



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/08/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Yachats Plan Amendment
DLCD File Number 001-10

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, October 22, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Larry Lewis, City of Yachats
Gordon Howard, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative

<paa> YA



FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

OCT 03 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

This Form 2 must be mailed to DLCD within **20-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

Jurisdiction: **City of Yachats**

Local file number: **N/A**

Date of Adoption: **9/12/2013**

Date Mailed: **10/1/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 8/6/2010

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to Yachats Zoning and Land Use Code:

- Section 9.56 Subdivisions and Partitions - performance agreement provisions are revised to include additional standards.

- Section 9.60 Planned Unit Development - Amends uses permitted, minimum PUD size is enlarged, clarifies maximum allowed density, clarifies exceptions and review procedures, clarifies preliminary approvals and specifies development requirements.

Does the Adoption differ from proposal? Yes, Please explain below:

The original proposed amendment to Subdivisions and Partitions eliminated the performance agreement option. The adopted amendment maintains the performance agreement option with specific standards.

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **N/A**

to: **N/A**

Location: **Citywide**

Acres Involved:

Specify Density: Previous: **No change**

New:

Applicable statewide planning goals:

1 **2** **3** **4** **5** **6** **7** **8** **9** **10** **11** **12** **13** **14** **15** **16** **17** **18** **19**

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

Yes No

DLCD File No. 001-10 (18452) [17631]

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Yachats, Dept. of Land Conservation & Development

Local Contact: **Larry Lewis**

Phone: (541) 547-3565 Extension:

Address: **PO Box 345**

Fax Number: **541-547-3063**

City: **Yachats**

Zip: **97498-**

E-mail Address: **larry@ci.yachats.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 20 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

CITY OF YACHATS
ORDINANCE NO. 317

COPY

AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 9, SECTION 9.56.20 – GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN AND DEVELOPMENT FOR PARTITIONS AND SUBDIVISIONS

WHEREAS, in a Joint Meeting on July 10, 2012 the City Council and Planning Commission discussed the current language in the Yachats Municipal Code regarding Performance Agreements for development; and, ways to improve the standards and process to provide assurance that all improvements are completed in any development as required by the Planning Commission when approving a final plat map; and

WHEREAS, the City Planner and Planning Commission developed development checklists to be used to improve the process and drafted amending language for the Yachats Municipal Code; and

WHEREAS, the Planning Commission held a Public Hearing on April 2013, and recommended a Code Amendment to the City Council for adoption; and

WHEREAS, the City Council held a Public Hearing on July 11, 2013 and voted to adopt the recommended amendments to the Yachats Municipal Code; and

WHEREAS, at the July 11, 2013 City Council meeting the Council considered adoption of the proposed amendments regarding performance agreements for partitions and subdivision. The City Council requested that 1) a definition of 'performance agreement' be provided and 2) the existing opening paragraph be revised to clearly state when a performance agreement is possible. The first sentence of the current language can be implied that the developer has failed to complete improvements and therefore needs a performance agreement.

NOW THEREFORE, the City of Yachats ordains the Yachats Municipal Code, Chapter 9.56 - Approval And General Requirements Of Partitions and Subdivisions shall be amended in part as follows:

Section 9.56.020 General requirements and minimum standards of design and development for partitions and subdivisions.

The following are the minimum requirements and standards to which partitions and subdivisions must conform before approval:

A. Conformity to the Comprehensive Plan. All partitions and subdivisions shall conform with all adopted portions of the comprehensive plan, zoning ordinance and all other adopted plans. Major streets, parkways, parks and recreation areas, community and neighborhood facilities should be placed in approximately the same locations designated by the comprehensive plan.

B. Access. The partitioning and subdividing of land shall provide each lot or parcel, by means of a public or private road or street, satisfactory vehicular access to an existing street.

