

BEFORE THE BOARD OF COMMISSIONERS  
FOR LINCOLN COUNTY, OREGON  
ORDINANCE NO. 358

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AN ORDINANCE AMENDING ZONING MAP ON PROPERTY IDENTIFIED AS TAX LOT 400, LINCOLN COUNTY ASSESSOR'S MAP 9-11-29, REQUESTED BY GORDON HOBBS, DBA BAYSHORE DEVELOPMENT, FOR CAPE FOWLWEATHER VIEW ESTATES PLANNED DEVELOPMENT, FILE #1-PD-92, AND DECLARING AN EMERGENCY

WHEREAS on June 23, 1993, the Lincoln County Planning Commission adopted Findings, Conclusions and Final Order granting tentative approval to Gordon Hobbs, dba Bayshore Development, for a seven-lot planned development to be named Cape Foulweather View Estates and a zone change from RR1-2 (Rural Residential) to RR1-2 PD (Planned Development Overlay Zone) on property identified as Tax Lot 400, Lincoln County Assessor's Map 9-11-29; and

WHEREAS on November 27, 1995, the Planning Commission found that all required conditions had been met by applicant; and

WHEREAS the decision and recommendation of the Planning Commission was not appealed, and, therefore, the Board need not hold another public hearing;

NOW, THEREFORE, IT IS HEREBY ORDAINED AS FOLLOWS:

SECTION 1.

1. That approval for the seven-lot planned development to be named Cape Foulweather View Estates and for the requested zone change from RR1-2 to RR1-2 PD on property identified as Tax Lot 400, Lincoln County Assessor's Map 9-11-29, shown on Exhibit 1 attached hereto, is hereby granted.

2. That the Findings, Conclusions and Final Order of the Planning Commission are hereby adopted as set forth in Exhibit 2 attached hereto.

3. That the conditions of approval are:

A. Approval is based upon the submitted plan. Development of the site shall be in substantial conformance with the approved plan. Any substantial change shall be submitted for review as an amendment to the approved plan.

B. The applicant shall obtain staff approval of a submitted detailed vegetation removal and tree cutting plan for property west of Old Highway 101 prior to commencement of these activities. Approval of the plan shall be based upon a

Lincoln County Legal Counsel  
Lincoln County Courthouse  
225 W. Clive Street  
Newport, Oregon 97365  
Phone: 265-4108

1 finding that it is consistent with the requirements of the Coastal Shorelands  
2 overlay Zone. Any change in the approved plan shall require the applicant or  
Home Owners Association to submit a new plan for review.

3 4. That copies of this ordinance be forwarded to the applicant, Gordon Hobbs, c/o  
4 Bayshore Development Corporation, PO Box 2302, Lake Oswego OR 97035; County  
5 Surveyor; County Assessor; County Counsel; and the Department of Planning and  
6 Development; said Department of Planning and Development shall amend the official  
zoning maps and forward notice of adoption to the Department of Land Conservation and  
Development.

7 **SECTION 2.**

8 That this ordinance, being necessary for the immediate preservation of the public  
9 peace, health, and safety, an emergency is declared to exist and this Ordinance shall take  
effect upon its passage.

