

Staff Report

Planning Commission Hearing on March 4, 2025

Case File PD 2025-01

Date: March 4, 2025

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Project Contact: Richard Townsend, Planning and Community Development Director

Property Owners: City of Lincoln City
Confederated Tribes of Siletz Indians
Lincoln Highlands LTD Partnership
Nelson Creek LLC
Villages at Cascade HOA Inc
Mark S. & Christine M. Bonney
Laura Corder Chavez
Robert & Erva Crouley
Donald Dour & Cheri Soyland
Lucinda Harrington
Jerry & Terri Maness
Michael S. & Estela D. McGlade
Richard & Suzan Metz
Mitch Moulton & Shanna Murphy
Jose Leos & Binh Nguyen
Roberto & Silvia Leos & Binh Nguyen
James L. Polic
Brook H. Smith Trustee

Situs Address: Unaddressed outside of the Maplewood properties. Maplewood includes 18 individual addresses from 3023 to 3170 NE Cascara Ct. For additional information see Attachment 1.

Location: The Villages at Cascade Head can be generally described as being located northwest of Highway 101 between N. Clancy Road on the East to Sal La Sea Drive on the west. The southern and central portions of the site can be accessed via NE Devils Lake Boulevard. For a detailed map of the property, see Attachment 2.

Tax Map and Lot: See Attachment 1

Comprehensive Plan Designation: See Attachment 1

Zoning District: See Attachment 1



Site Size:	The total number of acres in the Villages PD is approximately 516 acres. Acreage of each individual parcel is provided in Attachment 1.
Proposal:	Amendments to the conditions of approval found in the Preliminary Master Plan for the Villages at Cascade Head Planned Unit Development and the Refined Preliminary Master Plan for the Rock Creek Village portion of the Villages at Cascade Head.
Surrounding Land Uses and Zones:	North: County Timber Conservation (TC) and Agricultural Conservation (AC) South: County Residential (R-1) and Lincoln City Residential (R1-7.5) East: County Residential (R-1) West: Roads End Residential (R1-RE)
Authority:	Table 17.76.020-1 of Lincoln City Municipal Code (LCMC) 17.76.020 lists a planned development application as a Type III procedure with the Planning Commission listed as the review authority. LCMC 17.76.050(A) states that Type III procedures apply to quasi-judicial permits and applications. Decisions on quasi-judicial permits and applications are made by either the planning commission or the city council, and require substantial exercise of discretion and judgement in applying approval criteria. Type III procedures require public notice and one or more public hearings.
Applicable Substantive Criteria:	LCMC Section 17.76.050 Type III Procedure LCMC Section 17.77.120 Planned Development

BACKGROUND

The proposal is to amend the conditions of approval for the Preliminary Master Plan for the Villages at Cascade Head PUD and the Refined Preliminary Master Plan for Rock Creek Village, as well as additional conditions imposed in a City Council final order on an appeal of some planning commission actions. The Final Orders approving the Preliminary Master Plan for the entire Villages at Cascade Head PUD and the Refined Preliminary Mater Plan for Rock Creek Village contain almost 200 conditions of approval. The city council final order contains another 18 conditions. Many of the conditions of approval have been fully complied with and are no longer necessary. Others are unreasonably onerous and contributed to making properties in the PUD uneconomic to develop.

The applicants propose substantial revisions to the existing conditions of approval. The proposed changes are detailed in the attached Exhibits 1, 2 and 3. Wording of the conditions that is proposed to be eliminated is shown by strikethrough (~~example~~). Wording that is proposed to be added is shown underlined (example). Rather than set out the explanations of each of the proposed changes in this text, they are incorporated into the attached exhibits to give each change the necessary context. They are set out in italics (*example*).



ANALYSIS

17.77.110 Modification of approved applications, plans, or conditions of approval.

E. Scope of Review. The scope of review for a modification shall be limited to the modification request.

Finding: The modification requested is amendment of the conditions of approval that affect the Villages at Cascade Head Planned Unit Development in general and the those affecting Rock Creek Village specifically. This in the only matter considered here.

F. Approval Criteria. To approve modification application, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:

1. The location, size, and functional characteristics of the modified development can be made reasonably compatible with, and would have a minimal impact on, properties surrounding the subject site;

Finding: The proposed amendments to the conditions of approval do not alter the location, size, or functional characteristics of the Villages at Cascade Head PUD. The Preliminary Master Plan for the entire development and the Refined Preliminary Master Plan for Rock Creek Villages are essentially unaltered. There are only two minor changes in the conditions of approval that might be considered to modify the functional characteristics of the development. The first is the elimination of references to the “town center.” The town center was an ill-defined area of what is to be Logan Creek Village, consisting of 4.6 acres of land. The only use called out in the conditions of approval is an “environmental resource center” which is not described or defined anywhere in the plan. Three other possible, but not required, uses are mentioned in the conditions of approval. These are:

1. A fire station. The possibility of a need for a fire station to be located at the town center is mentioned, but it is not called out as a required use. Since the land where the town center is located is no longer in private hands, but is owned by the city, if a need for a fire station there or elsewhere in the Villages property is identified the city will be able to provide the needed land.
2. A community center. This use is not defined or described, and is not made a required part of the development. As with the fire station, the city can provide the land if a need is identified
3. Commercial uses. This is called out as a possibility if the land were to be rezoned to a zone that allows commercial uses. Such a rezoning is not a part of this application.

Another minor change to the conditions of approval would affect the buffers around protected wetland areas. At present the conditions of approval require a 50-foot buffer around certain wetlands, plus an additional 25-foot “conservation easement” around the wetland buffers. The proposed amendments to the conditions of approval would eliminate the 25-foot conservation easements as unnecessary. The wetlands would remain protected by the 50-foot buffer and by the requirements of the city’s Natural Resource Overlay Zone, which was adopted well after the Villages conditions of approval were created.

2. New elements are provided that functionally compensate for any negative effects caused by the requested modification(s). New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed.

Finding: No negative effects are anticipated from the proposed amendments to the conditions of approval. Any future development within the Villages at Cascade Head PUD will be subject to amendments to the preliminary master plans, which will require approval of the Planning Commission after public notice and a public hearing, and the creation and approval of final master plans.

3. The criteria in subsections (F)(1) and (F)(2) of this section shall be applied only to the area and/or lots within the development that are affected by the proposed modification.

Finding: The entire Villages at Cascade Head PUD is affected by this application and the criteria have been applied accordingly.

4. The proposed modification shall demonstrate compliance with the approval criteria of the original application.

Finding: Compliance is demonstrated in the responses to the requirements of LCMC 17.77.120 below.

17.77.120 Planned Development

H. Consideration of Preliminary Master Plan. Preliminary master plans shall be processed as a Type III procedure as set forth in LCMC [17.76.050](#). The planning commission's consideration of the preliminary master plan shall be subject to the following:

1. The planning commission shall approve, or approve with conditions, the plan if it finds that the plan, either as submitted or with conditions, meets all of the following criteria. The planning commission shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the following criteria:

a. The proposed planned development will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned development.

Finding: The Planning Commission, in approving the Preliminary Master Plan for the Villages at Cascade Head and the Refined Preliminary Master Plan for Rock Creek Village, has determined that this standard has been met. Given that no substantive changes to these plans are sought in this application, this standard continues to be met.

b. Construction of the planned development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the

area surrounding the development or in the city, the planning commission may impose conditions including but not limited to:

- i. Requirements that removal of existing landscaping during construction be limited to areas of the planned development to be constructed shortly following removal and to portions of those areas on which construction will occur;*
- ii. Prohibitions of open burning on the site during construction;*
- iii. Prohibitions or limitations on construction track-out;*
- iv. Restrictions on construction noise; and*
- v. Restrictions on construction traffic.*

Finding: These matters all are covered in the conditions of approval and in the requirements of the city's Public Works Department.

c. The development will not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative impacts, the review authority may require the filing of restrictions in the county deed records including but not limited to restrictions:

- i. Prohibiting the removal of specified landscaping; and*
- ii. Prohibiting open burning during construction.*

Finding: The Planning Commission, in approving the Preliminary Master Plan for the Villages at Cascade Head and the Refined Preliminary Master Plan for Rock Creek Village, has determined that this standard has been met. Given that no substantive changes to these plans are sought in this application, this standard continues to be met.

d. Street, water, sewer, drainage and drainage pretreatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.

Finding: The Planning Commission, in approving the Preliminary Master Plan for the Villages at Cascade Head and the Refined Preliminary Master Plan for Rock Creek Village, has determined that this standard has been met. Given that no substantive changes to these plans are sought in this application, this standard continues to be met.

e. Street, water, sewer, drainage and drainage pretreatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.

Finding: The Planning Commission, in approving the Preliminary Master Plan for the Villages at Cascade Head and the Refined Preliminary Master Plan for Rock Creek Village, has determined that this standard has been met. Given that no substantive changes to these plans are sought in this application, this standard continues to be met.

f. The proposed number of residential units does not exceed the maximum permitted number of residential units, and at least 15 percent of the gross area is dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.

Finding: The Planning Commission, in approving the Preliminary Master Plan for the Villages at Cascade Head and the Refined Preliminary Master Plan for Rock Creek Village, has determined that this standard has been met. Given that no substantive changes to these plans are sought in this application, this standard continues to be met.

