higher in the middle and slopes down toward the lake margins. The highest elevations are along the eastside of Woahink Lake. Topographic considerations may limit road construction in localized areas.

## **3. Wetlands and Riparian Areas**

The presence of wetlands may influence the extent of development and road construction. A wetlands inventory and assessment was completed for Dunes City in 1996 as part of the Dunes City Local Wetlands and Riparian Area. Wetland and riparian area resources were mapped over a parcel base to aid in assessing future road locations. Wetland resources are regulated by the Division of State Lands at the State level and the Army Corps of Engineers at the Federal level.

Filling in an area in the wetlands requires approval from the Army Corp of Engineers and the Division of State Lands.

A total of 48 wetlands were identified in the project area, totaling 228 acres. Many of the wetland areas are associated with tributary streams to Woahink Lake, Little Woahink Lake, and Siltcoos Lake. Some of these areas extend outside the UGB.

The study also inventoried and assessed the presence of riparian areas. In general, riparian areas within the UGB are well defined by topography and confined to narrow, relatively steep banked ravines. Riparian areas also exist around the edge of the three lakes.

Other hydrologic features in the study area include the Siltcoos River, Woahink Creek, Gibbs Creek, and several unnamed tributaries.

# GOALS & POLICIES

This Section contains the Dunes City goals and policies to direct production of the Master Road Plan. Development of the Master Road Plan was guided by a series of broad objectives. From these goals came the more specific policies. The seven street system goals as written might never be fully achieved in their entirety, but they do provide a target towards which Dunes City can strive. Dunes City policies give the detailed basis for a consistent course of action to move the community toward its goals.

## **A. MASTER ROAD PLAN GOALS**

### **1. Transportation Balance**

Provide for a balanced street system to give mobility to all segments of the community.

### **2. Quality of Life**

Enhance the City's quality of life by providing an efficient, safe, convenient, economic, and aesthetically pleasing street system for the movement of people and goods.

### **3. Alternative Mode**

Provide safe and convenient options for bicycling and walking.

### **4. Connectivity**

Create an interconnected street plan to support existing and future land uses.

### **5. Minimize Negative Impacts**

Maximize benefits and minimize negative effects of the street system on the social, economic, and natural environment.

### **6. Safety**

Create a safe and efficient street system.

### **7. Financially Sound**

Create a street system that is financially feasible, cost-effective and acceptable, while minimizing administrative costs.

**B. MASTER ROAD PLAN POLICIES**

**1. Coordination**

- a. The City should develop a coordinated approach to the operation, development, and maintenance of jointly managed streets.
- b. The City should identify methods to ensure coordination with Lane County and the Oregon Department of Transportation, for development and other activities and decisions related to transportation facilities in their jurisdiction.
- c. The applicable Lane County Transportation System Plan goals and policies and requirements of Lane County Code Chapter 15, Roads, shall apply to Lane County Roads.
- d. Lane County shall be consulted in a timely manner regarding any development or other activities that involve Lane County Roads.

**2. Protection of Road Facilities**

- a. The City should protect the function of existing and planned streets as identified herein.
- b. The City should consider impacts on existing or planned street facilities in all land use decisions.
- c. The City should protect the function of existing or planned streets through application of appropriate land use regulations.
- d. The City should consider the potential to establish or maintain pedestrian ways, paths or bikeways, when considering any public easement or rights-of-way.
- e. The City should require the dedication of rights-of-way for planned streets as identified in the Master Road Plan.
- f. Land development should not encroach into the setbacks required for future street expansion.

**3. Access Management**

- a. The City should develop an access control ordinance for major streets including arterials and major collectors.
- b. Driveways should access the street with the lowest street classification. For example, a house on the corner of a collector and a local street shall gain access from the local street.

#### **4. Layout and Design of Transportation Facilities**

- a. Streets should be designed to efficiently and safely accommodate emergency service vehicles.
- b. The City has adopted street standards and shall require such facilities at the time of land division or development.
- c. Streets, bikeways and pedestrian ways should be designed to meet the needs of pedestrians and cyclists in order to promote safe and convenient bicycle and pedestrian circulation in the community.
- d. All streets should connect to other existing and planned future facilities outside the development. Dead-end streets shall be discouraged except where topography, natural features, or land development patterns preclude street connectivity. A multi-use path connecting the end of the dead-end street(s) should be encouraged.
- e. Street design should be responsive to topographic changes and scenic views and minimize, where possible, impacts to natural features including wetlands, drainage ways, streams, riparian areas, and wildlife corridors.
- f. New pedestrian facilities and reconstructed existing facilities should be built to City standards, in accordance with State and Federal law.
- g. Where appropriate, the street system, and its infrastructure, should be utilized to convey and treat stormwater runoff.

#### **5. Maintenance**

Maintenance and repair of existing streets shall continue to be the highest priority.

#### **6. Bicycle Facilities**

Bicycle safety devices such as bicycle-proof drain grates and signage should be considered, where appropriate.

#### **7. Pedestrian Facilities**

The City should identify high-priority areas lacking sidewalks and wheelchair curb cuts and construct improvements in these areas.

#### **8. Road Improvement Policies**

On an annual basis, the Road Commission shall solicit and consider comments from the general public regarding the need for new streets and the repair of existing streets. Utilizing the priorities established by Chapter 2, Section 3 of the Master Road Plan and comments from the general public, the Road Commission shall make recommendations to the Budget Committee and the City Council regarding annual expenditures for the construction, repair or modification of streets.

# MAINTENANCE & CONSTRUCTION IN DUNES CITY RIGHTS-OF-WAY

The Dunes City Council, Planning Commission, and the Road Commission jointly discussed the need for the City to establish a written policy for road maintenance and construction of all public roads controlled by the City as outlined herein.

## **A. GENERAL RESPONSIBILITIES**

Dunes City is responsible for the maintenance, construction, and upgrading of all public rights-of-way under the regulatory control of Dunes City as defined in Section 90.01 of the Dunes City Code as far as practicable and subject to the road schedule adopted.

## **B. PRIORITIES**

Public rights-of-way projects shall be prioritized in the following order: (1) maintenance, (2) upgrading of existing streets and (3) new construction. Proposed projects are to be considered in this prioritized sequence on a case-by-case basis based on need and availability of funds, and are to be carried out in a timely fashion.

### **1. First Priority - Street Maintenance**

Maintenance of streets shall include:

- a. Patching or overlaying streets that have deteriorated; clearing or construction of drainage ditches and culverts.
- b. Brushing/limbing above paved or traveled portion of rights-of-way to a height of fourteen feet (14') where necessary, mowing all public rights-of-way at least twice every calendar year, power sweeping paved public streets the full width of the blacktop after grading where necessary, and removal of dangerous trees that are in public rights-of-way. (Refer to Appendix I, Ordinance 168, No Brushing Plan, Resolution 03-11-04)
- c. Equipment in City Streets: When it is necessary for a City contractor to traverse a City street with lug equipment, the contractor shall take adequate measures to protect City streets.

### **2. Second Priority - Upgrading of Streets**

Upgrading shall include the improvement of existing driveway aprons to

developed properties, widening and/or straightening of streets.

Widening and straightening of any street shall not be performed without professional input of surveying, engineering and drawings to allow citizen comments for the basis of contractor proposal bidding.

Dunes City will construct driveway aprons for properties established prior to 1990. All other property owners will be required to meet appropriate driveway standards, including aprons.

### **3. Third Priority - Construction of New Streets**

Construction standards for new streets shall meet the requirements of the subdivision ordinance. Any requests for modification of such standards for reasons of topography, etc., shall be decided by the City on a case-by-case basis.

All costs for construction of streets, roadbeds, or improvements to public rights-of-way incurred by a property owner prior to approval of such Dunes City road project, shall not be reimbursed by the City to the payor.

## **C. ADDITION OF NEW STREETS TO DUNES CITY THAT WILL REQUIRE DUNES CITY TO BE RESPONSIBLE FOR PERMANENT MAINTENANCE**

Dunes City shall maintain new streets only if the street is a Dunes City public street. Methods for transferring responsibility for maintenance to Dunes City include, but are not limited to, the following procedures:

- 1. Acceptance of street dedications** that meet City street standards, or modified standards as approved by the City through the subdivision modification process.
- 2. Purchase of a right-of-way** by the City for the express purpose of constructing a street on that right-of-way.
- 3. Acceptance of the donation of a right-of-way** that the City has determined should be made into a public street.
- 4. Acceptance of the donation of a private street** that meets Dunes City street standards.

## **D. EMERGENCY EVENTS AND OTHER ANNUAL FUND SET ASIDES**

### **1. Emergency/Unforeseen Events**

City Code Section 32.49—Emergency Procedures states:

In the event of storm or other disasters creating hazardous conditions on city streets or rights-of-way, or other roadway-related conditions which may be

determined to be hazardous, injurious, or detrimental to the public safety and welfare, such as, but not limited to, wind storm damaged trees on city rights-of-way, the Chair and/or Director of Roads may declare an emergency and shall report immediately to the Mayor and/or Council President so that emergency action may be taken to alleviate the hazardous conditions(s).

(Ord. 149, passed 8-8-96)

Commencing with the fiscal year 2000/2001 budget processes, an "Emergency Events" expenditure line item is established in the road funds for unforeseen events or emergencies.

**2. Road Project Proposals**

The Road Commission, prior to February 1<sup>st</sup> of each year, shall recommend road projects and estimated costs to the City Council and Budget Officer for inclusion and consideration in that fiscal year's proposed budget.

**E. STREET VACATION**

Street and right-of-way vacations shall be approved by the Dunes City Council, with a recommendation from the Road Commission. The Road Commission and the City Council shall use the provisions of ORS 271.005 through 271.230 in their consideration of a vacation request.

**F. UN-ENUMERATED NUISANCE DEFINED**

Public Nuisances may be declared by the Road Commission as provided in Resolution 06-16-94. Please refer to Appendix K.

**G. DUNES CITY STREET NO BRUSHING PLAN**

A policy providing a no brushing plan for streets, Ordinance 168 and Resolution 03-11-04 is included in Appendix I.

# FUTURE ROAD SYSTEMS

## A. Proposed Future Road System

The future road system includes the general location of future road alignments. The MRP is meant to serve as a guide as undeveloped parcels develop within the community. The exact location of these roads will be determined at the time of development. In general, the proposed street plan strives to provide connections between the existing road networks across larger undeveloped parcels.

The future road system includes 10 proposed road connections totaling 10,586 feet (approximately 2 miles) as identified on the Dunes City proposed Road Network and Undeveloped Right-of-Way map located in Appendix N. The point at which these roads connect to existing roads has been considered, although the alignment of the roads across properties is very conceptual and will need to be determined at the time of development. An identifying number, keyed to the map, name, and length of each proposed road segment, is included in the table below.

Proposed Road Identifying Number	Identifying Name	Length (feet)
1	Little Woahink Loop	667
2	Peninsula Drive to Collins Loop	867
3	Salal Street to Cloud Nine Road	1,798
4	Cloud Nine Road to Clear Lake Road	2,110
6	Berry Lane to Jensen Lane	111
7A	Woodland Lane to Hilltop Drive Extension	1,551
7B	Woodland Lane Extension to Clear Lake Road	339
7C	Hilltop Drive Extension	333
8A	Highway 101 to Brentwood Court	2,084
8b	Brentwood Court Extension to Ka-Teech Drive	726
	Total	10,586

## B. Roadway Classification System

The Dunes City road system includes a combination of City-owned facilities, Lane County roads, and private roads. The roadway classification system in Dunes City was developed considering the future road connections as described above. The classification system for Lane County roads was

obtained from Lane County Public Works staff. The roadway classification system includes three levels of roads: major collector, minor collector, and local roads as described below. Highway 101, a State facility, is outside this classification system. The classification system will assist the City in prioritizing road-widening projects and to provide better planning as development occurs.

**1. Major Collector**

A major collector is intended to serve traffic from local roads and minor collectors to the arterial system. Individual accesses are allowed but minimized to protect system capacity and traffic safety. Within Dunes City, Canary Road and Clear Lake Road, both county facilities, are considered major collectors.

**2. Minor Collector**

A minor collector is intended to provide access to abutting properties and to serve local access needs of neighborhoods, including limited through traffic. New development that generates a significant volume of traffic should be discouraged from locating on minor collectors that serve residential areas. The majority of these roads are City-owned facilities. Pacific Avenue is a county facility. Minor collectors identified in Dunes City include: Huckleberry Lane, Wright Road, a portion of Collins Loop, Peninsula Road, Salal Street, a portion of Cloud Nine Road, Erhart Road, Kiechle Arm Road, Woodland Lane, Hilltop Drive, a portion of Parkway Drive, Southcove Drive, Brentwood Court, Ka-Teech Drive, Pacific Avenue (Lane County), and Lake Boulevard (Lane County).

**3. Local Roads**

A local road is intended to provide direct property access and is not intended to serve through traffic. All other roads not identified in the previous categories are considered local roads.

# TRANSPORTATION PROJECT FUNDING SOURCES

*The following data is excerpted from Dunes City Master Road Plan prepared for Dunes City Roads Advisory Committee by the Lane Council of Governments, May 2000.*

## **A. Introduction**

The following list identifies possible Federal, State, county, local, and private sources to fund various transportation improvements. The purpose of this list is to serve as guide to assist the City in identifying appropriate sources.

## **B. Federal Funding Sources**

Some Federal funding programs are administered by the State. Those programs are listed in this Section.

### **1. Intermodal Surface Transportation Efficiency Act (ISTEA)**

Funding through the Intermodal Surface Transportation Efficiency Act is targeted to improvements that demonstrate beneficial impacts towards implementing a region's STP, enhance the multi-modal nature of the transportation system, and meet local land use, economic, and environmental goals. Funding categories created by ISTEA are intended to provide an area with more discretion in allocating Federal transportation funds to projects from highway improvements to transit improvements, management systems, and non-vehicular modes such as bicycle and pedestrian improvements.

The ISTEA funding programs include:

- National Highway System (NHS)
- Interstate Program (IP)
- Surface Transportation Program (STP)
- National Scenic Byways Program (NSBP)

The Federal legislation that authorizes ISTEA terminated in November 1997 and was extended by President Clinton for an additional six months. A new Federal funding package is currently under development, but there is uncertainty about continuation of, and/or funding levels for, some existing programs.

### **2. Highway Enhancement System (HES)**

This Federal Highway Administration program provides funding for safety improvements on public roads.

### **3. National Highway System (NHS)**

Provides funding for a variety of activities on any highway currently designated as a principal arterial. In Dunes City, this would mean Highway 101.

### **4. Surface Transportation Program (STP)**

Funding for transportation enhancement activities is provided under the Surface Transportation Program of the ISTEA. These enhancement activities include the provision of facilities for pedestrians and bicycles. Ten percent of each State's share of STP funds are to be set aside for transportation enhancements. These funds are dispersed through ODOT's regional offices. The project must be included in the State Transportation Improvement Program (STIP) to receive STP funds. This is the most flexible of the funding programs and can fund improvements on any highway except those with a functional classification of local street or rural minor collector. These roads are now collectively referred to as Federal-aid routes. Transit capital improvement projects are also eligible for funding through this category. Each eligible city is sub-allocated a portion of the State's STP funds. The project sponsor must request inclusion of the project in the annual Transportation Improvement Program.

### **5. Transportation Enhancement Program**

The State is required to set aside a portion of its STP funds for projects that will enhance the cultural and environmental values of the State's transportation system. Projects need to demonstrate a link to the intermodal transportation system. It funds enhancements such as mitigation of water pollution due to highway runoff, landscaping or other scenic beautification, bicycle/pedestrian projects, historic preservation, acquisition of scenic easements and scenic or historic sites, archaeological planning and research, and preservation of abandoned railway corridors.

### **6. Highway Bridge Replacement and Rehabilitation Program (HBRR)**

The Highway Bridge Replacement and Rehabilitation Program provides funding for the replacement and rehabilitation of structures regardless of functional classification. A portion of the HBRR Program is allocated for the improvement of structures under the jurisdiction of cities and counties. Bridges under local jurisdiction are added to the program based on a selection process agreed upon by the Oregon Department of Transportation (ODOT), the League of Oregon Cities, and the Association of Oregon Counties. A technical ranking system, based on sufficiency rating, cost factor, and the load capacity is applied to proposed projects, and those that rank highest statewide receive top-priority funding.

### **7. Timber Receipts**

The U.S. Forest Service (USFS) and Bureau of Land Management (BLM) share revenue from timber receipts with counties in Oregon. Lane County then shares with the cities within the county through a county/city road partnership agreement. The share of forest revenues is no longer directly tied to the level of timber harvests. The USFS revenues have permitted Lane County to make significant capital improvements to its road system. Funds from this source are declining.

### **8. Community Development Block Grants (CDBG)**

Community Development Block Grants are administered by the Department of Housing and

Urban Development and accessed through the State. Although CDBG funds could be used for transportation projects in eligible areas cities, these funds have traditionally been used for other types of infrastructure projects.

## **9. Land and Water Conservation Fund**

This grant program is administered by ODOT. Funds are derived under Public Law 88-578 from the National Park Service, Department of the Interior. Grants are available for the acquisition of land and the development of public outdoor recreation facilities. Grants are limited to 50 percent of the total project cost. The cities and counties are responsible for the remaining project cost. Bicycle/pedestrian paths have been funded under this program in instances where they have been shown, as needed, in connection with outdoor recreation activities.

## **10. Local Rail Freight Assistance (LRFA)**

Rail freight improvement projects compete nationally for scarce Federal Local Rail Freight Assistance program funds that must be matched by State, local, or private sources. LRFA provides grants to rehabilitate low-density branch and short line railroads, allowing them to provide cost effective rail freight service to communities.

## **C. State Funding Sources**

### **1. Oregon Department of Transportation (ODOT)**

#### **a. State Transportation Improvement Program (STIP)**

ODOT allocates State and Federal funding for transportation projects in the STIP. The STIP is a staged, multi-year, statewide, intermodal program of transportation projects. The STIP is not a funding source; rather it is a project prioritization and scheduling document developed through various planning processes that involve local and regional governments and transportation agencies. Aeronautics, rail, public transit, bicycle/pedestrian, and highway projects are included. Public meetings are held throughout the State prior to adoption by the Oregon Transportation Commission (OTC). The adopted STIP lists projects by ODOT's regions. These regional offices are responsible for administration and disbursement of the funds.

#### **b. State Highway Fund (also known as gas tax)**

The State of Oregon collects gas tax revenues, vehicle registration fees, and weight mile taxes on freight carriers.

ODOT, through the Department of Revenue, receives these revenues and disperses a portion of them to individual cities and counties based on their percentage of statewide population. The Oregon constitution limits the use of these funds to capital projects within rights-of-way. ODOT uses its allocation for maintenance and to fund capital projects in the STIP. Cities may use funds for local street, bike lane, and sidewalk upgrades, maintenance, and new construction. A reasonable amount of this fund (at least 1 percent) must be spent on bicycle and pedestrian facilities.

ODOT administers an annual grant program for bicycle and pedestrian projects using Highway Fund money. This grant program funds projects that cost up to \$100,000 and is based on a 20 percent local match. It is for bicycle and pedestrian projects within road rights-of-way or for bicycle maps.

**c. Access Management Program**

Approximately \$500,000 is set aside each year to address access management issues, including the evaluation of existing approach roads to State highways. Over the years, many approach roads have become unsafe due to higher speeds and increased traffic volumes. The program will identify those locations, determine necessary mitigation, prioritize improvements, and correct problems.

**d. Local Government Fund Exchange**

This program helps local governments make the most effective use of limited transportation funding. To reduce their administrative burden, local governments can agree to develop their projects with State funds, which are easier to administer, while the State uses the local governments' Federal funds for State projects. This program allows flexibility in spending.

**e. Community Transportation Program (CTP)**

The Community Transportation Program provides money to fund public and special needs transportation in small cities and communities throughout the State. The program is financed by a combination of State, Federal, and local matching funds. The program is a unified project application, review, and selection process for discretionary funds. These funds are made available under the Federal Transit Act, Elderly Persons with Disabilities Program, the Non-Urbanized Area Formula Program, and the Special Transportation Fund.

**f. Special Transportation Fund (STF)**

The *Special Transportation Fund for the Elderly and Disabled* (ORS 391.800 - 391.830) revenues are collected through the State cigarette tax and distributed based on a formula that considers the elderly population in poverty. The funds that come into Lane County are then allocated to the rural districts based on population and service needs according to the STF Advisory Committee. The STF is the only dedicated revenue source in the State of Oregon for specialized transportation for the elderly and disabled. This funding source has been declining over the years due to the reduction in the amount of cigarette tax collected. There is awareness that new sources of revenue are needed. Acting on behalf of the Lane Transit District (LTD), Lane Council of Governments oversees and coordinates with providers to operate services funded through STF.

**g. Rail Freight Program**

Although ODOT does not own or operate any rail lines, the ODOT Rail Freight Program assists in the rehabilitation of publicly and privately owned rail lines through planning and the administration of Federal and State funded programs.

**h. State Rail Rehabilitation Fund**

The fund was established by the State legislature to be used for rail line acquisition, track rehabilitation, improvement of rail properties, planning, or any other method of reducing the costs of lost rail service. However, this program has never received an allocation of funds.

## **2. Oregon Economic Development Department (OEDD)**

### **a. Special Public Works Funds**

The State of Oregon, through lottery proceeds passed through the OEDD, has provided grants and loans to local government to construct, improve, and repair public infrastructure in support of local economic development and job creation. The application of this funding source for transportation improvements is limited. Funds for rail projects are also available through the OEDD. Projects must compete with other public works projects submitted by local and State agencies. As of 1996, OEDD had administered approximately \$4.5 million in lottery funds to develop three rail projects.

### **b. Immediate Opportunity Fund**

ODOT funds the Immediate Opportunity Fund through an annual \$5 million allotment from the State Motor Vehicle Fund. OEDD administers the fund. The funds are set aside to provide OEDD the opportunity to respond quickly to transportation improvements that demonstrate a significant benefit to economic development and job creation. The program has been expanded recently to include alternate modes that reduce vehicle miles traveled (VMT) and for new technologies that improve commerce or safety. The maximum amount available for a single project is \$500,000. A key factor in determining eligibility for funds is whether an immediate commitment of funds is required to influence the location, relocation, or retention of a firm in Oregon. Funding is reserved for cases where an actual transportation problem exists, and where a location decision hinges on immediate commitment of road construction resources.

## **D. Lane County Funding Sources**

### **1. Lane County Road Fund**

The Road Fund finances a variety of programs related to the County's road and bridge system. Revenues for the Road Fund come from two major sources, National Forest Receipts and transfers from the State Highway Fund. Federal and State statutes govern the use of Road Fund revenues, restricting expenditures to specific road-related activities.

Road Funds have been used to perform maintenance, preservation, modernization and system operation activities on County roads. Road Funds have also been shared with other agencies for County/City Road Partnership, gravel road paving, economic development and specific road construction projects.

### **2. Economic Development Assistance Program (EDAP)**

Economic Development Assistance Program is funded through the County Road Fund. Funds may be used to improve the marketability of *for sale* industrial properties or to improve access to existing industrial businesses. The goal of EDAP is to create family-wage jobs that directly benefit local communities. The future of this funding source is in question due to the county's diminishing share of Federal timber receipts.

### **3. Payroll Tax**

Lane Transit District typically funds its services through an employer payroll tax.

## **E. City Funding Sources**

### **1. City Transportation Fund**

This is a set of funds from the City's share of the State Motor Vehicle Fund and the Federal timber receipts allocated through Lane County.

### **2. System Development Charges (SDC)**

System Development Charges could be collected as vacant parcels of land are developed or as redevelopment occurs. This charge would be based on the development's impact on the overall transportation system. Transportation SDCs are based on the land use type, the size of the development (number of dwelling units or number of acres), the number of trips per unit of development (derived from the Institute Transportation Engineers Manual), and the fee/trip rate. These funds may also be used for financing alternative modes projects. Dunes City could create an SDC based on this transportation plan. The costs of setting up an SDC can be covered in the charge itself.

### **3. Debt Financing**

#### **a. General Obligation Bonds**

Bonds are sold by the municipal government to fund public infrastructure and other improvements, and are repaid with property tax revenue. Voters must approve general obligation bond sales.

#### **b. Revenue Bonds**

Bonds are sold by the City and repaid with revenue from an enterprise fund, which has a steady revenue stream such as a water or sewer fund. The bonds are typically sold to fund improvements in the system that is producing the revenue. They are a common means to fund large, high cost, capital improvements that have a long useful life.