10 DATED this 17<sup>th</sup> day of January, 1996.


11 **LINCOLN COUNTY BOARD OF COMMISSIONERS**

12   
13 NANCY E. LEONARD, Chair


14   
15 DON LINDLY, Commissioner

16   
17 JEAN COWAN, Commissioner

18 **ATTESTED TO:**

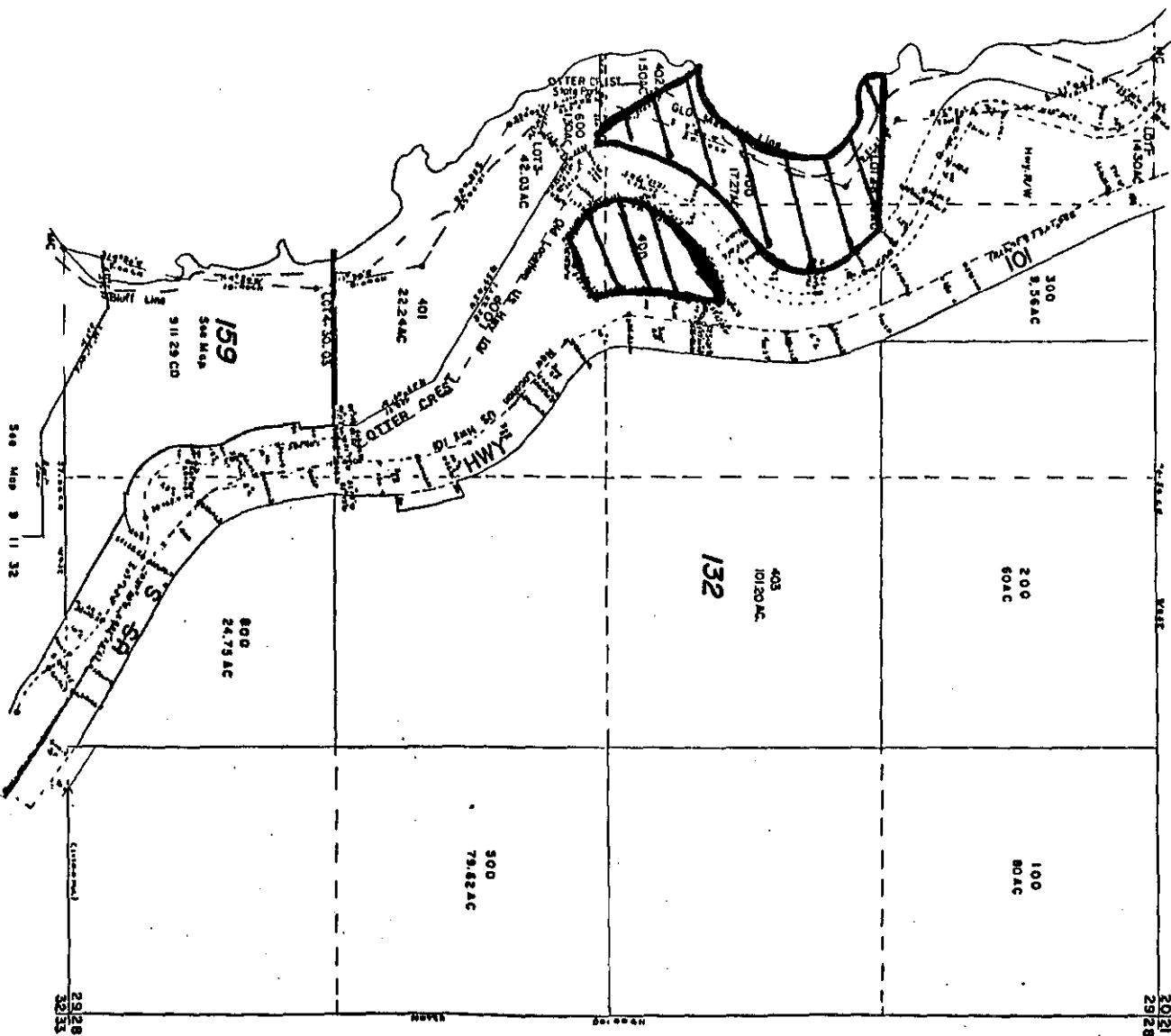
19   
20 SUSAN KAYS, Recorder

21  
22 **APPROVED AS TO FORM:**

23   
24 WAYNE BELMONT  
25 County Counsel

26 PLANNING/ordin.rezone

PACIFIC OCEAN



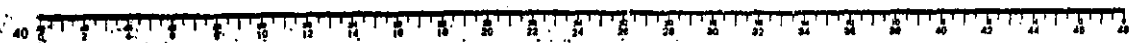
SECTION 29 T9S R11W WM  
LINCOLN COUNTY  
1" = 400'

See Map 9 11 20

See Map 9 11 32

See Map 9 11

EXHIBIT  
Page of



1 BEFORE THE PLANNING COMMISSION

2 OF

3 LINCOLN COUNTY, OREGON

4 In the matter of a Request for) #1-PD-92  
5 Tentative Approval for a )  
6 Planned Development ) FINDINGS, CONCLUSIONS  
AND FINAL ORDER

7 Nature of the Application

8 The application is for tentative approval of a seven (7) lot  
9 Planned Development to be named Cape Foulweather. This action  
requires enactment of an ordinance to effect an overlay zone  
change from RR1-2 to RR1-2 PD (Planned Development Overlay Zone).

