

1 BEFORE THE BOARD OF COMMISSIONERS

2 FOR LINCOLN COUNTY, OREGON

3 ORDINANCE NO. 298

4  
5 AN ORDINANCE AMENDING THE LINCOLN COUNTY ZONING MAP ON PROPERTY  
6 IDENTIFIED AS THAT PORTION OF TAX LOT 200 WEST OF U.S. HIGHWAY  
7 101, LINCOLN COUNTY'S ASSESSOR'S MAP 12-12-36; APPLICANT: ECOTOPE  
8 GROUP, INC.

9 WHEREAS the Lincoln County Planning Commission, after a  
10 public hearing in accordance with law, voted to recommend  
11 approval of a Zone Change for an approximately 20-acre parcel of  
12 property from RR1-2 (Single Family Residential) to RR1-2PD  
13 (Planned Development Overlay Zone) upon the application of  
14 Ecotope Group, Inc.; and

15 WHEREAS the subject property is identified as that portion  
16 of Tax Lot 200 west of U.S. Highway 101, Lincoln County  
17 Assessor's Map 12-12-36; and

18 WHEREAS the decision and recommendation of the Planning  
19 Commission was not appealed and, therefore, no further public  
20 hearings will be held;

21 NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

22 1. That the Planning Commission's recommendations be  
23 adopted, and the zoning is hereby changed from RR1-2 to RR1-2PD  
24 on the property identified as that portion of Tax Lot 200 west of  
25 U.S. Highway 101, Assessor's Map 12-12-36.

26 2. That the Planning Commission's Findings, Conclusions and  
Order is adopted as set forth in Exhibit "A," attached hereto and  
by this reference incorporated herein, in support of this zone  
change.

3. That copies of this ordinance be forwarded to the  
applicant, Ecotope Group, Inc., c/o Anastasia Pantages, 2461 20th  
Avenue East, Seattle, WA 98112, and c/o Anastasia Pantages,  
P. O. Box 273, Seal Rock, OR 97376; Susan Bishop, P. O. Box 72,  
Seal Rock, OR 97376; County Surveyor; County Assessor; and  
Department of Planning and Development.

4. That the Department of Planning and Development amend  
the official maps in the Lincoln County Clerk's Office to reflect  
this change.

Lincoln County Legal Counsel  
Lincoln County Courthouse  
225 W. Olive Street  
Newport, Oregon 97365  
Phone: 265-6611, Ext. 308

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5. That the Lincoln County Department of Planning and Development forward a copy of this ordinance to the Department of Land Conservation and Development.

6. That this ordinance is effective 90 days from the date of its adoption.

DATED this 27th day of February, 1991.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Nancy E. Leonard  
NANCY E. LEONARD, Chair

Don Lindly  
DON LINDLY, Commissioner

Andy Zelwick  
ANDY ZELWICK, Commissioner

FIRST READING: February 13, 1991  
SECOND READING: February 27, 1991

ATTESTED TO:

Jennie Kampf  
JENNIE KAMPF  
Recording Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
WAYNE BELMONT  
Legal Counsel

Lincoln County Legal Counsel  
Lincoln County Courthouse  
225 W. Olive Street  
Newport, Oregon 97365  
Phone: 265-6611, Ext. 308

EXHIBIT A-1

BEFORE THE PLANNING COMMISSION

OF

LINCOLN COUNTY, OREGON

4	Request for Approval	)	#2-PD-90
5	Of Planned Development	)	FINDINGS, CONCLUSIONS
6		)	AND ORDER

Nature of Application

The application is to permit the siting of a resort retreat and training center Planned Development in an RR 1-2 zone. The action requires the approval of a preliminary plan and enactment of an ordinance to effect a zone change from RR 1-2 to RR 1-2PD (Planned Development Overlay Zone).

Relevant Facts

The following is a summary of the facts and testimony found to be relevant to this decision.

1. The application is to permit the siting of a resort retreat and training center Planned Development in an RR 1-2 zone. The action requires the approval of a preliminary plan and enactment of an ordinance to effect a zone change from RR 1-2 to RR 1-2PD (Planned Development Overlay Zone).

2. **Comprehensive Plan and Zoning Designation**

- A. The comprehensive plan designates the site as Dispersed Residential.
- B. The site is zoned RR 1-2, Single-Family Residential.

3. The subject property is located approximately one-half mile south of the

EXHIBIT A-2

1 Seal Rock community, at U.S. Highway 101 milepost 152, and is further  
2 identified on Lincoln County Assessor's Map #12-12-36 as tax lot 200.