#### **c. User Fees**

In general, the users pay based on their use of, or impact on, the system.

#### **d. Local Gas Tax**

The City or County could implement a local gas tax, in addition to the existing revenues from the State gas tax. Several cities and counties in Oregon have a local gas tax. Given the current anti-tax atmosphere, it may be difficult to get voter approval on a local gas tax.

**e. Local Vehicle Registration Fee**

Counties can implement a local vehicle registration fee. A portion of the County fee would be allocated to cities in Lane County. The fee would provide a stable and reasonable funding source, but is unlikely to receive local support.

**f. Street Utility Fee**

Similar to a water or sewer utility fee, a fee would be assessed in the City for use of streets. Implementing a street utility fee would require voter approval and political support would likely be low.

**g. Special Assessments**

Assessments pay for on-site or adjacent public improvements. The property owners directly benefit from the improvement.

**h. Local Improvement District**

The property owners, who will benefit from the improvements, pay an assessment of the project cost. In Dunes City, this approach is usually taken for sidewalk improvements or street widening.

**i. Agreement for Improvements**

It does not always make sense for a land divider or property owner to install the required improvements (including streets and sidewalks) at the time of development. If that is the case, one must execute and file with the City an agreement to pay for future improvements. Dunes City keeps these agreements in files organized by street and will pull them at the time of a capital improvement project.

**F. Private Developers**

The majority of local streets and sidewalks are paid for at the time of development by the developer who includes the cost in the sales price of the homes or properties. This also applies to bikeways, bicycle parking, and transit facilities. In this way, the benefiting users are paying for the cost of the system installation. The City is then responsible for maintaining improvements within the public rights-of-way.

# TRANSPORTATION POLICIES

*Further to Policies F1 and F2 regarding Public Rights-of-Way, the regulations contained in Appendices D, E, F, H, J, K, and M shall be the responsibility of the Road Commission for permits and violation penalties.*

- Policy F1.** The City shall strive to maintain an efficient, safe and attractive road system. All modes of transportation will be considered. The City will appoint a Road Commission consisting of Dunes City residents for planning and recommendations.
- Policy F2.** The City shall strive to minimize adverse impacts of the transportation system.
- Policy F3.** A public street shall not be used to encourage development in an area where such development would constitute a threat to public health or welfare, or create excessive public expense.
- Policy F4.** Every developed property shall have direct access by water, street or deeded easement.
- Policy F5.** Public street rights-of-way shall continue to serve as primary access to properties for transportation and public utilities.
- Policy F6.** The City shall require sub-dividers to provide adequate streets with no less than minimum requirements as set forth in the Subdivision Ordinance. All future dead-end streets must have turnarounds that meet State requirements for emergency vehicles.
- Policy F7.** Off-street parking must be provided as part of any land development.
- Policy F8.** The City shall encourage provisions to be made for pedestrian and bicycle access.
- Policy F9.** The City will limit access to major thoroughfares.
- Policy F10.** Dunes City will coordinate the local planning review of highway projects with the Oregon Department of Transportation.
- Policy F11.** Dunes City will coordinate efforts with existing local agencies to provide public transportation and alternative transportation services in Dunes City.
- Policy F12.** A minimum driving width adequate for emergency vehicles will be maintained.
- Policy F13.** The City will encourage improvement programs to bring substandard street and drainage systems to minimum standards.
- Policy F14.** The City will develop a master transportation plan that includes an inventory of existing streets, bike and pedestrian ways and their condition, prioritizes needed improvements, and estimates costs.
- Policy F15.** The City will adopt standards for maintaining the road system.

***Taken from the Dunes City Comprehensive Plan-Pages 10 & 11***

# ROADWAY INVENTORY

NAME <i>City Roadways</i>	FROM	TO	LENGTH (Ft.)	ROAD CLASS	ROAD WIDTH (Ft.)	RIGHT-OF- WAY (Ft.)	SURFACE CONDITION 2004
ALDER CT	START	ERHART RD	507	Local	16	50	Good
ALDER DR	START	FIR LANE	368	Local	10	50	Good
ALDER LN	START	CLEAR LAKE RD	203	Local	14	30	Good
BERRY LN	CLEAR LAKE RD	END	867	Local	12-15	50	Good
BUCKSKIN BOB RD	PARKWAY DR	HELKAT TR	272	Local	12-14	50	Good
BUCKSKIN BOB RD	HELKAT TR	END	1035	Local	12-14	50	Good
CEDAR LN	START	PENINSULA RD	244	Local	12	30	Good
CHERRY ST	LAKE BLVD	SUMMIT AVE	334	Local	16	50	Good
CLOUD NINE RD	START	CLEAR LAKE RD	2401	Minor Collector	12	50	Good
COLD SPRINGS	WOODLAND LN	END	184	Local	12	30	Good
COLLINS LP	WRIGHT RD	SEVENTH HEAVEN AVE	341	Minor Collector	12	50	Good
COLLINS LP	COLLINS RD	COLLINS RD	1340	Local	12	50	Fair
EASTLAKE DR	START	CANARY RD	409	Local	10	30	Good
ERHART RD	CLEAR LAKE RD	URBAN GROWTH BNDRY (UGB)	1506	Minor Collector	16	50	Good
FIR LN	START	HUCKLEBERRY LN	496	Local	10	50	Good
FISH MILL WAY	LAKE BLVD	SUMMIT AVE	505	Local	10	20	Good
FOOTHILL DR	START	PACIFIC AVE	543	Local	24	60	Good
FORD WAY	HWY 101	END	1596	Local	12	50	Good
HELKAT TR	BUCKSKIN BOB	PLUTO'S PR	506	Local	11	50	Fair
HELKAT TR	PARKWAY DR	END	301	Local	22	30	Good
HEMLOCK ST	PACIFIC AVE	END	303	Local	10	60	Good
HILL TOP DR	CLEAR LAKE RD	SPRUCE LN	700	Minor Collector	15	40	Good
HILL TOP DR	SPRUCE LN	PARKWAY DR	1231	Minor Collector	15	40	Good
HUCKLEBERRY LN	START	CLEAR LAKE RD	2467	Minor Collector	15-18	60	Good
JENSEN LN	CLEAR LAKE RD	END	1701	Local	16	40	Good
KA-TEECH DR	START	CLEAR LAKE RD	597	Minor Collector	22	60	Good
KIECHLE ARM RD	START	CLEAR LAKE RD	1875	Minor Collector	22	50	Good
LAGUNA LN	MAPLE ST	END	353	Local	11	50	Good
LAKE DR	FORD WAY	END	559	Local	11	50	Good
LAKE SHORE DR	HWY 101	END	956	Local	12	50	Good
LAKEVIEW DR	START	CLEAR LAKE RD	469	Local	18	50	Good
LEANZA DR	START	CLEAR LAKE RD	251	Local	22	50	Good

NAME <i>City Roadways</i>	DUNES CITY ROAD		INVENTORY	ROAD CLASS	ROAD WIDTH (Ft.)	RIGHT-OF-WAY (Ft.)	SURFACE CONDITION 2004
	FROM	TO	LENGTH (Ft.)				
LEAVITT LP	WRIGHT RD	WRIGHT RD	2127	Local	10	50	Good
LITTLE WOHINK CIR	START	LITTLE WOHINK DR	304	Local	18	30	Good
LITTLE WOHINK DR	CANARY RD	PAVEMENT END	1335	Local	16	30	Good
LITTLE WOHINK DR	PAVEMENT END	END	2582	Local	12	30	Gravel
MANZANITA DR	CLEAR LAKE RD	BERRY LN	777	Local	15	50	Good
MAPLE DR	ERHART RD	END	549	Local	10	50	Good/Fair
MAPLE ST	START	END	532	Local	10-21	50	Fair/Good
MYRTLEWOOD DR	SUMMIT AVE	LAGUNA LN	242	Local	11	--	Good
OCEAN BLVD	LAUREL AVE	LAKE BLVD	1001	Local	10-12	60	Fair/Good
OSPREY WAY	START	HILLTOP DR	1138	Local	22	50	Good
PARKWAY DR	HILL TOP DR	END	2094	Minor Collector	14-21	50	Good
PENINSULA RD	START	CLEAR LAKE RD	507	Minor Collector	14	50	Good
PIONEER RD S	START	DARLINGS LP	1013	Local	8	35	Good
PLUTO'S PR	HELKAT TR	END	270	Local	12	50	Good
RIO DR	START	RUSSELL DR	495	Local	16	60	Good
RUSSELL DR	START	SALAL ST	1910	Local	14-16	60	Good
SALAL CRESCENT	START	SALAL ST	792	Local	10	50	Good
SALAL ST	START	CLEAR LAKE RD	1820	Minor Collector	10-12	40	Good
SEVENTH HEAVEN AV	START	COLLINS LP	659	Local	12	25	Good
SHIRLEY LN	WRIGHT RD	SEVENTH HEAVEN AVE	174	Local	20	25	Good
SPRUCE LN	TSILTCOOS DR	HILLTOP DR	1013	Local	15	50	Good
SPRUCE ST	PACIFIC AVE	END	361	Local	24	60	Good
SUMMIT AVE	MAPLE ST	FISH MILL WAY	424	Local	14	60	Good
TSILTCOOS DR	CLEAR LAKE DR	SPRUCE LN	379	Local	15	60	Good
TSILTCOOS TER	SPRUCE LN	OSPREY WAY	514	Local	22	50	Good
VIEW TER	START	CLEAR LAKE RD	915	Local	10	50	Good
WOHINK DR	HUCKLEBERRY LN	WRIGHT RD	2042	Local	12	50	Good
WOODLAND LN	START	CLEAR LAKE RD	2211	Minor Collector	11-14	30	Good
WOODLAND WAY	START	WOODLAND LN	209	Local	11	30-50	Good
WRIGHT RD	HUCKLEBERRY LN	LEAVITT LP	1558	Minor Collector	15	50	Good
			<b>55062</b>	<b>Total Feet</b>			
			<b>10.43</b>	<b>Miles</b>			

	DUNES CITY ROAD		INVENTORY				
NAME <i>Lane County Roadways</i>	FROM	TO	LENGTH (Ft.)	ROAD CLASS	ROAD WIDTH (Ft.)	RIGHT-OF- WAY (Ft.)	SURFACE CONDITION 2004
BOY SCOUT RD	CLEAR LAKE RD	PARKWAY DR	1879	Local	19	60	Good
BOY SCOUT RD	PARKWAY DR	UGB	893	Local	19	60	Good
CANARY RD	HWY 101	CANARY RD	452	Major Collector			Good
CANARY RD	UGB	END	3821	Major Collector			Good
CANARY RD	UGB	UGB	3548	Major Collector			Good
CANARY RD	HWY 101	UGB	3658	Major Collector			Good
CLEAR LAKE RD	UGB	VIEW TER	1534	Major Collector			Good
CLEAR LAKE RD	HWY 101	UGB	753	Major Collector			Good
CLEAR LAKE RD	UGB	BOY SCOUT RD	3442	Major Collector			Good
CLEAR LAKE RD	BOY SCOUT RD	SALAL ST	4516	Major Collector			Good
CLEAR LAKE RD	VIEW TERRACE	UGB	902	Major Collector			Good
CLEAR LAKE RD	UGB	UGB	1689	Major Collector			Good
CLEAR LAKE RD	UGB	UGB	632	Major Collector			Good
CLEAR LAKE RD	CANARY RD	UGB	1723	Major Collector			Good
CLEAR LAKE RD	SALAL ST	ERHART RD	3887	Major Collector			Good
CLEAR LAKE RD	ERHART RD	UGB	3246	Major Collector			Good
DARLINGS LP	CLEAR LAKE RD	CLEAR LAKE RD	2647	Local	21	42	Good
LAKE BLVD	UGB	UGB	107	Local	19	60	Good
LAKE BLVD	PACIFIC AVE	UGB	975	Local	24	60	Good
LAKE BLVD	UGB	CHERRY ST	462	Local	19	60	Good
LAUREL LN	LAKE BLVD	OCEAN BLVD	322	Local	20	50	Good
PACIFIC AVE	HWY 101	OCEAN BLVD	1870	Local	24	60	Good
			<b>42,336</b>	<b>Total Feet</b>			
			<b>8.34</b>	<b>Miles</b>			

**DUNES CITY ROAD INVENTORY**

<b>NAME</b> <i>Private Roads</i>	<b>FROM</b>	<b>TO</b>	<b>LENGTH</b> <b>(Ft.)</b>	<b>ROAD CLASS</b>	<b>ROAD</b> <b>WIDTH</b> <b>(Ft.)</b>	<b>RIGHT-OF-</b> <b>WAY (Ft.)</b>	<b>SURFACE</b> <b>CONDITION</b> <b>2004</b>
BRENTWOOD CT	START	BRENTWOOD DR	120	Minor Collector	--	--	Good
BRENTWOOD DR	START	SOUTH COVE DR	582	Local	--	60	Good
DIER WAY	UGB	DARLINGS LP	623	Local	16	--	Good
DOROTHY LN	CLEAR LAKE RD	DARLINGS LP	408	Local	10	33	Good
GREENGATE RD	START	CANARY RD	1893	Local	--	30	Gravel
KENDALL LN N	START	CLEAR LAKE RD	442	Local	9	33	Poor
KENDALL LN S	CLEAR LAKE RD	UGB	912	Local	9	33	Poor
PANORAMA DR	START	SOUTHCOVE DR	316	Local	--	--	Good
PIONEER RD N	CLEAR LAKE RD	DARLINGS LP	737	Local	8	33	Good
R WAY N	START	CLEAR LAKE RD	434	Local	--	33	Gravel
R WAY S	CLEAR LAKE RD	UGB	857	Local	--	33	Gravel
SHADY LN	START	CLEAR LAKE RD	1230	Local	11	20	Good
SOUTHCOVE DR	START	LOCKED GATE	1750	Minor Collector	14-20	60	Good

# SURFACE TYPE TABLE AND PHOTOS

CATEGORY	DEFINITIONS
<b>Field Inventory</b>	
1. Roadway Width	Measured in Feet
2. Surface Type	Paved, Unpaved/Gravel, Unimproved
3. Pavement Condition  (Unpaved streets will not be rated.)	<p><i>(The following categories were adapted from ODOT definitions.)</i></p> <ol style="list-style-type: none"> <li>1. <b>Poor:</b> Areas of instability, marked evidence of structural deficiency, large crack patterns (alligatoring), heavy and numerous patches, and/or deformation very noticeable. Riding quality ranges from acceptable to poor.</li> <li>2. <b>Fair:</b> Generally stable, minor areas of structural weakness evident. Cracking easy to detect, patched but not excessively. Deformation is more pronounced and easily noticed. Good riding quality.</li> <li>3. <b>Good:</b> Stable, may have minor cracking, generally hairline and hard to detect. Minor patching and some minor deformation may be evident. Very good riding surface.</li> </ol>
4. Drainage	Identify location and type of roadside drainage facilities including culverts.
5. Environmental Constraints	Identify areas of erosion, slumping.
6. Maintenance Issues	Identify roadside maintenance and site distance issues.

# Photos of “Good” Road Condition

# Photos of “Fair” Road Condition

# Photos of “Poor” Road Condition

# STANDARDS FOR USE OF AND ACCESS TO CITY STREETS

## A. *Driveway Standards and Fire Access*

*Dunes City has many developable lots of large size and standards need to exist for potential multiple lot usage of driveways and for fire and rescue vehicle access and egress. The Oregon Uniform Fire Code (UFC) requires fire and emergency vehicle access to within 150 feet of any portion of any structure.*

*It is the intent of Dunes City that fire truck access requirements for driveways and streets coincide. Therefore the driveway specifications for a lot on which any portion of any structure is beyond 150 feet from a City street should meet the minimum UFC requirements for a street. Grading or excavation needed for a driveway may require a permit as specified in Section 151.042 of the Dunes City Code of Ordinances.*

*Shared driveways are allowed.*

### 1. *Standards*

*All driveways shall meet the following as a minimum:*

- a. *Single driveways shall have at least a 12-foot running surface width.*
- b. *A driveway on a two lot shared easement shall have at least a 20-foot width and be constructed with a 12-foot asphalt or concrete running surface width with 2.5 feet of rocked shoulders.*
- c. *A driveway on a three or four lot shared easement shall have at least a 30-foot width and be constructed with no less than a 12-foot asphalt or concrete running surface with 2.5 feet of rocked shoulders. The easement shall be at least 30 feet wide plus any additional width needed to support the driveway surface and any required fill.*
- d. *Each driveway accessing a street shall have at the intersection with the street running surface an asphalt or concrete pad at least 8 feet in length and as wide as the running surface of the driveway plus an approach radius on each side.*
- e. *To ensure proper storm water management, the Road Commission may require that any driveway with a slope in excess of 10% be designed by an engineer licensed in Oregon.*
- f. *If any lot or parcel that shares a driveway meets the requirements for further division and exceeds five acres, the driveway easement shall be a minimum of 50 feet in width.*
- g. *All driveways in the City shall be constructed or maintained so that they do not form an impediment to natural drainage. They shall have culverts installed to service*

*existing ditches or to provide for future ditches which may be installed by the City. A driveway shall not collect, retain, or back-up the flow of surface water and create puddles, marshes, swamps, or any other similar collection of undesirable water on or near City streets.*

**2. Additional Requirements for Long Driveways**

*To construct or modify a driveway on a lot where any portion of any existing or proposed structure is 150 feet or more away from a Dunes City street, a fire-access street approval issued by the Siuslaw Valley Fire and Rescue (SVFR) is required prior to issuance of a building permit. An application form and information sheet for the fire-access street approval is available during normal business hours at the Dunes City Hall.*

*In the event of a disagreement between the Building Official, SVFR or the applicant, the applicant shall have the right to appeal to the Dunes City Council for final disposition.*

*For requirements related to dead-end streets, please refer to sub-section 155.3.4.1.M of the Dunes City Code.*

**3. Driveway Permits**

*Applicants for driveway permits shall be required to obtain approval of the location of a proposed driveway from the Road Commission prior to the issuance of a driveway permit. Review of the proposed siting of a driveway and under-driveway culvert(s) shall include, but not be limited to, the following factors:*

- a. The location on the lot of existing or proposed structures.*
- b. Promotion of safe ingress and egress to and from the City street.*
- c. Preservation of mature trees in the City's rights-of-way.*
- d. The natural topography of the land, including slope, surface runoff, riparian or wetland areas and soil composition.*
- e. Location of proposed or existing well(s).*
- f. Location of proposed or existing septic drainfield(s).*
- g. Location of existing access easements.*
- h. Location of corners on property line parallel to street, as marked by property owner.*

**B. Parking on City Streets**

- 1. Due to the right-of-way width of most streets in Dunes City, on-street parking in general is discouraged.*
- 2. On-street parking is permitted for a maximum duration of two hours out of 24 hours for no more than two consecutive days.*
- 3. On-street parking exceeding the limits of item **B. 2.** above, shall require a Right-of-Way Use Permit. The Dunes City Road Commission shall evaluate such applications.*

**C. Heavy Equipment on Streets**

Use On Paved Streets

1. No person shall use lug equipment on paved streets.
2. No person shall load or unload lug equipment on paved streets. Loading and unloading of lug equipment is permitted on gravel streets. Any damage to streets, including damage to drainage ditches, culverts, and other parts of the right-of-way, caused by loading or unloading of lug equipment shall be repaired within five working days after the damage.
3. When it is necessary for lug equipment to traverse a paved street, the operator of the vehicle shall take preventative measures to ensure that the street is adequately protected.
4. When equipment has damaged a paved street, the contractor and property owner are responsible for street repairs. Enforcement of regulations and penalties resulting from such damage is punishable as provided in Dunes City Code 90.14 and 90.99.

**D. Parking requirements:** Refer to Dunes City Code 156.137 (pages 123 - 128).

*Buildings erected or enlarged or uses established or changed after the effective date of this part shall comply with the following parking requirements:*

**1. Required parking spaces.**

<b>Use</b>	<b>Parking Spaces Required</b>
One- or two-family dwelling/mobile home	Two parking spaces per dwelling unit
Retail, commercial establishments	One for every 300 square feet of gross floor area or 5½ spaces per 1,000 square feet, whichever provides the greatest amount of parking
Business and professional offices	One for every 250 square feet of gross floor area or 2½ spaces per 1,000 square feet of gross floor area, whichever provides the greatest amount of parking
Medical offices and clinics	6½ spaces per doctor or 150 square feet of gross floor area, whichever provides the greatest amount of parking
Motels	One space per lodging unit, plus one for every four restaurant seats
Churches, clubs, lodges	One space for every four fixed seats, every eight feet of bench length, or every 28 square feet in the main auditorium or place of worship where no permanent seats or benches are maintained
Restaurants	One space per 200 square feet of floor area, plus one space per employee

2. **Parking requirements for uses not specified.** The parking space requirements for buildings and uses not set forth herein shall be determined by the Planning Commission and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the Planning Commission may be appealed to the City Council in the manner allowed for appeals of site review requirements as specified in § 156.218.

3. **Common facilities for mixed uses.**

a. **Mixed uses.** In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses or 5.5 spaces per 1,000 feet of gross floor area, whichever provides the greatest amount of parking. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided in (b) below.

b. **Joint use of parking facilities.** The Planning Commission may authorize the joint use of parking facilities required by the uses and any other parking facility, provided that:

- 1) The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed;
- 2) The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have provided parking; and
- 3) The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of this part, shall be recorded in the office of the City Recorder.

4. **Parking area design and improvement requirement.** All public or private parking areas which contain three or more parking spaces and outdoor vehicle sales areas shall be designed and improved according to the following:

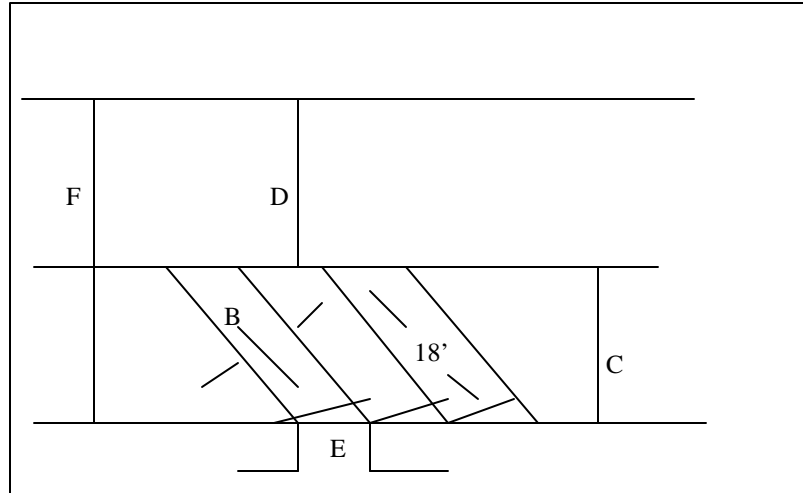
a. **Service drives.** Groups of five or more parking spaces, except those in conjunction with single-family dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic and provide maximum safety in traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum which will allow the property to accommodate and service anticipated traffic.

- b. On parking lots having five or more parking spaces, such spaces shall be clearly marked in a permanent manner.
- c. **Surface and grading.** All new parking areas shall have a durable, dust-free surfacing of asphaltic concrete, Portland cement concrete, or other approved materials. All parking areas, except those in conjunction with a residential use, shall be graded so as not to drain storm water onto any abutting public or private property.
- d. **Bumpers.** All parking areas, except those required in conjunction with a residential use, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.
- e. **Fences, walls, and hedges.** All parking areas (including service drives in the Community Commercial District), except those required in conjunction with a residential use, which abut a residential district, and which require an interior yard setback, shall be enclosed along and immediately adjacent to any interior property which abuts any residential district with an opaque, site-obscuring fence, wall, or hedge not less than three feet nor more than eight feet in height, but adhering to the visual clearance and front and interior yard requirements established for the Community Commercial District. If the fence, wall, or hedge is not located on the property line, the area between the fence, wall, or hedge and the property line shall be landscaped with lawn or low-growing evergreen ground cover, or vegetable or rock mulch. All plant vegetation in this area shall be adequately maintained, and the fence, wall, or hedge shall be maintained in good condition. Screening or planting shall be of such size as to provide the required degree of screening within 12 months after installation. Adequate provisions shall be maintained to protect walls, fences, or plant materials from being damaged by vehicles using the parking area.
- f. **Lights.** Any lights provided to illuminate any public or private parking area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.