ATTACHMENT 1

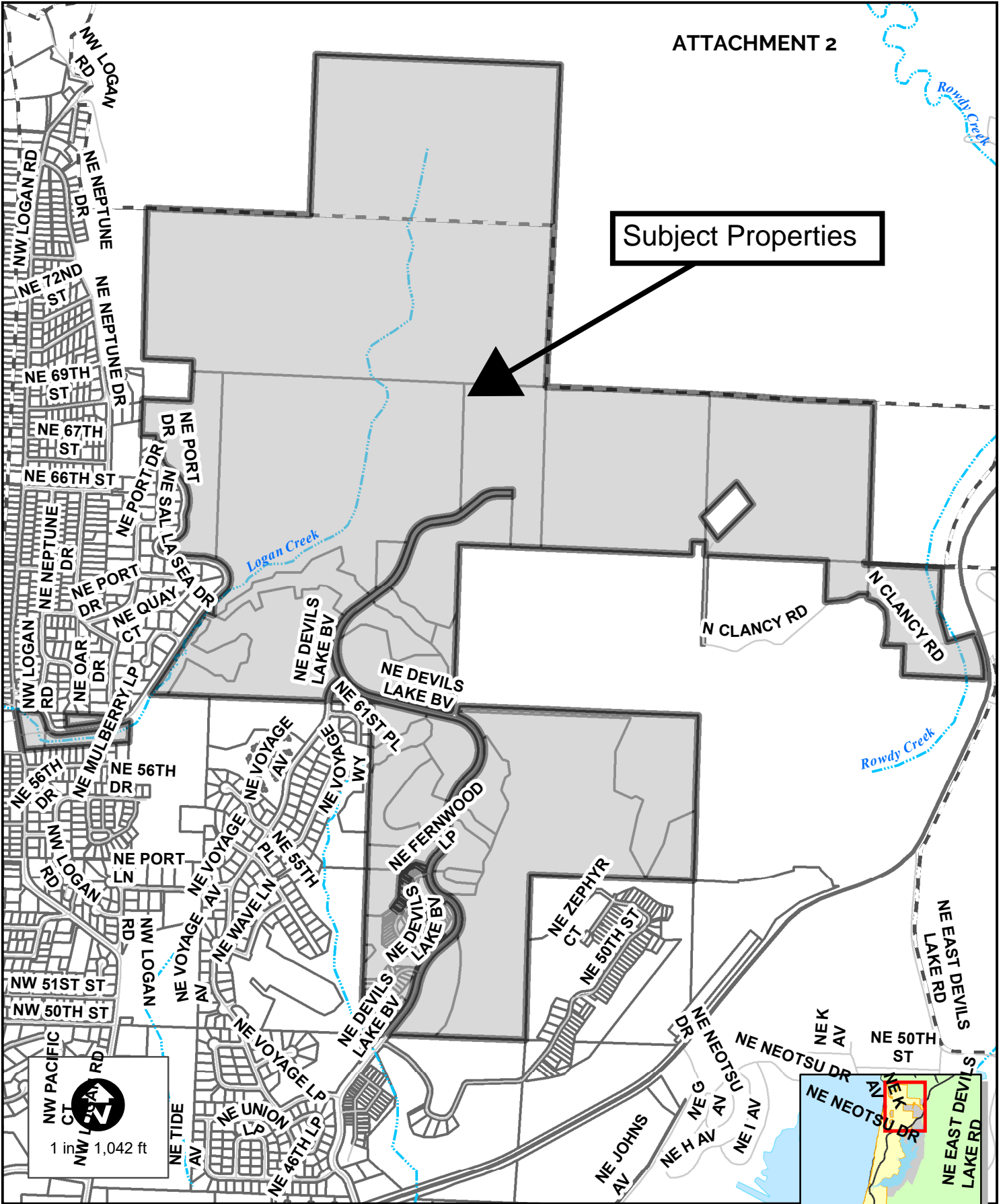
Map/Tax Lot #	Address	Owner(s)	Comp Plan	Zone	Zoning	Area (acres)
06-11-26-00-00500		CITY OF LINCOLN CITY	OS	OS	Open Space	96.39
06-11-26-00-00501		CITY OF LINCOLN CITY	OS	OS	Open Space	58.67
06-11-34-DA-06402		CITY OF LINCOLN CITY	RULD	R1-RE	Single Unit Residential Roads End	1.30
06-11-35-00-00100		CITY OF LINCOLN CITY	RE	RE	Residential Employment	39.17
06-11-35-00-00301		CITY OF LINCOLN CITY	RE	RE	Residential Employment	15.94
06-11-35-00-00400		CITY OF LINCOLN CITY	RE	RE	Residential Employment	65.85
06-11-35-00-00402		CITY OF LINCOLN CITY	RE	RE	Residential Employment	1.44
06-11-35-00-00403		CITY OF LINCOLN CITY	RE	RE	Residential Employment	13.02
06-11-35-00-01100		NELSON CREEK LLC	RULD	R1-7.5	Single Unit Residential	14.81
06-11-35-00-01102		CONFEDERATED TRIBES OF THE SILETZ INDIANS	RULD	R1-7.5	Single Unit Residential	52.12
06-11-35-00-01300		CITY OF LINCOLN CITY	RE	RE	Residential Employment	10.62
06-11-35-00-01400		CITY OF LINCOLN CITY	CCR	CCR	Commercial Recreation Resort	1.78
06-11-35-00-01500		CITY OF LINCOLN CITY	CCR	CCR	Commercial Recreation Resort	1.62
06-11-35-00-01600		CITY OF LINCOLN CITY	CCR	CCR	Commercial Recreation Resort	3.21
06-11-35-00-01700		CITY OF LINCOLN CITY	CCR	CCR	Commercial Recreation Resort	8.49
06-11-35-00-01800		CITY OF LINCOLN CITY	CCR	CCR	Commercial Recreation Resort	0.64
06-11-35-00-01900		CITY OF LINCOLN CITY	RE	RE	Residential Employment	5.06
06-11-35-00-02000		CITY OF LINCOLN CITY	RE	RE	Residential Employment	18.90
06-11-35-00-02100		CITY OF LINCOLN CITY	OS	OS	Open Space	3.81
06-11-35-CB-00100		CITY OF LINCOLN CITY	RULD	R1-RE	Single Unit Residential Roads End	0.63
06-11-35-CB-00106		CITY OF LINCOLN CITY	RULD	R1-RE	Single Unit Residential Roads End	1.83
06-11-35-DB-00100		LINCOLN HIGHLANDS LTD PTNRSHIP	RULD	R1-7.5	Single Unit Residential	4.26
06-11-35-DB-00200		CITY OF LINCOLN CITY	RE	RE	Residential Employment	2.21
06-11-35-DB-00300		CITY OF LINCOLN CITY	OS	OS	Open Space	1.71
06-11-35-DB-00400		LINCOLN HIGHLANDS LTD PTNRSHIP	RULD	R1-7.5	Single Unit Residential	5.04
06-11-35-DB-00500		LINCOLN HIGHLANDS LTD PTNRSHIP	RULD	R1-7.5	Single Unit Residential	4.56
06-11-35-DB-00600		LINCOLN HIGHLANDS LTD PTNRSHIP	RULD	R1-7.5	Single Unit Residential	4.05
06-11-35-DB-00700		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.93
06-11-35-DB-00800		LINCOLN HIGHLANDS LTD PTNRSHIP	RULD	R1-7.5	Single Unit Residential	2.67
06-11-35-DB-00900		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	2.36
06-11-35-DC-00100		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.70
06-11-35-DC-00200		LINCOLN HIGHLANDS LTD PTNRSHIP	RULD	R1-7.5	Single Unit Residential	0.90
06-11-35-DC-00300		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.57
06-11-35-DC-00600		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	2.43
06-11-35-DC-00700		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.19
06-11-35-DC-00900		VILLAGES AT CASCADE HOA INC	RULD	R1-7.5	Single Unit Residential	0.48
06-11-35-DC-01000		VILLAGES AT CASCADE HOA INC	RULD	R1-7.5	Single Unit Residential	0.73
06-11-35-DC-01100		NELSON CREEK LLC	RULD	R1-7.5	Single Unit Residential	5.16
06-11-35-DC-01200		VILLAGES AT CASCADE HOA INC	RULD	R1-7.5	Single Unit Residential	0.32
06-11-35-DC-01300		VILLAGES AT CASCADE HOA INC	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-01400	3169 NE CASCARA CT	METZ RICHARD E & METZ SUZAN E	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-01500	3157 NE CASCARA CT	CROULEY ROBERT W & CROULEY ERVA D	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-01600	3095 NE CASCARA CT	POLIC JAMES L	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-01700	3087 NE CASCARA CT	SMITH BROOKE H TSTEE	RULD	R1-7.5	Single Unit Residential	0.06