C. Relation to Adjoining Street System. A partition or subdivision shall provide for the continuation of the major and secondary streets existing in the adjoining subdivisions or partitions and for their proper projection when the adjoining property is not subdivided. If the planning commission adopts a plan for a neighborhood of which the partition or subdivision is a part, the partition or subdivision shall conform to such adopted neighborhood or area plan. If, in the opinion of the planning commission, topographic conditions make such continuation or conformity impractical, exceptions may be made.

When a tract is partitioned or subdivided into lots of an acre or more, the planning commission may require

an arrangement of lots and streets such as to permit a later repartitioning or resubdivision in conformance with the street requirements and other requirements contained in these regulations.

D. Easements.

1. Where alleys are not provided, easements of not less than five feet in width shall be provided on each side of the rear line or side line for necessary utility lines, wires, conduits, storm and sanitary sewers, gas and water. Easements of the same or greater widths may be required along boundary lines or across lots or parcels where necessary for the extension of utility lines, waterways and walkways, and to provide necessary drainage ways or channels.

2. A private easement established without full compliance with these regulations may be approved by the planning commission provided it is the only reasonable method by which the rear portion of an unusually deep lot or parcel may be provided vehicular access.

E. Public Access Ways. When necessary for public convenience and safety, the planning commission may require the land divider to dedicate to the public access ways ten to twenty (20) feet in width to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for a network of public paths according to adopted plans or to provide access to schools, parks, beaches or other public areas, of such design and location as reasonably required to facilitate public use.

F. Lots and Parcels.

1. Every lot and parcel shall abut on a street and the frontage of each shall not be less than twenty-five (25) feet, unless the planning commission grants otherwise.

2. Each side line shall be as close to perpendicular to the adjacent street line or radial to a curved street line as possible.

3. Lots or parcels with double frontage shall not be permitted unless, in the opinion of the planning commission, an odd shaped tract or existing topography makes such lot or parcel unavoidable.

4. Lot and parcel sizes and dimensions shall conform to the requirements for lot size and area of the zoning classification in which the partition or subdivision is located.

5. Lots and parcels under twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of two and one-half to one. Lots and parcels over twenty-five thousand (25,000) square feet in area must not exceed a depth to width ratio of three and one-half to one.

G. Performance Agreement. *Performance Agreement means an irrevocable letter of credit, surety bond, or cash guaranteeing the satisfactory completion of a project by a developer.*

If the developer desires to record the plat prior to completion and approval of all improvements required by the Planning Commission and this title are not completed according to specifications as required herein prior to the time the plat is duly submitted for consideration and approval, the Planning Commission may accept in lieu of the completion of improvements a performance agreement or bond executed by the partitioner or subdivider and his or her surety company. The performance agreement shall be executed with the City Council in accordance with the seven requirements described below, conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the Planning Commission.
~~*If all improvements required by the Planning Commission and this title are not completed according to specifications as required herein prior to the time the plat is duly submitted for consideration and approval, the Planning Commission may accept a performance agreement in lieu of the completion of improvements a performance agreement or bond executed by the partitioner or subdivider and his or her surety company with the City Council conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the Planning Commission.*~~

1. Improvements. Improvements include all infrastructure, e.g. streets, water, sewer, storm drainage, pedestrian facilities, and any other improvements required as part of the tentative approval.

2. Performance Agreement Required. When a performance agreement is required the applicant shall file an assurance of performance with the City supported by one of the following:

a. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;

b. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or

c. Cash.

3. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

4. Itemized Improvement Estimate. The developer shall furnish to the City an itemized cost estimate for each improvement, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

5. Agreement. An agreement between the City and developer shall be recorded with the final plat that stipulates all of the following:

a. Specifies the period within which each required improvement and repair shall be completed, and how performance funds are released:

b. A provision that if work is not completed within the period specified, a time extension may be granted or the City may complete the work and recover the full cost and expenses from the applicant;

c. Stipulates the improvement fees and deposits that are required.

The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and the City.

6. If Developer Fails to Perform. If the developer fails to carry out all provisions of the agreement the City shall call on the performance agreement for completion of the project.