5. **Parking table and diagram.** The following table provides the minimum dimensions of public or private parking areas based on the following diagram.

**The above mentioned diagram and table begin on the following page.**

a. Parking Diagram



b. Parking Table

<b>(A)</b> <i>Parking Angle</i>	<b>(B)</b> <i>Stall Width</i>	<b>(C)</b> <i>Stall Depth (Minimum) (ft.)</i>	<b>(D)</b> <i>Clear Aisle Width (Minimum) (ft.)</i>	<b>(E)</b> <i>Staff Distance at Bay Side (ft.)</i>	<b>(F)</b> <i>Clear Bay Width (Minimum) (ft.)</i>	<b>(G)</b> <i>Permitted Decrease (Minimum) in Clear Aisle Width for Private Parking Areas (ft.)</i>
Parallel	8'0"	--	12.0	22.0	20.0	2
20°	8'0"	13.6	11.0	23.4	24.6	1
	8'6"	14.1	11.0	24.9	25.1	
	9'0"	14.6	11.0	26.3	25.6	
	9'6"	15.1	11.0	27.8	26.1	
	10'0"	15.5	11.0	29.2	26.5	
30°	8'0"	16.0	11.0	16.0	27.0	1
	8'6"	16.4	11.0	17.0	27.4	

b. Parking Table (Continued)

(A) <i>Parking Angle</i>	(B) <i>Stall Width</i>	(C) <i>Stall Depth (Minimum) (ft.)</i>	(D) <i>Clear Aisle Width (Minimum) (ft.)</i>	(E) <i>Staff Distance at Bay Side (ft.)</i>	(F) <i>Clear Bay Width (Minimum) (ft.)</i>	(G) <i>Permitted Decrease (Minimum) in Clear Aisle Width for Private Parking Areas (ft.)</i>
30°	9'0"	16.8	11.0	18.0	27.8	1
	9'6"	17.3	11.0	19.0	28.3	
	10'6"	17.7	11.0	20.0	28.7	
45°	8'0"	18.4	14.0	11.3	32.4	3
	8'6"	18.7	13.5	12.0	32.2	
	9'0"	19.1	13.0	12.7	32.1	
	9'6"	19.4	13.0	13.4	32.4	
	10'0"	19.8	13.0	14.1	32.8	
60°	8'0"	19.7	19.0	9.2	38.7	3
	8'6"	20.0	18.5	9.8	38.5	
	9'0"	20.3	18.0	10.4	38.3	
	9'5"	20.5	18.0	11.0	38.5	
	10'0"	20.8	18.0	11.5	38.8	
70°	8'0"	19.8	20.0	8.5	39.8	3
	8'6"	20.1	19.5	9.0	39.6	
	9'0"	20.4	19.0	9.6	39.4	
	9'6"	20.6	18.5	10.1	39.1	
	10'0"	20.9	18.0	10.6	38.9	

b. Parking Table (Continued)

(A) <i>Parking Angle</i>	(B) <i>Stall Width</i>	(C) <i>Stall Depth (Minimum) (ft.)</i>	(D) <i>Clear Aisle Width (Minimum) (ft.)</i>	(E) <i>Staff Distance at Bay Side (ft.)</i>	(F) <i>Clear Bay Width (Minimum) (ft.)</i>	(G) <i>Permitted Decrease (Minimum) in Clear Aisle Width for Private Parking Areas (ft.)</i>
80°	8'0"	19.2	25.0	8.1	44.2	3
	8'6"	19.3	24.0	8.6	43.3	
	9'0"	19.4	24.0	9.1	43.4	
	9'6"	19.5	24.0	9.6	43.5	
	10'0"	19.6	24.0	10.2	43.6	
90°	8'0"	18.0	26.0	8.0	44.0	3
	8'6"	18.0	25.0	8.5	43.0	
	9'0"	18.0	24.0	9.0	42.0	
	9'6"	18.0	24.0	9.5	42.0	
	10'0"	18.0	24.0	10.0	42.0	

- 6. Off-street loading.** Commercial or other non-residential buildings erected or established which abut upon an alley or street shall have one permanently maintained loading space for commercial vehicles of not less than ten feet in width and 22 feet in length for each 1,000 square feet of lot area or fraction thereof upon which the building is located, provided that not more than two such loading spaces shall be required.

(Ord. 50, § 6(I)(E), passed 7-13-78) Penalty, see § 156.999

# NAMING/RENAMING PUBLIC STREET OR PRIVATE ROAD

## **A. PROCESS FOR NAMING OR RENAMING A STREET OR PRIVATE ROAD**

Dunes City will follow the procedures that are set in ORS 227.120, which require the following steps be followed:

1. A Road Commission recommendation to the Dunes City Council that states the naming or renaming is in the best interests of the City.
2. Notice of a hearing in a paper of general circulation at least once within the week prior to the week when the hearing will be held.
3. The Dunes City Council will hold a hearing where the public can be heard.
4. The Dunes City Council should either name or rename the street, by ordinance, or reject the recommendation, by resolution.
5. If the ordinance is passed, a certified copy of the same must be filed with the County Clerk, the County Assessor and the County Surveyor.

## **B. PRIOR TO BEGINNING THIS PROCESS, BUT AFTER RECEIVING A REQUEST OR PETITION TO NAME OR RENAME A STREET, FOLLOW THE STEPS BELOW:**

1. Contact Lane Council of Governments (LCOG), (541) 682-4452. LCOG is a member of a committee that includes a representative of the Post Office and E911. They will quickly review the proposal to see if there are other identical or similar streets in the 911 districts, if the spelling is correct or confusing, and if there are any other reasons for concern.
2. Determine whether there is a majority of people on the affected street that concur with the proposed name or name change.

**C. DUNES CITY APPLICATION PROCESS REQUIRES A \$100.00 NON-REFUNDABLE FEE AND THE FOLLOWING INFORMATION: {Special Note – If proposal is rejected, fee is not refunded}**

1. Name of Applicant
2. Location of road by description or map
3. Legal status of road, if known
4. Existing name of road
5. Proposed road name
6. Reason for request
7. Petitions associated with the request, if any.

**D. IF THE ROAD NAMING OR RENAMING IS APPROVED, DUNES CITY WILL NOTIFY THE FOLLOWING ORGANIZATIONS IN ADDITION TO THOSE AGENCIES REQUIRED BY STATUTE:**

1. Internal Departments: Building, Water and Planning - 997-3338
2. Lane County Rural Addressing Program: 1-541-682-3700
3. Post Offices: Florence— 997-9406 or 1-800-275-8777 Westlake—997-8678
4. Telephone Company: Qwest—1-800-603-6000
5. Fire District: Siuslaw Valley Fire and Rescue—997-3212
6. School District: Siuslaw School District—997-2651
7. Local Power Company: Central Lincoln PUD—997-3414
8. State Department of Forestry: 997-8173
9. Police (Sheriff and State): OSP—1-800-452-7888 Lane County Sheriff—997-8472
10. ODOT-Highway Department: 1-503-986-4000
11. Lane County Boundary Commission: 1-541-682-4425

Note: When a new subdivision is proposed, and the proposal goes through the Road Commission and Planning Commission, the \$100.00 fee is waived, as the name of the new road is included in the subdivision application process.

## MODIFICATIONS AND APPEALS OF ALL MATTERS PERTAINING TO STREETS

Modification of any provision of Dunes City Code of Ordinance Title XV, Chapter 155.045 - 155.999, shall go through the Road Commission for the recommendation to the Planning Commission. Any modifications or appeals that have to do with streets, or any other matters relating to permits that have to do with streets, shall be the standard taken from Ordinance 60 Land Subdivision. If the Road Commission and Planning Commission cannot agree on the recommendation of the Road Commission, it shall be automatically appealed to the Dunes City Council.

# MASTER ROAD PLAN DEFINITIONS

Definitions to be used for terms relevant to procedures to implement Policy F14 of the Comprehensive Plan through this MRP are given below. The definitions listed here in Chapter 2, Section 12 are unique to the MRP and supercede all others listed for the same terms in current City usage.

**ACCESS.** The area of a street right-of-way where a vehicle may move to and from the street and an abutting property.

**BUILDING LINE.** A line on a plat or map indicating the limit beyond which buildings may not be erected.

**ACCESS MANAGEMENT.** The control of access for the purpose of improving the efficiency, safety or operation of a street for vehicular movement. This control may include prohibiting, closing or limiting direct access to a street from abutting properties by physical barriers (curbs, medians, etc.), land dedication or easement.

**BOULEVARD.** A street with broad open spaces, typically with planted medians.

**CUL-DE-SAC.** A circular area at the end of a dead-end street.

**DEAD-END STREET.** A street that allows ingress and egress at one end only.

**DRIVE LANE/TRAVEL LANE.** An improved (e.g., paved) driving surface for one line of vehicles.

**DRIVEWAY.** A strip of land that is not a street, but which provides vehicular access to a site from a public street.

**DRIVEWAY APRON.** A pad, usually constructed of asphalt or concrete, at the end of a driveway where it abuts a public street.

**DRIVEWAY EASEMENT.** Private easement granted to provide vehicular ingress from, and egress to a public street, across a particular parcel of land, serving no more than four separate and specified parcels of land.

**EASEMENT.** An interest in land created by express grant, memorialized by written document, and executed with requisite formalities that clearly shows an intent to grant to the grantee the right to use and enjoy a certain portion of a parcel of land for limited purposes, without conveying title to the grantee.

**ROADWAY EASEMENT.** The right-of-way of an existing or future street.

**EGRESS.** The exit of vehicular traffic from properties to a street

**FLAG LOT.** A lot or parcel, which has access to a road, street or easement, by means of a narrow strip of lot or easement.

**FRONTAGE.** The dimension of a property line abutting a public or private street.

**FRONTAGE STREET.** A minor street, which parallels an arterial street in order to provide access to abutting properties and minimizes direct access onto the arterial.

**HAMMERHEAD TURNAROUND.** A “T” or “L” shaped area that allows vehicles to turn around at the end of a dead-end street.

**HIGHWAY.** See “**STREET**”

**INGRESS.** The entrance of vehicular traffic to abutting properties from a street

**MAJOR COLLECTOR.** A major collector is intended to serve traffic from local roads and minor collectors to the arterial system. Individual accesses are allowed but minimized to protect system capacity and traffic safety. Within Dunes City, Canary Road and Clear Lake Road, both county facilities, are considered major collectors.

**MINOR COLLECTOR.** A minor collector is intended to provide access to abutting properties and to serve local access needs of neighborhoods, including limited through traffic. New development that generates a significant volume of traffic should be discouraged from locating on minor collectors that serve residential areas. The majority of these roads are City-owned facilities. Pacific Avenue and Lake Boulevard are County facilities. Minor collectors identified in Dunes City include: Huckleberry Lane, Wright Road, a portion of Collins Loop, Peninsula Road, Salal Street, a portion of Cloud Nine Road, Erhart Road, Woodland Lane, Hilltop Drive, a portion of Parkway Drive, Southcove Drive, Brentwood Court, Ka-Teech Drive, and Kiechle Arm Road.

**ON-STREET PARKING.** Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb.

**PATHWAY / WALKWAY / ACCESS WAY.** A thoroughfare that satisfies the requirement for “access ways” in the Transportation Planning Rule of OAR 660-012-045.

**RESERVE STRIP.** A narrow area of land at the end or side of a street, used to control access to the street or to preserve land for future widening or extension.

**RIGHT-OF-WAY.** The area between property lines, or as defined in an easement, designated for public use.

**ROAD/ROADWAY.** See “**STREET**”

**ROAD COMMISSION.** The Dunes City Road Commission as defined in Section 32.40 through 32.49 of Dunes City Code.

**SHARED DRIVEWAY.** A driveway giving access to two, three or four parcels.

**STREET.** A public or private thoroughfare, avenue, road, roadway, highway, boulevard, parkway, drive, lane, court, cul-de-sac, or easement, providing for ingress and egress from property abutting thereon.

**ALLEY.** A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

**ARTERIAL.** A continuous street giving interconnection to a large area through collector streets (Canary Road, Clear Lake Road and Highway 101).

**COLLECTOR STREET.** A street used to provide for traffic movement between arterials and local streets, and which provides direct access to abutting property.

**CUL-DE-SAC.** A circular area at the end of a dead-end street.

**DEAD-END STREET.** A street that allows ingress and egress at one end only.

**LOCAL STREET.** A local road is intended to provide direct property access and is not intended to serve through traffic. All other roads not identified in the previous categories are considered local roads.

**VISION CLEARANCE.** A triangular area at the street or highway corner of a corner lot, or the intersection of an alley and street corner lot. The space is defined by the right-of-way lines and a line across the corner, the ends of which lie on the right-of-way lines a specified length from the corner.

# GLOSSARY OF ABBREVIATIONS

ABBREVIATION	DEFINITION
BLM	Bureau of Land Management
CDBG	Community Development Block Grant
CTP	Community Transportation Program
EDAP	Economic Development Assistance Program
HES	Highway Enhancement System
HBRR	Highway Bridge Replacement and Rehabilitation System
IP	Interstate Program
ISTEA	Intermodal Surface Transportation Efficiency Act
LCOG	Lane Council of Governments
LRFA	Local Rail Freight Assistance
LTD	Lane Transit District
MRP	Master Road Plan
NHS	National Highway System
NSBP	National Scenic Byways Program
ODOT	Oregon Department of Transportation
OEDD	Oregon Economic Development Department
OTC	Oregon Transportation Commission
SDC	System Development Charges
STF	Special Transportation Fund for the Elderly and Disabled
STIP	State Transportation Improvement Program
STP	Surface Transportation Program
SVF&R	Siuslaw Valley Fire/Rescue
UFC	Uniform Fire Code
UGB	Urban Growth Boundary
USDA	United States Department of Agriculture
USFS	U.S. Forest Service
VMT	Vehicle Miles Traveled

# ERRORS & OMISSIONS

A manifest error is considered to be the following:

- ? Misspelled words
- ? Omission of word(s) necessary to express the intention of the provision affected
- ? The use of word(s) to which no meaning can be attached
- ? The use of word(s) when other word(s) was clearly intended to express such intent

If a manifest error is discovered, such spelling shall be corrected and such word(s) supplied, omitted or substituted as will conform with the manifest intention and the provisions, shall have the same effect as though the correct words were contained in text as originally published.

No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

# MRP AMENDMENT PROCEDURE

The Master Road Plan shall be amended only by City Ordinance pursuant to the following procedure:

*Excerpted from Ordinance 171.*

- V. AMENDMENT PROCEDURE. Upon adoption and approval by the City Council of any such plan or amendments thereto, as from time to time may be submitted by the Planning Commission or Road Commission, a copy thereof shall be filed with the City Recorder and a copy shall be kept in the City office for the use and information to the general public.

Prior to the finalization of the Master Road Plan amendments, the City Council shall solicit participation from the Road Commission, Planning Commission and citizens.

This document, Dunes City Master Road Plan (MRP), contains the procedures, copies of City Code of Ordinances, resolutions, and data necessary to satisfy the current community transportation needs relating to Policy F14 of the Comprehensive Plan at the time of its acceptance by the Dunes City Council.

This Plan will be revised and approved by the City Council as necessary when community needs change.

Modifications of any provision of Dunes City Code of Ordinance Title XV, Chapter 155.045 - 155.999 (Article 3, 4, or 5 of Ordinance 60 Land Subdivision), shall go through the Road Commission for the recommendation to the Planning Commission. Any modifications or appeals that have to do with streets, or any other matters relating to permits that have to do with streets, shall be the standard taken from Ordinance 60. If the Road Commission and Planning Commission cannot agree on the recommendation of the Road Commission, the recommendation shall be automatically appealed to the Dunes City Council. For full details, refer to Appendix M of the Master Road Plan for Dunes City Code of Ordinance Title XV, Chapter 155.045 - 155.999.

# ACKNOWLEDGEMENTS

## **DUNES CITY, OREGON**

P. O. Box 97 • Westlake, Oregon 97493

Special thanks are extended to everyone contributing to the Dunes City Master Road Plan from a goal in the year 2000, to the final presentation in the year 2004. It is expected the Master Road Plan will continue to evolve as the formal representation of the road plan for Dunes City.

Lane Council of Governments (LCOG) participated in the development of the Dunes City Master Road Plan and their efforts on our behalf require a special thanks. A particular note of gratitude is extended to Tracy Brown at LCOG for his significant contribution in this project.

Considerable gratitude is expressed to the following volunteers who gave generously of their time, ideas, and expertise in the development of the Master Road Plan:

### **DUNES CITY COUNCIL**

Robert B. Ward, Jr., Mayor

Council Presidents: David Jackson (2000-2001), Ed Becker (2001-2002) and  
Sheldon Meyer (2003-2004)

Councilors: Peter Van Sickle, Robert Petersdorf, Dennis Klosterman, Michele Birdseye,  
Susie Navetta, Peter Howison, Judy Martin, Marilyn Miller, and John Scott

### **DUNES CITY ROAD COMMISSION**

Robert Petersdorf, Chairperson

Keith Watson and Keith Herring, Inspectors of Roads

Lee Riechel, Planning Commissioner & Road Commission Member

Road Commission Members: Norman Martin, Robert Taylor, Keith Herring, Richard Palmer,  
George Adams, Linda Lauck, Bill Connell, Marilyn Miller, David Persons, and Vicki Sieber-Benson

### **DUNES CITY OFFICE**

Mary Spankroy and Joanne Hickey, City Recordors

Jeannie Cerda, Planning Secretary

Charlene Lampert, Assistant Secretary

Christy Lewis, Road Secretary

**Special acknowledgement and gratitude is extended to  
Robert Petersdorf, Road Commission Chairperson and City Councilor,  
for his diligent service and dedicated commitment to Dunes City  
and his efforts to bringing the Master Road Plan from concept to completion.**

# APPENDIX A

## MASTER ROAD PLAN ORDINANCE

### CITY OF DUNES CITY, OREGON ORDINANCE NO. 171

#### AN ORDINANCE ESTABLISHING THE MASTER ROAD PLAN FOR DUNES CITY, OREGON AND DECLARING AN EMERGENCY

The City of Dunes City Ordains as follows:

#### **SECTION I** **TITLE, AUTHORITY, PURPOSE**

- I. **TITLE**: This Ordinance shall be known as the Dunes City Master Road Plan Ordinance.
- II. **AUTHORITY**: Consistent with the controlling provisions of ORS Chapter 227, and under the authority of the Dunes City Charter, the Dunes City Master Road Plan, attached as Exhibit A and incorporated into this ordinance by reference, is adopted by the City of Dunes City. The Master Road Plan shall be governed by the provisions of this Ordinance.
  - A. In the event of a conflict between the Dunes City Master Road Plan and the Dunes City Code of Ordinances, the Master Road Plan shall prevail.
  - B. It is important that the Planning Commission receive input from the Road Commission when it is considering final action on a partition or subdivision that involves the creation of a street. To ensure that the Road Commission has an adequate opportunity to advise the Planning Commission on all matters pertaining to proposed streets, including issues regarding consistency with the adjacent existing and planned street system, a copy of all land use applications shall be provided to the Road Commission Secretary to allow the Road Commission adequate time to review the application and to make a timely recommendation to the Planning Commission.
- III. **PURPOSE**: The purpose of this Ordinance is to: (1) provide procedures for all street related matters of Dunes City, and to provide requirements pertaining to such street matters in accordance with the Dunes City Comprehensive Plan; (2) to protect and promote the public health, safety, and welfare of the citizens of Dunes City; and (3) to implement the Dunes City Comprehensive Plan.

**SECTION II**  
**GENERAL PROVISIONS**

- I. POLICY INTERPRETATIONS BY CITY COUNCIL. It shall be the duty of the City Council, in addition to those matters specifically provided in this Ordinance to interpret matters of policy with respect to this Ordinance.
  
- II. ADMINISTRATIVE RESPONSIBILITIES OF THE CITY ROAD SECRETARY. It shall be the duty of the Road Secretary, in addition to those matters specifically provided or except where specifically provided otherwise in this Ordinance, to:
  - A. Administer and explain the provisions and requirements of this Ordinance.
  - B. Maintain official street maps indicating the current street naming.
  
- III. APPEAL OF INTERPRETATIONS AND ENFORCEMENT TO CITY COUNCIL. It shall be the duty of the City Council, when not otherwise expressly provided in this Ordinance, to hear and decide written appeals when it is alleged there is error or omission by the Road Commission, or Road Secretary, or in the interpretation and enforcement of this Ordinance.
  
- IV. PUBLIC HEARING RULES OF CONDUCT. The City Council and Road Commission may establish their own rules for conduct of their respective public hearings required by this Ordinance or other law.
  
- V. AMENDMENT PROCEDURE. Upon adoption and approval by the City Council of any such plan or amendments thereto, as from time to time may be submitted by the Planning Commission or Road Commission, a copy thereof shall be filed with the City Recorder and a copy shall be kept in the City office for the use and information to the general public.

Prior to the finalization of the Master Road Plan amendments, the City Council shall solicit participation from the Road Commission, Planning Commission and citizens.

This document, Dunes City Master Road Plan (MRP), contains the procedures, copies of City code of ordinances, resolutions, and data necessary to satisfy the current community transportation needs relating to Policy F14 of the Comprehensive Plan at the time of its acceptance by the Dunes City Council.

This Plan will be revised and approved by the City Council as necessary when community needs change.

Modifications of any provision of Dunes City Code of Ordinances Title XV, Chapter 155.095 - 155.999 (Article 3, 4, or 5 of Ordinance 60, Land Subdivision), shall go through the Road Commission for the recommendation to the Planning Commission. Any modifications or appeals that have to do with streets, or any other matters relating to permits that have to do with streets, shall be the standard taken from Ordinance 60. If the Road Commission and Planning Commission cannot agree on the recommendation of the Road Commission, the recommendation shall be automatically appealed to the Dunes City

Council. For full details, refer to Chapter 2, Section 11 of the Master Road Plan for Dunes City Code of Ordinances Title XV, Chapter 155.095 - 155.999.

- VI. GENERAL PUBLIC HEARING NOTICE PROVISIONS. In addition to the specific requirements provided in this Ordinance for public hearing notice, the following general provisions shall apply:
- A. Continuation. Any public hearing may be continued by oral pronouncement prior to the close of such hearing if notice of the time and place thereof is publicly announced at the hearing or is given in the same manner as required for the first public hearing, and such announcement shall serve as sufficient notice of such continuance to all interested persons.
  - B. Rescheduling. In the event any meeting of the City Council or Road Commission at which a public hearing has been advertised must be rescheduled due to an emergency situation, the rescheduling of the meeting shall constitute sufficient notice of a public hearing provided the following minimum procedures are observed:
    - 1. Notice is posted on the door of the building in which the hearing is scheduled advising of the cancellation and the date, time, and place for the rescheduled meeting.
    - 2. Reasonable attempts are made prior to the scheduled hearing to announce the cancellation and rescheduling by direct communication to applicants and known interested parties and through available news media to the general public.
  - C. Additional Notice. The requirements of this Ordinance for public hearing notice shall not restrict additional notification considered necessary or desirable by the City Council or Road Commission.
- VII. MINIMUM REQUIREMENTS. In interpreting and applying the provisions of this Ordinance such provisions shall be construed to be the minimum requirements for the promotion of the public health, safety, and welfare; therefore, where this Ordinance imposes a greater restriction upon the use of Dunes City streets by other laws, ordinances, rules or regulations, the provisions of this Ordinance shall control.
- VIII. CONFORMANCE AND PERMITS REQUIRED. No Dunes City streets or other related matters pertaining to streets shall be started until proper application for and securing of all permits and licenses required by all applicable state and local laws of Dunes City and the Master Road Plan have been obtained.
- IX. EFFECTIVE FILING DATE OF APPLICATIONS AND REQUESTS. All applications and requests provided in this Ordinance shall be deemed filed upon the submission of all the information, materials, and fees required by this Ordinance.
- X. SEVERABILITY. The provisions of this Ordinance are severable. If any section, sentence, clause, or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be

invalid, the decisions shall not affect the validity of the remaining portions of this Ordinance.

- XI. EMERGENCY CLAUSE. It being necessary for the peace, health, safety, and orderly development of the City of Dunes City, an emergency is hereby declared to exist and this ordinance shall become effective immediately upon its passage by the council and signature by the mayor.