10 Relevant Facts

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

- 13 1. The Comprehensive Plan Designation is DR (Dispersed Residential).
- 14 2. The subject property carries a zone designation of RR1-2  
15 (Rural Residential) and C-S (Coastal Shorelands Overlay Zone).
- 16 3. The subject property is located approximately 3 miles  
17 south of Depoe Bay, west of Highway 101 near Otter Crest  
18 Wayside and is identified on Lincoln County Assessor's  
Map #9-11-29 as tax lot 101. Combined parcel size  
equals 17.27 acres.
- 19 4. The subject property is located at the ridge-top of Cape  
20 Foulweather, and abuts a State Highway parking area  
21 along the west side of Highway 101. Otter Crest State  
22 Wayside/Gift Shop is found west of the property. The  
nearest residential development is located in the Otter  
Rock area south of the subject property.
- 23 5. The area west of Old Highway 101 features steep cliffs,  
24 rock outcroppings, windswept coastal forests and salt  
25 spray meadows. This area will remain protected and is  
not proposed for development. The portion of land under  
26 review is characterized by a western facing ridgetop  
covered in Sitka Spruce, western hemlock, red alder,  
salal, salmonberry, huckleberry, and swordfern.

- 1           6. Two existing single-family dwellings and accessory  
2 structures are found at the north corner of tax lot 400  
3 near the intersection of Old Highway 101 and Highway  
4           7. The applicant proposes to serve the subject property  
5 with the following utilities: a) individual on-site  
6 sewage disposal systems, b) either an on-site community  
7 well or an off-site community water source, c)  
8 electricity by Central Lincoln P.U.D. and d) fire  
9 protection from the Depoe Bay Rural Fire Protection  
10 District.  
11  
12           8. The Environmental Hazard Inventory of Coastal Lincoln  
13 County (RNKR Associates, 1978), indicates a portion of  
14 the subject property west of Old Highway 101 contains a  
15 massive ancient slide, minor slope sloughing and a  
16 narrow area shown as a geologically recent slide. No  
17 development is proposed within 100 feet of these  
18 features, thus specific development standards set forth  
19 in the County Code are not applicable.  
20  
21           9. Portions of the subject property have been identified in  
22 the Comprehensive Plan Inventory as containing  
23 significant wildlife habitat (Site #19) and Scenic  
24 resources (Site #5, Cape Foulweather-Rocky Creek Area).  
25 The habitat includes offshore rocks and sea stacks,  
26 along with cliff-top turn and splash zone vegetation,  
and coastal turf and salt marsh on low, rocky headlands.  
The scenic resource is described as coastal headland  
area providing outstanding viewpoints along a section of  
rocky coastline which features coves, seacliffs,  
windswept coastal forests, and salt spray meadows. The  
inventory shows each of these resources covering an area  
west of the old scenic highway. As per Section 1.1381  
(5)(b)(c), development proposed adjacent to significant  
wildlife habitat shall be located no closer than fifty  
(50) feet from the habitat area. The proposal  
incorporates the habitat area under a protected status  
not planned for development, although the applicant  
indicates that some tree removal and trimming may be  
done in order to enhance and maintain ocean views.  
Setbacks set forth above will be satisfied.
10. Seven (7) lots are proposed on that portion of the  
property between Highway 101 and the old highway, in an  
area approximately 5.78 acres in size. According to the  
plan submitted, two existing residences will remain on  
Lot 7, thus leaving a total of six (6) buildable lots.