ATTACHMENT 1

Map/Tax Lot #	Address	Owner(s)	Comp Plan	Zone	Zoning	Area (acres)
06-11-35-DC-01800		VILLAGES AT CASCADE HOA INC	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-01900	3061 NE CASCARA CT	NYUGEN BINH	RULD	R1-7.5	Single Unit Residential	0.09
06-11-35-DC-02000	3049 NE CASCARA CT	NYUGEN BINH	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-02100	3035 NE CASCARA CT	NGUYEN BINH/LEOS ROBERTO & SILVIA	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-02200	3023 NE CASCARA CT	NGUYEN BINH/LEOS ROBERTO & SILVIA	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-02300	3036 NE CASCARA CT	NGUYEN BINH/LEOS JOSE	RULD	R1-7.5	Single Unit Residential	0.10
06-11-35-DC-02400	3058 NE CASCARA CT	NGUYEN BINH/LEOS JOSE	RULD	R1-7.5	Single Unit Residential	0.10
06-11-35-DC-02500	3074 NE CASCARA CT	DOUR DONALD J & SOYLAND CHERI A	RULD	R1-7.5	Single Unit Residential	0.10
06-11-35-DC-02600	3086 NE CASCARA CT	MCGLADE MICHAEL S & MCGLADE ESTELA D	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-02700	3094 NE CASCARA CT	CORDER CHAVEZ LAURA A	RULD	R1-7.5	Single Unit Residential	0.12
06-11-35-DC-02800	3132 NE CASCARA CT	MCGLADE MICHAEL S & MCGLADE ESTELA D	RULD	R1-7.5	Single Unit Residential	0.10
06-11-35-DC-02900	3144 NE CASCARA CT	LUCINDA HARRINGTON	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-03000	3146 NE CASCARA CT	MOULTON MITCH & MURPHY SHANNA	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-03100	3168 NE CASCARA CT	MANESS JERRY E & MANESS TERRI D	RULD	R1-7.5	Single Unit Residential	0.09
06-11-35-DC-03200	3170 NE CASCARA CT	BONNEY MARK STEVEN & BONNEY CHRISTINE MARIE	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-03300		VILLAGES AT CASCADE HOA INC	RULD	R1-7.5	Single Unit Residential	0.67
06-11-35-DC-03400		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.50
06-11-35-DC-03500		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-03600		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-03700		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-03800		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.12
06-11-35-DC-03900		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-04000		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-04100		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-04200		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-04300		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.09
06-11-35-DC-04400		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-04500		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-04600		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-04700		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05
06-11-35-DC-04800		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-04900		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-05000		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-05100		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-05200		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-05300		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-05400		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-05500		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-05600		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-05700		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-05800		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-05900		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-06000		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05
06-11-35-DC-06100		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05
06-11-35-DC-06200		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-06300		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05

ATTACHMENT 1

06-11-35-DC-06400		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.02
06-11-35-DC-06500		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.89
06-11-35-DC-06600		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-06700		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05
06-11-35-DC-06800		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05
Map/Tax Lot #	Address	Owner(s)	Comp Plan	Zone	Zoning	Area (acres)
06-11-35-DC-06900		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.11
06-11-35-DC-07000		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.08
06-11-35-DC-07100		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.03
06-11-35-DC-07200		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05
06-11-35-DC-07300		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05
06-11-35-DC-07400		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.03
06-11-35-DC-07500		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.03
06-11-35-DC-07600		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.03
06-11-35-DC-07700		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-07800		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-07900		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-08100		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	2.13
06-11-35-DC-08200		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.62
06-11-35-DC-08300		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.12
06-11-35-DC-08400		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-08500		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-08600		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-08700		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-08800		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-08900		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.03
06-11-35-DC-09000		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-09100		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05
06-11-35-DC-09200		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.03
06-11-35-DC-09300		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.03
06-11-35-DC-09400		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-09500		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.07
06-11-35-DC-09600		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05
06-11-35-DC-09700		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.05
06-11-35-DC-09800		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-09900		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.04
06-11-35-DC-10100		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.06
06-11-35-DC-10200		CITY OF LINCOLN CITY	RULD	R1-7.5	Single Unit Residential	0.15
06-11-36-00-00401		CITY OF LINCOLN CITY	RE	RE	Residential Employment	37.14
06-11-36-BC-00100		CITY OF LINCOLN CITY	RE	RE	Residential Employment	2.34
06-11-36-BD-00500		CITY OF LINCOLN CITY	OS	OS	Open Space	11.74



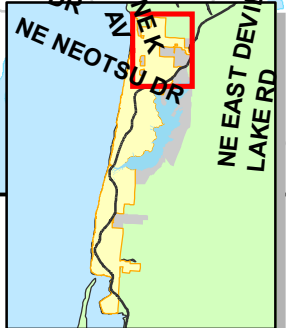
Subject Properties



Vicinity Map

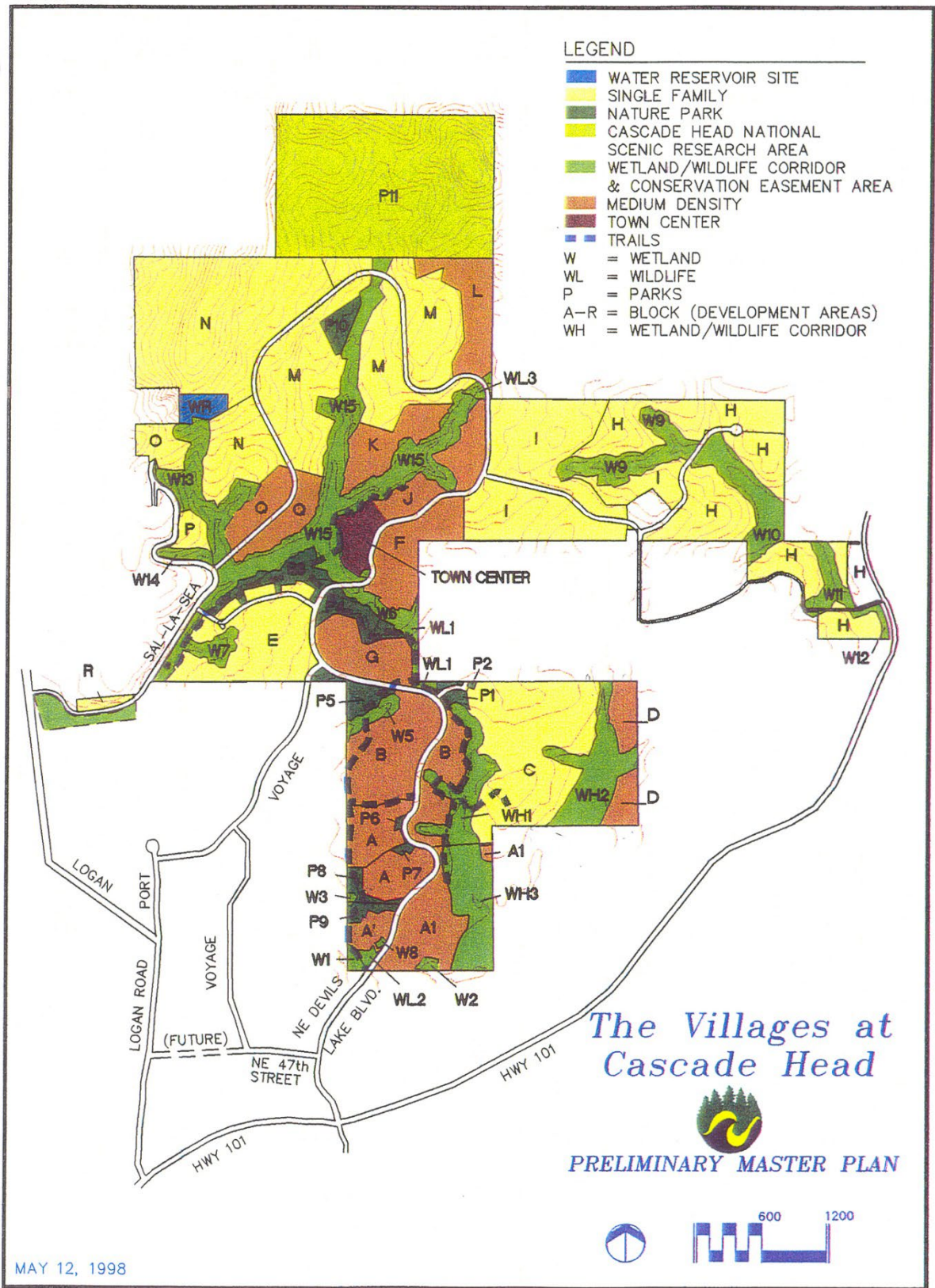
City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date: 1/9/2025



Location

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ATTACHMENT 3
EXHIBIT A
PROPOSED AMENDED CONDITIONS OF APPROVAL FOR
THE VILLAGES AT CASCADE HEAD PRELIMINARY MASTER PLAN
IN PLANNING COMMISSION FINAL ORDER 98-17

Except as explained here, the following is a verbatim copy of the conditions of approval contained in Planning Commission Final Order No. 98-17 regarding an application for approval of amendments to the conditions of approval of the preliminary master plan for the Villages at Cascade Head Planned Unit Development. Portions of the conditions that are proposed to be eliminated are struck through. Proposed additions are underlined. Explanations for proposed changes are in italics.

These conditions of approval supersede all previously-approved conditions of approval for the Villages at Cascade Head Preliminary Master Plan.