**ADOPTED BY THE DUNES CITY COUNCIL THIS 14TH DAY OF OCTOBER, 2004.**

Ayes: 5      Nays: 0      Abstain: 0      Absent: 1

Signed by:  
Robert B. Ward Jr., Mayor

Signed by:  
Joanne Hickey, City Recorder

# APPENDIX B

(Reserved for future use)

# APPENDIX C

## JURISDICTION & CONTROL— STREETS & SIDEWALKS

*The following data is excerpted from Dunes City Code of Ordinances, Chapter 90, Page 3*

### CHAPTER 90: STREETS AND SIDEWALKS

#### *General Provisions*

90.01 Jurisdiction and control over public rights-of-way

#### *Regulations*

90.10 Permit for public and private excavations; bond  
90.11 Permits and rules for excavations in public right-of-way  
90.12 Heavy equipment on streets  
90.13 Driveways  
90.14 Enforcement of regulations  
90.99 Penalty

**Cross-reference: Road Commission, see §32.40 et. seq.**

**Local improvements, see Chapter 35**

### GENERAL PROVISIONS

#### §90.01 Jurisdiction & Control Over Public Rights-of-Way

(A) **Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ENCROACH.** To trespass, invade, or enter in or into by gradual steps or by stealth an activity or undertaking by unwarranted or unlawful incursion.

**OCCUPY.** To take possession of by use, or control by use, including, but not limited to, installation of utilities (that is, water lines, power lines, etc.); or uses specifically permitted or conditionally allowed as defined in the city zoning ordinances.

**PUBLIC RIGHTS-OF-WAY.** Include but are not limited to streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements, and all other public ways or areas, including subsurface and air space over these areas.

**WITHIN THE CITY.** Territory over which the city now has or acquires jurisdiction for the exercise of its powers.

(B) **Jurisdiction.** The city has jurisdiction and exercises regulatory control over all public rights-of-way within the city including but not limited to grading and excavating, tree and vegetation removal, or

other city regulatory ordinances under the authority of the City Charter and state law.

- (C) **Scope of regulatory control.** The city has jurisdiction and exercises regulatory control over each public right-of-way whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.
- (D) **City permission requirement.** No person may occupy or encroach on a public right-of-way without the permission of the city. The city grants permission to use rights-of-way by franchises, licenses, and permits.
- (E) **Obligations of the city.** The exercise of jurisdiction and regulatory control over a public right-of-way by the city is not official acceptance of the right-of-way, and does not obligate the city to maintain or repair any part of the right-of-way.

*(Ord. 155, passed 5-8-97) Penalty, see § 90.99*

**Cross references:**

*Franchises, see Chapter 110*

*Vegetation cutting and tree removal in public rights-of-way, see § 154.07*

## REGULATIONS

### § 90.10 PERMIT FOR PUBLIC AND PRIVATE EXCAVATIONS; BOND.

- (A) No person shall excavate a road, a public or private right-of-way, or any other type of excavation until a permit is obtained from the City Recorder. Within five business days following the submission of a completed application, the City Building Inspector shall inspect the proposed excavation prior to making a recommendation regarding its approval. Notwithstanding the inspection provided for by this section, it is the sole responsibility of the applicant or applicants to ensure that the excavation complies with all applicable law.
- (B) The applicant's licensed contractor must hold a surety bond in the amount of \$1,000 or a bond must be posted in the amount of \$1,000. Said bond shall remain in effect for a period of one year. The bond shall be for the purpose of ensuring that the street is restored to a level surface and remains level for a period of one year. The city will give the applicant notice of any violations and a ten-day opportunity to repair the defect. If the applicant does not correct the deficiency within ten days, or within a longer time period if allowed by the city, the city will then be entitled to repair the street and move against the bond.  
*(Ord. 106, passed 12-11-86; Am. Ord. 121, passed 3-9-89; Am. Ord. 135, passed 8-14-92) Penalty, see § 90.99 Cross-reference: Excavation and grading, see §§ 151.040 through 151.054*

### §90.11 PERMITS AND RULES FOR EXCAVATIONS IN PUBLIC RIGHT-OF-WAY.

- (A) Prior to excavating within a right-of-way dedicated to the public and situated within the city, a person shall obtain a permit from the City Recorder's Office.
- (B) The Recorder shall grant or deny a permit within 14 days following submission of a completed permit application. A permit may be denied if the applicant has damaged city streets in the past or has committed past violations of this subchapter or any preceding ordinance regulating construction activities in the city streets. A denial may be appealed to the Council in the manner prescribed for a suspension in § 90.14.

- (C) Any street, surface, or adjacent ditches and rights-of-way disturbed by excavation projects shall be returned to their original condition within five working days after work ceases on the project.
- (D) The applicant is responsible for identifying the city right-of-way and its location on the site to be excavated. If there is a dispute between adjacent landowners about the exact location of the right-of-way, the city may require the applicant to obtain a survey acceptable to the city. The city shall have the exclusive right to designate where in the right-of-way the proposed excavation may occur.
- (E) In granting a permit, the city assumes no responsibility for the correctness of the survey or other method used to identify the existence of the right-of-way.
- (F) If the applicant varies from the terms of a permit, the rights of the applicant to continue development under the permit may be immediately suspended by the Building Inspector. The applicant may appeal a suspension by notifying the Road Commission Chair. Within 24 hours, the Road Commission Chair shall notify the Mayor of the appeal, or if the Mayor is not available, the Councilor designated to act in the Mayor's behalf. Within five business days of the notice to the Mayor, the Council will hold a hearing on the appeal. At the appeal, the applicant may appear and offer evidence. The Council will render a written opinion stating the basis of its decision, if requested by the applicant at the time of the hearing.

*(Ord. 106, passed 12-11-86) Penalty, see § 90.99*

#### **§ 90.12 HEAVY EQUIPMENT ON STREETS.**

- (A) ***Use on paved streets.***
  - (1) No person shall use lug equipment on paved or oiled streets.
  - (2) No person shall load or unload lug equipment on paved or oiled streets. Loading unloading of lug equipment is permitted on gravel streets. Any damage to streets, including damage to drainage ditches, culverts, and other parts of the right-of-way, caused by loading or unloading of lug equipment shall be repaired within five working days after the damage.
  - (3) When it is necessary for lug equipment to traverse a paved street, the operator of the vehicle shall take preventive measures to insure that the street is adequately protected.
- (B) ***Maintenance of equipment.*** No person shall repair, service, or perform maintenance or other similar activities on construction and logging equipment on the streets of the city, except in an emergency.  
*(Ord. 106, passed 12-11-86) Penalty, see § 90.99*

#### **§ 90.13 DRIVEWAYS.**

All driveways in the city shall be constructed or maintained so that they do not form an impediment to natural drainage. They shall have culverts installed to service existing ditches or to provide for future ditches which may be installed by the city. A drive-way shall not collect, retain, or back up the flow of surface water and create puddles, marshes, swamps, or any other similar collection of undesirable water on, upon, or near city streets and roads. It is the responsibility of the property owner on which the driveway exists to ensure that the driveway complies with the provisions of this section.

*(Ord. 106, passed 12-11-86) Penalty, see § 90.99*

#### **90.14 ENFORCEMENT OF REGULATIONS.**

If the Council determines that a violation of this subchapter may exist, it shall direct a member of the Road

Commission to inspect the site and determine whether there is a violation. The member shall prepare a list of suggested steps necessary to correct the deficiency. If the member reports that a nuisance exists, the Road Commission may direct the applicant and contractor to abate the nuisance by taking action suggested by the inspector. If an agreement is not reached regarding the appropriate remedy of the situation, the nuisance may be abated pursuant to the city ordinance regarding nuisances.

*(Ord. 106, passed 12-11-86) Cross-reference: Nuisances, see Chapter 91*

**§ 90.99 PENALTY.**

- (A) Any person violating any provision of this chapter for which no other specific penalty is provided shall, upon conviction, be punished as provided in § 10.99.
- (B) A violation of a provision of § 90.10 et seq. is punishable as provided in § 10.99. Each day that a violation continues shall be a separate violation. Imposition of a penalty pursuant to this division shall not preclude the city from using the nuisance abatement process described in § 90.14.

*(Ord. 106, passed 12-11-86)*

# APPENDIX D

## SOIL EROSION & VEGETATION REMOVAL

*The following data is excerpted from Dunes City Code of Ordinances, Land Usage Title XV - Page 63*

### CHAPTER 154: SOIL EROSION CONTROL AND VEGETATION REMOVAL

#### *Section*

- 154.01 Conservation Committee established
- 154.02 Definitions
- 154.03 Permit for vegetation removal required; exceptions
- 154.04 Permit procedure
- 154.05 Soil erosion control
- 154.06 Re-vegetation of cleared areas
- 154.07 Vegetation cutting and removal in public rights-of-way
- 154.08 Violations
- 154.99 Penalty

#### **Cross-reference:**

**Violations, see §§ 150.10 et seq.**

**Excavation and grading, see §§ 151.040 through 151.054**

#### **§ 154.01 CONSERVATION COMMITTEE ESTABLISHED.**

The Conservation Committee shall consist of three members appointed by the City Council to serve for three-year terms except that the initial appointments to the Committee shall be for one one-year term expiring 12-31-97; one two-year term expiring 12-31-98; and one three-year term expiring 12-31-99. A member of the Council shall be selected to act as the non-voting Chair of the three-member Committee. The Committee may call upon the State Forester, Biologists, and Soil Conservationists for advice.

(Ord. 154, passed 4-10-97)

#### **§ 154.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MAINTENANCE, PRUNING, and LIMBING.** Periodic limbing, pruning, and maintenance of existing cleared areas, limbing and pruning not to exceed 25% of any one tree and trimming of other natural vegetation no closer to the ground than three feet.

**NATURAL VEGETATION.** Any trees, shrubs, brush, plants, or grasses existing within the shoreland zone or

riparian corridor.

**ORIGINAL VEGETATION INVENTORY.** All vegetation in the shoreland zone or riparian corridor for the lifetime of vegetation based on what vegetation has grown and is growing. (Stumps and other evidence of prior vegetation removal shall be considered in the determination of the **ORIGINAL VEGETATION INVENTORY.**)

**PUBLIC RIGHT-OF-WAY.** Any city right-of-way, whether the city has a fee, easement, or other legal interest in the right-of-way. The city has jurisdiction and regulatory control over each right-of-way, whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.

**RIPARIAN CORRIDOR.** Riparian corridor boundaries shall be 50 feet from the top of the bank of all fish-bearing streams. (For further information, see Ord. 153, an amendment to the City Zoning Ordinance (Ord. 50) for regulations defining and protecting significant riparian and wetland areas.)

**SHORELAND ZONE.** The shoreland zone includes all city lands within 50 feet measured horizontally from the ordinary high water line of all lakes and below.

**SOIL EROSION.** The result of any act which permits any condition to remain which will cause soil to be worn away or carried away by the elements.

(Ord. 154, passed 4-10-97)

Cross-reference:

Jurisdiction and control over public rights-of-way, see § 90.01

## § 154.03 PERMIT FOR VEGETATION REMOVAL REQUIRED; EXCEPTIONS.

(A) *Generally.*

- (1) A vegetation removal permit is required if any vegetation/tree is to be removed from the shoreland zone or riparian corridor, except as provided in divisions (B)(1) through (3) below.
- (2) No vegetation shall be removed under a vegetation removal permit except as follows:
  - (a) Vegetation within 15 feet of the ordinary high water mark in the shore land zone or the top of the bank in riparian corridors may be removed if necessary for the development of water-dependent or water-related uses.
  - (b)
    1. As much as 25% of the “original vegetation inventory” of the land area in any shoreland zone or riparian corridor that is more than 15 feet but less than 50 feet from the ordinary high water line may be trimmed or cleared of natural vegetation with an approved vegetation removal permit provided that such action will not result in soil erosion.
    2. The “original vegetation inventory” is to be determined by counting stumps and other evidence of prior vegetation removal, based on what has been removed and what is growing. (The intent of this is to prevent subsequent property owners from each taking 25% until the shoreland could be stripped.)
  - (c) Vegetation which must be removed in conjunction with development otherwise allowed in the shoreland zone and riparian corridors.

(B) *Exceptions to permit requirement.*

- (1) A vegetation removal permit is not required for:
  - (a) Periodic maintenance as defined in § 154.02;
  - (b) Removal of non-native vegetation or noxious weeds such as tansy-ragwort, Canadian thistle, gorse, or wild Scotch broom;
  - (c) Any tree that is determined to be a sudden or immediate threat to life, structures, or property. Such a tree may be removed without fee upon notification to the city requesting an inspection by a member of the Conservation Committee or other city designate for determination.

**(Ord. 154, passed 4-10-97) Cross-reference:  
Excavation and grading, see §§ 151.040 through 151.054**

**§ 154.04 PERMIT PROCEDURE.**

- (A) Permit applications should be made through the City Recorder, utilizing the appropriate form.
- (B) The application shall include a map of the property, including dimensions, legal description, the original vegetation inventory as defined in § 154.02, and an inventory of existing vegetation, indicating that which is proposed for removal.
- (C) The application shall state reasons for vegetation removal and what steps will be taken to prevent soil erosion and minimize impacts on wildlife habitat, scenic values, and water quality.
- (D) Upon receiving an application, the City Recorder will immediately notify the Chairperson of the Conservation Committee who will arrange a visit to the site and prepare a written report for the Planning Commission's next regular meeting.
- (E) The Planning Commission shall consider the following criteria:
  - (1) The Oregon Coastal Shorelands Goals;
  - (2) The effect the proposed changes will have on scenic values from adjoining properties and bodies of water;
  - (3) The effect the proposed changes will have on fish and wildlife habitat, soil erosion, and water quality.
- (F) The Planning Commission will modify, approve, or deny the proposal.
- (G) An appeal of the Planning Commission decision may be made to the City Council by the applicant or an interested person, or by the City Council's own motion. Such appeal shall be taken no later than 10 days after the Planning Commission's action.
  - (1) The appeal notice shall be filed in written form with the City Council and shall include a concise statement of the grounds upon which the appellant claims the decision

appealed was erroneous.

- (2) The city shall notify the appellant by letter confirming the receipt of the appeal and stating the appeal procedures and date the appeal will be heard by the City Council.

**(Ord. 154, passed 4-10-97) Cross-reference: Planning Commission, see § 32.60 et seq.**

### **§ 154.05 SOIL EROSION CONTROL.**

It shall be considered detrimental to the safety, health, and welfare of the citizens of the city to allow the products of soil erosion to:

- (A) Intrude into any public body of water;
- (B) Intrude onto any right-of-way;
- (C) Cross any property line onto land owned by persons other than the owners of the property from which the products of erosion originate.

**(Ord. 154, passed 4-10-97)**

### **§ 154.06 RE-VEGETATION OF CLEARED AREAS.**

- (A) Any parcel that has been logged under a permit from the State Forestry Department and has been removed from the jurisdiction of the State Forestry Department before it is reforested by reason of application for change of land use will not be granted any development permits unless:
  - (1) It is reforested to the specifications of the State Forestry Department; or
  - (2) A re-vegetation plan is approved by the City Council.
- (B) In reviewing a re-vegetation plan required in division (A) of this section, the City Council shall consider the following criteria:
  - (1) The provisions of the Oregon Coastal Shorelands Goal;
  - (2) City citizens' desire as stated in the preamble to Ord. 154;
  - (3) Any other provisions of this chapter.

**(Ord. 154, passed 4-10-97)**

### **§ 154.07 VEGETATION CUTTING AND REMOVAL IN PUBLIC RIGHTS-OF-WAY.**

- (A) No tree or vegetation shall be cut or removed from any public right-of-way without recommendation by the Road Commission and permission of the City Council.
- (B) The following practices are exempt from this section:
  - (1) Weed and brush control on gravel shoulders;
  - (2) Weed and brush control in drainage ditches;
  - (3) Vegetation control operations conducted by the Public Utility District, the telephone company,

franchise and cable TV franchises in areas within public easements pursuant to providing services to the citizens of the city;

- (4) Maintenance trimming up to three feet in width on either side of improved public roadways.

**(Ord. 154, passed 4-10-97)**

**Cross-reference: Road Commission, see § 32.40 et seq.**

### **§ 154.08 VIOLATIONS.**

- (A) Upon receipt of a signed, written complaint of any city citizen, the city shall abate a violation of this chapter as a nuisance pursuant to the city's general nuisance abatement ordinance.
- (B) In reviewing a soil erosion or illegal vegetation removal complaint, the City Council will consider the following factors and actions:
  - (1) The standards and criteria embodied in this chapter;
  - (2) Implementation and requirements of the Oregon Shorelands Goal;
  - (3) Immediate structural control of the problem if weather conditions preclude vegetative control;
  - (4) A stop work order;
  - (5) An order requiring necessary work to be done with costs to be borne by the owner of the offending property.

**(Ord. 154, passed 4-10-97) Cross-reference: Nuisances, see Chapter 91, Violations, see § 150.10 et seq.**

### **§ 154.99 PENALTY.**

- (A) A violation of a provision of this chapter is punishable as provided in § 10.99.
- (B) Each day's violation of this chapter constitutes a separate offense. The abatement of the nuisance is not a penalty for violating this chapter, but is an additional remedy. Imposition of a penalty does not relieve a person of the duty to abate the nuisance.

**(Ord. 154, passed 4-10-97)**

# APPENDIX E

DUNES CITY TREE REMOVAL APPLICATION  
ROAD & DRIVEWAY PERMIT APPLICATION  
TEMPORARY RIGHT-OF-WAY USE PERMIT  
RIGHT-OF-WAY USE PERMIT—VEGETATION  
AND TREE REMOVAL

**DUNES CITY APPLICATION AND PERMIT FOR  
REMOVAL OF TREES FROM STREET RIGHT-OF-WAY  
(PUBLIC OR PRIVATE)**

Print Name \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_

I apply for a permit to remove \_\_\_\_ tree(s) from a right-of-way. The tree (s) need to be removed because:

\_\_\_\_\_

(Attach two (2) copies of a sketch clearly identifying the right-of-way, your property, and the tree(s) you wish removed.)

A permit for removal of tree(s) from right-of-way includes the following conditions:

1. \_\_\_\_\_ trees may be removed from the right-of-way. Those trees are identified on the attached sketch.
2. The permittee must fall and remove all limbs and trunks within \_\_\_\_\_ days after the first tree is felled. Stumps of affected trees are to be removed within \_\_\_\_\_ days after the first tree is felled. (Permittee agrees, by his/her signature below, to pay the City costs of removing these items if permittee does not remove them within the time allowed.)
3. Permittee agrees, by his/her signature below, to hold Dunes City harmless and assumes responsibility for any damages occurring during tree felling and/or removal.
4. Description of property. Legal, or other (street address, tax lot number, etc.):

\_\_\_\_\_

\_\_\_\_\_

(If insufficient space, attach separate sheet)

5. This permit expires \_\_\_\_ days after it is issued.
6. Permittee agrees, by his/her signature below, to immediately stop all activity authorized by this permit if directed by a City official to do so.

**Applicant/Permittee Signature:** \_\_\_\_\_

The above permit is: \_\_\_\_\_ APPROVED/\_\_\_\_\_ DENIED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and shall expire if not used by the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**CITY OF DUNES CITY By:** \_\_\_\_\_  
**ROAD COMMISSION**

# APPLICATION FOR ROAD/DRIVEWAY PERMIT

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Best Time to Call: \_\_\_\_\_

Legal Description: \_\_\_\_\_

Name of access road: Does the proposed road/driveway access to a private road\_\_\_\_, city road\_\_\_\_, county road\_\_\_\_, or state road\_\_\_\_? If proposed access is to a county or state road, do you have the required access permits? \_\_\_\_\_

Proposed Road: Does the proposed road meet the design and development standards of Chapter 2, Section 9 of the Master Road Plan?

Driveway Access: New driveway approaches to any improved City street shall be a minimum of 12' wide and have an asphalt or concrete surfaced apron from street to lot boundary line (minimum length – 8'). Said approach to be constructed to prevent the flow of surface water from the driveway onto said street. Driveway approaches shall require a culvert (size and location to be determined by the Road Commission), culvert to be installed by property owner with the understanding that owner is responsible for keeping culvert unobstructed and in good operating condition.

Fee for permit is to be submitted with this application. (Road permit fee—\$75.00; Driveway/access permit fee—\$50.00). You will also be required to obtain an Excavation and Grading permit prior to commencing construction of road/driveway.

**IF DRIVEWAY PERMIT IS ISSUED IN CONJUNCTION WITH BUILDING PERMIT, THE DRIVEWAY APPROACH MUST BE COMPLETED WITHIN 12 MONTHS OR PERMIT WILL BE VOID.**

*Applicant, by his/her signature below, certifies that he/she has read this application and acknowledges that all provisions of Dunes City ordinances governing will be complied with whether specified herein or not.*

Applicant Signature \_\_\_\_\_ Date \_\_\_\_\_

Application and Fee Received By: \_\_\_\_\_ Date \_\_\_\_\_

Staff Comments \_\_\_\_\_

\_\_\_\_\_

Date to be completed: \_\_\_\_\_ \*Please call Road Department for a Final Inspection

Final Inspection \_\_\_\_\_

APPROVED BY: \_\_\_\_\_ Date \_\_\_\_\_

**ROAD COMMISSION**

## TEMPORARY RIGHT-OF-WAY USE PERMIT

Application is hereby made for a temporary right-of-way use permit to utilize the public right-of-way adjacent to the following described property: (PLEASE PRINT INFORMATION)

Owner \_\_\_\_\_ Date \_\_\_\_\_

Street Address \_\_\_\_\_ Phone \_\_\_\_\_

Mail Address \_\_\_\_\_

Map and Tax Lot \_\_\_\_\_

Proposed Use of Right-of-Way \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Applicant to furnish with this application, a plat map with a sketch showing location of the right-of-way concerned; location of adjacent structures; location of any existing public facilities (cable, telephone, electric, etc.); and the extent of the proposed use.

By his/her signature below, applicant understands and agrees that this is a temporary permit and is revocable upon demand by the City Council. Applicant also understands that approval of this permit does not authorize applicant's use of any private properties for any use, including, but not limited to, installation of utilities, i.e., water lines, power lines, etc. Applicant acknowledges that it is his/her responsibility to obtain permission separately from individual property owners. Applicant acknowledges it is his/her responsibility to locate any existing private and/or public facilities, and hold the City harmless if any damages are incurred.

\_\_\_\_\_  
(Signature of Applicant)

Approved By: \_\_\_\_\_ Date: \_\_\_\_\_  
(Road Commission)

**(IF PROPOSED USE IS A STRUCTURE, THIS APPLICATION REQUIRES CITY COUNCIL APPROVAL PER 01-14-93 COUNCIL ACTION)**

Date to Council \_\_\_\_\_ Action \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_

**RIGHT-OF-WAY USE PERMIT  
VEGETATION AND TREE REMOVAL**

Owner \_\_\_\_\_ Date \_\_\_\_\_

Street Address \_\_\_\_\_ Phone \_\_\_\_\_

Mail Address \_\_\_\_\_

Map and Tax Lot \_\_\_\_\_

Dunes City Ordinance No. 106 regulates excavations in public rights-of-way (including but not limited to permitted removal of vegetation and/or trees from right-of-way)

Ordinance No. 106, Section 3(3) states:

“Any street, surface, or adjacent ditches and rights-of-way disturbed by excavation projects shall be returned to their original condition within five working days after work ceases on the project.”

A re-vegetation plan for the disturbed portion of the right-of-way used should be presented to the City for approval within 5 days after the project has been completed.

Ordinance No. 106, Section 7. Penalty states:

“A violation of a provision of this ordinance is punishable by a fine not to exceed \$500. Each day that a violation continues shall be a separate violation. Imposition of a penalty pursuant to this section shall not preclude the City from using the nuisance abatement process

DUNES CITY:

Approved By: \_\_\_\_\_, Road Commission

Date: \_\_\_\_\_

cc: Contractor

# APPENDIX F

## DUNES CITY SCHEDULE OF FEES

RESOLUTION NO. 02-13-97

**RESOLUTION ADOPTING AMENDED DUNES CITY FEE SCHEDULE  
FOR ACTIVITIES REQUIRING PERMITS AND PENALTY SCHEDULE  
FOR VIOLATIONS OF CITY ORDINANCES  
EFFECTIVE JANUARY 1, 1997**

**WHEREAS**, Dunes City Council adopted Ordinance #146 on December 14, 1995, which established an enforcement proceeding for violations of City ordinances and established a general penalty for violations of City Ordinances; and

**WHEREAS**, said Ordinance #146 established a procedure whereby City Recorder would impose civil fines for violations of City Ordinances; and

**WHEREAS**, City feels the existing \$100 vegetation/tree removal permit fee might discourage citizens from obtaining a permit and perform unpermitted projects causing irreparable damage in the shoreland zone and wishes to decrease the vegetation /tree removal permit fees from \$100 to \$25.00 to become effective as of January 1, 1997.