1 The balance of the property further west, across Old  
2 Highway 101 will remain protected and undeveloped.

3 11. Because this is a proposed Planned Development in the  
4 RR1-2 zone, gross density is based upon the requirements  
5 in that zone. In the RR1-2 zone, lots served by a  
6 public or community water system require one (1) acre  
7 per dwelling unit. The total combined area of the  
8 subject property which includes that portion west of Old  
9 Scenic Highway 101 is 17.27 acres. Thus, 17.27 divided  
10 by seven units equal 2.47 acres per dwelling unit which  
11 exceeds the required minimum. The average lot area  
12 devoted to buildable sites equals 34,570 sq.ft. (.79  
13 acres).

14 12. The applicant proposes to construct dwellings in  
15 accordance with applicable setbacks and building  
16 standards. No modifications were requested.

17 13. Access to the site is via an existing roadway beginning  
18 from the Highway 101 parking area. The applicant  
19 proposes to upgrade the private drive to where the road-  
20 right-of-way width will be 25 feet and the travel  
21 surface will be paved to a width of 20 feet. The road  
22 is designed to provide two way traffic for its total  
23 distance; from the entrance into the planned  
24 development, the road traverses for a distance of 110  
25 feet where it then turns north and south. The road  
26 terminates after a short distance south at Lot 2 and it  
continues north for approximately 160 feet where it  
terminates at Lot 7. Each lot has direct frontage along  
the private drive.

Standards for private streets are typically 50 feet for  
right-of-way widths and 24 to 34 feet from travel  
surface improvements, however Section 1.1380(3)(f) of  
the Planned Development Overlay Zone authorizes the  
Planning Commission to determine if the proposed streets  
are adequate to support the anticipated traffic and the  
development will not overload the streets outside the  
planned area.

22 14. The applicant indicates that an underground water  
23 storage tank and hydrants will be designed and installed  
24 in accordance with provisions set forth by the Depoe Bay  
Rural Fire Protection District.

25 15. No detailed drainage or grading plan was submitted.  
26 Lots are fairly level with west sloping areas of between

1 13% to 17%. State Highway roads surround the property  
2 where drainage ditching exists along portions of the old  
highway.

- 3 16. The applicant indicates in the submitted plan that  
4 common property areas will include the 11.49 acres of  
5 undeveloped ocean frontage and the private drive. All  
individual lots will otherwise be privately owned.
- 6 17. No detailed landscaping plan was submitted other than an  
7 indication that lots will be residentially landscaped  
8 and free of noxious weeds. According to the plan, trees  
9 will be removed or trimmed on the 11.49 acre ocean  
10 frontage parcel to enhance and maintain ocean views for  
11 the 7 lots. An application and plan is being prepared  
and submitted to the Department of Transportation for a  
permit to remove some trees in the State right-of-way  
and replace with other vegetation that will grow to a  
height of only 6-10 feet. The purpose is to improve and  
protect ocean views of the 7 lots.
- 12 18. The applicant will furnish a detailed vegetation removal  
13 and tree cutting plan which will be reviewed and  
14 approved by Planning Department staff for conformance  
15 with the requirements of the Coastal Shorelands Overlay  
Zone. Any change in the approved plan would require the  
applicant or Home Owners Association to submit a new  
plan for review and approval by staff.
- 16 19. No signage is proposed at this time. The applicant  
17 plans on installing a light at the entry but no interior  
18 street lights because the street lights will interfere  
19 with the night view of the coast lights. Also by the  
20 entrance-way, a security gate will be constructed in  
such a way so as not to create stacking of vehicles at  
the parking lot. The design and construction standards  
will be reviewed and permitted by State Highway  
Division.

21 The applicant's submitted plan also shows a six foot  
22 high fence of either wood, brick, chain link with slats  
23 or any combination thereof, along the east property  
24 boundary abutting the highway parking area. According  
25 to Section 1.1435(5) fences, hedges, and walls may be  
26 located within required yards, but shall not exceed  
three and one-half (3 1/2) feet in height in any  
required yard which abuts a street. The purpose of the  
six foot high fence is to provide security and privacy  
given the lands proximity to a public parking area.  
Thus a modification to the fence height standard is  
required in order to fulfill this objective.