ZONING

1. ~~The approved~~These conditions (including exhibits) for ~~File No. PUD-01-95~~, as amended, shall be incorporated into deed restrictions and into covenants, conditions and restrictions (C.C.&Rs). The approved conditions so incorporated into the deed restrictions and C.C.&Rs are to be enforceable by the City, in a form approved by the city attorney, and not subject to amendment except as provided in Restrictive Covenants Condition 3, below, and shall be recorded as an encumbrance with the title of the property in order that said conditions of approval run with the land and are binding on all future owners/developers and land use decisions. These conditions replace and supersede the conditions for File No. PUD-01-95, as amended.

Zoning Condition 1 is amended to specify that the accompanying conditions replace the earlier conditions. The changes made here will have to be recorded as CC&Rs to release the properties from eliminated or amended conditions.

2. The Preliminary Master Plan dated October 20, 1998 (~~attached as Conditions Exhibit 1~~) establishes the land use plan for The Villages At Cascade Head PUD. The Land Use Summary dated May 28, 1998 (~~attached as **Conditions Exhibit 2**~~) specifies the approximate acreage and maximum number of housing units for each area identified on the Preliminary Master Plan. The Preliminary Master Plan and Land Use Summary referenced here shall apply until such time as they are amended by the City of Lincoln City.
3. ~~Subsequent to compliance with Zoning Condition 1, above, a refined preliminary PUD master plan and tentative subdivision plan shall be submitted for review and approval, approval with conditions, or disapproval by the Planning Commission subject to the requirements of the planned unit development provisions of the Zoning Code in effect at the time of the submission, and pursuant to the city's subdivision regulations in effect at the time of the submission, for each individual village (Rock Creek, Salmon Creek and Logan Creek), or portion thereof. All subsequent land use actions for phases or portions of the PUD~~

ATTACHMENT 3

shall conform to the Preliminary Master Plan and Land Use Summary referenced in Condition 2.

Zoning Condition 3 is deleted to remove the limiting "village" structure.

4. Subsequent to approval or approval with conditions of a refined preliminary PUD master plan under Zoning Condition 3, above, the final PUD master plan and subdivision plat for each of the individual villages or portions thereof shall be submitted for review by the ~~planning commission~~ **Planning and Community Development Director** to determine whether it is in substantial conformance with the refined preliminary master plan approval, the presently approved PUD master plan (including Conditions Exhibits 1 and 2) and the tentative subdivision plan for the village or portion thereof.

Zoning Condition 4 is amended to reflect the fact that final master plan review and approval no longer is a matter for the Planning Commission, the Municipal Code having been amended to make this a Type 1 matter.

5. The Villages at Cascade Head PUD shall not exceed a total of 1,829 dwelling units. ~~Each individual village (Rock Creek Village, Salmon Creek Village, and Logan Creek Village) shall comply with the requirements of the underlying R-1-7.5 zoning classification relative to the overall density.~~

Zoning Condition 5 is amended to keep the overall maximum number of dwelling units and to remove the limiting "village" structure.

- ~~6. Condition Deleted~~

Zoning Condition 6 had been deleted long ago and the reference to that deletion is itself deleted as superfluous.

- ~~7. The Town Center shall be included as a part of the Logan Creek Village.~~

Zoning Condition 7 is deleted as the so-called Town Center concept, which was ill-defined from the beginning, has been abandoned.

8. Blocks designated as Single Family Detached on the Preliminary Master Plan (Conditions Exhibit 1) are permitted to have any type of detached single **family unit** residential use allowed by the R-1-7.5 **R1 zone other than short-term rentals**. Blocks designated as Medium Density on the Preliminary Master Plan are permitted to have any type of attached residential use allowed by the R-M zone. The term "block" refers to an area of housing as designated on Conditions Exhibit 1 and is not intended to refer to a "city block".

- ~~9. The dimensional standards applied to the PUD shall be as follows:~~

~~Blocks C, E, R-1-5 zone standards~~

~~H, I, M, and N~~

~~All other blocks R-1-7.5 standards for single family detached uses and R-M standards for attached residential uses.~~

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Zoning Condition 9 is eliminated in order to allow greater flexibility in development.

10. ~~There shall be no industrial or commercial uses within the Villages at Cascade Head PUD. This shall not preclude, however, the construction of a fire station or community center within the Town Center or commercial uses within the town center if based on a future zone change applicable to the town center.~~

Zoning Condition 10 is eliminated to reflect the fact that part of the Villages at Cascade Head property has been designated in the Comprehensive Plan as Resort Community Commercial Recreation Resort.

11. ~~The initial approval of the preliminary master plan shall be effective for a period of two years with automatic two-year extensions thereafter so long as either:~~
- ~~a. During the previous two-year period the developer has submitted a refined preliminary master plan for at least one of the blocks identified in the preliminary master plan (e.g., Blocks A through Q); or~~
 - ~~b. During the previous one-year period the developer has submitted a final master plan for a block (e.g., Blocks A through Q) within an area covered by a previously approved refined preliminary master plan.~~
- ~~These extensions for the preliminary master plan approval shall continue to be available until the project is completed, not to exceed 15 years from the date of the original preliminary master plan approval (i.e., January 2, 1996).~~

Zoning Condition 11 was eliminated by the City Council via City Council Final Order Number 2012-01. The council replaced it with another condition of approval in that final order. This application includes a proposed amendment that would eliminate the 2012 condition of approval. See Exhibit C.

12. ~~Prior to approval of the first refined preliminary master plan submitted five years following the initial approval of the Preliminary Master Plan on January 2, 1996, the Planning Commission shall re-evaluate all unbuilt portions of the Villages at Cascade Head PUD for conformity with the then-existing City zoning ordinance requirements in relation to then-existing conditions. Following a public hearing, the Planning Commission shall amend its approval of any portion of the Preliminary Master Plan as needed to ensure that the unbuilt portions of the Villages at Cascade Head PUD are in conformance with the then-existing City zoning ordinance requirements. A subsequent re-evaluation shall be conducted prior to approval of the first refined preliminary master plan submitted five years following completion of the aforementioned re-evaluation.~~

Zoning Condition 12 is eliminated because the time periods referred to in the condition have long since passed.

ENVIRONMENTAL

1. The Department of Environmental Quality (DEQ) shall be contacted for all necessary NPDES erosion control permits or their equivalent based on then effective regulations, and evidence of the DEQ review and approval of the erosion control plan shall be provided to the City and Devils Lake Water Improvement District. An erosion control plan shall also be

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submitted to the Lincoln City Public Works Department for review and approval prior to issuance of the development permit(s) and a copy of the approved plan shall be provided to the Devils Lake Water Improvement District.

Environmental Condition 1 is amended to remove the referral to the Devils Lake Water Improvement District, which has no authority over the property.

2. A 50-foot buffer shall be established around all delineated wetland areas as identified in the 1993 wetland delineation report approved by the Army Corps of Engineers and the Oregon Division of State Lands Wetlands identified subsequent to the 1993. ~~An additional 25-foot conservation easement shall be placed around the 50-foot wetland buffer.~~ The areas within the 50-foot buffer shall be open space owned and maintained by the Homeowners Association, except as otherwise provided in these conditions of approval. ~~The 25-foot conservation easements shall be open space areas that may be owned by individual property owners.~~

In the event the Homeowners Association wishes to transfer all or part of the ownership or maintenance responsibilities for the 50-foot buffer areas, or any of them, to another person, the transfer shall be subject to review and approval by the City prior to the transfer. ~~In addition, the proposed transfer shall be reviewed and voted on by the Villages at Cascade Head Environmental Resource Committee (VCHERC) prior to the transfer.~~ Any proposed transfer shall be transmitted to the City's Planning and Community Development Director with documentation that it has been reviewed by the VCHERC, including any comments by that committee and the results of the committee's vote on the proposed transfer. The Planning Commission shall act on the City's behalf in reviewing and approving, approving with modifications, or disapproving the proposed transfer. The actions of the Planning Commission shall be subject to applicable appeal procedures, if any, established by the *Zoning Ordinance* Lincoln City Municipal Code.

The City shall approve a proposed transfer if it finds that (1) the proposed transfer is a reasonable way to implement the intent of this Final Order, of any final order approving a refined preliminary master plan or final master plan thereunder, or of applicable regulations, or that new information justifies a new approach; (2) the proposed transfer is in such a form that, in the event the transferee fails to carry out maintenance activities in conformance with the conditions of approval of this Final Order, the Homeowners Association has the legal right to enter onto the affected area and carry out the maintenance activities itself; and (3) the Homeowners Association has entered into an agreement with the City under which the Homeowners Association at all times will remain responsible for the maintenance of the affected area in conformance with the conditions of approval of this Final Order.

In the event that a new wetland, other than those identified in the 1993 wetland delineation report, form or are identified, a qualified biologist shall delineate the wetland and evaluate its significance. Based upon this evaluation, a protection strategy shall be prepared, subject to the review and approval of the City, that will utilize one of the approaches listed below. The approaches are listed in descending order of priority:

- a. A 50-foot buffer ~~and 25-foot conservation easement~~ shall be provided;

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- b. If site conditions or development constraints preclude provision of a 50-foot ~~buffer and a 25-foot conservation easement~~, a buffer averaging 50 feet in width may be provided; or
- c. If site conditions or development constraints preclude provision of a buffer averaging 50-feet in width, alternative buffer techniques (e.g., high density plantings) may be provided that improve the effectiveness of the available buffer area.