**THEREFORE BE IT RESOLVED** that Dunes City adopts the attached revised schedule of permit fees and fines to become effective January 1, 1997.

Ayes:   5   Nays:   0   Abstain:   0   Absent:   0   Vacancy:   1  

Adopted this   13th   day of  February , 1997.

Robert B. Ward, Jr., Mayor  
City of Dunes City

ATTEST:

Joyce Phillips, City Recorder

**DUNES CITY FEE/PENALTY SCHEDULE FOR ACTIVITIES  
REQUIRING PERMITS AND FOR VIOLATIONS OF CITY ORDINANCES  
AS AMENDED BY RESOLUTION #02-13-97 - EFFECTIVE DATE: JANUARY 1, 1997.**

**\* If any permit is applied for and/or issued AFTER the permitted activity has been commenced or completed, the standard permit fee listed below is automatically doubled as a penalty. IN ADDITION, fines may be assessed by the City Recorder. Fees, penalties, and fines assessed are payable at time of application. If violation is determined to be a nuisance, abatement proceedings may also be initiated in addition to fees/penalties/fines. Civil fines may be appealed to the City Council.**

ACTIVITY	PERMIT FEE	*APPLICATION/ FINE NOT TO EXCEED:
Appeal of Civil Fine to Council.....	\$ 50.00	\$ ----
Amendments to:		
Ordinances (Fee + actual costs).....	1,000.00	----
Comp Plan (Fee + actual costs).....	1,000.00	----
Annexations (Initial deposit for costs) (Additional deposits of \$750 required when costs exceed monies deposited).....	750.00	----
Building Permit (fee set by Bldg Official)	----	1,000.00
Concept Assistance.....	75.00	----
Conditional Use Permit.....	425.00	1,000.00
Excavation/Grading Permit(fee set by Bldg Official)	----	1,000.00
Partition (Minor/Major) Applications (Parcel/Lot being divided to be considered as one lot-See other criteria also)		
<u>Minor</u> (No street).....	425.00	1,000.00
<u>Major</u> (3) (The original lot being divided to be assessed as 1 lot) Per lot \$325.00.	975.00	1,000.00
Planned Unit Development (PUD).....	1,000.00	1,000.00
RV/Travel Trailer Parking Permits.....	50.00	1,000.00
Right-of-Way Use Permit.....	-0-	1,000.00
Sign Permit.....	75.00	500.00
Site Review (Pre-Planning).....	225.00	----
Solar Access Permits:		
Phase I-Review & Public Notices.....	150.00	1,000.00
Phase II-(If objections filed) Process objections & public hearings).....	275.00	
Streets/Roads/Driveway Access Permits		
Road Permit.....	75.00	1,500.00
Driveway Permit.....	50.00	500.00
Subdivision Applications		
(4 lots).....	1,200.00	1,000.00
(over 4 lots) Add \$325.00 each additional lot	+ --	
Temporary Permit.....	425.00	1,000.00
Trailer/Mobile Home Park Application.....	1,000.00	1,000.00
Variance.....	425.00	1,000.00
Vegetation/Tree Removal Permit:		
(Shoreland Zone).....	25.00	1,500.00
(Public Right-of-Way).....	-0-	1,500.00
Zone Change (Ordinance Amendment).....	1,000.00	1,000.00

# APPENDIX G

## Placement of Political Signs

CITY OF DUNES CITY  
LANE COUNTY, OREGON

RESOLUTION NO. 08-08-96 (C)  
RESOLUTION ADOPTING POLICY REGULATING  
PLACEMENT OF POLITICAL SIGNS WITHIN  
CITY LIMITS AND RIGHTS-OF-WAY

**WHEREAS**, due to numerous citizen questions, concerns and complaints regarding placement of political signs within the City limits and specifically within City rights-of-way; and

**WHEREAS**, the Dunes City Zoning Code Section 6: General Development Standards and Requirements, Subsection I (F) Sign Requirements outlines sign requirements in the R-1 (Residential) zone; and

**WHEREAS**, pursuant to Section 2 (I) Policy, the City Council wishes to interpret as a matter of policy the size and placement of political signs within Dunes City limits.

**NOW, THEREFORE, DUNES CITY RESOLVES** that the City adopt the following policy regulating placement of political signs within Dunes City Limits and rights-of-way:

1. RESIDENTIAL/COMMERCIAL PROPERTIES:

- (a) Political signs not exceeding eight square feet in area may be placed on residential/commercial properties within the City limits so long as property owner consents to placement.

2. CITY RIGHTS-OF-WAY:

- (a) Political signs not exceeding eight square feet in area may be placed within City rights-of-way if, prior to sign placement, candidate or agent registers with City Recorder naming a contact person, address, and telephone number.
- (b) If any registered political sign placement is deemed to be detrimental to the public health, welfare, and safety of its citizens, registered candidate or agent may be contacted by City to remove said sign.
- (c) In the event political signs are placed in city rights-of-way by unregistered candidate or agent, Dunes City may remove and dispose of said signs without notification.

3. REMOVAL OF POLITICAL SIGNS:

- (a) Political signs may not be placed within Dunes City limits, either on private property or in City rights-of-way, more than sixty (60) days prior to election date, and must be removed within four (4) days after election date.

4. VIOLATIONS:

- (a) The provisions of Dunes City Zoning Ordinance 50, Section 12, Enforcement Requirement, Violations shall apply.

Ayes: 5, Nay: 0, Abstain: 0, Absent: 0, Vacancy: 1.

Dated the 8th day of August., 1996.

Signed by Philip J. Lapin, Mayor and attested to by Joyce Phillips, City Recorder

# APPENDIX H

## PUBLIC CONTRACTING ORDINANCE

### DRUG TESTING PROGRAM FOR CONTRACTORS

*The following data is excerpted from Dunes City Ordinances.*

#### ORDINANCE NO. 160

#### AN ORDINANCE CONCERNING PUBLIC CONTRACTING; REPEALING AND REPLACING CHAPTER 33 OF THE CODE OF DUNES CITY; AND DECLARING AN EMERGENCY

#### THE CITY OF DUNES CITY ORDAINS AS FOLLOWS:

**Section 1.** Chapter 33 of the Dunes City Code is hereby repealed and replaced by the following Chapter 33:

#### CHAPTER 33: CITY CONTRACTS

##### SECTION:

- 33.01** Contract review board
- 33.02** Definitions
- 33.03** Competitive bids required; Award of contracts
- 33.04** Exempt contracts
- 33.05** Exemption by contract review board
- 33.06** Hearing for exemption of public improvement contract
- 33.07** Emergency exemption
- 33.08** Negotiation after failed bid
- 33.09** Preferences
- 33.10** Competitive procurement methods
- 33.11** Purchasing agent
- 33.12** Surplus property
- 33.13** Brand name specifications in contract
- 33.14** Personal services contracts
- 33.15** Bid and performance bonds
- 33.16** Bid rejection
- 33.17** Disqualification from consideration for award of contracts; written decision required
- 33.18** Appeal of disqualification or pre-qualification decision
- 33.19** Adoption of Model Rules; conflict of rules; review of rules

### 33.01 Contract Review Board.

Pursuant to ORS 279.055, the Council of Dunes City is hereby designated as the city's contract review board. The contract review board shall have all the powers granted to contract review boards by state law.

### 33.02 Definitions.

- (A) **"Bid"** means a competitive offer in which price, delivery (or project completion) and conformance to specifications will be the predominant award criteria. As required by the context of these laws or in state statutes that govern the selection and award of contractors and contracts, the terms "bid," "bidding" or "bidder" also refer to "proposals," the process of selection through requests for proposals, or persons who submit proposals.
- (B) **"Emergency"** means circumstances that could not have been reasonably foreseen that create a substantial risk of loss, damage, interruption of services or threat to the public health or safety that requires prompt execution of a contract to remedy the condition.
- (C) **"Findings"** means the justification for the act taken that includes, but is not limited to, information regarding:
  - (1) Operational, budget and financial data. (2) Public benefits.
  - (3) Value engineering. (4) Specialized expertise required. (5) Public safety.
  - (6) Market conditions. (7) Technical complexity. (8) Funding sources.
- (D) **"Formal bid" or "Formal Proposal"** means a procedure in which written sealed bids, or proposals are solicited by advertising using instructions to bidders or requests for proposals, and specifications, and are opened at an announced place, date and time.
- (E) **"Formal quotation"** means a procedure in which written bids are solicited by advertising or other writing stating the quantity and quality of goods or services to be acquired, and which bids are received by the city on or before a stated date.
- (F) **"Goods"** means, except for works of art, any tangible personal property including but not limited to materials, supplies and equipment.
- (G) **"Informal quotation"** means a procedure in which written or verbal bids are gathered by correspondence, telephone or personal contact.
- (H) **"Lowest responsible bidder"** means the lowest bidder who is not on the list of entities not qualified to bid on public contracts established by the Construction Contractors Board pursuant to ORS 701.227 and who has:

- (1) Substantially complied with all prescribed public bidding procedures and requirements;
  - (2) Met the standards of responsibility. In determining if a prospective bidder has met the standards of responsibility, the purchasing agent shall consider whether a prospective bidder has:
    - (i) Available the appropriate financial, material, equipment, facility and personnel resources and expertise, or ability to obtain the resources and expertise, necessary to indicate the capability of the prospective bidder to meet all contractual responsibilities;
    - (ii) A satisfactory record of performance. The purchasing agent shall document the record of performance of a prospective bidder if the purchasing agent finds the prospective bidder not to be responsible under this sub-subparagraph;
    - (iii) A satisfactory record of integrity. The purchasing agent shall document the record of integrity of a prospective bidder if the purchasing agent finds the prospective bidder not to be responsible under this sub-subparagraph;
    - (iv) Qualified legally to contract with the city; and
    - (v) Supplied all necessary information in connection with the inquiry concerning responsibility. If a prospective bidder fails to promptly supply information requested by the city concerning responsibility, the purchasing agent shall base the determination of responsibility upon any available information, or may find the prospective bidder not to be responsible; and
  - (3) Not been disqualified by the city pursuant to ORS 279.037.
- (I) **"Personal services contract"** means a contract with an independent contractor predominantly for services requiring special training or certification, independent judgment, skill or creativity, or specialized experience. It may include but is not limited to a contract for the services of professionals, performing artists, advertisers, printers, visual artists, real estate, financial and other consultants, researchers, and computer programmers. Personal service contracts do not include contracts for trade services or for services provided by secretaries, food service workers or other skilled workers where the individual qualifications of the persons performing the services (other than competence) are not essential to the award of the contract. Within the limitations of this definition, the entity responsible for awarding the contract shall have the discretion to determine whether a contract is one for personal services.
- (J) **"Proposal"** means a competitive proposal in which other criteria in addition to, or in lieu of price, delivery and conformance to specification are the dominant award criteria.

- (K) **"Public contract"** means, for purposes of the requirements for competitive procurement, any purchase, lease or sale by the city of personal property, public improvements or services, except personal services contracts, and, for all other purposes, any contract with the city, including contracts for personal services.
- (L) **"Public improvement"** means any projects for construction, reconstruction or major renovation on real property by or for the city. "Public improvement" does not include emergency work, minor alteration, ordinary repair or maintenance necessary in order to preserve a public improvement or improvements mandated by the city when it issues a permit for work affecting the public way or when it sells or leases real property and retains no right to occupy the real property except upon default of the purchaser or except by easement.
- (M) **"Purchasing Agent"** means the City Recorder or the City Recorder's designee.

**33.03 Competitive bids required; Award of contracts.**

- (A) **Compliance with State law.** All contracts awarded by the City shall be solicited, awarded and managed in compliance with all applicable provisions of ORS Chapter 279.
- (B) **Competitive procurement.** Except as otherwise provided in this Chapter, all public contracts shall be awarded based upon competitive bids or proposals under the applicable procurement method described in section 33.10.
- (C) **Award of Contracts.** Contracts awarded by proposal shall be based on the criteria set forth in the request for proposals. Contracts awarded by bid, including all contracts for public improvements, shall be awarded to the lowest responsible bidder.

**33.04. Exempt contracts.** The following classes of Contracts are exempt from the requirements of section 33.03:

- (A) **Between governmental units.** Contracts made with the State of Oregon, any political subdivision thereof, any public body authorized to enter into public contracts, including a public body created by intergovernmental agreement, or the federal government.
- (B) **Qualified rehabilitation facilities.** Contracts for goods or services, but not for public improvements, made with qualified non-profit agencies for disabled individuals, as determined by the State Department of Administrative Services.
- (C) **Contracts of \$500.00 or less.** Contracts and/or purchases of \$500 or less.
- (D) **Board Exemptions.** A public contract exempted by the contract review board under section 33.05 of this Chapter.
- (E) **Insurance.** Contracts for insurance, including employee benefits.

- (F) **Purchases under exiting governmental contracts.** Purchases of goods or services, but not public improvements, under the terms, prices and conditions established in a contract procured by another public entity described in 33.04(A), provided that:
- (1) The contract allows other public entities such as the city to enter into an agreement with the contractor to purchase goods or services under the original contract prices, terms and conditions;
  - (2) The original contract was awarded under competitive procurement procedures that met the requirements of this chapter; and
  - (3) The original contracting public entity concurs.
- (G) **Sole Supplier.** Contracts determined by the purchasing agent to be available only through a sole supplier of goods, services, or both.
- (H) **Regulated contracts.** Contracts for which the prices or suppliers are established by governmental regulatory authorities.
- (I) **Art.** Contracts for the purchase or commissioning of works of art.
- (J) **Library inventory.** Contracts for the purchase of library inventory, including but not limited to books, periodicals, sound or video recordings, films, filmstrips, maps and other printed or published materials.
- (K) **Amendments.** Contract amendments for additional goods, services, or both, or for changes in the original specifications which increase the original contract price, provided that the time for performance of the contract is not extended by more than one year and;
- (1) All other original contract terms and conditions apply to the performance of the amendments; and
  - (2) The cost of all amendments does not exceed ten percent of the original contract price. This ten percent limitation may be increased an additional ten percent upon determination by the Council that it is not reasonably feasible to require additional bidding to complete the purpose of the contract.
- (L) **Equipment repair.** Contracts for equipment repair or overhauling, provided the service or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing.
- (M) **Goods for resale.** Contracts for goods purchased for resale to customers.
- (N) **Advertising.** Contracts for the purchase of the following forms of advertising: newspaper, trade journal, magazine, television, radio, and display signs.
- (O) **Surplus property.** All personal property which the Council has declared surplus,

subject to the provisions of section 33.12.

**33.05. Exemption by contract review board.** The Council, as contract review board, may exempt certain public contracts or classes of public contracts from the competitive bidding and proposal requirements of section 33.03, or from the designated method of bidding and procurement under section 33.10 upon approval of the findings of the purchasing agent or the Council that support the contract review board's conclusive findings that:

- (A) It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts; and
- (B) The awarding of public contracts pursuant to the exemption will result in substantial cost savings to the public contracting agency.
- (C) In making such findings, the Council may consider the type, cost, amount of the contract, number of persons available to bid or propose and such other factors as may be deemed appropriate, including, but not limited to the nature of the project, the estimated cost of the project, the cost savings anticipated by the exemption and the reasons competitive bidding would be inappropriate, proposed alternative contracting and purchasing practices to be employed, and the estimated date by which it would be necessary to let the contract.

**33.06 Hearing for exemption of public improvement contract.**

- (A) Before final adoption of the findings required by section 33.05 exempting a contract for a public improvement, the city shall hold a public hearing.
- (B) Notification of the public hearing shall be published in at least one trade newspaper of general statewide circulation a minimum of 14 days prior to the hearing.
- (C) The notice shall state that the public hearing is for the purpose of taking comments on the city's draft findings for an exemption from the competitive bidding requirement. At the time of the notice, copies of the draft findings shall be made available to the public. At the option of the city, the notice may describe the process by which the findings are finally adopted and may indicate the opportunity for any further public comment.
- (D) At the public hearing, the city shall offer an opportunity for any interested party to appear and present comment.
- (E) If the city is required to act promptly due to circumstances beyond its control that do not constitute an emergency, notification of the public hearing can be published simultaneously with the city's solicitation of contractors for the alternative public contracting method, as long as responses to the solicitation are due at least five days after the meeting and approval of the findings.
- (F) Notwithstanding the foregoing, in accordance with Section 39 of the Dunes City

Code, 1980, all public improvements made by a private contractor shall be let to the lowest responsible bidder and shall be done in accordance with plans and specifications approved by the Council.

**33.07 Emergency exemption.** Subject to applicable limitations under Section 39 of the city's charter, a public contract also may be exempted from the requirements of section 33.03, or from the requirements of Section 33.10 after the declaration of emergency that requires the prompt execution of a contract.

- (A) The Council, by written findings, must declares that an emergency exists prior to granting the exemption, provided that, a declaration of emergency conditions and exemption of one or more contracts, in each case for less than \$50,000, may be made by written findings of the Mayor or the President of the Council, acting individually, to permit the execution of emergency contracts when the full Council cannot be conveniently convened.
- (B) A declaration of emergency made by the Mayor or the President of the Council and all contracts executed under the declaration must be presented to the full Council as soon as conditions allow a quorum of the Council to be convened. Notwithstanding the foregoing, no ratification or other act of the Council shall be required to establish the authorization or validity of contracts executed by the Mayor or President pursuant to a declaration of emergency as provided in subsection (A).
- (C) If an emergency is declared, any contract awarded under this section must be awarded within 60 days following declaration of the emergency, unless the Council grants an extension.

**33.08 Negotiation after failed bid.** If a project is competitively bid and all responsive bids from responsible bidders exceed the city's cost estimate, the city may negotiate with the lowest responsible bidder, prior to awarding the contract, in order to solicit value engineering and other options to attempt to bring the project within the city's cost estimate. A negotiation with the lowest responsible bidder pursuant to this paragraph shall not result in the award of the contract to that bidder if the scope of the project is significantly changed from the original bid proposal. Notwithstanding any other provision of law, the records of a bidder used in contract negotiation pursuant to this paragraph are not subject to public inspection until after the negotiated contract has been awarded or the negotiation process has been terminated.

**33.09 Preferences.**

- (A) **Products and services of nonprofit agencies for disabled individuals.** Notwithstanding provisions of law requiring the city to use competitive procurement practices, the city shall purchase any product or service that is available from a qualified nonprofit agency for disabled individuals listed by the Oregon Department of Administrative Services pursuant to ORS 279.845 at the price established by the department, provided the product or service is of the appropriate specifications and is available within the period required by the city.
- (B) **Recycled materials.** Notwithstanding provisions of law requiring the city to enter

into contracts with the lowest responsible bidder in the purchase of materials and supplies for any public use, the city shall give preference to the purchase of materials and supplies manufactured from recycled materials, if the following conditions are met:

- (1) The recycled product is available;
- (2) The recycled product meets applicable standards;
- (3) The recycled product can be substituted for a comparable non-recycled product; and
- (4) Recycled products costs do not exceed the costs of non-recycled products by more than five percent.

(C) **Lubricating and industrial oil.** The city shall purchase lubricating oil and industrial oil from the seller whose oil product contains the greater percentage of recycled oil, unless a specific oil product containing recycled oil is:

- (1) Not available within a reasonable period of time or in quantities necessary to meet the city's needs;
- (2) Not able to meet the performance requirements or standards recommended by the equipment or vehicle manufacturer, including any warranty requirements; or
- (3) Available only at a cost greater than 105 percent of the cost of comparable virgin oil products.

(D) **Oregon products and services.** The city shall prefer goods or services that have been manufactured or produced in this state if price, fitness, availability and quality are otherwise equal.

**33.10 Competitive procurement methods.** The following classes of public contracts are hereby created and the procedures for awarding such contracts are determined not to encourage favoritism or substantially diminish competition and to result in substantial cost savings. The procedures set forth in this section may be used whether price or other criteria are the dominant factors in contractor selection and are not exemptions from the requirements of section 33.03.

(A) **\$500 - \$2,500.** All contracts for an amount that is more than five hundred dollars but not more than two thousand five hundred dollars shall be awarded by the purchasing agent, with approval of the Mayor or the President of the Council, based on informal quotations. Except for public improvement contracts, the award may be based on a combination of price and other criteria, including the submission of samples. In soliciting informal quotations, the purchasing agent shall seek quotations from a sufficiently large number of potential bidders to ensure sufficient competition in price, quality and such other criteria as are considered important to meet the best

interests of the city. An award based on receiving fewer than three informal quotations may be made only on a determination by the purchasing agent that potential bidders were given a reasonable opportunity to submit quotes or proposals. Notwithstanding the foregoing, no contractor may be awarded, in the aggregate, within the fiscal year, contracts in excess of \$10,000 under this subsection without formal quotations. In computing the aggregate under this subsection, awards under \$500 need not be included.

- (B) **\$2,500 - \$15,000.** All contracts for an amount over two thousand five hundred dollars but not more than fifteen thousand dollars shall be awarded by the Council based on informal quotations. Except for public improvement contracts, the award may be based on a combination of price and other criteria, including the submission of samples. In soliciting informal quotations the purchasing agent shall seek quotations from a sufficiently large number of potential bidders to ensure sufficient competition in price, quality and such other criteria as are considered important to meet the best interests of the city. An award based on receiving fewer than three formal quotations may be made only on a determination by the Council that potential bidders were given a reasonable opportunity to submit quotes.
- (C) **\$15,000 - \$50,000.** All contracts for an amount over fifteen thousand but not more than fifty thousand dollars shall be awarded by the Council based on formal quotations. In soliciting formal quotations, the purchasing agent shall seek quotations from a sufficiently large number of potential bidders to ensure sufficient competition in price, quality and such other criteria as are considered important to meet the best interests of the city. An award based on receiving fewer than three informal quotations may be made only on a determination by the Council that potential bidders were given a reasonable opportunity to submit quotes.
- (D) **Contracts over \$50,000.** All contracts for over fifty thousand dollars value shall be awarded by the Council based on formal bids or proposals. The advertisement for bids or proposals shall be published at least once in a newspaper of general circulation in the Dunes City area and if the proposed contract is for a public improvement over fifty thousand dollars value, the solicitation shall also be published in a trade newspaper of general state-wide circulation.

**33.11 Purchasing agent.** In addition to the authority expressly granted in other provisions of this chapter, the purchasing agent shall have the authority to perform all of the following in accordance with the provisions of this chapter:

- (A) To adopt and approve all contract forms and documents to be used by the city;
- (B) To enter into all city contracts that do not exceed \$500, provided that, the purchasing agent shall not in any month enter into contracts pursuant to this exemption that in the aggregate exceed \$500.00 without approval of the Mayor or President of the Council;
- (C) Subject to appropriate award and approval, to execute all contracts on behalf of the city;

- (D) To dispose of all surplus personal property as provided in section 33.12;
- (E) To prepare all advertisements, invitations to bid, requests for proposals and other solicitation documents, provided that the criteria and specifications for all contracts over \$2,500, and, pursuant to Section 39 of the Dunes City Charter, 1980, for all public improvement contracts over \$2,000, shall be approved by the Council before soliciting bids; and
- (F) To receive and record all bids and proposals.

All contracts entered into by the purchasing agent without full Council approval shall be reported to the Council on a monthly basis.

**33.12 Surplus property.** All personal property which the city has acquired and used, when it is declared surplus by the Council, shall be disposed of as follows:

- (A) Sold to the first qualified buyer meeting the sale terms when the purchasing agent has determined the value of each item so offered is less than \$1,000 and the sale thereof has been advertised at least once in a newspaper of general circulation in the Dunes City area not less than one week prior to the sale;
- (B) Traded in on the purchase of replacement equipment or supplies; or
- (C) Sold at public auction advertised at least once in a newspaper of general circulation in the Dunes City area no less than one week prior to the auction. The published notice shall specify the time, place and terms upon which the personal property shall be offered and a general description of the personal property to be sold.
- (D) The purchasing agent shall select the method of disposal, which maximizes the value the city will realize from disposal of the surplus property.