7. Termination of Performance Agreement. The developer shall not cause termination of nor allow expiration of the agreement without having first secured written authorization from the City.

~~Performance Agreement. If all improvements required by the planning commission and this title are not completed according to specifications as required herein prior to the time the plat is duly submitted for consideration and approval, the planning commission may accept in lieu of the completion of improvements a performance agreement or bond executed by the partitioner or subdivider and his or her surety company with the city council conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the planning commission.~~

H. Water. All lots in partitions or subdivisions shall be served by a public water system. No plat of a partition or subdivision shall be approved unless the city has received and accepted:

1. A certification by the city water Director that water will be available from the nearest point of supply; or

2. A performance agreement, bond contract or other assurance that a water supply system will be installed by or on behalf of the subdivider to every lot or parcel depicted in the proposed partition or subdivision.

I. Sewer. No plat of a partition or subdivision shall be approved unless the city has received and accepted:

1. A certification by the city sewer Director that sewage service will be available at the nearest point of collection; or

2. A performance agreement, bond, contract or other assurance that sewage disposal lines will be installed by or on behalf of the partitioner or subdivider to the boundary line of each and every lot or parcel depicted in the proposed partition or subdivision;

3. Where no sewerage service is available, the Department of Environmental Quality or county health department shall approve the proposed method of sewage disposal adequate to support the proposed use of the land for the partition or subdivision. A statement that no sewerage service is available and that the proposed method of sewage has been approved will be provided to the purchaser of each lot or parcel in the proposed partition or subdivision. A copy of any such statement signed by the partitioner or subdivider and endorsed by the planning commission chair shall be filed by the partitioner or subdivider with the real estate commissioner.

PASSED AND ADOPTED by the City Council of the City of Yachats on this 12th day of September 2013.

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 0

APPROVED by the Mayor this 12th day of September, 2013.



Ronald L. Brean, Mayor

Attest:



Nancy Batchelder, City Recorder

CITY OF YACHATS
ORDINANCE NO. 320

COPY

AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 9.60 –
PLANNED UNIT DEVELOPMENT

WHEREAS, the Planning Commission held a Public Hearing on April 16, 2013 and voted to recommend amending the Yachats Municipal Code Chapter ; and

WHEREAS, the City Council held a Public Hearing on July 11, 2013 and voted to adopt the recommended amendments to the Yachats Municipal Code, Chapter 9.60 - Planned Unit Development;

NOW THEREFORE, the City of Yachats ordains the Yachats Municipal Code, Chapter 9.60 shall be amended as follows:

Existing language to remain is shown in plain text.
Existing language to be deleted is shown in ~~strikethrough text~~.
New language is shown in ***bold italicized text***.

Section 9.60.010 Purpose.

The purpose of the P.U.D. is to permit the application of new technology and greater freedom in design in land development than may be possible under a strict interpretation of the provisions of this title. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurance it will be carried out. Such plan should accomplish substantially the same objectives as are proposed by the comprehensive plan for the area.

Section 9.60.020 General requirements.

A. In the case of a planned unit development the regulations contained in this chapter may, if necessary, be modified as they apply to streets, blocks and lots when adequate access to major thoroughfares, adequate light and air circulation, recreational areas, open space and lot area per dwelling are provided.

B. A planned unit development may be established in any zone.

~~C.~~ A planned unit development shall have a minimum of ~~three~~ ***two*** contiguous acres ~~for R-1 and R-2 residential with the exception of R-3, R-4 and C-1 which can have one acre for commercial.~~

~~D.~~ A planned unit development may include any uses permitted outright or conditionally in the zone in which it occurs. ***Where the underlying zone is residential, any residential uses permitted in R-1 through R-4 zones may be permitted when compatible with each other and harmonious with adjacent uses.***

~~E.~~ Requirements pertaining to area, density, yards or similar dimensional standards shall be guided by the standards of the zone in which the planned unit development is proposed. ***Overall residential density shall be as provided for in the applicable use zone or zones. Density shall be computed based on the total gross land area of the subject property, excluding area devoted to commercial or other nonresidential uses allowed in the underlying zone, but including street and private common areas.***

F. Yards, setbacks, lot area, lot coverage and similar dimensional requirements may be modified upon application to and approval by the Planning Commission, consistent with the design objectives of the proposed development.