Environmental Condition 2 is amended to remove references to the Villages at Cascade Head Environmental Resource Committee, which does not exist, and to remove the 25-foot conservation easement.

3. No structures shall be permitted within the ~~75~~50-foot wetland ~~buffer/conservation easement~~ areas, except for pathways, road crossings, utilities, and other similar improvements approved by the City. All landscaping performed in the ~~75~~50-foot wetland ~~buffer/conservation easement~~ areas shall utilize native vegetation. Removal of vegetation, i.e., ground cover, shall not occur in these areas, other than as required for placement of pathways, road crossings, utilities, and other similar improvements approved by the City. Construction of berms and swales shall not occur in these areas except as approved by the City.
4. The pathways built within the ~~buffer/easement~~ areas shall be permeable and shall be constructed of natural materials. Where trail crossings over waterways are necessary, the crossing design shall minimize the need for excavation, such as the use of wooden bridges rather than culverts if appropriate to minimize the need for excavation.

Environmental Conditions 3 and 4 are amended to remove the references to a 25-foot conservation easement.

5. The owner/developer shall remove only those trees which are situated upon the phase being developed at the time, and only as necessary for infrastructure improvements and/or to allow reconnaissance surveys of the project site. In addition, tree removal shall be subject to any applicable regulations regarding tree removal adopted by the City and in effect at the time of the removal. There shall be no disturbance of vegetation except in areas of building and structure envelopes, roadways, pedestrian paths, and utility line corridors. Prior to removal of any trees, a tree protection plan shall be prepared by the applicant, subject to City review and approval.
6. ~~The developer shall form a committee, known as the Villages at Cascade Head Environmental Resource Committee (VCHERC), to serve as the advisory group for protection of the natural resource values present on site. The Committee shall consist of a representative of the owner/developer, a member from each homeowners association, a representative of the Devils Lake Water Improvement District, and the YWCA's Camp Westwind site manager. Each of these members shall hold a voting seat on the Committee. Interested environmental organizations and resource agencies (for example, the Oregon Department of Fish and Wildlife, the Division of State Lands, the United States Fish and Wildlife Service, the US Army Corps of Engineers, the Devils Lake Water Improvement~~

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~~District and interested non-governmental organizations) shall be encouraged to provide technical support as appropriate. The committee shall be responsible for maintaining the Environmental Resource Center (located in the Villages at Cascade Head Town Square) and providing other services as specified in the following conditions. Funding for the VCHERC shall be provided by the developer and/or Homeowners Association. VCHERC may make reports to the City as it deems appropriate, either on its own initiative or at the request of the City.~~

Environmental Condition 6 is eliminated to remove the requirement for creation of a Villages at Cascade Head Environmental Resource Committee. This committee was never formed and is unnecessary due to the creation of the Natural Resource Overlay Zone with its restrictions on development in areas of significant natural resources.

7. ~~Formation of the VCHERC shall be followed by development of an Environmental Management Plan (EMP). The EMP shall be prepared by a qualified ecologist hired by the developer and approved by the VCHERC. The ecologist shall solicit and obtain input from interested environmental organizations and resource agencies. The overall purpose of the EMP shall be to establish guidelines and standards that will assure sound environmental management for the Villages at Cascade Head. At a minimum, the EMP shall identify construction guidelines, locations of sensitive habitat areas, requisite erosion prevention and sedimentation control measures, desirable native vegetation (based on wildlife habitat and soil stabilization qualities) to be used in plantings, undesirable non-native vegetation removal strategies, habitat improvement opportunities, wildlife rehabilitation and relocation measures anticipated to be necessary, and management plan guidelines. The VCHERC shall be responsible for implementation of the EMP. The EMP shall be prepared prior to any site disturbance, ground breaking or vegetation removal.~~

~~The EMP shall include, but is not limited to, the following provisions:~~

- a. ~~The resource agencies shall be notified in advance of vegetation clearing and grading activities so that the agencies may perform periodic compliance inspections.~~
- b. ~~The EMP shall contain a list of native and compatible horticultural vegetation that is suitable for use in the project area. Landowners shall be permitted to plant only that vegetation which is approved by the EMP. The recommended species shall be capable of providing nesting and forage habitat for passerine species and other wildlife potentially impacted by the development. Invasive non-native plantings shall not be allowed and removal of invasive non-native vegetation that becomes established shall be performed following guidelines in the EMP.~~
- c. ~~The EMP shall include erosion control practices and devices which shall be required of all contractors.~~
- d. ~~No lawns shall be permitted in the project area.~~
- e. ~~No herbicides, pesticides, or fertilizers shall be used without the approval or supervision of the ECO or VCHERC. Use of these materials shall be reserved for emergency~~

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- situations. Use of herbicides and pesticides is limited to prevention and treatment of weed infestations. Use of fertilizers is limited to ensuring the survival of new plantings.
- f. ~~An educational program shall be developed to inform residents about the Bristly Stemmed Sidalcea (*Sidalcea hirtipes*) and the Cascade Head Catchfly (*Silene douglasii* var. *oraria*). The program's materials shall explain the sensitivity of the species and shall tell residents not to disturb, pick, or otherwise harass these plants in the project area or on neighboring properties to the north.~~
 - g. ~~A survey of the meadow in Block N shall be performed to identify and mark the location of the Bristly Stemmed Sidalcea and/or the Cascade Head Catchfly prior to development of the meadow. In the event that development is unavoidable in an area where the Bristly Stemmed Sidalcea and/or Cascade Head Catchfly are identified, the developer shall work in conjunction with interested resource agencies and/or private landowners to relocate the species (on-site or on properties to the north).~~
 - h. ~~The two potential marbled murrelet (*Brachyramphus marmoratus*) stands located on the southern portion of the property shall be included in the Wetland/Wildlife Corridors WH2 and WH3 designated on the Preliminary Master Plan (**Conditions Exhibit 1**). The vegetation in those areas (including the canopy, understory, and herb layer) shall remain undisturbed. The placement of utility lines in these areas shall be allowed following guidelines established in the EMP.~~
 - i. ~~The potential marbled murrelet stand located on the northwest portion of the property (north end of Block N, west facing slope) shall be further evaluated, following U.S. Fish and Wildlife Service (USFWS) protocols, to determine if marbled murrelets utilize the stand for habitat before development is approved in this area. If use of the stand is documented, the developer shall set the stand (and its associated vegetation) aside for protection.~~
 - j. ~~The developer shall work in cooperation with the USFWS and the U.S. Forest Service (USFS) to provide reasonable off-site habitat improvements for the Oregon Silverspot Butterfly (*Speyeria zerene hippolyta*).~~
 - k. ~~No hunting of deer, elk, bear or other wildlife shall be allowed on the Villages at Cascade Head property.~~
 - l. ~~If bears are found to be problematic on the site, Oregon Department of Fish and Wildlife (ODFW) shall be contacted regarding management of the animal(s).~~
 - m. ~~Arched culverts shall be utilized at roadway stream crossings to minimize impacts to potential fish and amphibian habitat.~~
 - n. ~~Any in-stream work shall occur during in-water work periods approved by ODFW.~~
 - o. ~~Sanitary sewer line placement shall minimize the use of heavy equipment and, when performed near drainages, shall minimize disturbance of the natural stream substrate.~~
 - p. ~~If streams and/or drainage channels are impacted by construction activities, they shall be restored to pre-existing habitat conditions.~~
 - q. ~~Stream channels shall be monitored by the ECO to ensure that red-legged frog habitat is not lost as a result of drainage improvements. If necessary, in-stream structures shall be utilized to keep the majority of the stream f~~

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- ~~r. low in the center of the channel, protect eddies and ponded areas, and protect underwater stems of riparian vegetation for egg-laying habitat.~~
- ~~s. Work in riparian areas shall minimize the use of heavy equipment to preclude accidental impacts to red-legged frogs hibernating in upland areas and shall be performed, under the supervision of the ECO, following recommendations provided by ODFW.~~
- ~~t. Natural vegetation and leaf litter (important for red-legged frog upland hibernation habitat) shall be retained in riparian zones and upland buffer areas as much as possible.~~

Environmental Condition 7 is eliminated because there is no Villages at Cascade Head Environmental Resource Committee and no Environmental Management Plan. To the extent there are important natural resource areas in the Villages at Cascade Head creation of the Natural Resource Overlay Zone with its restrictions on development in areas of significant natural resources has accomplished the intent of this condition.

- ~~8. An Environmental Compliance Officer (ECO) shall be hired by the developer, subject to the approval of VCHERC, to implement the construction stages of the EMP. The ECO, who shall be qualified in the fields of ecology and construction observation, shall identify the sensitive areas, mark them for the contractors, provide guidelines for acceptable activities, review plans for compliance with the EMP, and discuss the site and the EMP with all field staff in pre-construction conferences. In addition, the ECO shall be present on site to perform frequent inspections during each new phase of development. The ECO shall report failures of the contractor to comply with the EMP to the City, the contractor, the developer, VCHERC and the resource agencies as appropriate. The ECO shall have the authority to issue a stop-work order to allow for a damage assessment and development of recommendations for management of the violation.~~

Environmental Condition 8 is eliminated because there is no Villages at Cascade Head Environmental Resource Committee and nothing for an Environmental Compliance Officer to enforce. To the extent there are important natural resource areas in the Villages at Cascade Head creation of the Natural Resource Overlay Zone with its restrictions on development in areas of significant natural resources has accomplished the intent of this condition.

