

CITY OF YACHATS
LINCOLN COUNTY, OREGON

In the matter of a request
from YACHATS TRADING COMPANY
relating to QUIET WATER SUBDIVISION

FINDINGS OF FACT,
CONCLUSION, AND ORDER

The Planning Commission of the City of Yachats makes the following

FINDINGS OF FACT

1. The original approval, on March 24, 1980, for Quiet Water subdivision was for a total of 86 units. These 86 units consisted of 49 individual, single-family lots and 37 "zero lot line" units scattered in a random pattern on land adjacent to the river bank.
2. Infrastructure construction was completed within the 5-year period specified in Section 7.040(2), Ordinance No. 73; abandonment is not an issue.
3. Two building permit applications were approved by the Planning Commission on September 4, 1981 and building permits issued on October 31, 1981. These permits comply with Section 7.040(1)(b), Ordinance No. 73, and automatic termination of plat approval did not occur.
4. In March 1984, developer proposed, and requested approval of, an overall concept of a re-design of the development to allow clusters of cabin units along the river. These units were to be developed in "phases," each phase to be approved by the Planning Commission prior to start of phase development.
5. Ordinance No. 73 contains no provision, either permitting or prohibiting, a re-design of an approved plat. Notwithstanding, after holding a public hearing, the Planning Commission agreed to permit the re-design and on March 29, 1984 approved the proposal.
6. The approved re-design concept included, in addition to re-platting lots, re-forestation of the site for improved appearance and for runoff control, re-design of the drainage system, and restriction of the Combs Circle entrance at Yachats River Road to emergency use only. The re-design plan decreased the number of lots to 80. The marketing plan called for developed, rather than vacant, lots to be sold, the buildings to be designed and built by the developer.

7. Three phases were subsequently approved and developed. The 37 "zero lot line" units were replaced by 24 units arranged in clusters.

8. At completion of Phase III, developer requested that a tract originally designated for individual lot development be converted to use as cabin-type, cluster development. A driveway would be required to give access to the homesites. Approval was given for this change, designated as Re-plat Phase IV, conditional on construction of access roadway and utilities.

9. When approving Phase IV, warning was given to developer that regardless of type of construction and plot development the overall number of lots, in total, is not to exceed 80. At this time also, the Planning Commission requested, but never received, a plan showing the direction of the remaining re-design.

10. Approval of Phase IV brought the overall units in the development to a total of 80. Of this number, 75 are homesites, 4 are common areas (one common area associated with each of the four phases), and one is a "remainder" lot which is a portion of Lot 17, Block 3. The major part of Lot 17 became a part of Phase IV and the remainder is too small to be a buildable lot.

11. Each of the four re-design phases was duly recorded in Lincoln County records as a re-plat which replaced the underlying configuration approved in 1980 of the affected area.

12. Subsequent to Phase IV, no further re-design phase has been proposed, and 38 lots remain in the single-family lot configuration of the 1980 plat.

13. Developer filed an application requesting re-instatement of the 1980 plat for that portion of the subdivision not re-platted.

14. On July 19, 1987, after giving public notice, the Planning Commission held a public hearing to receive comment on the developer's request.

15. At the hearing, developer questioned the necessity for the proceeding and reserved the right to object.

16. Testimony in support of the developer's request was heard from two Quiet Water homeowners. A written statement of support was received from the president of the Quiet Water Homeowners Association. This letter affirmed the Architectural Review Committee's dedication to maintaining the architectural compatibility of all new residences.

17. There was no opposing testimony.

18. All buyers of Quiet Water lots are bound by the conditions, covenants and restrictions governing the subdivision.

19. The Planning Commission received no information concerning the extent of completion of the drainage re-design.

20. The original 1980 plat and the re-design conformed to the Yachats Comprehensive Land Use Plan.

CONCLUSION

Based on the foregoing, the Planning Commission concludes:

1. The overall re-design proposal approved on March 29, 1984 is terminated except for the drainage re-design and the original plat of 1980 is in effect except where re-platting has been accomplished.

2. Controls regulating future building in the subdivision are in place.

3. The density standard required by the Planning Commission is satisfied.

4. The present application is not contrary to the Yachats Comprehensive Land Use Plan.

ORDER

1. Excepting Re-plat Phases I, II, III, and IV, the original Quiet Water subdivision, approved on March 24, 1980, is declared to be in place with a single-family lot configuration subject to the conditions, covenants and restrictions placed upon the subdivision at the time the original plat was approved.

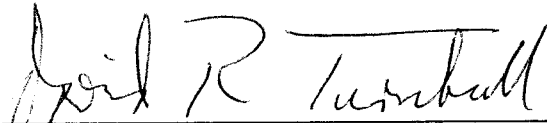
2. Siting of units remaining to be built in Phases III and IV shall be in accordance with a plan for each cluster as a group and, in Phase IV, building permits shall not be approved until construction of roadway and utilities is completed according to approved plan.

3. Drawings bearing the approval of the Architectural Review Committee shall accompany building permit applications when submitted to the Planning Commission.

4. Increase in density of development shall not be permitted.


5. Construction of the drainage system according to the 1984 drainage re-design shall be the responsibility of the developer and no building permits shall be approved until the developer has attested to the drainage re-design's completion.

APPROVED by the Planning Commission of the City of Yachats on this 17th day of SEPT., 1987.



Chairman

Attest:



City Recorder