3  
4 4. The subject property consists of approximately 20 acres and is vacant.

5 5. This oceanfront property is bordered to the north by a 7.7 acre tract of  
6 undeveloped land owned by Oregon State Parks. To the east is a 22-acre  
7 undeveloped parcel, and to the south are scattered residences.

8  
9 6. A marine terrace lying 10 to 60 feet above the adjacent beach, the  
10 property gently undulates with swales and ridges. The older, stabilized  
11 dune forms are densely vegetated with shore pine, Sitka spruce,  
12 rhododendron, myrtle and salal. Between these dune forms are remnant  
13 deflation plains, vegetated with wetland plants such as sedges, Douglas  
14 spirea and Pacific silverweed. The property is bisected by Collins  
15 Creek and the low lying wetland area associated with the creek.  
16 Vegetation in this area is dominated by cattails, sedges and willows.

17 7. The applicants propose construction of six community facility structures:  
18 physical therapy building, main lodge, greenhouse, education center,  
19 entry building and reception/maintenance building. Twelve separate  
20 cabins with sleeping and bathroom facilities only will be available. In  
21 addition, the proposal includes one manager's cabin, which will be the  
22 only year-round residence on the site. Total square footage of all  
23 enclosed structures is approximately 25,000 square feet.

24  
25 In addition to these enclosed structures, several gazebos, an outdoor  
26 amphitheater and a double tennis court are also proposed.

EXHIBIT A-3

1 8. The center is retreat-oriented and will be operated in conjunction with  
2 the East-West College of the Healing Arts. Operating for 11 months out  
3 of a year, the facility will close in the winter for maintenance. The  
4 minimum stay for retreat guests is one week; East-West student terms will  
5 span twelve weeks. Maximum combined guest and student accommodation is  
6 48. With exceptions to the Center Director who will reside on the  
7 property, the 8 full-time staff persons will be housed off-premise.

8  
9 9. As per Section 1.1345(3)(a), the minimum lot size in the RR 1-2 zone  
10 shall be 1 acre when the lot is served by a public or community water  
11 system. With a total of 13 dwelling units (the managers and private  
12 cabins), the density will be approximately 1.5 acres per dwelling unit.  
13 Using the 41,920 square foot total of lot coverage by development (both  
14 enclosed and unenclosed structures), the percentage of open space  
15 remaining after development will be approximately 80%. There are no lot  
16 coverage restrictions given in the RR 1-2 zone.

17 10. The applicants' submitted site plan for the development indicates that no  
18 building will be closer than 70 feet from any property line. This  
19 exceeds RR 1-2 setback requirements.

20  
21 11. The applicants testified that the buildings will not exceed 30 feet in  
22 height. This meets RR 1-2 requirements.

23 12. Access to the development, from Highway 101, will be via a private, gated  
24 entry at approximately milepost 152. This gated entry will be operated  
25 from the security building located at the entrance. Two parking areas,  
26

EXHIBIT A-4

1 with a combined capacity of 50 spaces, are adjacent to the entrance.

2 Parking will be limited to staff only; guests and students will be

3 transported to the center by van, as detailed in the applicants'

4 proposal. On-site transportation (between cabins and facility buildings)

5 will be via electric carts; no car traffic will be allowed beyond

6 entrance area parking lots. The applicants propose to construct a 24'

7 wide, paved service road for cart access to buildings. In addition, one

8 bridge crossing on Collins Creek is proposed. All road and bridge design

9 is planned to accommodate emergency vehicles (fire, ambulance) as well as

10 the center's carts.

11  
12 13. Entrance onto the development will be restricted. No public access ways  
13 are proposed. Existing beach access trails will be maintained and/or  
14 enhanced.

15 14. No storm drainage system is proposed. Applicants propose to minimize  
16 impact on site drainage by proper siting of roads and structures.

17  
18 15. No landscaping plan has been submitted. Applicants propose to utilize  
19 existing vegetation and landscape; minimizing vegetation removal and  
20 grading.

21 16. Water will be provided to the development by the Seal Rock Water  
22 District. Sewage disposal will be provided by an on-site sewage disposal  
23 system, to be installed by the applicants. Fire protection will be  
24 provided by the Seal Rock Fire Protection District.