**33.13 Brand name specifications in contract.**

- (A) **No specified brand or mark, manufacturer, or seller.** Specifications for public contracts shall not require any product by brand name or mark, nor the product of any particular manufacturer or seller unless the product is exempted under this section. However, this section shall not be construed to prevent reference in the specification to a particular product as a description of the type of item required.
- (B) **Exemptions.** The contract review board may exempt certain products or classes of products from subsection 33.13(A) upon any one of the following findings:
  - (1) It is unlikely that the exemption will encourage favoritism in the award of the contract or substantially diminish competition;
  - (2) The specification of a product by brand name or mark, or the product of a particular manufacturer or seller, would result in substantial cost saving to the City;

- (3) There is only one manufacturer or seller of the product of the quality required;  
or
  - (4) Efficient utilization of existing equipment or supplies requires the acquisition of compatible equipment or supplies.
- (C) **Appeal by bidder.** A prospective bidder may, up to five days before bid closing, appeal in writing to the Council any brand name, brand mark or product exemption decision of the purchasing agent made pursuant to subsection 33.13(B). The notice of appeal shall state the reasons for the protest and any proposed changes to the specifications. Unless the appellant and the Council agree to a longer period, an appeal shall be heard within fifteen days of the receipt of the notice of intent to appeal. At least ten days before the hearing, the Council shall mail notice of the time and location of the hearing to the appellant. The Council shall hear and determine the appeal on the basis of the appellant's written statement, the purchasing agent's written report of his or her findings and the product(s) exempted, and any additional evidence the Council deems appropriate. The Council may permit the appellant to present testimony and oral argument. The bid opening date shall be extended if necessary to allow consideration of the appeal and issuance of addenda to bid documents.

### **33.14 Personal services contracts.**

- (A) Except as provided in subsection B of this section, for all personal service contracts over five thousand dollars in value, the purchasing agent shall solicit by invitation or advertising proposals for personal services in sufficient number to provide a choice for the Council from among qualified service providers. All personal service contracts subject to this section 33.14(A) shall be awarded by the Council based on the procedure and selection criteria adopted by the Council before bids are solicited.
- (B) Without a solicitation of proposals, the purchasing agent may enter into personal service contracts:
  - (1) With an existing service provider whose personal service contract is being renewed on an annual basis, as provided in the original contract, or, if the purchasing agent determines that the time remaining for the solicitation of a new service contract is inadequate, for the extension of an expiring personal service contract by not more than one year after the original expiration date;
  - (2) With service providers determined by the purchasing agent to be sole suppliers of the services needed; or
  - (3) For five thousand dollars or less in any fiscal year.

### **33.15 Bid and performance bonds.**

- (A) **Bid security.**

- (1) **Contracts under \$25,000.** Except when required by the Council, all public contracts under twenty-five thousand dollars are exempt from the requirements for bid security.
  - (2) **\$25,000 or more.** Except when waived by the Council, for public contracts of twenty-five thousand dollars or more, bids shall be accompanied by proper bid security.
- (B) **Performance and Payment Bonds.** Except as provided in paragraph C of this section, all public improvement contracts for ten thousand dollars or more shall require good and sufficient bonds to assure performance of the contract and payment of the obligations incurred in the performance. Each required bond shall be issued in a sum equal to the contract price.
- (C) **Emergency exemptions.** For contracts necessitated by emergency, or where the interest or property of the city would suffer material injury or delay or for other good cause, the Council, or as the case may be, the Mayor or President of the Council who awards the contract, may waive the requirements for bid security and good and sufficient bond to assure performance of the contract and payment of the obligations incurred in the performance, if a declaration of emergency is or other sufficient findings are made prior to awarding the contract.
- (D) **Design/build.** If a public improvement contract is with a single person to provide both design and construction of the public improvement, the obligation of the surety bond, or the obligation of the bidder on the cashier's check or certified check, for the faithful performance of the contract required by this section shall be also for the preparation and completion of the design and related services covered under the contract.

**33.16 Bid rejection.** The Council or the purchasing agent, whoever is awarding a public contract, may reject any bid not in substantial compliance with all prescribed public bidding procedures and requirements and may reject all bids if it is in the public interest to do so. If all bids are rejected, new bids may be called for.

**33.17 Disqualification from consideration for award of contracts; written decision required.**

- (A) A person may be disqualified from consideration for award of the city's contracts for any of the following reasons after providing the person with notice and a reasonable opportunity to be heard. The disqualification shall not be for a period of more than three years.
- (1) Conviction for the commission of a criminal offense as an incident in obtaining or attempting to obtain a public or private contract or subcontract, or in the performance of such contract or subcontract.
  - (2) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or

any other offense indicating a lack of business integrity or business honesty that currently, seriously and directly affects the person's responsibility as a contractor.

- (3) Conviction under state or federal antitrust statutes.
  - (4) Violation of a contract provision that is regarded by the city to be so serious as to justify disqualification. A violation may include but is not limited to a failure to perform the terms of a contract or an unsatisfactory performance in accordance with the terms of the contract. However, a failure to perform or an unsatisfactory performance caused by acts beyond the control of the contractor may not be considered to be a basis for disqualification.
- (B) The Council shall issue a written decision to disqualify a person pursuant to this section. The decision shall:
- (1) State the reasons for the action taken; and
  - (2) Inform the disqualified person of the appeal right of the person under section 33.18.
  - (3) A copy of the decision shall be mailed or otherwise furnished immediately to the disqualified person.

**33.18 Appeal of disqualification or pre-qualification decision.** A person who has been disqualified as a bidder or who is refused pre-qualification under rules adopted by the city may appeal the disqualification or pre-qualification decision to the contract review board as follows:

- (A) The person shall, within three (3) business days after receipt of notice of the disqualification or pre-qualification decision, file a written notice of appeal with the city recorder. The notice of appeal shall specify in detail why the appellant believes that the disqualification or pre-qualification decision was in error.
- (B) Immediately upon receipt of the appeal, the city recorder shall inform the Council or its designated contract review board representative of the filing of the appeal.
- (C) Upon receipt of notice from the recorder, the Council or its designated contract review board representative shall notify the appellant of the time and place of an appeal hearing. The hearing shall be held within ten (10) days from the date of filing the appeal.
- (D) The contract review board shall conduct the hearing according to the provisions of ORS 279.045(3) and shall set forth in writing the reasons for its decision.



**CERTIFICATE OF BIDDER/CONTRACTOR  
EMPLOYEE DRUG TESTING PROGRAM - ORS 279.312(2)**

BIDDER'S NAME: \_\_\_\_\_

ORS 279.312(2) provides that every public improvement contract contain a condition that the contractor shall demonstrate that an employee drug testing program is in place. The City's award of the contract (the "Contract") for which this certificate is required is conditioned, in part, upon the bidder's demonstration of compliance with the provisions of ORS 279.312. If the bidder named above (the "Bidder") is awarded the Contract, this certificate shall become a part of, and shall constitute a continuing representation and warranty under, the Contract.

To induce Dunes City to award the Contract to the Bidder, the undersigned, as the duly authorized representative of the Bidder, hereby represents and warrants, on behalf of the Bidder:

- 1) That Bidder has and enforces, and at all times during the term of the Contract will have and enforce, a written employee drug testing policy that, at a minimum:
  - a) Requires drug testing of an employee when the Bidder has reasonable cause to believe the employee is under the influence of drugs; and
  - b) Requires, where applicable, compliance with the Oregon Department of Transportation Commercial Drivers License drug testing regulations.
- 2) A copy of the Bidder's current written employee drug testing policy will be available for inspection by the City at any time upon the City's request.
- 3) The Bidder understands and agrees that its representations and warranties herein will become a continuing part of the Contract and that breach of any of the foregoing will be sufficient grounds for disqualification under ORS 279.037(2)(d).

Dunes City shall not be liable, either directly or indirectly, in any dispute arising out of the substance or procedure of Contractor's drug testing program. Nothing in this drug testing provision shall be construed as requiring Contractor to violate any legal, including constitutional, rights or any employee, including but not limited to, selection of which employees to test and the manner of such testing. The City shall not be liable for Contractor's negligence in establishing or implementing, failure to establish or implement or maintain a drug testing policy, or for any damage or injury caused by Contractor's employees acting under the influence of drugs while performing work covered by this contract. These are Bidder/Contractor's sole responsibilities.

In Witness Whereof, the Bidder has caused this document to be executed by its duly authorized representative on the date shown below.

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Printed Name & Title** \_\_\_\_\_

APPENDIX I  
NO BRUSHING PLAN  
INCLUDES:

ORDINANCE 168  
NO BRUSH CUTTING AGREEMENT  
RESOLUTION 03-11-04

## **ORDINANCE 168**

### **AN ORDINANCE ESTABLISHING A POLICY TO PROVIDE A NO BRUSHING PLAN FOR PROPERTY OWNERS ABUTTING THE CITY RIGHT-OF-WAY**

**Dunes City ordains as follows:**

#### **SECTION 1 – PURPOSE**

The purpose of this Ordinance is to establish a procedure whereby the property owners of Dunes City can choose the method of controlling vegetation on City road rights-of-way which abut their land.

#### **SECTION 2 – DISCRETION**

Maintenance of City Roads is at the sole discretion of Dunes City. The time, place and manner of roadside brush control are at the discretion of the Dunes City Road Commission. Entry into a “No Brushing” Agreement shall be at the discretion of the Dunes City Road Commission.

#### **SECTION 3 – PROPERTY OWNER OPTION**

When the right-of-way abutting a property owner’s land is included in a brushing program, the property owner may request the City not to brush the right-of-way abutting their property. Such a request must be made by agreement set out in Appendix A and by posting the right-of-way in accordance to Section 5 of this Ordinance.

#### **SECTION 4 – AGREEMENT**

The City shall approve a request for “No Brushing” if the property owner enters into an agreement to control the vegetation. The agreement shall be in the form set out in Appendix A, attached hereto and incorporated herein by this reference, and shall be signed by the property owner and returned to the Road Commission. The “No Brushing” agreement must be received by the Road Commission prior to March 1, of a given year. The Dunes City Council hereby delegates the Road Commission or Mayor the authority to sign the agreement for the City. The “No Brushing” agreement shall be effective only during the calendar year in which it was signed.

#### **SECTION 5 – POSTING**

A property owner, who abuts a City road right-of-way which is to be brushed and who entered into the agreement, must also post the abutting right-of-way as a “No Brushing” area. Such posting shall be by clearly visible signs provided by the Road Commission when the “No Brushing” agreement is returned to the Road Commission. Such signs shall be placed at the beginning and end of the “No Brushing” area respectively as directed by the Road Commission. Failure to adequately post the right-of-way as required by this Section will result in the brushing of the right-of-way as planned.

#### **SECTION 6 – PROPERTY OWNER TO CONTROL VEGETATION**

If the property owner posts the abutting right-of-way as a “No Brushing” area, the property owner shall be responsible for controlling the vegetation in the right-of-way to the satisfaction of the Road

Commission. An information sheet regarding controlling vegetation and the requirements of posting shall be provided to property owners by the Road Commission when the “No Brushing” agreement is returned. Performance of the Agreement by property owners is at their own risk. The City shall not be liable to property owners or third parties for any claims connected with this Agreement.

**SECTION 7 – FAILURE TO CONTROL VEGETATION**

If the property owner fails to control the vegetation as required under Section 6 of this Ordinance, the City shall cut the area. If the City returns to a posted “No Brushing” area to control vegetation, which the abutting property owner failed to control, the abutting property owner will be charged the full cost of controlling the vegetation. If the abutting property owner fails to pay this charge, the charge will become a lien on the property.

**SECTION 8 – NOTICE**

When the Road Commission determines that vegetation on a City road right-of-way is in need of control and that the brushing will be part of the control program, the Road Commission shall cause to be published a notice of brushing program for City of Dunes City.

**SECTION 9 – NOTICE PUBLICATION**

The notice required by Section 8 of this Ordinance shall be published the newspaper as designated by the Dunes City Council. The notice shall be published once a week for two (2) consecutive weeks ending not later than two (2) weeks prior to March 1<sup>st</sup> of a given year.

**SECTION 10 – NOTICE CONTENTS**

The notice required by Section 8 of this Ordinance shall be in the form set out in Resolution 03-11-04.

**SECTION 11—SEVERABILITY CLAUSE**

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, that portion shall be deemed a separate, distinct, and independent provision and that holding shall not affect the validity of the remaining portions of this Ordinance.

**ADOPTED BY THE DUNES CITY COUNCIL THIS 11<sup>TH</sup> DAY OF MARCH, 2004.**

Ayes: 5      Nays: 0      Abstain: 0      Absent: 1

/s/ Robert B. Ward Jr., Mayor  
Robert B. Ward Jr., Mayor

/s/ Joanne Hickey, City Recorder  
Joanne Hickey, City Recorder

APPENDIX A

**NO BRUSH CUTTING AGREEMENT**

**AGREEMENT NO. \_\_\_\_\_**

This agreement is entered into by Dunes City, a political subdivision of the State of Oregon (hereinafter called City) and \_\_\_\_\_ (hereinafter called Owner).

Owner agrees to cut and dispose of vegetation originating within the City's right-of-way along Owner's property at \_\_\_\_\_. The legal location of Owner's property is Township\_\_\_\_, Range\_\_\_\_, Section\_\_\_\_, Tax Lot #\_\_\_\_; and the roadside frontage of the lot along the City road is \_\_\_\_\_ feet.

Owner agrees to keep the City road right-of-way clear of vegetation as consideration for the City taking all reasonable precautions to avoid brush cutting within the City right-of-way adjoining the property. The right-of-way will be posted as required. If Owner fails to keep the right-of-way clear of vegetation to the satisfaction of the Road Commission, this agreement will be revoked and the Dunes City Council will have the area cleared, with the cost of such clearing charged to the Owner. Owner hereby authorizes Dunes City to place a lien on the above described property in the amount of the unpaid charges. Interest shall accrue on unpaid charges at the rate of twelve (12) percent per year.

Owner agrees to indemnify, hold harmless and defend Dunes City, its agents and employees for any and all liability, costs, damages, expenses, claims, suits, actions, or proceeding in any way connected with this agreement. Owner's performance of the agreement is at Owner's sole risk. In the event that the City takes any action, judicial or otherwise, to enforce this Agreement, including foreclosure of the lien authorized herein, in addition to costs and disbursements, the City shall be awarded reasonable attorney fees.

This agreement is effective only during the calendar year\_\_\_\_\_.

\_\_\_\_\_  
OWNER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DUNES CITY

\_\_\_\_\_  
DATE

**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION 03-11-04**

**RESOLUTION ADOPTING A NOTICE OF BRUSH CONTROL PROGRAM USED TO  
INFORM ALL PERSONS INTERESTED IN REQUESTING THE CITY NOT TO BRUSH  
THE CITY RIGHT-OF-WAY ABUTTING THEIR PROPERTY**

In the Matter of Brush )  
Control for Dunes City )  
Road Commission )

NOTICE OF BRUSH CONTROL PROGRAM

TO: ALL INTERESTED PERSONS

1. In order to maintain City roads, the Dunes City Road Commission intends to institute a brush control program on March 1st, within the rights-of-way of City roads.
2. Property owners may request the Dunes City Road Commission not to brush the right-of-way abutting their property. Property owners who wish the City not to brush must contact the Road Commission. The Road Commission will provide the property owner with a “No Brush Cutting Agreement.” It must be completed and returned by March 1, of the agreement year.
3. The property owner must post the right-of-way to indicate the “No Brush” area with signs provided by the Road Commission at a cost.
4. Failure to contact the Road Commission to enter into the agreement or failure to post the required signs will result in the City brushing the right-of-way as planned.
5. If the property owner posts the abutting right-of-way as a “No Brushing” area, the property owner is responsible for controlling vegetation on the right-of-way. If the property owner fails to clear the right-of-way, the City shall do so, with the cost charged to the property.
6. Contact the Dunes City Hall at 82877 Spruce Street, Westlake, Oregon or call 997-3338 for further information

ROBERT B. WARD, JR., Mayor of Dunes City

JOANNE HICKEY, City Recorder

# APPENDIX J

## EQUIPMENT RENTAL & SERVICES AGREEMENT

**THIS AGREEMENT** is made and entered into by and between **LANE COUNTY**, a political subdivision of the State of Oregon, hereinafter referred to as **COUNTY**, and the **City of Dunes City**, a municipal corporation of the State of Oregon, hereinafter referred to as **CITY**.

### RECITALS

1. **COUNTY** and **CITY** have determined that it is both to their mutual benefit and to the general public's benefit if they jointly utilize maintenance resources, including equipment and operators.
2. ORS 190.010 and the Lane County Home Rule Charter provide that units of local government may enter into cooperative agreements for the performance of any and all functions and activities that a party to the agreements, its officer or agents, have authority to perform with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. Under the limitations of the Oregon Constitution, **COUNTY** may only perform work on roadways and right-of ways dedicated to public use. **COUNTY** is expressly prohibited from expending road funds on private roads.

### TERMS OF AGREEMENT

1. Under such authority, **COUNTY** and **CITY** desire to enter into an agreement where **COUNTY**-owned maintenance equipment operated by **COUNTY** personnel is available to **CITY** on a rental basis upon terms and conditions mutually acceptable to both parties.
2. The terms of this agreement shall be in effect from the date of the final execution of this agreement by both parties for a period of three years. The agreement may be extended at that time by mutual consent of both parties in the form of an amended agreement. Monetary payment shall not exceed a maximum amount of \$50,000 during the term of this agreement.

**NOW THEREFORE**, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between the parties hereto as follows:

### CITY OBLIGATIONS

1. **CITY** shall present a written request to **COUNTY** when the assistance of **COUNTY**'s resources is required for the purpose of performing maintenance on public **CITY** right-of-way. Under emergency conditions, the request may be made verbally and followed up within five working days with the written request.

2. **CITY** hereby grants **COUNTY** the authority to enter onto public **CITY** right-of-way for the purpose of performing maintenance on public **CITY** right-of-way.
3. **CITY** shall supervise **COUNTY** employees who are assigned to assist **CITY** under **COUNTY** Obligation No. 1.
4. Upon receipt of billing by **COUNTY**, **CITY** will remit payment within 30 days.
5. **CITY** certifies, at the time this agreement is executed that sufficient funds are available and authorized for expenditure to finance costs of this agreement within **CITY**'s current appropriation or current budget. **CITY shall not be indebted or liable for any obligation** created by this agreement in excess of the debt limitation of Article XI, Section 7 of the Oregon Constitution.

### **COUNTY OBLIGATIONS**

1. Upon receipt of written request by **CITY**, **COUNTY** may assign resources to assist **CITY** in maintenance work. **COUNTY** is not obligated to provide assistance to **CITY** of **COUNTY** needs the services of its resources at the time **CITY** requests assistance.
2. **COUNTY** will invoice **CITY** on a monthly basis for provided services.
3. **COUNTY** will only assign personnel to work on public **CITY** right-of-way that have similar experience on **COUNTY** right-of-way.
4. **COUNTY** shall furnish all fuel, maintenance and upkeep, and insurance for **COUNTY**-owned equipment. **COUNTY** shall furnish insurance for **COUNTY** operated rental equipment.
5. **COUNTY** shall maintain accurate and up-to-date records of All rentals of **COUNTY**-owned equipment and operators. Said records will be kept available for inspection by representative of **CITY** for a period of three (3) years after final payment.
6. **City** acknowledges and agrees that **COUNTY** and its duly authorized representatives shall have access to the books, documents, papers, and records of **CITY** that are pertinent to this specific agreement for the purpose of making audit, examination, excerpts and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request.

### **GENERAL PROVISIONS**

1. Each party shall be responsible for the following items in regard to its employees:
  - a) Payment of all wages and benefits that its employees are entitled to receive through their employment including, but not limited to, vacation, holiday and sick leave; other leaves with pay; medical, dental, life, and accident insurance; other insurance coverage; overtime; Social Security; Workers' Compensation; unemployment compensation, and retirement benefits.
  - b) Withholding Social Security, federal and state taxes, and other regular deductions from wages paid to employees.

- c) Administration of applicable civil service statutes and rules, classification and compensation plans, collective bargaining agreements, and other laws and agreement governing personal relations with employees.
- 2. Both parties shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this agreement, including, without limitation, the provisions of CRS 279.312, 279.314, 279.316, 279.320, and 279.555, by this reference made a part hereof. Without limiting the generality of the foregoing, **COUNTY** expressly agrees to comply with: (i) Title VI of Civil Rights Act of 1990 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
- 3. The parties to this agreement are of equal authority. Each party acts independently in the performance of its obligations and functions under this agreement, and neither party is to be considered the agent of the other. Each party shall be responsible for its own negligence within the cope of the Oregon Tort Claims Act.
- 4. Neither **CITY** nor **COUNTY** shall be liable for any expenditure under this agreement without proper appropriation pursuant to ORS Chapter 291 and ORS Chapter 294 respectively.
- 5. **COUNTY** shall use its individual rental rates for labor, equipment and materials in performing work on behalf of **CITY**. **COUNTY** and **CITY** agree to meet annually for consensus on rates and services to be provided by **COUNTY** on behalf of **CITY**. The following rates apply during 7/1/2004 to 6/30/2005:

Side-flail mower with RM2 operator.....	\$84.79 per hour
Self-Propelled Sweeper with RM2 operator.....	\$71.79 per hour

- 6. Rental times, established for the purpose of record keeping and rental charges, will be as mutually agreed upon by both parties at the time the individual projects are requested. Normally, rental times will begin at the time the equipment and operator leave the owner’s shop or maintenance yard, and end when the equipment and operator return to the owner’s shop or maintenance yard.
- 7. This agreement may be terminated by mutual consent of both parties, or by either party upon 30 days notice, in writing and delivered by certified mail or in person.
- 8. Upon receipt of equipment, **CITY** shall take proper precaution in its operation, storage, and maintenance. Equipment shall be used only for its intended purpose. **CITY** shall permit the equipment to be used only by properly trained and supervised operators and shall be responsible for equipment repairs necessitated by misuse or negligent operation. **CITY** shall perform and document required written maintenance checks prior to and after use and shall provide routine daily maintenance of equipment during the period in which the equipment is in **CITY’S** possession. **CITY** shall not, however, be responsible for scheduled maintenance or repairs other than repairs necessitated by misuse or negligent operation.
- 9. **COUNTY** shall endeavor to provide equipment in good working order and to inform **CITY** of any information reasonably necessary for the proper operation of the equipment. The equipment, however, is provided “as is”, with no representations or warranties as to its fitness for a particular purpose. **CITY** shall be solely responsible for selecting the proper equipment for its needs and

inspecting equipment prior to use. It is acknowledged by the parties that **COUNTY** is not in the business of selling, leasing, renting, or otherwise providing equipment to others and that the parties are acting only for their mutual convenience and efficiency.

10. **CITY** is responsible for any damage to rental equipment considered to be beyond normal wear and tear.
11. This agreement and attached exhibit constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreement, or representations, oral or written, no specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of **COUNTY** to enforce any provision of this agreement shall not constitute a waiver by **COUNTY** of that or any other provision.

\* \* \* \* \*

# APPENDIX K

## Defining Certain Un-Enumerated Nuisances

**Dunes City**  
**IN THE STATE OF OREGON FOR THE COUNTY OF LANE**

**Resolution No. 6-16-94 Defining Certain Un-Enumerated Nuisances**  
**Re: Dunes City Rights-of-Way**

WHEREAS, it has come to the attention of the City Council that from time to time individual/s inadvertently or intentionally erect human constructed items upon, store materials upon, or otherwise trespass into or block public access to and upon public rights-of-ways within the City of Dunes City, and

WHEREAS, Ordinance 108 (nuisance abatement ordinance) provides for enforcement of un-enumerated nuisances including “acts that are determined by the City Council to be injurious or detrimental to public health, safety or welfare of the City”, and

WHEREAS, the City began a program in January, 1993 requiring citizens of Dunes City to obtain permits to erect any human made improvements or to maintain the same upon the public rights-of-way, and

WHEREAS, without a declaration that a failure to obtain the requisite permit and/or failure, after obtaining a permit to withdraw said improvement upon demand by the City, constitutes a public nuisance, it becomes more difficult and/or expensive to enforce the City’s and public’s right to utilize the public rights-of-way within the City,

THEREFORE BE IT RESOLVED that the following are declared to be public nuisances detrimental to the public safety and welfare:

1. Placing upon any public right-of-way debris, materials, refuse, buildings, structures, or other human constructed improvements.
2. Failing to apply for a right-of-way permit as is required by the City’s policy as established by the city council’s adoption of councilor Miller’s motion at the January 4, 1993 meeting.
3. Failing to remove said permitted, or non-permitted, trespass upon the public right-of-way upon demand by the City, and/or
4. Committing any act upon a public right-of-way prohibited by City code or state statute.