~~G.~~ No building shall exceed a height of thirty (30) feet except:

1. That the height increase can be justified on the basis of unique lot characteristics, topographical conditions or other natural features; and or

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2. That the height increase can be justified on the basis of amenities provided or concessions made by the developer for which some bonus incentive is warranted.

- ~~G. The average residential lot size in the subdivision (building site areas plus common areas divided by the number of dwelling units) must be equal to or greater than the minimum lot area of the zone in which it is located.~~
- H. At least forty (40) percent of the land area will be dedicated or reserved as usable common outdoor living and open space land in residential, recreational or combination residential-commercial development, exclusive of required streets.
- I. ~~In any development which is primarily designed for or occupied by dwellings, a~~ all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer unless waived by the Planning Commission.
- J. The Planning Commission ~~or city council~~ may require easements necessary for orderly extension of public utilities to future adjacent developments.
- K. Lands and structures not dedicated to the public but reserved for use by owners or tenants and their guests must be subject to an association of owners or tenants created to form a nonprofit corporation under the laws of the state of Oregon. The association shall be formed and continued for the purpose of maintaining such common areas and structures.
- L. Developments shall provide for safe, well-marked pedestrian ways that do not conflict with vehicular traffic.

Section 9.60.030 Procedure for proposing P.U.D.

- A. Preliminary Plan Application. An applicant shall submit ~~at least five copies of~~ a preliminary plan of a planned unit development to the Planning Commission City for study ~~at least fifteen (15) days prior to the Planning Commission meeting at which it will be discussed.~~ The preliminary plan shall include the following data:
1. The name, address and phone number of the land owner and developer; ~~partitioner and engineer or surveyor;~~
 2. The tax lot number and the section, township and range in which the property is located;
 3. The date, north point and scale of the drawing;
 4. A vicinity sketch showing the location of the P.U.D. in relation to known landmarks in the city;
 5. The approximate location and dimensions of all proposed boundary lines;
 6. Approximate area of the property being subdivided and each parcel;
 7. Name, location and width of all existing and proposed roads, rights-of-way and easements;
 8. Existing zoning of the property;
 9. Existing and proposed uses of the property;
 10. Approximate location and use of all existing structures to remain on site. Indicate those to be removed;
 11. Any limitations to development: i.e., topography, areas subject to flooding, geologic hazards, drainage channels on property, etc. In areas of twelve (12) percent or greater slope, a geological report shall be submitted, in accordance with provisions of Section 9.52.050;
 12. Proposed use, location, dimensions, height and type of construction of all buildings. Proposed number of dwelling units, if any, to be located in each building;
 13. Proposed circulation pattern including the location, width and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein;
 14. Proposed use of all open spaces including a plan for landscaping;
 15. Proposed grading and drainage pattern;
 16. Proposed method and plan for provision of water supply, sewage disposal, and electrical facilities;
 17. Relationship of the proposed development to the surrounding area and to the comprehensive plan.

