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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF LINCOLN

Lincoln County Legal Counsel

ORDINANCE # 192

AN ORDINANCE AMENDING LINCOLN COUNTY ZONING ORDINANCE #183, AFFIXING A P-D DESIGNATION FOR MAKAI III PLANNED DEVELOPMENT SHOWN ON ASSESSOR'S MAPS 12-11-18, 300; 12-11-18AC, 100; 12-11-18CA, 100 and 101; 12-11-18DB, 1600, 16300, and 16400, AND DECLARING AN EMERGENCY

WHEREAS, on Monday, February 28, 1983, the Lincoln County Planning Commission granted preliminary approval of Makai III, a 94-unit planned development located seven miles south of Newport, east of highway 101 and identified on Lincoln County Assessor Maps 12-11-18/18AC/18CA/18DB, tax lots 300, 100, 100/101, 16300 and 16400 respectively. This preliminary approval is based upon certain findings and conditions; and

WHEREAS the Lincoln County Planning Commission has recommended to the Board a zone change from R-1-2 to R-1-2-PD as required by the Lincoln County zoning ordinance; and

WHEREAS the Lincoln County Planning Commission in granting the preliminary approval of Makai III adopted 14 findings of fact and applied 16 conditions to the preliminary approval; and

WHEREAS the Board hereby adopts those findings and conditions, which are incorporated herein and made a part of this ordinance; and

WHEREAS ORS 197.605 authorizes small tract rezoning amendments; and

WHEREAS the small tract rezoning amendment as requested in this case is appropriate and in accord with the acknowledged

1 Ordinance # 192

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1 comprehensive plan; and

2 WHEREAS citizens groups were notified and given the op-
3 portunity to comment at the planning commission hearing;

4 NOW, THEREFORE, the Board hereby ORDAINS as follows:

5 SECTION I: ZONING

6 The zoning designation on properties known as Makai III
7 shall be changed from Rural Residential (RR-1-2) to Rural Residen-
8 tial Planned Development (RR-1-2PD); said properties are identi-
9 fied on assessor's maps: 12-11-18, 300; 12-11-18AC, 100; 12-11-18CA,
10 100 and 101; 12-11-18CB, 1600, 16300, and 16400.

11 SECTION II: MAPS

12 The Lincoln County Planning Department shall amend the
13 official map filed in the Lincoln County Clerk's Office and note
14 the change with a citation to this ordinance.

15 SECTION III: EMERGENCY

16 This ordinance, being necessary for the immediate preser-
17 vation of the public peace, health, and safety, an emergency is
18 declared to exist and this ordinance takes effect upon its adop-
19 tion.

20 DATED this 13th day of April, 1983.

21 LINCOLN COUNTY BOARD OF COMMISSIONERS

22 [Signature]
Chairman

23 [Signature]
Commissioner

24 [Signature]
Commissioner

25 [Signature] Secretary
26 [Signature]

that Brennemen has made to date. Major areas of concern are the inclusion of the left turn refuge at Lost Creek, as yet nothing has been done. Planning Division in agreement with Legal Counsel for the extension but would like a condition that Brennemen enter into a contract with the County to insure that the work be completed. Legal Counsel proposes that Brennemen execute the contract by Friday of this week, with provisions for the completion of the left turn refuge at Lost Creek by the 28th of March. It was bonded in 1979 for \$30,000.00 and subsequently changed the location of left turn refuge from Lost Creek to Passmore Road. Specifications changed and it went back to Lost Creek last year.

Stricklin - The road standards changed because of problems that have developed in that area. Highway Department has changed standards to have the left turn refuge made longer which increased costs.

Granger - Since that time the State has conceded some of the standards to where they were 2 or 3 years ago, which has made it easier. The major increase was the overlay required on the entire length of improved section.

Webb - Motion made to grant Lost Creek a 6 month extension with all conditions applied to previous plat, plus execution of a performance contract by Friday, March 4, 1983 and substantial work be done on left turn refuge by the end of March, 1983. Second by Imes. Motion carried.

MOTION TO GRANT 6 MONTH
EXTENSION TO LOST CREEK
#3, 4 and 5.
#83-4

6. PUBLIC HEARING

6.1 Rehearing on request of Makai Properties (Don McMillan) for preliminary approval of a 94 unit planned development, 3 lot subdivision; request for zone change from RR1-2 to RR1-2PD on property located 7 miles south of Newport, east of Highway 101 and 1 mile north of Ona Beach State Park. Identified on Assessor's Maps 12-11-18/18AC/18CA and 18DB, tax lots 300, 100, 100/101 and 16300 and 16400 respectively.