25  
26 17. There are several development constraints appurtenant to the subject

EXHIBIT A-5

1 property, as noted below: (a) Soils present on the subject property have  
2 low shear strength, are easily eroded by wind and water and often  
3 possess an impermeable layer that impedes drainage. Soil Conservation  
4 Service recommends that vegetation removal and grading be minimized; the  
5 applicants plan is in accord with these recommendations. (b) Extensive  
6 riparian and wetland vegetation is present on the subject property which  
7 is warranted protection under the Coastal Shorelands Overlay Zone  
8 Standards. This standard requires that no structures be located closer  
9 than within 50' of Collins Creek and that building sites do not encroach  
10 onto wetland areas. (c) The Environmental Hazards Inventory of Lincoln  
11 County (R.N.K.R. Associates, 1978) indicates the property is subject to  
12 severe (greater than 11.3 inches/year) erosion rates. Setbacks for areas  
13 so delineated are given as 2.75 feet for every foot of bank height. This  
14 means that on the southern end of the property, where the bank reaches  
15 its maximum height of approximately 50 feet, no structure may be closer  
16 than 137.5 feet from the toe of the slope. Using the Bay to Bay Sanitary  
17 District topographic maps (1975) and the submitted site plan, it appears  
18 that structure placement is in accordance with setback standards.

19  
20 18. Information not otherwise specified in the above is contained in the  
21 staff report and applicants proposal which by reference are incorporated  
22 into the record herein.

23 Relevant Criteria

24 The Lincoln County Code provides the following standards for a planned  
25 development zone map amendment (section 1.1380):

26

EXHIBIT A-6

- 1 (1) A PD zone may be established in combination with any zone other  
2 than a T-C zone.
- 3 (2) A PD zone may contain only a planned development which has been  
4 approved in accordance with the provisions of this section.
- 5  
6 (3) A planned development may include any uses permitted outright  
7 or conditionally in any zone except that residential uses shall  
8 not be permitted in an industrial zone, and uses permitted only  
9 in an industrial zone (I-P or M-P) shall not be permitted in  
10 other zones.
- 11 (4) Requirements pertaining to area, density, yards, or similar  
12 dimensional standards shall be guided by the standards of the  
13 zone in which the planned development is proposed.
- 14  
15 (5) For a planned development in a residential zone the total floor  
16 area of all industrial and commercial uses other than hotels,  
17 motels, trailer parks, resorts, and similar accommodations  
18 shall not exceed ten (10) percent of the total floor area of  
19 the development. Any commercial and industrial uses shall be  
20 directly related in purpose and function to the remainder of  
21 the planned development.
- 22 (6) A planned development shall have a minimum of five (5)  
23 contiguous acres, exclusive of street right-of-way.
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EXHIBIT A-7

1 Findings:

2 The Commission finds:

- 3 1. The density of the dwelling unit development for the proposal is  
4 approximately 1.5 acres per unit, which exceeds the RR 1-2  
5 requirement of 1 acre per unit.
- 6  
7 2. Total square footage of enclosed and unenclosed structures proposed  
8 for the center is approximately 42,000 square feet, leaving roughly  
9 80% open space after development. The RR 1-2 zone has no lot  
10 coverage restrictions; thus, the proposed development is in  
11 conformance with RR 1-2 standards.
- 12 3. No buildings are proposed that are closer than 70 feet from any  
13 property line; this exceeds RR 1-2 setback requirements.
- 14  
15 4. Access to the development will be limited, monitored by a gated  
16 entry. No car traffic (except for emergency vehicles) will be  
17 allowed beyond the parking areas.
- 18 5. Parking area sufficient for 50 cars is proposed; this exceeds  
19 off-street parking requirements for this type of development.
- 20  
21 6. Proposed building locations appear to have met oceanfront and  
22 riparian setback requirements.
- 23 7. The applicants' submitted plan states that vegetation removal and  
24 grading for the development will be minimized as much as possible,  
25 which is in accord with the Beaches and Dunes Policy (Section  
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EXHIBIT A-8

1 1.0101(21)) of the Comprehensive Plan.