- ~~8A. Compliance by the owner with Environmental Condition 6 (regarding establishment of the VCHERC), Environmental Condition 7 (regarding development of an EMP), or Environmental Condition 8 (regarding ECO responsibilities) does not involve any delegation of City authority to the owner, VCHERC, EMP, or ECO. Actions by the owner, VCHERC, or ECO shall not be contrary to or in violation the City approvals and/or conditions for this project.~~

Environmental Condition 8A is eliminated because there is no Villages at Cascade Head Environmental Resource Committee, no Environmental Management Plan, and no Environmental Compliance Officer.

- ~~9. The developer shall establish an Environmental Resource Center to be located in the Town Center. The center shall provide educational materials about the natural resources and their protection within the Villages At Cascade Head.~~

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Environmental Condition 9 is eliminated because requiring developers to establish and Environmental Resource Center is unduly onerous and the ill-defined Town Center concept has been abandoned.

- ~~10. No development shall occur in the 60-acre set-aside area located on the northern portion of the property.~~

Environmental Condition 10 is eliminated because the 60-acre set-aside area has been zoned Open Space (OS) and accordingly is protected from development.

- ~~11. All landowners shall be required to store their garbage inside their garages or inside a locked, bear-proof container. Compost piles and feed materials (if present) must be stored in bear-proof containers.~~

Environmental Condition 11 is eliminated as unnecessary.

12. Water detention facilities shall be constructed to limit peak flows, up to the 25-year event, to the naturally occurring peak flow levels.

- ~~13. Water quality facilities shall be designed to accommodate summer flows and shall treat the collected water using the best available and financially feasible treatment technology.~~

- ~~14. Water quality ponds shall be landscaped with native vegetation which provides shading in pond areas to keep water temperatures low. Elevated water temperatures are harmful to red-legged frogs (and other amphibians and fish species) and must be avoided.~~

Environmental Conditions 13 and 14 are eliminated as unnecessary.

15. All collected stormwater runoff shall be discharged into site stormwater management facilities. ~~No storm water from Block L shall be routed east through abutting property.~~

16. If street lights are required by the City, they shall be **DarkSky Approved or equivalent.** ~~directed downward and shall be designed to minimize back-scatter .~~

- ~~17. The old fireplace present on the site shall be protected in the Town Center, unless the City approves a relocation of the fireplace.~~

Environmental Condition 17 is eliminated because the proposed Town Center concept has been eliminated and it appears the old fireplace has collapsed.

- ~~18. The natural hazard area located near the rock quarry, below the open meadow, shall be reviewed by a qualified engineering geologist prior to development. This area is identified in the unadopted 1993 Environmental Quality Overlay Zone Map. The geologist shall prepare and provide to the City a report on the stability of any portion of the area proposed for or likely to be impacted by development and on the suitability of the area for development. Development may occur in the area only if approved by the City as geologically suitable for development.~~

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Environmental Condition 18 appears to be referencing a pair of “massive ancient landslides” located near the south side of what today is referred to as “The Knoll.” There are several such features in Lincoln City, and they generally are considered to be stable although the ocean may be undercutting the toe of ancient slides along the ocean. This condition is eliminated because the provisions of LCMC 17.47.020 relating to development in identified hazard areas now addresses the issue.

- ~~19. The Environmental Resource Center shall contain information, provided by the YWCA, that explains that the property to the north is privately owned and that trespass is prohibited as part of a "Good Neighbor" policy. A YWCA contact name shall be provided for residents who seek more information about YWCA facilities.~~
- ~~20. All literature prepared by the Villages at Cascade Head owners or developers for public distribution shall define the adjacent property ownership.~~
- ~~21. YWCA staff shall have the opportunity for open dialogue with Villages at Cascade Head residents. A mailing list shall be provided so that the YWCA can contact landowners directly as needed.~~
- ~~22. If requested by the YWCA, the use of signage on properties adjoining the YWCA properties shall be employed as a means to further educate residents about the "Good Neighbor" policy.~~

Environmental Conditions 19 through 22 are eliminated because they related to mitigation of potential conflicts between residents of the Villages at Cascade Head PUD and Camp Westwind, which used to be a YWCA camp. Camp Westwind is located to the north of original Villages at Cascade Head PUD and the adjacent parts of the Villages at Cascade Head PUD this area is buffered by the parts of the Villages at Cascade Head PUD that have been set aside as open space and are not intended to be developed.

- ~~23. Property owners who have pets shall be required to keep the animals contained in their homes. Strict leash requirements shall be in effect to prevent wildlife harassment by domestic animals within the project area and on neighboring properties. Pet owners shall be required to clean up after their pets to prevent nutrient enrichment of surface waters.~~

Environmental Condition 23 is eliminated as being unduly onerous. Moreover, LCMC Chapter 6 contains provisions prohibiting animals to be at large, and requiring animal owners to clean up after their animals.

24. The project shall be subject to any site preparation regulations in effect at the time of development, adopted by the City for the purpose of protecting Devils Lake water quality.

Environmental Condition 24 is amended to remove the limitation on the applicable site protection regulations, since, as written, only those adopted to protect Devils Lake would apply.

- ~~25. There shall be no open burning conducted within the PUD, either during construction or after completion of construction.~~

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Environmental Condition 25 is eliminated because LCMC section 8.08.020 contains provisions prohibiting most open burning throughout the city.

26. Before any area or portion thereof is developed where wetland mitigation is required under applicable law, the mitigation shall occur not later than the time of development within the area or portion thereof.
- ~~27. The mitigation measures proposed in sections 3.1.3, 3.2.3, 3.3.3, 3.4.3, 3.5.3, and 3.6.3 of the Villages at Cascade Head / Rock Creek Village Environmental Assessment Supplement #1 (approved September 24, 1998) are hereby incorporated as conditions applicable to the Villages at Cascade Head PUD.~~

Environmental Condition 27 is eliminated because any needed mitigation will be controlled by the laws and regulations in existence at the time of the required action.

- ~~28. Prior to the approval or amendment of a Refined Preliminary Master Plan, the owner shall prepare a supplement to the "Environmental Assessment, The Villages at Cascade Head" dated November 11, 1994 in order that the supplement and "Environmental Assessment, The Villages at Cascade Head" comply with the Environmental Quality (EQ) Overlay Zone as provided in Sections 3.110 and 3.120 of the Zoning Ordinance (as amended) for the actions of the City requested by the owner. The Planning and Community Development Director shall review and act upon the supplement and "Environmental Assessment, The Villages at Cascade Head" in accordance with Section 3.120 of the Zoning Ordinance.~~

Environmental Condition 28 is eliminated because no Refined Preliminary Master Plans will be required.

SURVEY

1. The county surveyor may require post monumentation of interior monuments. The owner/developer shall discuss this issue with the county surveyor ~~regarding the Villages at Cascade Head construction schedule~~. In addition, any survey monuments disturbed or destroyed during construction must be replaced and a survey filed showing how the position of the monument was reestablished.
2. The location, dimensions and purpose of all proposed easements shall be shown on the final PUD master plans and subdivision maps.

STREETS

1. The street names within the Villages at Cascade Head PUD shall be in accordance with the City of Lincoln City street naming and addressing grid and shall be approved by the Department of Planning and Community Development.
- ~~2. Access to the Villages of Cascade Head shall be by means of the following streets:~~
 - ~~a. Sal La Sea Drive~~
 - ~~b. Claney Road~~

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- ~~c. NE Devils Lake Blvd. (Main access)~~
 - ~~d. NE Voyage Avenue~~
3. ~~The primary circulation routes shall conform to the Preliminary Master Plan Circulation Plan dated October 20, 1998 (attached as Conditions Exhibit 3), subject to the following amendment:~~
- ~~Vehicular access shall be provided from Block I to the "Holly Farm" property (tax lot 6-11-35/300). The access shall be located within 500 feet of the southwestern corner of Block I. The approved roadway dimensions and parking restrictions for the streets shown on Conditions Exhibit 3 are illustrated on Conditions Exhibit 4, dated October 20, 1998.~~
4. ~~Local streets not shown on the Circulation Plan (Conditions Exhibit 3) shall be reviewed on a phase by phase (or portion thereof) basis. Local streets may be privately owned and maintained but shall be open for public use. The right of way and roadway dimensions are shown on Conditions Exhibit 4.~~
5. ~~Street, driveway and pedestrian/bicycle route alignments shall be designed to discourage vehicular traffic from using Sal-La-Sea Drive in favor of NE Devils Lake Boulevard and, if it becomes available, NE Voyage Avenue.~~

Streets Conditions 2, 3, 4, and 5 are eliminated because the design and location for all streets, including access streets, will be defined by the City and ODOT as needed as the property is developed.

