

**BEFORE THE PLANNING COMMISSION
OF
LINCOLN COUNTY, OREGON**

Applicant: Oregon State University, Land)
Use Planning Manager David Dodson)
Owners: Alvin & Bonnie Boldt)

Case File: 01-PAR-PC-18
Findings, Conclusions, and
Final Order

Nature of the Application

Oregon State University is requesting to partition a parcel 20.05 acres in size into two parcels. Proposed Parcel 1 will be 4.42 acres in size. Proposed Parcel 2 will be 15.63 acres in size. If approved, Parcel 1 is to be acquired by Oregon State University for the use of a private utility facility under case file #09-C-PC-18.

Relevant Facts

1. The subject property is located at 939 NW Wenger Lane and is further identified on Lincoln County Assessor's map 13-11-07B as tax lot 2500.
2. The subject property is zoned Rural Residential RR-2.
3. The comprehensive plan designation is Dispersed Residential DR.
4. The subject property is 20.05 acres.
5. Subject property is served by the following utilities:
 - a. Sewer: On-site septic system for the existing single-family residence
 - b. Water: Seal Rock Water District
 - c. Electricity: Central Lincoln PUD
6. Details of the applicant's proposal can be found in staff report and evidence submitted by the applicant, which is incorporated into the record herein.
7. A public hearing was held before the Lincoln County Planning Commission on Monday, May 14, 2018. All interested parties were given an opportunity to testify.
8. Lincoln County Planning Commission Chairperson Richard Johnson opened the hearing and described the hearing procedure for the hearing, including the order of testimony, a call

for ex-parte contact or conflicts of interest, and a recital of the "Raise-it-or-waive-it" statement as required under ORS 197.763.

9. Senior Planner Hui Rodomsky presented the staff report on behalf of Lincoln County.
10. The Applicant, David Dodson, presented the partition request.
11. There were no interested parties testifying in support or opposition of the application. Chair Johnson then closed the hearing.
12. The Commissioners then deliberated the partition request. Following deliberations, the Commissioners voted unanimously to approve the application.

Relevant Criteria

1. Section 1.1345(3): Rural Residential Zone RR-2 Standards
2. Section 1.3220: Approval of Partitions
3. Section 1.3230: General Requirements and Minimum Standards of Design and Development
4. Section 1.3237: Procedure for Subdividing, Partitioning or Replatting Land
5. Section 1.3242: Plat Requirements

Findings

The Commission finds:

1. The subject property is 20.05 acres.
2. Proposed Parcel 1 is to be 4.42 acres in size, and proposed Parcel 2 is to be 15.63 acres in size. Both proposed parcels meet the minimum lot size of 2 acres.

Conclusion:

The record and findings suggest the conclusion that:

1. Substantial evidence in the record demonstrates that the proposed partition meets Lincoln County Code.

Order:

It is ORDERED by the Lincoln County Planning Commission that Case File #01-PAR-PC-18 be APPROVED subject to the following conditions:

Final approval is subject to the following conditions:

1. Development of the site shall be in substantial conformance with the approved plan. Any substantial change in the approved plan shall be submitted to the Planning Division as an application for a new land division.
2. Within two years of tentative approval the applicant shall submit a final plat and one exact copy meeting the requirements of Lincoln County Code 1.3242 and Oregon Revised Statute 92.050 to 92.100. The submitted plat shall:
 - a) Be made by a registered professional land surveyor and shall conform to the requirements of ORS Chapter 92 and the plat standards of the Lincoln County Surveyor.
 - b) Clearly show any encroachment, hiatus or property line discrepancy existing on the property.
 - c) Show all recorded and proposed easements on the property along with the following information:
 - i. The specific location and size by dimensions or description.
 - ii. If previously recorded, the County Clerk's recording reference.
 - iii. The purpose and type of easement and whether it is a public or private easement and, if private, state who benefits from the easement. Any public or private easement to be created, or any other restriction made, shall be noted in the declaration. Public easements shall include language in the declaration that dedicates the easement to the use of the public.
3. The applicant shall submit all covenants, codes and restrictions accompanying the creation of these new lots, if applicable.
4. The applicant shall provide a method of sewage disposal approved by the Lincoln County On-Site Waste Management Division.
5. The applicant shall submit a copy of a filed survey of the perimeter boundaries of the subject property filed not less than 30 days prior to the granting of final approval, or a statement of waiver from the County Surveyor.
6. A certification by Seal Rock Water District that the water is available to the boundary line of each and every lot or parcel depicted in the proposed subdivision or partition.
7. An engineer licensed in the State of Oregon shall prepare all plans and specifications for street and road improvements. The applicant shall obtain "As-built" certification by a professional engineer licensed in the State of Oregon, certifying that the proposed private road (i.e. access easement) and turn-a-round meets AASHTO standards or other

acceptable design principles and construction specifications consistent with generally accepted engineering practices.

CERTIFICATIONS REQUIRED FOR FINAL APPROVAL:

- a. A plat and one exact copy meeting the requirements of LCC 1.3242 and ORS Chapter 92.
- b. A preliminary title report or lot book report documenting the ownership of the subject property issued not more than 30 days prior to the date the final plat is submitted for approval. All easements of record shall be identified in the submitted report.
- c. Copies of deeds, conveyances or other recorded documents pertaining to any easements, which the platted property is subject.
- d. Copy of covenants, codes and restriction, if applicable.
- e. Certification from the Lincoln County On-site Waste Management Division that proposed Parcel #1 has been approved for an on-site sewage disposal system in accordance with #4 above.
- f. The applicant shall submit a copy of filed survey, or waiver from County Surveyor in accordance with #5 above.
- g. The applicant shall submit a signed statement from Seal Rock Water District indicating that water service will be provided to Parcel #1 in accordance with #6 above.
- h. "As-Built" plans certified by an engineer licensed in the State of Oregon verifying that the private road has been constructed according to condition #7 above.

This ORDER was presented to and approved by the Lincoln County Planning Commission on June 11, 2018.



Richard Johnson, Chair
Lincoln County Planning Commission