IT IS SO RESOLVED this 16<sup>th</sup> day of June 1994. Four Ayes, 0 Nays, 0 Abstains, and 3 Absent.

<h1>APPENDIX L</h1> <h2>JOB DESCRIPTION RESOLUTIONS</h2>	

*Appendix L contains resolutions for positions in the Dunes City Road Department*

**COUNTY OF LANE, STATE OF OREGON**

**RESOLUTION NO. 10-15-92A**

A RESOLUTION ADOPTING A DESCRIPTION FOR THE DIRECTOR OF ROADS

**WHEREAS**, the City Council would like the Director of Roads to have certain powers and responsibilities; and;

**WHEREAS**, the attached job description has been reviewed by the Mayor and the City Council of the City of Dunes City,

**NOW, THEREFORE, BE IT RESOLVED:**

1. That the City Council of the City of Dunes City, Oregon, does hereby accept the attached job description for the Director of Roads.

**PASSED BY THE CITY COUNCIL OF DUNES CITY, OREGON THIS 15<sup>th</sup> DAY OF OCTOBER 1992.**

/s/ Robert Petersdorf  
Robert Petersdorf, MAYOR

Attest:

/s/ Kathie Hilborn  
Kathie Hilborn, City Recorder

**CITY OF DUNES CITY, LANE COUNTY, STATE OF OREGON**

**RESOLUTION NO. 08-10-00(A)**

**A RESOLUTION ADOPTING POSITION DESCRIPTIONS FOR THE INSPECTOR OF ROADS AND FOR THE CHAIR OF DUNES CITY ROAD COMMISSION**

**WHEREAS**, the City Council has adopted a description for the position of Director of Roads; and;

**WHEREAS**, the scope of responsibility for the City's roads systems has grown and varied over recent years; and;

**WHEREAS**, the City would like to initiate and define the position of Inspector of Roads and the responsibilities of the Chair of the Road Commission, while retaining the previously accepted position of Director of Roads; and;

**WHEREAS**, the attached position descriptions have been reviewed by the Mayor and the City Council of the City of Dunes City

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Dunes City, Oregon, does hereby accept the attached position descriptions for the Inspector of Roads and Chair of Dunes City Road Commission.

**ADOPTED BY THE CITY COUNCIL OF DUNES CITY, OREGON, THIS 10th DAY OF AUGUST, 2000.**

Ayes: 6   Nays: 0   Abstain: 0   Absent: 0

Dated this 10th day of August, 2000.

/s/ Robert B. Ward Jr.  
Robert B. Ward, Jr. , Mayor  
City of Dunes City

ATTEST:

/s/ Mary Spankroy  
Mary Spankroy, City Recorder

**CITY OF DUNES CITY  
LANE COUNTY, OREGON**

**RESOLUTION NO. 05-08-03**

**A RESOLUTION ADOPTING A JOB DESCRIPTION FOR THE ROAD SECRETARY**

**WHEREAS**, the City Council would like the Road Secretary to have certain powers and responsibilities; and

**WHEREAS**, the attached job description has been reviewed by the Road Commission, Mayor and the City Council of the City of Dunes City,

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF DUNES CITY, OREGON, DOES HEREBY ACCEPT THE ATTACHED JOB DESCRIPTION FOR THE ROAD SECRETARY.**

**ADOPTED: May 8th, 2003.**

Ayes: 6      Nays: 0      Abstain: 0      Absent: 0

          /s/ Robert B. Ward, Jr.            
Robert B. Ward Jr., Mayor  
City of Dunes City

ATTEST:

          /s/ Joanne Hickey            
Joanne Hickey, City Recorder

APPENDIX M  
MODIFICATIONS AND APPEALS  
OF ALL MATTERS PERTAINING TO STREETS  
DUNES CITY CODE OF ORDINANCES  
TITLE XV: LAND USAGE, 155.045 -155.999

Modification of any provision of Dunes City Code of Ordinance, Title XV, Chapter 155.045 - 155.999, shall go through the Road Commission for the recommendation to the Planning Commission. Any mediations or appeals that have to do with streets, or any other matters relating to permits that have to do with streets, shall be the standard taken from Dunes City Code of Ordinance 155.045 - 155.999. If the Road Commission and Planning Commission cannot agree on the recommendation of the Road Commission, it shall be automatically be appealed to the Dunes City Council.

***The following is excerpted from Dunes City Code of Ordinance, Title XV, Chapter 155.045 - 155.999.***

## **PROCEDURE FOR MAJOR PARTITIONS AND SUBDIVISIONS**

### **A. TENTATIVE PLAN**

#### § 155.045 SUBMISSION OF TENTATIVE PLAN.

An application for tentative plan approval shall be made by the person proposing the subdivision or major partition or his or her authorized agent or representative in a form prescribed by the city. This form shall be submitted, together with a reproducible sepia and five copies of a subdivision or major partition tentative plan. The plan shall indicate the general program and objectives of the project, including any benefit of public need.  
(Ord. 60, § 3.01, passed 6-14-79)

#### § 155.046 REQUIREMENTS.

##### (A) *Drafting.*

- (1) The tentative plan shall show all required and pertinent information drawn to fit standard size sheets of 18 inches by 24 inches. In all cases, the scale shall be standard, being 10 20, 30, 40, 50, or 60 feet to the inch or multiples of ten of any one of these scales.
- (2) Tentative plans for major partitions and subdivisions shall be prepared by a surveyor who is a state registered engineer or registered state land surveyor. An affidavit of the services of the engineer or land surveyor shall be furnished as part of the tentative plan submitted.

##### (B) *Information required.* The application itself or the tentative plan must contain the following information with respect to the subject area:

- (1) Name and block numbering of proposed subdivisions. Except for the words "town," "city," "place," "court," "addition," or similar words, the name shall be clearly different than, and clearly pronounced different than, the name of any other subdivision in the county unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.

- (2) The date, north point, and scale of the drawing and a sufficient description to define the location and boundaries of the proposed subdivision or major partition area, the names of all recorded subdivisions contiguous to such area, and appropriate identification of the drawing as a tentative plan.
- (3) The names and addresses of the owner and engineer or surveyor.
- (4) The location of existing and proposed right-of-way lines for existing or projected streets as shown on approved plans of the city.
- (5) The locations, names, and widths of all existing and proposed streets, roads, and alleys. The roads, streets, and alleys shall be laid out according to standards established by the Engineer. In general, roads, streets, and alleys should conform to subdivisions and major partitions previously approved for adjoining property as to width, general direction, and in other respects unless it is found in the public interest to modify the street or road pattern.
- (6) Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.
- (7) The elevations of all points used to determine contours shall be indicated on the tentative plan and the points shall be given to true elevation above mean sea level as determined by the City Engineer. The base data used shall be clearly indicated and shall be compatible to city datum, if bench marks are not adjacent. The following intervals are required:
  - (a) Two-foot contour intervals for ground slopes up to 10%.
  - (b) Five-foot contour intervals for ground slopes exceeding 10%.
- (8) The approximate width and location of all existing and proposed easements for public utilities, and all reserve strips required.
- (9) The approximate radii of all curves.
- (10) The general design of the proposed subdivision or major partition, including the approximate dimensions of all proposed lots and parcels.
- (11) The approximate location of areas subject to inundation or storm water overflow, and all areas covered by water, and the location, width, and direction of flow of all water courses.
- (12) The existing and proposed uses of the property, including the location of all existing structures that the applicant intends will remain in the subject area.
- (13) The domestic water system proposed to be installed, including the source, quality, and quantity of water if from other than a public water supply.
- (14) An illuminations plan including the location and size of all street lights to be provided, the power source for such lighting, and the level of illumination as outlined by the illuminations engineers society standard.
- (15) A plan for sewage disposal, flood control, and easements or deeds for drainage land, including profiles of proposed drainage ways. The location of facilities must be shown on the tentative plan.

- (16) All public areas proposed to be dedicated by the applicant and the proposed uses, conditions, or limitations of such reservations.
- (17) All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.
- (18) A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision or major partition is a part; provided that where the proposal comprises all of such area, an affidavit of such fact shall accompany the tentative plan.
- (19) The locations, size, and type of any perennial plantings in public ways.
- (20) A draft of proposed restrictions and covenants affecting the plat.
- (21) Predominant natural features, such as water courses and their flows, marshes, rock outcroppings, and areas subject to inundation and slipping.
- (22) A map setting forth the boundaries of stands of evergreens, and how the development of the proposed subdivision will maximize preservation of those evergreens.
- (23) A preliminary identification of those lots which will possess solar access and newly planted trees which will shade lots.

(Ord. 60, § 3.02, passed 6-14-79; Am. Ord. 62, passed 6-28-79; Am. Ord. 89, passed 12-13-84)

§ 155.047 REVIEW BY UTILITY COMPANIES.

The tentative plan application must be submitted by the subdivider or partitioner to the appropriate utility companies, County Surveyor, and other agencies affected. Copies bearing their comments must be returned to the City Recorder no later than 15 calendar days prior to the City Council meeting at which the plan is to be reviewed for approval.

(Ord. 60, § 3.03, passed 6-14-79)

§ 155.048 REVIEW BY PLANNING COMMISSION.

- (A) The Planning Commission shall consider the tentative plan application and all reports and recommendations at a regular meeting no more than 45 full days after submittal of the tentative plan. The Commission shall recommend approval, denial, or, when further information is required, the Commission may postpone a decision on the application.
- (B) Approval must include affirmative findings that:
  - (1) The tentative plan complies in all respects to applicable provisions of state law requirements and city plans and policies and ordinances.
  - (2) The division of the property 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.

(Ord. 60, § 3.04, passed 6-14-79)

§ 155.049 REVIEW BY CITY COUNCIL.

The City Council shall consider the tentative plan application, the recommendation of the Planning Commission, and all reports at a regular meeting no more than 45 full days after action by the Planning Commission. The City Council shall approve, deny, or, when further information is required, postpone a decision on the application. Approval of the tentative plan must include the affirmative findings listed in § 155.048.

(Ord. 60, § 3.05, passed 6-14-79)

§ 155.050 FINAL DISPOSITION.

- (A) *Notification of applicant.* The City Recorder shall notify the applicant of any recommendation by the Planning Commission or action by the City Council taken on a tentative plan application within seven days of such action and shall note the nature of the action and the effective date thereof on the tentative map.
- (B) *Tentative plan effective date.*
  - (1) Unless appealed, City Council decisions shall become effective on the sixteenth day after being rendered. The applicant may then proceed with final surveying and with preparation for final approval consideration of the major partition map or subdivision plat, as the case may be. Tentative plan approval shall be effective for one year, within which time the application and major partition map or application and subdivision plat must be submitted as required by this chapter to the City Recorder. Otherwise, the entire procedure must be repeated for reconsideration in light of changed conditions that may exist.
  - (2) The approval of the City Council of a tentative plan shall be binding upon the city for the purposes of the preparation of the plat or map and the City Council may require only such changes in the plat or map as are necessary for compliance with the terms of its approval of the tentative plan and shall also be binding on the property owner.

(Ord. 60, § 3.06, passed 6-14-79)

**B. FINAL MAP OR PLAT REVIEW AND PROCESSING**

§ 155.060 SUBMISSION OF PLAT.

Within one year after approval of the tentative plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with the tentative plan as approved. The subdivider shall submit a reproducible sepia, five prints, and additional information as prescribed by this section. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the tentative plan, he or she must submit a new tentative plan and make any revision necessary to meet changed conditions.

(Ord. 60, § 3.07, passed 6-14-79)

§ 155.061 REQUIREMENTS FOR MAP AND PLAT.

- (A) *Drafting.*

- (1) One original drawing, 18 inches by 24 inches in size, and five copies shall be submitted. Original maps and plats shall be in substantial conformity to the approved tentative plan and shall conform to the County Surveyor's specifications and requirements pertaining to material that has characteristics of adequate strength and permanency as well as suitability for binding and copying.
  - (2) Plats and maps shall be in clear and legible form and may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for all plats placed on more than one sheet. Scale requirements shall be the same as specified for tentative plans. Lettering and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible, and no part of the plat shall come nearer to any edge of any sheet than one inch.
- (B) *Information required.* The application itself or the proposed subdivision plat or the major partition map must contain the following information with respect to the subject area:
- (1) Traverse computation sheets, for subdivisions only. The registered engineer or registered land surveyor signing the surveyor's affidavit on the plat shall submit traverse computation sheets for the use of the City Engineer in checking the plat. The sheets shall include the calculation of each course and distance by latitude and departure of all the boundary lines and of all lot lines in the plat which are not completely rectangular in shape. Each course and distance and each latitude and departure shall be tabulated on the traverse computation sheet in the proper order to show the closure limits of each area, and rectangular coordinates of every angle point shall be shown from a single point or origin.
  - (2) Traverse computation sheets for a major partition map which will create a street.
  - (3) The lengths of all chords, radii, points of curvature, and chord bearings.
  - (4) The lot lines of all lots within the subdivision, or all parcel lines within the major partition, with dimensions in feet and hundredths of feet and with all bearings shown.
  - (5) Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.
  - (6) Where a plat is an addition to a plat previously recorded, numbers of blocks and lots inconsecutive continuation from such previous plat.
  - (7) The description and location of all permanent reference monuments.
  - (8) An affidavit of a surveyor, who is a state registered engineer or state registered land surveyor and who surveyed the subdivision or major partition, conforming to the requirements of the Oregon Revised Statutes.
  - (9) The date, north point and scale of the drawing, and a sufficient description to define the location and boundaries of the subdivision or major partition.
  - (10) The name of the subdivision.
  - (11) The zoning of, and the comprehensive plan for, the property.
  - (12) The locations, names, and widths of all streets and alleys existing or being created.

- (13) The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required as provided for by this chapter.
- (14) A designation of all areas covered by water, and the location, width, and direction of flow of all water courses showing seasonal fluctuations, if any.
- (15) A designation of all area being dedicated for public use by the applicant, including proposed uses, and an effective written dedication thereof.
- (16) Designation of all donations to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plat for the subdivision or major partition.
- (17) A copy of all protective deed restrictions being proposed.
- (18) A title report issued by a title insurance company licensed by the state verifying ownership by the applicant of the real property that is to be dedicated to the public.
- (19) A designation of any special notice, requirement, or restriction required by the city relating to public improvements or as a condition of approval.
- (20) Identification of those lots which will possess solar access and newly planted trees which will shade lots.  
(Ord. 60, § 3.08, passed 6-14-79; Am. Ord. 89, passed 12-13-84)

§ 155.062 REVIEW BY UTILITY COMPANIES.

Major partition maps and subdivision plats must be submitted to the appropriate utility companies, and copies bearing their comments must be returned to the City Recorder no later than 15 calendar days prior to the City Council meeting at which the plan is to be reviewed for approval.

(Ord. 60, § 3.09, passed 6-14-79)

§ 155.063 REVIEW BY CITY COUNCIL.

The City Council shall approve, deny, or, when further information is required, postpone a decision on the application. Approval must include affirmative findings that:

- (A) The major partition map or subdivision plat complies in all respects to applicable provisions of state law, requirements and purpose of this chapter, and city plans and policies.
- (B) Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public easements.
- (C) Streets and roads held for private use and indicated on the tentative plan of such subdivision or major partition have been approved by the city.
- (D) The plat or map is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition, as previously approved.

- (E) The plat or map contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or major partition.
- (F) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the major partition have been accounted for and referenced on the plat or map.
- (G) There will exist an adequate quantity and quality of water and an adequate approved sewage disposal system to support the proposed use of the land described in the plat.
- (H) Either:
  - (1) Improvements as required by this chapter or as a condition of tentative plan approval have been completed, and a certificate of such fact has been filed with the City Recorder by the City Engineer;
  - (2) A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the city, has been filed with the City Recorder in sufficient amount to insure the completion of all required improvements; or
  - (3) A petition for improvements has been properly executed by the applicant who is effecting the partition or subdivision and will be assessed for the improvements.
- (I) Taxes as well as public liens, assessments, and fees with respect to the subdivision or major partition area have been paid, or adequate guarantee has been provided assuring the taxes, liens, assessments, and fees will be paid prior to recordation.

(Ord. 60, § 3.10, passed 6-14-79)

§ 155.064 FINAL DISPOSITION.

Subdivision or major partition approval shall be evidenced by the signature thereon of the Mayor with the date of such approval. In the event of denial, the City Recorder shall cause notice and the reasons for same to be furnished to the applicant.

(Ord. 60, § 3.11, passed 6-14-79)

§ 155.065 EXPIRATION AND APPROVAL.

If the conditions set at the time of approval are not fulfilled and the plat or map is not offered for record by the partitioner or subdivider in the office of the county recording officer within one year, subdivision or major partition approval, as the case may be, is null and void and a new application for plat or map approval must be submitted for reconsideration.

(Ord. 60, § 3.12, passed 6-14-79)

§ 155.066 DELIVERY TO COUNTY RECORDER.

Following the approval by the City Council:

- (A) *Subdivisions.* In the case of a subdivision the owner or his or her agent shall:

- (1) Obtain on the approved subdivision plat the signature of the County Assessor, whose signature shall certify that all taxes on the property have been paid.
  - (2) Obtain on the approved subdivision plat the signature of the surveyor, whose signature shall certify that the platting laws of this state and the requirements of this chapter have been complied with.
  - (3) Obtain the signature on the approved subdivision plat of a majority of the City Council whose signatures shall certify that the plat is approved by them.
  - (4) Deliver the approved subdivision plat to the office of the County Recorder.
- (B) *Partitions.* In the case of an approved minor partition and major partition, the owner or his or her agent shall deliver it to the office of the County Recorder to be offered for record.  
(Ord. 60, § 3.13, passed 6-14-79)

§ 155.067 DELIVERY TO CITY.

- (A) *Subdivisions.* In addition to the requirements of Oregon Revised Statutes pertaining to filing and recording of approved subdivision plats, the sub-divider shall furnish the City Engineer one exact reproducible copy thereof, composed of the same material as required by the County Surveyor, or if not so required, such material and specifications as required by the city. The copy shall be furnished to the city within six working days of recordation.
- (B) *Major partitions.* In the case of an approved and recorded major partition map, the procedures and requirements shall be the same as specified in connection with delivery of subdivision plats to the city.  
(Ord. 60, § 3.14, passed 6-14-79)

**DESIGN AND DEVELOPMENT STANDARDS**

§ 155.080 GENERAL PROVISIONS.

All partitions and subdivisions shall conform to the design and development standards specified in the following sections, the Zoning Ordinance, and the Comprehensive Plan. The standards so specified shall be considered as the minimum appropriate for normal partition or subdivision development and are not intended to limit the partitioner or subdivider from using higher standards of design and development. The city may require appropriate higher design and development standards than the minimum required by this section upon a finding by the City Council that the division is located in an area possessing natural conditions which require special consideration or the division is intended for especially intensive development. All divisions shall be evaluated in terms of efficiency in the use of land, protection of natural features, and pleasing, convenient, and functional design. Requirements not otherwise contained in this section may be prescribed when needed to ensure that established criteria and standards of professional subdivision design are maintained in the city.

(Ord. 60, § 4.01, passed 6-14-79) Penalty, see § 155.999

§ 155.081 STREETS.

(A) *Dedication.*

- (1) *Generally.* The city may require adequate and proper streets, including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the subdivider of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the subdivision area in accordance with the purpose of this chapter.
- (2) *Special safety requirements.* Where necessary to insure safety, reduce traffic hazards, and promote the welfare of the general public and residents of the subdivision area, the city may require that local streets be so designed as to discourage their use by nonlocal traffic.
- (3) *Road standards.* Standards pertaining to the dedication and improvement of streets, alleys, blocks, and drainage shall be complied with as required by the City Engineer.
  - (a) Adoption of a master road plan. Upon adoption and approval by the City Council of any such plan or amendments thereto, as from time to time may be submitted by the Planning Commission, a copy thereof shall be filed with the City Recorder and a copy shall be kept in city offices for the use and information of the general public.
  - (b) *Effects of adoptions.* Any such plan or plans and amendments thereto adopted by the City Council shall be considered to be a correct designation of the transportation, access, and safety needs of the area or areas included with respect to the streets designated thereon for the purpose of determining design and location of streets, unless convincing evidence to the contrary is presented.

(B) *Width.*

- (1) *Generally.* Widths of street rights-of-way and paving design for streets shall be not less than those set forth in the table below; except that for a street abutting land not in the subdivision area a lesser width may be allowed at the discretion of the city where the subdivider presents a satisfactory plan whereby such street will be expanded to the width otherwise required.
- (2) *Existing adjacent street.* The widths of street rights-of-way provided in the table below shall be the minimum widths of rights-of-way for streets existing along and adjacent to any boundary of the subdivision area, and the subdivider shall dedicate additional right-of-way, as determined by the city in accordance with such table, for any such adjacent street where the existing width of right-of-way for such street is less than the minimum in such table.
- (3) *Slopes easements.* If required, slope easements shall be dedicated in accordance with city specifications.

[Street right-of-way table begins on next page]

<b>TYPE OF STREET</b>	<b>RIGHT-OF-WAY WIDTH</b>	<b>PAVING WIDTH</b>
<b>ARTERIALS</b>	60' - 120' **	24' - 48' **
<b>COLLECTOR STREETS AND ALL BUSINESS STREETS OTHER THAN ARTERIALS</b>	60' - 80' **	24' - 44' **
<b>LOCAL STREETS IN SINGLE FAMILY DENSITY AREAS –</b> Streets which in the judgment of the Planning Commission will never be more than 2400' in length, and which will have a relatively even division of traffic to two or more exits.	50'	22'
<b>CUL-DE-SACS</b>	50'	20'
<b>CIRCULAR ENDS OF CUL-DE-SACS</b>	92' ***	70' ***
<b>ALL STREETS NOT SPECIFICALLY PROVIDED FOR ABOVE</b>	60' **	40' **

(C) *Reserve strips.* The city may require the subdivider to create a reserve strip controlling the access to a street, the strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the city determines that a strip is necessary:

- (1) To prevent access to abutting land at the end of a road in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road.
- (2) To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed.
- (3) To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs have been determined by the city and paid to the appropriate persons by the property owner gaining access.

- (4) To prevent access to land unsuitable for development.
  - (5) To prevent or limit access to roads classified as arterials.
- (D) *Intersections of streets.*
- (1) *Angles.* Streets shall intersect one another at an angle as near to a right angle as is practicable considering topography of the area and previous adjacent layout; where not so practicable, the right-of-way and street paving within the acute angle shall have a minimum of 30 degrees centerline radius where such angle is not less than 60 degrees. In the case of street intersecting at an angle of less than 60 degrees, then of such minimum as the city may determine in accordance with the purpose of this chapter.
  - (2) *Jogs.* Intersections shall be so designed that no jog dangerous to the traveling public is created as a result of staggering of intersections; and in no case shall there be a jog less than 100 feet.
- (E) *Topography.* The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this chapter.
- (F) *Future extension of streets.* Where the subdivision area is adjacent to land likely to be subdivided in the future, streets shall continue through to the boundary lines of the tract under the same ownership of which the subdivision area is a part where the city determines that such continuation is necessary to provide for the orderly subdivision of such adjacent land or the transportation and access needs of the community.
- (G) *Cul-de-sacs.* There shall be no cul-de-sacs more than 500 feet long or serving more than 18 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of right-of-way width and paving as shown in the table above.
- (H) *Street names.* Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for streets that are not in alignment with existing streets are subject to approval by the Planning Commission and shall not necessarily duplicate or resemble the name of any existing or platted street in the city or the surrounding area.
- (I) *Grades and curves.* Unless otherwise approved by the city because topographical conditions will not reasonably permit, grades shall not exceed 7% on all streets. Centerline radii on curves shall not be less than 300 feet on arterials, 200 feet on collectors, and 100 feet on all other streets.

(Ord. 60, § 4.02, passed 6-14-79; Am. Ord. 111, passed 2-12-87; Am. Ord. 117, passed 5-8-87)  
 Penalty, see § 155.999

§155.082 ALLEYS.

- (A) *Dedication.* The city may require adequate and proper alleys to be dedicated to the public by the subdivider of such design and in such location as necessary to provide for the access needs of the subdivision area in accordance with the purpose of this chapter.
- (B) *Width.* Width of right-of-way and paving design for alleys shall be not less than 15 feet, except that for an alley abutting land not in the subdivision area a lesser width may be allowed in the discretion of the city where the subdivider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required.
- (C) *Corner cutoffs.* Where two alleys intersect, ten feet corner cutoffs shall be provided.
- (D) *Grades and curves.* Unless otherwise approved by the Planning Commission where topographical

conditions will not reasonably permit, radii on curves shall not be less than 100 feet.