6. A traffic impact study has been prepared in relation to the proposed PUD entitled "Transportation Impact Study, U.S. Highway 101, Lincoln City, Oregon." The study is dated October, 1994. The study identified that owner/developer's proportionate share of the cost of recommended Highway 101 improvements was the sum of Two Thousand Three Hundred Dollars (\$2,300) for each dwelling unit constructed within the PUD. Owner/developer shall enter into an agreement with the City that owner/developer shall cause to be paid to City this proportionate share, **as adjusted to reflect any increase occurring after October 1994 in the construction price index as published in the weekly construction magazine "Engineering News Record" (for 20 cities, 1913-100).** of the cost of traffic improvements to, or in relation to, Highway 101, but outside the PUD, which agreement shall be in the form attached hereto ~~as Conditions Exhibit 6.~~

In addition, the "Restrictive Covenants" required by these Conditions of Approval shall include a deed restriction, applicable throughout the PUD, as follows:
At the time of application to the City of Lincoln City for a building permit to construct a new dwelling unit or new dwelling units, the owner of the site on which the dwelling unit or units are to be built shall pay, or cause the applicant to pay, to the City, in addition to any other amounts that the City lawfully requires to be paid, the sum of \$2,300 for each dwelling unit, as adjusted to reflect any increase occurring after October 1994 in the construction price index as published in the weekly construction magazine "Engineering News Record" (for 20 cities, 1913-100). The applicant and the owner of the site shall have no right to the

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requested building permit until the sum has been paid for each dwelling unit covered by the building permit application, and the payment requirement shall be a restriction for the benefit of Lincoln City on any right the applicant or owner otherwise would have to receive a building permit. The amount of the payment, plus any investment income earned thereon, will be used to finance traffic improvements to, or in relation to, Highway 101 in North Lincoln City.

- ~~7. The Clancy Road/Highway 101 intersection shall be improved to provide adequate sight distance for a right in, right out movement. Channelization shall be designed to prohibit left in and left out movements. The improvements at this intersection shall be designed in coordination with the City and ODOT.~~

Streets Condition 7 is eliminated because the Clancy Road/Highway 101 intersection, if ever constructed or reconstructed as a part of this development, will be subject to review and approval by the city and ODOT.

8. Engineered street improvement plans and specifications shall be submitted to the Lincoln City Public Works Department ~~and the Lincoln County Road Department for review and approval~~ prior to approval of construction permits.

- ~~9. Each phase of the Villages at Cascade Head will create several dead-end streets. Therefore, the owner/developer shall be required to build temporary cul-de-sacs. This shall require temporary roadway easements, which will extinguish when the next connected phase is completed. The owner/developer shall confer with the county surveyor for appropriate plat language to accomplish this.~~

Streets Condition 9 is eliminated because should there be a need for any temporary dead-end streets they will have to receive design and location approval from the city as a part of the final master plan approval process.

10. No streets shall be gated or in any way restrict or obstruct access for the use and convenience of the general public.
11. All permanent, public and private deadend streets shall be provided with properly sized cul-de-sac or hammerhead turn-arounds to accommodate emergency vehicles. Use of hammerhead turn-arounds must be approved by the Public Works Department and the North Lincoln Fire and Rescue District.

MAILBOXES

1. The owners/developers shall coordinate with the U.S. Postal Service for the placement of mailboxes located within the Villages at Cascade Head PUD. In addition, if mailboxes are to be located adjacent to curbs, they shall be so situated that there shall be a minimum 5-foot clear space for the sidewalk. ~~If allowed by the U.S. Postal Service, post office boxes may be located in an appropriate Town Center building.~~

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Mailboxes Condition 1 is amended because the proposed Town Center was to be located in Logan Creek Village and that area is well outside the reduced Villages at Cascade Head PUD.

STREET LIGHTS

1. The location, design, style and type of street light pole and luminaire shall be reviewed and approved by the city prior to and as a condition of refined preliminary PUD master plan approval for each phase. **Street lights shall be DarkSky Approved or equivalent.**
2. Street lights shall be provided by the owner/developer, ~~at street intersections, at the end of cul-de-sacs, and spaced along the length of the streets at a maximum distance as set forth by the standards of~~ **required by** the City Public Works Department. The energy and maintenance costs for street lights on private streets shall be borne by the homeowners association.

RESTRICTIVE COVENANTS

1. ~~Draft deed restrictions and covenants, conditions, and restrictions (CC&Rs) have been submitted for the development of the Villages at Cascade Head. The deed restrictions and CC&R's shall be in conformance with these conditions of approval, and shall otherwise not be in conflict with City zoning regulations and/or other municipal code requirements.~~
2. ~~Final deed restrictions and CC&R's shall be prepared in accordance with Zoning Condition 1, above, and shall be subject to review and approval by the city attorney as to content and legal sufficiency. When approved, the deed restrictions and CC&R's shall be recorded in the deed records of Lincoln County at the applicant's expense.~~

Restrictive Covenants Conditions 1 and 2 are eliminated because the final CC&Rs were approved by the city and recorded years ago.

3. Amendments to the approved deed restrictions and CC&Rs must be reviewed and approved by the City prior to recordation. ~~In addition, proposed amendments shall be reviewed and voted on by the Villages at Cascade Head Environmental Resource Committee (VCHERC) prior to recordation.~~ All proposed amendments shall be transmitted to the Planning Director with documentation that they have been reviewed by the VCHERC, including any comments by that committee and the results of the committee's vote on the proposed amendments. As to minor amendments, if a majority of the VCHERC members voted to approve the proposed amendments, then the Planning Director may act on the City's behalf in reviewing and approving, approving with modifications, or disapproving the proposed amendments. As to major amendments, ~~or if a majority of the VCHERC members did not vote to approve proposed minor amendments,~~ or if the Planning Director otherwise elects to refer proposed minor amendments to the Planning Commission for review, then the Planning Commission shall act on the City's behalf in reviewing and approving, approving

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with modifications, or disapproving the proposed amendments. The actions of the Planning Director and the Planning Commission shall be subject to applicable appeal procedures, if any, established by ~~City Zoning Code~~ the Lincoln City Municipal Code. For purposes of this paragraph, minor amendments are only amendments that will not have public and that (1) do not increase densities, (2) do not change boundaries, (3) do not change any use, specific or general, described in the approved preliminary master plan, any approved further refined preliminary master plan, or any approved final master plan, and (4) do not change the location or amount of land devoted to specific land uses. For purposes of this paragraph, all other amendments are major amendments.

The City shall approve a proposed amendment if it finds that the proposed amendment is a reasonable way to implement the intent of this preliminary master plan approval, of any further refined preliminary master plan approval, of any final master plan approval or of applicable regulations, or that new information justifies a new approach, provided, however, that the conditions of preliminary master plan approval, of any further refined preliminary master plan approval, or of any final master plan approval incorporated into the CC&Rs may not be amended unless the preliminary master plan, further refined preliminary master plan, or final master plan itself first has been amended to modify the conditions.

Restrictive Covenants Condition 3 is amended to remove references to the Villages at Cascade Head Environmental Resource Committee since that committee never was created and the conditions of approval requiring its creation are proposed to be eliminated.

UTILITIES

1. All utility lines shall be placed underground throughout the PUD.
2. All proposed easements shall be shown in dashed lines on the final plat, including the size and locations as required by the affected utilities, public agencies and utility service companies.
3. All utility easement restrictions are to be recorded with the final plat.
4. All utility easements shall be clearly defined as to their scope, purpose and term, preferably to be included within the restrictive covenants which are to be recorded with the subdivision plat. The abbreviation "PUE" (Public Utility Easement) must be clearly defined and spelled out.
5. A five (5) foot "PUE" adjacent to the rights-of-way and private streets shall be provided and be utilized for water-related equipment (meters, valves, etc.) and other utilities (electrical pedestals, street lights, telephone pairs, junction boxes, etc.).
6. It shall be the responsibility of the subdivider to coordinate final acceptance of all proposed "PUEs" with affected utilities, public agencies and service companies prior to final plat approval of each phase of the subdivision.

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7. The size, location, and number of all fire hydrants shall be submitted to the North Lincoln Fire and Rescue District No. 1 for review and approval.
8. ~~The owner/developer shall respond to the concerns and standards of the North Lincoln Fire and Rescue District No. 1 and evidence of such review and approval shall be provided to the City.~~

Utilities Condition 8 is eliminated because it appears this condition, from more than 25 years ago, apparently was complied with at some time in the past.

SANITARY SEWER AND STORM DRAINAGE

1. Engineered sewer, water and storm drain utility plans and specification shall be submitted to the Lincoln City Public Works Department for review and approval.
2. All sewer laterals shall be stubbed, and the location of such stubbed sewer laterals shall be marked at the curb or edge of street right-of-way so that its location may be ascertained in the future with minimal difficulty by the contractor(s).
3. The developer shall limit peak runoff to that discharged under an undeveloped condition for 2, 5, 10 and 25 year storms.
4. The final number and location of water quantity and quality facilities shall be determined as individual phases are developed. ~~Timely notice and opportunity for review and comment shall be provided to the Devils Lake Water Improvement District.~~

Sanitary Sewer and Storm Drainage Condition 4 is amended to remove the reference to the Devils Lake Water Improvement District, which has no jurisdiction.