- 1 20. An existing utility easement for the overhead electrical  
2 power lines will be abandoned upon completion of the  
3 underground power and utility system. The proposed plan  
4 shows a new 8 foot utility easement following each side  
5 the private access road.
- 6 21. The applicant does not propose phase development.
- 7 22. The applicant provided a copy of the preliminary Codes,  
8 Covenants and Restrictions (C,C, and R's) which when  
9 submitted for final approval will conform with  
10 requirements set forth in the County Code. The C,C and  
11 R's will also articulate that low intensity, home  
12 offices will be a permitted use in individual  
13 residences.
- 14 23. Comments received from the Oregon State Highway Division  
15 indicate that the existing driveway would permit  
16 anticipated use for seven lots. The applicant is  
17 required to obtain an updated Road Approach Permit from  
18 State Highway Division and comply with the conditions of  
19 that permit in full. The applicant also intends on  
20 constructing a security fence and gate which will need  
21 to be designed so as not to block use of the State  
22 Highways' parking lot. This will be included as a part  
23 of the road approach permit.
- 24 24. Comments received from the Lincoln County Subsurface  
25 Division indicate that the applicant is required to  
26 obtain site approval for individual sewage disposal  
27 systems.
- 28 25. Comments received from the Lincoln County Health  
29 Department state that 1) regarding the Public Water  
30 System, the Developer has already discussed his  
31 prospective 'Community Water System' with Mike Grimm,  
32 Oregon Health Division--Drinking Water Division, NW  
33 Regional Engineer. He will be going through Plan Review  
34 to develop an approved ground source and use the  
35 existing surface source for irrigation. 2) There will  
36 be no public spa pool or swimming pool on property."
- 37 26. Comments received from the Depoe Bay Rural Fire  
38 Protection District state that the developer has agreed  
39 to supply water for fire protection in the amount of  
40 2000 gallons per dwelling unit and placement of fire  
41 hydrants where necessary in accordance with district  
42 specifications.

- 1 27. On Tuesday, May 26, 1992 a public hearing was held  
2 before the Lincoln County Planning Commission in  
3 consideration of the request. All interested parties  
4 were given an opportunity to testify.
- 5 28. The applicant presented testimony on behalf of his  
6 request.
- 7 29. One letter was received from a neighboring property  
8 owner and entered into the record.
- 9 30. Two neighboring property owners appeared before the  
10 Planning Commission and were mainly interested in the  
11 proposal site plan and proposed water supply.

12 Relevant Criteria

13 1. Lincoln County Development Code:

14 a. Comprehensive Plan Policies:

15 1. Dispersed Residential (Section 1.0190(3)):

16 Dispersed residential areas are located on marine  
17 terraces and valley floors. Residential use  
18 densities shall be as necessary for on-site sewer  
19 disposal and water supply. Uses such as  
20 forestry, farming and rural residential  
21 subdivisions, and existing public recreation  
22 facilities, quarrying, sanitary land fills,  
23 government uses, and similar uses may be included  
24 by County review.

25 b. Ordinance Standards:

26 1. Coastal Shorelands Overlay Zone (Section 1.1381):

(A) Purpose

27 The purpose of the Coastal Shorelands  
28 Overlay Zone is to recognize the value of  
29 coastal shorelands for the protection and  
30 maintenance of water quality, fish and  
31 wildlife habitat, water dependent uses,  
32 economic resources, recreation and  
33 aesthetics. The C-S zone, in conjunction  
34 with various underlying zones, implements  
35 the Coastal Shorelands policies contained in  
36 the Lincoln County Comprehensive Plan.