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B. Review of Preliminary Plan by Other Departments. ~~Within five days after the P.U.D. application is submitted and prior to consideration of the preliminary plan by the Planning Commission, the City recorder~~ Planner shall distribute copies of the preliminary plan for review and comment to the Yachats ~~Department of Public Works: Yachats~~ Rural Fire Protection District: Oregon State Highway Department of Transportation, if the proposed development is within one thousand (1,000) feet of a state highway; and to any other appropriate federal, state or local agencies. Officials of these agencies shall have a minimum 14 days for review prior to the Planning Commission meeting ~~shall be given at least ten days to review the plan, suggest revisions, and return the plans to the Planning Commission.~~

C. Approval of Preliminary Plan.

1. ~~When all comments and recommendations from appropriate agencies or departments have been received or within forty five (45) days after receiving the application as provided for in this title, whichever date shall occur first, the city staff shall place the preliminary plan on the agenda of the next scheduled meeting of the Planning Commission and notify the applicant of the meeting date and time. Following consideration of the preliminary plan, the replies from the other agencies and departments and such other testimony offered, the Planning Commission shall schedule a hearing within forty five (45) days. At the conclusion of the hearing, the Planning Commission shall approve, conditionally approve, disapprove for cause or, when further information is required, postpone a decision on the preliminary plan. Unless appealed, the decision of the Planning Commission shall become effective on the thirty first day after rendered. The approval or conditional approval is valid for two years from the effective date of that approval. Preliminary plans shall be processed and decisions made in accordance with the schedule identified in the most current Oregon Revised Statutes. The Planning Commission may grant time extensions upon written request by the applicant prior to expiration of the approval or conditional approval.~~

2. If the preliminary plan for the planned unit development is approved, the Planning Commission (or city council in the case of appeal) may attach conditions it finds necessary to carry out the purpose of this title. These conditions may include, but are not limited to, the following:

- a. Increasing the required setbacks;
- b. Limiting the height of buildings;
- c. Controlling the location and number of vehicular access points;
- d. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation, in accordance with recommendations given by the Yachats department of public works and/or the public works and streets commission;
- e. Increasing the number of parking spaces and improving design standards for parking areas;
- f. Limiting the number, size, location and lighting of signs;
- g. Designating sites for open space and recreational development, and, in general, improving landscaping requirements;
- h. Requiring additional view-obscuring screening or fencing;
- i. Requiring performance bonds to assure that the planned unit development is completed as approved within the time limit as established by the Planning Commission;
- j. Requiring appropriate contractual agreement with the county or with special districts to assure development of streets, curbs, gutters, sidewalks, and all utilities to acceptable standards.

3. ~~The Planning Commission may recommend to the city council that the city council approve, deny or recommend revision of the preliminary plan of the planned unit development.~~

D. Submitting the Map.

1. ~~Within one~~ two years after the approval of the preliminary plan, a map of the P.U.D. ~~may~~ shall be submitted to the Planning Commission for approval. The map shall be a survey of the P.U.D. or a photographic copy thereof. Maps shall be in substantial conformity to the approved preliminary plan and conditions of approval.

2. In addition to the information as required on the preliminary plan the following information shall be provided:
 - a. Accurate legal description of all parcels and roads;
 - b. The deed dedicating to the public all common improvements, including but not limited to streets and roads, the donation of which was made a condition of approval of the preliminary plan for the P.U.D.;
 - c. A copy of all protective deed restrictions;
 - d. Street and drainage construction plans;
 - e. The certification, performance agreement or statement regarding the availability of water and sewerage services as provided in Section 9.60.040;
 - f. The location of the approved site for the septic system if applicable.
1. Map Approval. Within ~~ten~~ thirty days of the receipt of a P.U.D. map as provided in this title, the city staff shall refer the map to the Planning Commission for a decision. The applicant shall be notified in writing of the time and place of the Planning Commission meeting. Unless appealed, the decision shall become effective on the ~~thirty-first~~ fifteen days after rendered. When the approval becomes effective, the ~~City recorder~~ Planner shall endorse his or her approval on the map. The map shall then be recorded in the offices of ~~the county clerk, with a copy of the certified map retained by the city~~ Lincoln County. Approval of the submitted map shall be considered as final when a copy of the recorded map is provided to the City, properly endorsed and recorded.

Section 9.60.040 Development of a P.U.D.