Stricklin - Applicant provided map on new changes which consist of supported surface areas behind the units so that access is available on all sides of the condominium units. Cul-de-sac has been enlarged with additional fire hydrant near cul-de-sac. Shown also is revised sanitary system.

Evan Boone - Attorney representing Makai Properties - incorporated all prior testimony. Appeared at earlier date before Board of Commissioners regarding sewage (water treatment plant) and fire lanes. Problems have been resolved with sewage treatment and fire lanes. Only new provision is turn-out lane for Wondamere and we have no objections to that. We agree with Planning Department's additional conditions.

Over - Motion to grant preliminary approval of 94 unit Planned Development, based upon the following findings-of-fact:

1. That Lincoln County's Comprehensive Plan designates the subject property as dispersed residential.
2. That the County took an exception to the Forest Lands goal in designating the subject property as dispersed residential.
3. That LCDC has found the County Comprehensive Plan and Exceptions in compliance with the Statewide Goals.
4. That the applicant has submitted additional findings to justify the forest lands goal exception on the subject property.
5. That a 94 unit planned development, 3 lot subdivision is being proposed.
6. That approval of the request will require a zone map amendment from RR1-2 to RR1-2PD.
7. That the applicant is requesting ordinance modifications to allow more than one unit on a lot and to modify street sideyard setbacks.
8. That the proposed development will not violate any statewide planning goals.
9. A sewerage treatment plant in a rural area is not consistent with Statewide Goal 11.
10. A sewerage treatment plant is not consistent with the county plan designation.
11. The size of 94 units is consistent with plan density.
12. The wetland area is a special physical condition.
13. Cluster development provides maximum open space, maintain upland and riparian vegetation, natural waterways and drainage ways.

14. Filling, drainage and channelization is minimized by cluster development and single access road with bridge.

and with the following conditions:

1. That the sewerage treatment plant be deleted and the number of units reduced to the capacity of on-site community system with repair area as required by D.E.Q.
2. That a detail soil analysis be accomplished regarding the perched water table which provides recommendations for construction of the on-site disposal system which shall be required.
3. That an additional fire hydrant be placed in the southwest corner of Lot 2 accessible from the private access drive in a location approved by the Newport Fire District.
4. That all roads be dedicated to the public and be paved to the full width of the travel surface with 2" AC.
5. That a one (1) foot reserve strip be dedicated to the county along the north and south side of the Lopaka Drive to the north line of lot 2 and lot 1 and at the end of Lopaka Drive.
6. That Lopaka Drive be extended and improved as necessary as required by the Newport Rural Fire Department to provide access to the south side of lot 2.
7. That no structure shall exceed a height of 45 feet measured by the average height at all four corners or midpoint of sides from the highest point to the ground.
8. That no structures be closer than 10 feet apart.
9. That a road drainage plan be submitted to the county prior to road construction:
10. That a left turn refuge be installed which services the development and the Wandamere area to the north and that a deceleration land be installed; both to meet State Highway Division standards.
11. That street signs be installed according to the standards of M.U.T.C.D.
12. That the water system meet State Health Division and I.S.O standards and be approved by the Seal Rock water district.
13. That all common property and facilities be built or bonded for and be subject to an association of owners for maintenance purposes.
14. That any burial found be cared for as required by ORS 597.740.

15. That the sand filter area and all areas disturbed by subsurface drainage be revegetated within three months of construction.
16. That natural vegetation will be maintained on Lot 3 and the areas within 50 feet of the north and east property lines which are to be retained in open space.

Motion second by Imes; carried unanimously.

MOTION FOR PRELIMINARY APPROVAL
OF 94 UNIT PLANNED DEVELOPMENT
#83-4

Palmer - Motion to recommend to Board of Commissioners zone change from RR1-2 to RR1-2PD as requested by Makai Properties; located 7 miles south of Newport. Second by Imes. Motion carried.

MOTION TO RECOMMEND ZONE CHANGE;
MAKAI.
#83-5

Imes - Motion to grant tentative approval of 3 lot subdivision as requested by Makai Properties on property set forth above, based upon the findings-of-fact set forth above and upon the condition that the Board of County Commissioners grants the zone change from RR1-2 to RR1-2PD, together with conditions set forth above.

Webb - Second motion; carried unanimously.

MOTION FOR TENTATIVE APPROVAL
OF 3 LOT SUBDIVISION WITH
CONDITIONS AND FINDINGS-OF-FACT.
#83-6

7. PLANNING COMMISSION CONCERNS

Spulnik - Thanked Neil Imes for a job well done as Chairman of the Planning Commission for 1982.

8. ADJOURNMENT

8:30 P.M.