1 (B) Standards

2 The following standards will be applied in  
3 reviewing an application for a land use  
4 action in the C-S zone:

5 1. Significant Wildlife Habitat and Major  
6 Marshes:

- 7 a. No residential, commercial, or  
8 industrial development shall be  
9 permitted in major marshes or  
10 significant wildlife habitat as  
11 identified in the Comprehensive Plan  
12 Inventory.
- 13 b. Fill or removal activities shall not  
14 be permitted in major marshes as  
15 identified in the Comprehensive Plan  
16 Inventory.
- 17 c. Development proposed adjacent to a  
18 major marsh or significant wildlife  
19 habitat shall be located no closer  
20 than fifty (50) feet from the marsh or  
21 habitat area.
- 22 d. Low intensity structural developments  
23 such as hiking trails, platforms for  
24 wildlife viewing or similar types of  
25 educational, scientific or  
26 recreational uses may be permitted  
under the following conditions:
- i. Such development shall not act as a  
barrier to fish or wildlife  
species.
- ii. Such development shall not result  
in major disturbances or  
displacement of fish or wildlife  
species.
- iii. Such development shall not alter a  
water course.
- iv. Such development shall not result  
in a permanent destruction of  
wetland vegetation.

1                   C. Coastal Headlands and Exceptional Aesthetic  
2                   Resources:

3                   1. Development on coastal headlands or in  
4                   areas of exceptional aesthetic quality  
5                   shall not substantially alter the scenic  
6                   character of the area.

7                   2. Development on Coastal Headlands shall  
8                   not substantially alter the natural  
9                   vegetative cover.

10                  2. Planned Development Overlay Zone Standards (Section  
11                  1.1380):

12                  a. Purpose:

13                  A Planned Development (PD) zone may be used in  
14                  combination with another zone. The purpose of  
15                  the PD zone is to permit the application of new  
16                  technology and greater freedom in design in land  
17                  development than may be possible under a strict  
18                  interpretation of the provisions is dependent  
19                  upon the submission of an acceptable plan and  
20                  satisfactory assurances it will be carried out.  
21                  Such plan should accomplish substantially the  
22                  same objectives as are proposed by the  
23                  comprehensive plan for the area.

24                  b. General Requirements:

25                  (1) A PD zone may be established in combination  
26                  with any zone other than a T-C zone.

27                  (2) A PD zone may contain only a planned  
28                  development which has been approved in  
29                  accordance with the provisions of this  
30                  chapter.

31                  (3) Requirements pertaining to area, density,  
32                  yards or similar dimensional standards shall  
33                  be guided by the standards of the zone in  
34                  which the development is proposed.

35                  c. No building shall exceed a height which is  
36                  greater than 45 feet without voter approval.  
37                  Such height increases may be approved by the  
38                  Planning Commission provided that the proposed  
39                  height is not detrimental, incompatible or  
40                  otherwise undesirable with respect to existing or

1 future surrounding area development, and provided  
2 that one of the following situations can be found  
to exist:

3 (A) That the height increase can be justified on  
4 the basis of unique lot characteristics,  
5 topographical conditions, or other natural  
features; or

6 (B) That the height increase can be justified on  
7 the basis of amenities provided or  
8 concessions made by the developer for which  
9 some bonus incentive is warranted.

- 10 5. A planned development shall have a minimum of 5  
11 continuous acres exclusive of street right-of-  
12 way.
- 13 6. There are special physical conditions or  
14 objectives of the development which warrant a  
15 departure from the standard ordinance  
16 requirements.
- 17 7. The proposed development will not be inconsistent  
18 with the comprehensive plan provisions or zoning  
19 objectives of the area.
- 20 8. The area at least 250' from the outside boundary  
21 of the lot upon which the development is  
22 proposed, is or can be planned to be in  
23 substantial harmony with the proposal.
- 24 9. The plan can be completed within a reasonable  
25 period of time.
- 26 10. Any proposed commercial or industrial development  
can be justified economically.
11. The streets are adequate to support the  
anticipated traffic and the development will not  
overload the streets outside the planned area.
12. Proposed utility and drainage facilities are  
adequate for the population densities and type of  
development proposed and will not create a  
drainage or pollution problem outside the planned  
area.