~~A. Building Permits.~~

- ~~1. Building permits for all or any portion of a planned unit development shall be issued on the basis of the approved plan. An application for a building permit shall be preceded or accompanied by submission of any required bonds or deeds for public dedication or contractual agreements for development of public facilities.~~
- ~~2. If no building permits have been issued within two years of the date of final approval of the planned unit development, the P.U.D. shall be terminated automatically unless a request to extend the time limit is approved by the city council.~~

~~B. Abandonment. Upon abandonment of a particular development authorized under this section, or if the development has not been substantially completed within five years from the date of its final approval, the city council may determine that the granting of approval shall be nullified.~~

~~C. Parks and Open Spaces. The Planning Commission may require the developer to provide up to five percent of the P.U.D. area for park and recreation purposes. The area(s) shall be of a design and location acceptable to the Planning Commission, based on suitability for park and recreation purposes.~~

~~D. Partial Development. If a proposed P.U.D. area includes only part of a tract owned by the subdivider, the Planning Commission may require a sketch of the tentative layout of lots, streets, and open space in the remainder of that tract.~~

~~E. Duplication of Names. The name of a tentative plan must not duplicate the name used in any other legally recorded P.U.D. in Lincoln County, except for the words "town," "city," "place," "court," "addition" or similar words, unless the land platted is contiguous to and platted by the same party that platted the P.U.D. bearing that name, or unless the party files and records the consent of the party that platted the P.U.D. bearing that name. All plats must continue the block numbers of the plat of the same name last filed. The official name of the P.U.D. shall be approved by the Lincoln County Surveyor's Office.~~

~~F. Water. All lots in the P.U.D. shall be served by a public water system. No plat or map of a P.U.D. shall be approved unless the city has received and accepted:~~

- ~~1. A certification by the city water superintendent Public Works Director that water will be available from the nearest point of supply; or~~

2. A performance agreement, ~~bond, contract or other assurance~~ in accordance with Section 9.56.020.G that a water supply system will be installed by or on behalf of the developer to the boundary line of each and every lot or parcel in the P.U.D.

GE. Sewer. No plat or map of a P.U.D. shall be approved unless the city has received and accepted:

1. A certification by the ~~city sewer superintendent~~ Public Works Director that sewage service will be available at the nearest point of collection; or
2. A performance agreement, ~~bond, contract or other assurance~~ in accordance with Section 9.56.020.G that sewage disposal lines will be installed by or on behalf of the developer to the boundary line of each and every lot or parcel depicted in the proposed P.U.D.;
3. Where sewerage service is not available, the Department of Environmental Quality or county health department shall approve the proposed use of the land for the P.U.D. A statement that public sewerage service is not available and that the proposed method of sewage disposal has been approved will be provided to the purchaser of each lot or parcel in the proposed P.U.D. A copy of any such statement signed by the developer and endorsed by the Planning Commission chair shall be filed by the developer with the real estate commissioner.

HF. Performance Agreement. If all improvements required by the Planning Commission and this title are not completed according to specifications as required herein prior to the time the plat or map is duly submitted for consideration and approval, the Planning Commission may accept in lieu of the completion of improvements a performance agreement or bond executed by the developer and his or her surety company with the ~~e~~City ~~e~~Council conditioned upon faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the Planning Commission. The performance agreement or bond shall be in accordance with Section 9.56.020.G.

HG. Appeals. See Section 9.88.120.

PASSED AND ADOPTED by the City Council of the City of Yachats on this 12th day of September 2013.

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 0

APPROVED by the Mayor this 12th day of September, 2013.


Ronald L. Brean, Mayor

Attest:


Nancy Batchelder, City Recorder

CITY OF YACHATS
www.ci.yachats.or.us
PO BOX 345
YACHATS OR 97498-0345

EUGENE OR 974
01 OCT 2013 PM 2 T

USA
FIRST-CLASS
FOREVER



DEPT OF
OCT 03 2013

Attn: Plan Amendment Spec.
Oregon DLCD
635 Capitol St. NE, Ste 150
Salem, OR 97301-2540

9730182540