Ord. 60, § 4.03, passed 6-14-79)  
Penalty, see §§ 155.999.

§ 155.083 EASEMENTS.

- (A) *Pedestrian and bicycle ways.* When necessary for public convenience and safety, the city may require the subdivider to dedicate to the public pedestrian and bicycle ways up to 15 feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, or to provide access to schools, parks, or other public areas of such design and location as reasonably required to facilitate pedestrian or bicycle travel.
- (B) *Easements for utilities.* Dedication of easement for storm water sewers, and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water, and dedication of easements for sanitary sewers, and for access thereto for maintenance and dedication of easements for other public utilities may be required of the subdivider by the city along lot rear lines, lot side lines, or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this chapter. Easements for utility lines shall be not less than 14 feet in width; except that for an easement abutting land not in the subdivision area a lesser width may be allowed at the discretion of the city where the subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required.

(Ord. 60, § 4.04, passed 6-14-79)  
Penalty, see § 155.999

§ 155.084 LOTS.

- (A) *General dimensional requirements.* The size, width, shape, and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall comply with lot requirements of the Zoning Ordinance. Where property is zoned and planned for business or industrial use, the depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (1) *Depth.* Each lot shall have an average depth between the lot front line and the lot rear line of not less than the applicable minimum average width requirement for such lot, but in no case shall be less than 80 feet, and not more than two and one-half times the average width between the lot side lines.
- (2) *Frontage.* Each lot shall have frontage of not less than 60 feet upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than 35 feet upon a street, measured on the arc. Lots with water frontage shall have a minimum of 50 feet frontage.
- (B) *Key lots and butt lots.* There shall be no key lots or butt lots except where authorized by the city where such lots are necessitated by unusual topographic conditions or previous adjacent layout.
- (C) *Lot side lines.* As far as is practicable, lot side lines shall run at right angles to the street upon which the lots face, except that on curved streets they shall be radial to the curve.
- (D) *Suitability for intended use.* All lots shall be suitable for the purpose for which they are intended to be used. No lot shall be of such size or design as to be detrimental to the health, safety, or sanitary needs of the residents of the subdivision area or of such lot, as determined by the city in accordance with the

purpose of this chapter.

- (E) *Future subdivision of lots.* Where the subdivision will result in a lot two acres or larger in size which in the judgment of the Planning Commission is likely to be subdivided in the future, the Planning Commission may require that the location of lot lines and other details of layout be such that future subdivision may readily be made without violating the requirements of this chapter and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record if the Planning Commission deems it necessary for the purpose of future subdivision.
- (F) *Panhandle divisions.* Panhandle lots shall not be permitted in new subdivisions.
- (G) *Land for public purpose.* When the city, the school district, or other public agency has expressed a definite interest in acquiring a specified portion of a proposed division for a needed public purpose and there is reasonable assurance that steps will be taken to acquire the land, then the city may require that those portions of the division be reserved for public acquisition at a negotiated price for a period not to exceed six months from the date of City Council approval of a subdivision tentative plan.
- (H) *Lake access.* Common access may be provided within a subdivision where maintenance is provided for in deed covenants.

(Ord. 60, § 4.05, passed 6-14-79)  
Penalty, see § 155.999

#### § 155.085 DRAINAGE.

Where land in the subdivision area is or will be periodically subject to accumulations of surface water or is traversed by any water course, channel, stream, or creek, the city may require the subdivider to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefor approved by the City Council as adequate for the drainage needs of the area, or, where necessary in the judgment of the City Council for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the city.

(Ord. 60, § 4.07, passed 6-14-79)

#### § 155.086 PARTIAL DEVELOPMENT.

Where the subdivision area includes only part of the tract owned by the subdivider, the city may require a sketch of a tentative layout of streets in the remainder of the tract.

(Ord. 60, § 4.08, passed 6-14-79)

#### § 155.087 UNSUITABLE AREAS.

No lands shall be subdivided where the intended use may be dangerous to the health and safety of the public or those who would live in such areas.

- (A) Areas subject to flooding shall not be subdivided unless provisions of the National Flood Insurance Program are met.
- (B) Where slopes exceed 16%, the city may require the report of an engineering geologist before land may be subdivided.
- (C) Where slopes exceed 12%, the city will require a site review before land may be subdivided. Where slopes

exceed 16%, proof of the safety of the proposed development must be shown before the land may be subdivided.

- (D) No land subject to landslides shall be subdivided.
- (E) No land shall be subdivided unless a site-specific investigation of sewage disposal capability has been completed according to procedures established by the State Department of Environmental Quality.

(Ord. 60, § 4.09, passed 6-14-79; Am. Ord. 62, passed 6-28-79) Penalty, see § 155.999

#### § 155.088 DEVELOPMENT LIMITATIONS.

The limitations upon construction set forth in §§ 3, 4, and 5, or Ordinance 50 with amendments shall also control development within a subdivision. Areas zoned OS-L and OS-S shall not be developed in a subdivision. (Ord. 60, § 4.10, passed 6-14-79; Am. Ord. 62, passed 6-28-79) Penalty, see § 155.999

#### § 155.089 ACCESS.

##### (A) *Restrictions with regard to access points.*

- (1) Each property is entitled to access to a street.
- (2) Direct driveway access to collector and arterial streets shall be avoided where possible. On a corner lot or parcel adjacent to two public roads the applicant may be required to take access from only one road. Access shall normally be taken on the minor of two intersecting streets.
- (3) When appropriate, the use of joint driveways for adjoining properties may be required.
- (4) Exceptions to these access control standards may be permitted by the City Council or its designee in the interest of traffic safety and good engineering and planning practice. Such exceptions may require further restrictions on the use of the driveway.
- (5) The city reserves the right to make or require such changes, additions, and repairs in the right-of-way that at any time are considered necessary to permit relocation, reconstruction, widening, or maintenance of the roadway or to provide proper protection of life or property on or adjacent to the roadway.

##### (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, or for their proper projection when adjoining property is not subdivided or partitioned, and such streets shall be of a width not less than the minimum requirements for roads set forth in this chapter. Where the approving authority determines that topographic conditions make such continuation or conformance impractical, exceptions may be made.
- (2) Redevelopment plans may be required to show compliance with § 2 (B) of this chapter.

##### (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.

- (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.
- (c) The roadway provides actual physical access to the lots or parcels.
- (2) Public roadways and easements used as access to lots or parcels shall be designed and developed according to the standards of this chapter.
- (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 unsubdivided or unpartitioned tracts of land accessed by any portion of the easement.
  - (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.
  - (c) The minimum width of roadway easements shall be 50 feet.
  - (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.
  - (e) The city may require such improvements as are reasonably necessary to provide safe and adequate access to the lot or parcel.
  - (f) A lot or parcel abutting a railroad or limited access road right-of-way may require special consideration with respect to its access requirements.
  - (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.
  - (h) All approved roadway easements shall be recorded in the title of the affected properties and recorded with the county.
  - (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.

(Ord. 60, §§ 1.09 through 1.11, passed 6-14-79; Am. Ord. 111, passed 2-12-87; Am. Ord. 117, passed 5-8-87)  
 Penalty, see § 155.999

§ 155.090 SOLAR ACCESS STANDARDS.

The development shall be designed so that solar access is available to south-facing building walls and rooftops on December 21 at noon, unless not feasible due to property size, configuration, orientation, existing vegetation, topography, or other physical constraints. Application of this standard shall include but not be limited to the placement and orientation of streets, blocks, and lots, the location and orientation of buildings, and the type and location of trees to be planted.

(Ord. 89, passed 12-13-84)

**IMPROVEMENTS**

§ 155.100 AGREEMENT FOR IMPROVEMENTS.

- (A) Before City Council approval of a subdivision plat or partition map, the city may require the land divider to either install required improvements and repair existing streets and other public facilities damaged in the development of the property or execute and file with the City Recorder an agreement between him- or herself and the city.

(Ord. 60, § 5.01, passed 6-14-79)

- (B) The City Council shall consider for approval the final plat or finished plat provided that at the time of submission of such plat or finished plat a petition for improvements as required herein has been properly executed by the subdivider who is effecting the subdivision and will be assessed for the improvements.

(Ord. 60, § 5.13, passed 6-14-79)

§ 155.101 SPECIFICATIONS.

- (A) *Submitting specifications.* The City Council shall cause to have prepared and shall adopt specifications for improvements, including the construction of streets and alleys, construction of curbs and gutters, dedication of slope easements for streets and alleys, construction of drainage facilities, landscaping, and construction of pedestrian ways in subdivision areas. Such specifications shall conform to proper engineering standards relevant thereto, and be so devised as to facilitate provision for the health, safety, and welfare needs of the city area affected in accordance with the purpose of this chapter.

- (B) *Procedure.* The procedure for preparing, submitting, and adopting all such specifications and amendments thereto, including notice and hearing, shall conform to that required by law for the enactment of ordinances.

- (C) *Adoption of specifications.* Upon adoption by the City Council of any such specifications and amendments thereto, as from time to time may be adopted by the City Engineer, a copy thereof shall be filed with the City Recorder and a copy shall be kept in the office of the City Engineer and in the City Hall for the use and information of the general public. The city will publish city specifications and typical drawings for sale to the public.

(Ord. 60, § 5.02, passed 6-14-79)

§ 155.102 WATER SUPPLY.

All lots within the subdivision area shall, where needed as determined by the City Council in accordance with the purpose of this chapter, be served by an approved water supply.

(Ord. 60, § 5.03, passed 6-14-79) Penalty, see § 155.999

§ 155.103 SEWAGE.

All lots within the subdivision area shall, as determined by the City Council in accordance with the purpose of this chapter, be served by a sewage system approved by the State Department of Environmental Quality.

(Ord. 60, § 5.04, passed 6-14-79) Penalty, see § 155.999

§ 155.104 DRAINAGE.

Such grading shall be done and such drainage facilities shall be constructed by the subdivider as are adequate for the purpose of proper drainage of the subdivision area or areas affected thereby, and for the preservation of healthful and convenient surroundings and conditions for residents of the subdivision area and the benefit of the general public, in accordance with the specifications of this chapter.

(Ord. 60, § 5.05, passed 6-14-79) Penalty, see § 155.999

§ 155.105 STREETS AND ALLEYS.

The subdivider shall grade and pave all streets and alleys in the subdivision area to the width specified in § 155.081 of this chapter and provide for drainage of all such streets and alleys, and construct curbs and gutters within the subdivision area in accordance with specifications adopted by the City Council under § 155.101. Such improvements shall be constructed to specifications of the city.

(Ord. 60, § 5.06, passed 6-14-79) Penalty, see § 155.999

§ 155.106 SIDEWALKS.

Any sidewalks located and constructed in accordance with the provisions of this chapter shall include handicapped ramps at all street intersections.

(Ord. 60, § 5.07, passed 6-14-79) Penalty, see § 155.999

§ 155.107 PEDESTRIAN WAYS.

A walk strip not less than five feet in width may be paved in the center of all dedicated pedestrian ways. Such paving shall conform to specifications adopted by the City Council under § 155.101

(Ord. 60, § 5.08, passed 6-14-79) Penalty, see § 155.999

§ 155.108 UNDERGROUND INSTALLATION OF UTILITY AND SERVICE FACILITIES.

All utility lines, including but not limited to those required for electric, communication, lighting, and cable television services and related facilities, shall be placed underground (in non-metallic conduits), except surface-mounted transformers, surface-mounted connection boxes, and meter cabinets which may be placed above ground, temporary utility service facilities during construction, high capacity electric and communication feeder lines, and utility transmission lines operating at 50,000 volts or above. The subdivider shall make all necessary arrangements with the serving utility to provide the underground services.

(Ord. 60, § 5.09, passed 6-14-79) Penalty, see § 155.999

§ 155.109 BIKEWAYS AND BIKE PATHS.

The City Council shall consider the need for bikeways or bike paths in the subdivision in relation to adopted plans for bikeways in the community and may require installation and dedication by the subdivider. Construction shall conform to the specifications adopted by the City Council. Bikeways may be built in conjunction with sidewalks and pedestrian ways.

(Ord. 60, § 5.10, passed 6-14-79) Penalty, see § 155.999

§ 155.110 STREET LIGHTS.

The developer may be required to install street lights in a pattern fitting the subdivision and according to the specifications of the Central Lincoln Peoples's Utility District.

(Ord. 60, § 5.11, passed 6-14-79) Penalty, see § 155.999

§ 155.111 FIRE HYDRANTS.

The developer is to install suitable fire hydrants meeting city specifications to serve fire flow requirements of the subdivision.

(Ord. 60, § 5.12, passed 6-14-79) Penalty, see § 155.999

**FEES**

§ 155.125 FEES.

(A) A land divider shall pay an application fee as established by resolution of the City Council, which shall be in addition to fees to be paid the County Recorder pursuant to O.R.S. 205.350 and other county fees:

- (1) For a subdivision application.
- (2) For a major partition application.
- (3) For a minor partition.
- (4) For a concept review.

(B) If the final subdivision plat does not fully conform with the approved tentative plan, an additional fee of \$50 shall be paid before approval of the plat shall be completed.

(Ord. 60, § 6.01, passed 6-14-79)

**MODIFICATIONS AND APPEALS**

§ 155.135 MODIFICATIONS.

(A) *Application for modification.*

- (1) *Time for submitting application.* Concurrently with submitting a tentative plan to the City Recorder for initial Planning Commission consideration, a subdivider may submit to the City Recorder an application for a modification of any provision of § 155.045 et seq., § 155.060 et seq., § 155.080 et seq., or § 155.100 et seq.
- (2) *Contents of application.* An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:
  - (a) Such provision, if strictly applied, would cause unique and unnecessary hardship to such subdivider in subdividing the subdivision area.
  - (b) Modification of such provision would not be contrary to the purpose of this chapter for the reason that:
    1. Where the application is for a modification of any provision of § 155.080 et seq. or § 155.100 et seq., unusual topographic conditions or previous layout of the subdivision area or neighboring area reasonably require such modification and such modification will not be substantially injurious to the best use and value of property in the neighboring area; or
    2. Where the application is for a modification of any provision of § 155.045 et seq. or § 155.060 et seq., the purpose of such provision has been fulfilled without a strict application thereof, and the interest of the public in efficient transaction of public business will best be served by such modification.

(Ord. 60, § 7.01, passed 6-14-79)

(B) *Consideration of application for modification.*

- (1) *Time of consideration.* Application for a modification shall be considered at the Planning Commission meeting at which the tentative plan accompanying the application for a modification is to be considered by the Planning Commission, and at the subsequent meeting where the recommendations of the Planning Commission are considered by the City Council. The City Council may also consider applications for a modification at its discretion.
- (2) *Allowance of modification.* If a majority of a quorum of the Planning Commission determines from such evidence as it deems necessary and competent that the circumstances specified in (A) have been shown to exist, it shall recommend the application to such extent and on such terms and conditions as it considers proper in accordance with the purpose of this chapter. The City Council shall take action to accept or deny the modification prior to or in conjunction with its consideration of the tentative plan.
- (3) *Effect of allowance of modification.* After the procedure provided in (A) has been duly complied with, the Planning Commission shall proceed to consider the tentative plan which accompanied the application for such modification. Such consideration shall proceed under the requirements therefor heretofore provided in this chapter, but the Planning Commission and subsequently the City Council, if it accepts the modifications, may consider any provision of § 155.045 et seq., § 155.060 et seq., § 155.080 et seq., or § 155.100 et seq. to be satisfied to the extent and under the conditions and terms of the modifications allowed.
- (4) *Refusal to allow modification.* If a modification is not allowed by the City Council as provided in this division (B), the application for modification shall be deemed to have been denied and the City Council shall proceed to consider the tentative plan which accompanied the application for such modification under the requirements heretofore provided in this chapter.

(Ord. 60, § 7.02, passed 6-14-79)

§ 155.136 APPEALS.

- (A) *Appeal.* An appeal may be made to the City Council by the applicant, interested person, or by the City Council's own motion if the Planning Commission does not take action required by this chapter within 45 days after such plat is so submitted, and the subdivider believes that such action or failure to take action on such plat is erroneous. Such appeal shall be taken no later than ten days after the Planning Commission's action or the expiration of such 45-day period, whichever the case may be.
- (B) *Notice of appeal.* The appeal notice shall be filed in written form with the City Council and shall include a concise statement of the grounds upon which the appellant claims the decision appealed was erroneous.
- (C) *Response by city.* The city shall notify the appellant by letter confirming the receipt of the appeal and stating the appeal procedures and date the appeal will be heard by the City Council.

(Ord. 60, § 7.03, passed 6-14-79)

§ 155.999 PENALTY.

- (A) A person, firm or corporation violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine of not more than \$5,000, or confinement in the city jail not to exceed 60 days, or both fine and imprisonment. Each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of any provision of this chapter is committed or continued by such person, firm, or corporation, and shall be punished accordingly.
- (B) Violations of this chapter may be abated as a nuisance according to procedures set forth in Chapter 91.

(Ord. 60, § 10.01, passed 6-14-79)

## SUBDIVISIONS APPENDIX: DIAGRAMS

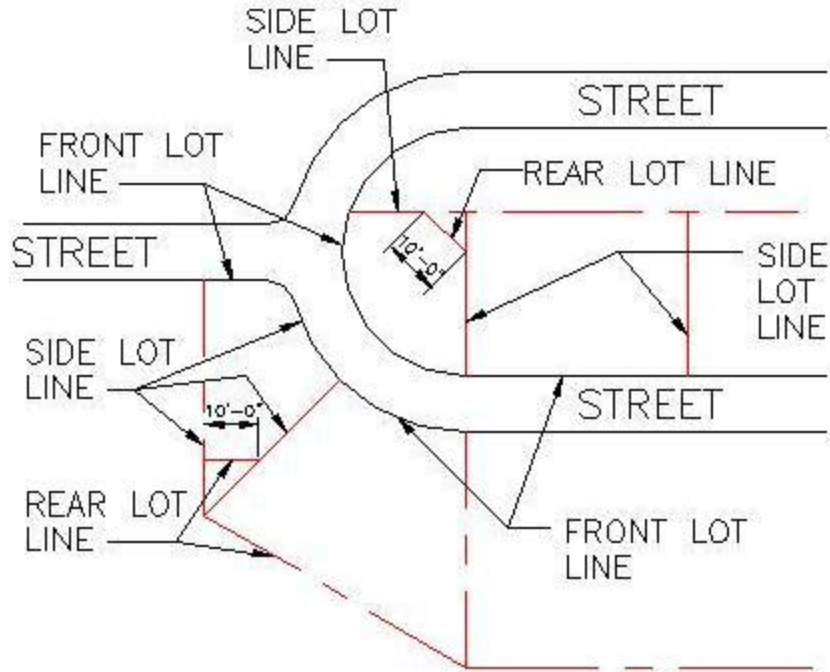
### Section

1. Lot lines, depth, and width
2. Corner lots
3. Interior lots
4. Through and double frontage lots
5. Subdivision street types

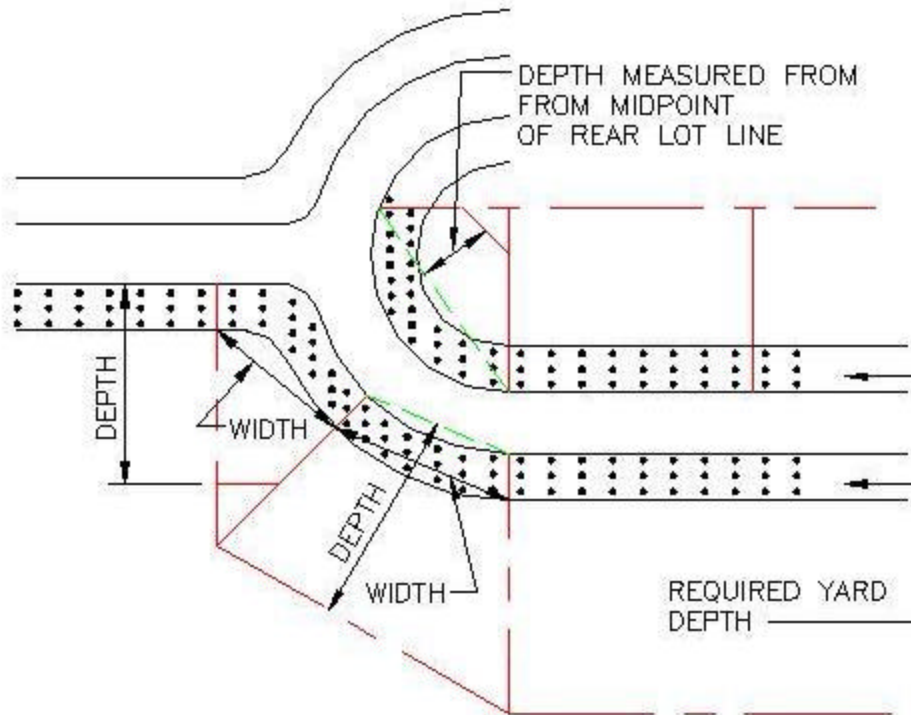
[Diagrams on following pages]

§ 1. LOT LINES, DEPTH, AND WIDTH.

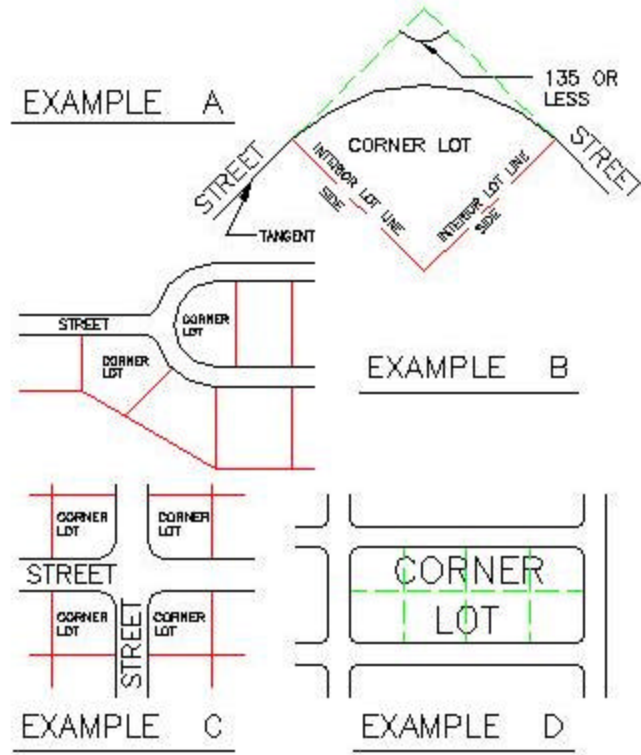
(A) Lot Configurations



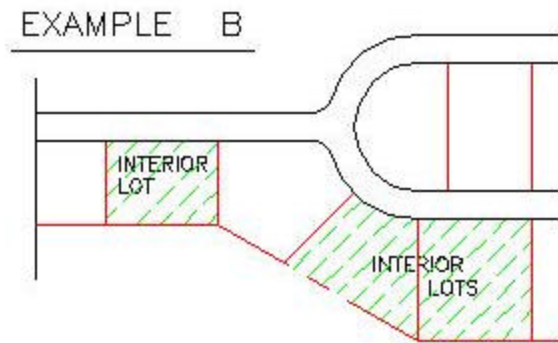
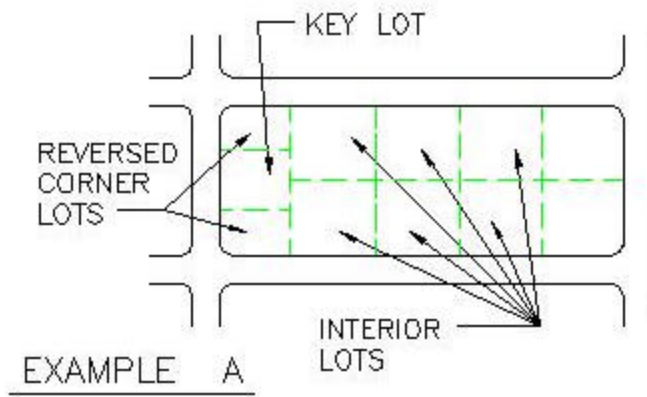
(B) Mid-point Depth of Rear Lot Line, Yard Depth



§ 2. CORNER LOTS.



§ 3. INTERIOR LOTS.



§ 4. THROUGH AND DOUBLE FRONTAGE LOTS.