1 Findings:

2 A. The Commission finds:

- 3 1. In the RR1-2 zone, lots served by a public or  
4 community water system require one (1) acre per  
5 dwelling unit. The total combined area of the  
6 subject property which includes that portion west of  
7 Old Highway 101 is 17.27 acres. Thus, 17.27 divided  
8 by seven units equals 2.47 acres per dwelling unit  
9 which exceeds the minimum one acre standard. The  
10 applicant further proposes to conform with building  
11 height standards and setbacks set forth in the County  
12 Code, thus requirements pertaining to area, density,  
13 yards and other dimensional standards of the RR1-2  
14 zone will be satisfied.
- 15 2. Departures from standard ordinance requirements  
16 pertain primarily with road right-of-way width and  
17 travel surface improvements, and fence height  
18 following the eastern property boundary. The  
19 applicant requested a right-of-way width of 25 feet  
20 instead of the standard 50 feet since the access  
21 permit through the Oregon State Highway Division  
22 (OSHD) limits the width to 25 feet and as stated by  
23 OSHD can accommodate its use for seven lots. The  
24 applicant further requested a modification to permit  
25 a travel surface improvement width of 20 feet instead  
26 of the required 24 feet. The anticipated level of  
traffic associated with seven lots is not expected to  
create congestion or impair visibility. Each lot has  
direct access along the improved private road which  
is adequate to support the development, and thus the  
commission finds that these factors considered  
together warrant a departure from the standard  
ordinance requirements.
3. The applicant's property abuts a public parking area  
along Highway 101 which presents a security and  
privacy concern for new residents of the Planned  
Development. The applicant proposes to mitigate  
these concerns by erecting a six foot high fence  
which will be screened by plantings and other  
vegetative buffering. The commission finds that  
these conditions warrant a departure from the  
standard ordinance requirements to permit the  
requested fence height of six feet.
4. The Dispersed Residential plan designation is  
intended for areas irrevocably committed to non-  
resource uses such as the subject property. These

1 areas are suitable and desirable for rural  
2 residential development; residential densities should  
3 be appropriate for the long-term provision of  
4 domestic water and on-site sewage disposal and  
5 buffering from adjacent resource lands. The RR1-2  
6 zone in general is used to provide a transition from  
7 urban to rural densities where public or community  
8 water can be extended to the site and where rural  
9 fire protection may be present such as the conditions  
10 present under the proposed planned development. In  
11 addition, the applicant has proposed to permit low  
12 intensity home offices which would otherwise be  
13 permitted as a conditional use in the RR1-2 zone.  
14 This is consistent with the purpose of the planned  
15 development overlay zone which allows an applicant to  
16 include uses permitted outright or conditionally in  
17 any zone with few exceptions.

18 Considering factors described above, the commission  
19 finds that the proposed development will be  
20 consistent with the comprehensive plan provisions and  
21 zoning objectives of the area.

- 22
- 23 5. The coastal shorelands overlay zone is to recognize  
24 the value of coastal shorelands for the protection  
25 and maintenance of water quality, fish and wildlife  
26 habitat, water dependent uses, economic resources,  
recreation and aesthetics and is applied in  
conjunction with the underlying zone. The area west  
of Old Highway 101 is identified in the comprehensive  
plan as containing significant wildlife habitat and  
exceptional scenic resources. Setbacks from the  
proposed development will far exceed the required 50  
foot minimum. The applicant's plan indicates that  
minimal tree removal and thinning will occur in this  
area in order to enhance and maintain ocean views.  
The applicant will furnish a detailed tree removal  
and thinning plan for review and approval by staff  
for those areas inventoried in the comprehensive  
plan. Approval of the plan will be based upon a  
finding that it is consistent with the requirements  
of the coastal shorelands overlay zone.

Based on these considerations the commission finds  
that the proposed development will not be  
inconsistent with the comprehensive plan provisions  
or zoning objectives of the area.