2  
3 Conclusions:

4 The record and findings support the conclusions that:

- 5 1. There are special physical conditions or objectives of the  
6 development which warrant a departure from the standard ordinance  
7 requirements. The purpose of the Planned Development overlay zone  
8 is to permit appropriate and orderly development of tracts of land  
9 sufficiently large to allow comprehensive planning and to provide a  
10 degree of flexibility in the application of certain regulations  
11 which cannot be obtained through traditional lot-by-lot subdivision.  
12 The objectives of the development warrant application of the Planned  
13 Development overlay zone.
- 14 2. The proposed development will not be inconsistent with the  
15 Comprehensive Plan provisions or zoning objectives of the area. The  
16 Dispersed Residential plan designation is confined primarily to  
17 areas committed to low density settlement with few public services  
18 and facilities. The primary purpose of the RR 1-2 zone is to  
19 provide for low-density, single-family residential development. In  
20 general, uses which generate traffic, noise or otherwise negatively  
21 impact adjacent residential uses are controlled. The applicants'  
22 submitted plan shows that both traffic and noise will be controlled  
23 and minimized; no negative impact on adjacent residential uses is  
24 anticipated.
- 25 3. The area at least 250' from the outside boundary of the lot upon  
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EXHIBIT A-9

1 which the development is proposed, is or can be planned to be in  
2 substantial harmony with the proposal. Uses within 250' of the  
3 development include seven residences and an undeveloped tract of  
4 state park land. These uses are or can be planned to be in  
5 substantial harmony with the applicants' proposal.

6  
7 4. The plan can be completed within a reasonable period of time. The  
8 ordinance states that building permits be issued within two years  
9 from the date of final approval and substantial completion of the  
10 project in five years unless an extension is granted by the  
11 Planning Commission.

12 5. Any proposed commercial development can be justified economically.

13 The streets are adequate to support the anticipated traffic and the  
14 development will not overload the streets outside the planned area.  
15 Strictly interpreted, the code requires that local roads and  
16 cul-de-sacs in rural density areas have a travel surface width of at  
17 least 24 feet. The applicants' proposal meets this requirement.  
18 Access onto the development from Highway 101 will be coordinated  
19 through the Oregon Department of Transportation, Highway Division.  
20

21 7. Proposed utility and drainage facilities are adequate for the  
22 population densities and type of development proposed and will not  
23 create drainage problems or pollution outside the planned area. The  
24 applicants have not submitted sanitary or storm sewer or water  
25 system plans. Ultimately, these systems must be designed to meet  
26 the specifications of the appropriate district and/or agency. The

EXHIBIT A-10

1 County rely on supervision from those jurisdictions to ensure proper  
2 design and installation.

3  
4 ORDER:

5 It is ORDERED by the Planning Commission of Lincoln County that the  
6 requested proposal in case file #2-PD-90 be recommended to the Lincoln  
7 County Board of Commissioners for approval subject to the conditions of  
8 approval listed below.

- 9 1. Approval is based upon the submitted plan. Development of the site  
10 shall be in substantial conformance with the approved plan. Any  
11 substantial change shall be submitted for review in an amendment to  
12 the approved plan.
- 13 2. The applicants shall submit as-builts of the proposed parking lots,  
14 roads, and bridge which certify that they have been constructed as  
15 approved. The as-builts shall be stamped by an engineer licensed in  
16 the State of Oregon.
- 17 3. The applicants shall obtain an approach permit from the State  
18 Highway Division for access onto Highway 101, and comply in full  
19 with the conditions of that permit.
- 20 4. The applicants shall submit any proposed street name to the County  
21 Addressing Technician for review and approval.
- 22 5. The applicants shall provide a method of sewage disposal that is  
23 approved by the Oregon Department of Environmental Quality.
- 24  
25  
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EXHIBIT A-11

- 1        6.    The applicants shall design and install a water distribution system  
2            in accordance with Seal Rock Water District and Oregon State Health  
3            Division.
- 4
- 5        7.    The applicants shall obtain building permits from the Lincoln County  
6            Building Division prior to construction.
- 7
- 8        8.    Vegetation disturbance shall be minimized; construction sites shall  
9            be replanted as soon as possible to minimize erosion.
- 10
- 11       9.    Drainage from building and roads shall be directed so as to minimize  
12           beach front and creekside erosion.
- 13
- 14       10.   Building height shall not exceed 30 feet.
- 15
- 16       11.   Except for the proposed bridge, no structures shall be located  
17           closer than within 50 feet of Collins Creek.
- 18
- 19       12.   Off-street parking shall be provided in accordance with requirements  
20           of Section 1.1415 of the Ordinance (as noted in Section VI(4) of  
21           this report).
- 22
- 23       13.   Signage shall be constructed in accordance with requirements of  
24           Section 1.1405 of the Ordinance (as noted in Section VI(6) of this  
25           report).
- 26
- 27       14.   Applicants shall contact Oregon Division of State Lands and the U.S.  
28           Army Corps of Engineers prior to placement or removal of materials  
29           in any wetland area on site.