6. The subject property and property south is zoned RR1-  
2, Rural Residential. Otter Crest State Wayside/Gift  
Shop is zoned P-F (Public Facilities), and property

1 north across Old Highway 101 and east across Highway  
2 101 are zoned T-C (Timber Conservation). Property  
3 west of Old Highway 101 and north of the gift shop  
4 will remain protected and undeveloped. The buildable  
5 portion of the planned development is surrounded on  
6 all sides by State Highway and is sufficiently  
7 buffered from resource lands north and east by the  
8 physical distance and separation caused by the  
9 highway right-of-ways. Property south is also zoned  
RR1-2 and would thus be subject to residential  
development opportunities in accordance with  
applicable comprehensive plan and zoning standards.  
Based on these considerations, the commission finds  
that the area at least 250 feet from the outside  
boundary of the lot upon which the development is  
proposed is or can be planned to be in substantial  
harmony with the proposal.

- 10 7. The ordinance requires building permits be issued  
11 within two years from the date of final approval and  
12 substantial completion of the project in five years  
13 unless an extension is granted by the Planning  
Commission.
- 14 8. No commercial or industrial development is proposed.
- 15 9. Based on findings in 2 above, the streets are  
16 adequate to support the anticipated traffic and the  
17 development will not overload the streets outside the  
18 planned areas.
- 19 10. The applicant will be required to obtain necessary  
20 approvals and licensing for provision of utilities.  
21 Proposed utility and drainage facilities are  
22 therefore adequate for the population densities and  
23 type of development proposed and will not create a  
24 drainage or pollution problem outside the planned  
25 area.

### 26 Conclusion

The record and the findings support the conclusion that:

1. Approval is based upon the submitted plan.  
Development of the site shall be in substantial conformance  
with the approved plan. Any substantial change shall be  
submitted for review as an amendment to the approved plan.

1           2. A plat of the partition conforming with ORS Chapters  
2 209.250 and 92 shall be submitted to the Director for a  
3 determination of substantial conformity with the tentative  
4 plan.

5           3. The plat shall contain a statement of water rights,  
6 and a copy of the acknowledgment from the Water Resources  
7 Department under ORS 92.122 if a water right is appurtenant  
8 to the partition.

9           4. The applicant shall obtain licensing from the  
10 appropriate regulatory agency (Lincoln County or State  
11 Health Department) to develop a Public Water System and  
12 comply with the conditions of that licensing in full.

13           5. The applicant shall submit as-builts of the water  
14 line delivery system which certify that water is available  
15 to the boundary of each lot. The as-built shall be stamped  
16 by an engineer licensed with the State of Oregon.

17           6. Prior to recording, the applicant shall submit for  
18 review final covenants and restrictions.

19           7. The applicant shall submit to the Planning Division  
20 as-builts of the proposed road which certify that the road  
21 has been constructed as approved. The as-builts shall be  
22 stamped by an engineer licensed in the State of Oregon.

23           8. The applicant shall obtain a road approach permit  
24 from the State Highway Division for access onto Highway 101  
25 and comply with the conditions of that permit in full.

26           9. The applicant shall provide a method of sewage  
disposal that is approved by the Lincoln County Subsurface  
Division for each lot created.


          10. The applicant shall provide fire protection in  
accordance with requirements of the Depoe Bay Rural Fire  
Protection District.

          11. The applicant shall obtain staff approval of a  
submitted detailed vegetation removal and tree cutting plan  
for property west of Old Highway 101 prior to commencement  
of these activities. Approval of the plan shall be based  
upon a finding that it is consistent with the requirements  
of the Coastal Shorelands Overlay Zone. Any change in the  
approved plan shall require the applicant or Home Owners  
Association to submit a new plan for review.

1 ORDER:

2 It is hereby ORDERED by the Planning Commission of Lincoln  
3 County that the requested proposal in Case File #1-PD-92 be  
4 recommended to the Lincoln County Board of Commission for  
approval subject to the specified conditions of approval.

5 This ORDER was presented to and approved by the Planning  
6 Commission on June 8, 1992.

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8   
George Mifler, Chairman  
Lincoln County Planning Commission

9 ATTEST:  
10 Ayes:  
11 Noes:  
12 Absent:  
13 Abstain:

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