5. All water quality and water quantity facilities must be in compliance with the Villages at Cascade Head Environmental Management Plan (EMP). ~~Except as otherwise provided by the EMP, stormwater facility designs shall comply with Resolution and Order No. 91-47 (as amended) of the Washington County Unified Sewerage Agency and City of Lincoln City stormwater facility requirements. All designs shall minimize overall environmental impacts, especially on streams and riparian vegetation.~~

Sanitary Sewer and Storm Drainage Condition 6 is amended to eliminate non-existent or outdated standards.

DESIGNATED OPEN SPACE AREAS

1. ~~The Cascade Head Scenic Research Area established by Act of Congress on December 22, 1974 abuts 60 acres located within the project limits. The Hebo Ranger district shall be contacted for all necessary permits related to the PUD, and evidence of such review and any needed approvals shall be provided to the City.~~

Open Space Condition 1 is eliminated because the 60 acres referred to have been set aside as open space and there are no permits relating to the PUD that the Hebo Ranger District relates to.

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2. ~~Open space, parks and trails shall be designated and improved in accordance with Conditions Exhibit 5 dated October 20, 1998, except that the 60 acres adjacent to the Cascade Head Scenic Research Area shall remain as an undisturbed natural area.~~

The areas designated as open space, parks, and trails shall be owned, improved, and maintained by the Homeowners Association, except as provided in these conditions of approval.

In the event the Homeowners Association wishes to transfer all or part of the ownership, improvement, or maintenance responsibilities for the designated open space, parks, trails, or any of them, to another person, the transfer shall be subject to review and approval by the City prior to the transfer. ~~In addition, the proposed transfer shall be reviewed and voted on by the Villages at Cascade Head Environmental Resource Committee (VCHERC) prior to the transfer.~~ Any proposed transfer shall be transmitted to the City's Planning and Community Development Director ~~with documentation that it has been reviewed by the VCHERC, including any comments by that committee and the results of the committee's vote on the proposed transfer.~~ The Planning Commission shall act on the City's behalf in reviewing and approving, approving with modifications, or disapproving the proposed transfer. The actions of the Planning Commission shall be subject to applicable appeal procedures, if any, established by the *Zoning Ordinance*.

The City shall approve a proposed transfer if it finds that (1) the proposed transfer is a reasonable way to implement the intent of this Final Order, of any final order approving a refined preliminary master plan or final master plan thereunder, or of applicable regulations, or that new information justifies a new approach; (2) the proposed transfer is in such a form that, in the event the transferee fails to carry out improvement and maintenance activities in conformance with the conditions of approval of this Final Order, the Homeowners Association has the legal right to enter onto the affected area and carry out the improvement and maintenance activities itself; and (3) the Homeowners Association has entered into an agreement with the City under which the Homeowners Association at all times will remain responsible for the improvement and maintenance of the affected area in conformance with the conditions of approval of this Final Order.

Open Space Condition 2 is amended to remove references to the Villages at Cascade Head Environmental Resource Committee.

WATER SUPPLY

1. All lots within the PUD shall be served by the City's water supply system conforming to the City specifications.
2. Water meters shall be clustered at common lot lines to the extent possible.
3. ~~A water reservoir shall be provided, by the developer/owner, to meet the demands of Blocks I, L, M, N, O, and P, and some isolated high spots in B and G of the Preliminary Master Plan (Conditions Exhibit 1) when any one of the areas is proposed for development.~~

~~Installation of the reservoir to serve the isolated high spots in Blocks B and G will not be required if the applicant demonstrates to the satisfaction of the City and the North Lincoln~~

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Fire and Rescue District that the use of pumps in lieu of the reservoir will provide adequate water supply, including fire flows, to the isolated high spots in Blocks B and G, and that the City's ability to provide water supply service and maintain adequate storage for the existing City service area is not impaired.

- ~~_____ The volume of storage required shall be not less than 750,000 gallons, subject to review and adjustment by the city engineer to assure that the facility is sized to meet the demands of the project, based on the domestic water consumption required under the City of Lincoln City Comprehensive Water Source Distribution and Treatment Analysis (as amended) along with a fire flow storage volume providing 2200 gallons per minute for two hours.~~
- ~~_____ The applicant shall provide evidence that the water reservoir, access road, and any associated hillside excavation or fill areas will be screened so as not to be visible or will not be visible at the time of installation from off-site locations. The evidence shall be submitted to the Planning Commission for review and approval in association with submittal of a refined preliminary master plan for development of Blocks I, L, M, N, O, or P. Alternatively, the applicant may request amendment of the Preliminary Master Plan dated October 20, 1998 (attached as **Conditions Exhibit 1**) to locate the water reservoir at a location at which the reservoir, access road, and any associated hillside excavation or fill areas will not be visible at the time of installation from off-site locations.~~
- 4. If the City determines that land is needed for a second reservoir within the Villages At Cascade Head, the owner/developer at no charge shall provide use of a site, and right of access to it, adjacent to the reservoir referenced in Water Supply Condition 3.

Water Supply Conditions 3 and 4 are eliminated because the City Engineer has determined that the reservoir is not needed as the property can be served by the existing municipal water system.

FIRE PROTECTION

1. Roof materials which are fire-resistant shall be used in fire-sensitive areas as designated by the Lincoln City Fire Marshal.
2. The number and distribution of fire hydrants shall conform to Table No. A-111-B-1 of the 1991 Uniform Fire Code or the equivalent code and table as adopted by the City of Lincoln City at the time of plans submittal.
3. ~~_____ If the City determines that the fire fighting agency with responsibility for fire service needs a fire station within the Village at Cascade Head, the developer/owner at no charge shall provide a site of up to one acre within or adjacent to the Town Center.~~

Fire Protection Condition 3 is eliminated because the city owns sufficient land in the PUD to be able to provide a site for a fire station if needed.

CONSTRUCTION DRAWINGS AND SPECIFICATIONS

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1. Public infrastructure improvement work shall not be commenced until construction plans have been reviewed for accuracy and approved by the City. Review and approval shall be a condition of final plat approval for each phase of development.
2. All costs of public infrastructure plan checks and inspections by the City shall be paid by the owner/developer to the City.
3. Information on the public infrastructure construction plans shall be provided pursuant to applicable City regulations as of the date of submittal and shall comply with the City's adopted standards and specifications for public infrastructure improvements.
4. The owner/developer, for each phase of development, shall pay a security deposit of \$1,000.00, or such amount as shall then be applicable, to the City to cover cost of the city engineer's review of the public infrastructure improvement plans and specifications and thereafter the city engineer's inspection of all public infrastructure improvement work conducted on the site. Any unused portion of the deposit shall be refunded to the owner/developer. If the review costs exceed the deposit, the owner/developer shall be responsible for the full payment to the City.

BOND AND AGREEMENT

1. Prior to approval of a final plat for a phase of the development, either:
 - a. The city engineer shall verify that all public infrastructure improvements have been installed in accordance with the requirements of the final PUD master plan and tentative subdivision plan; or
 - b. The owner or developer shall enter into a written agreement with the City, which agreement shall be subject to review and approval by the city attorney, that all required public infrastructure improvement work as specified in the conditions of issuance of the development permit shall be completed within twenty-four (24) months from final plat approval in accordance with applicable City standards and approved plans and specifications.
2. The owner or developer shall warrant the materials and workmanship of the public infrastructure improvements for a period of one (1) year from date of acceptance by the City.
3. Except as otherwise provide by applicable City regulations then in effect, with an improvement agreement entered into under Bond and Agreement Condition 1(b), above, the owner/developer shall post one of the following, in the amount of 110% of the estimated cost of improvements covered by the agreement, to ensure full and faithful performance:
 - 3.1 A surety bond executed by a surety company authorized to transact business in the state of Oregon.
 - 3.2 Cash.

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3.3 An irrevocable standby letter of credit or similar security in a form acceptable to the city attorney.

The form of security provided by the owner/developer shall be subject to the following:

- a. Upon satisfactory completion of all required public infrastructure improvements and acceptance thereof by the City, the amount allocated to such improvements shall be reduced to 20% of the original bond amount, or 20% of the cost of construction of the required infrastructure improvements, whichever is greater. The bond amount shall be fully released on satisfactory completion of the one-year warranty period.
 - b. Should the owner/developer fail to complete the listed improvements within the specified time period and/or in accordance with the terms of the agreement, the City may complete the improvements and recover the full cost and expense thereof from the security and, if the security is not sufficient, from the owner/developer.
4. The City shall accept streets, storm drains, sanitary sewer lines, water lines and easements in which they are located at such time as the owner/developer has fully complied with all the terms and conditions of the agreement and has satisfactorily completed the one year warranty period. If, during the warranty period, the owner/developer fails to remedy defective materials or workmanship, then the City may remedy the defective materials or workmanship and recover the full cost and expense thereof from the security provided under Bond and Agreement Condition 3 and, if there is no security or if the security is not sufficient, from the owner/developer.
5. Before the City shall accept an improvement that shall become a City maintained improvement and/or facility, the owner/developer's engineer shall provide the City with a mylar drawing showing the as-built improvements along with two copies of said as-built drawings. In addition, the engineer shall provide digital as-built drawings on intergraph micro station format or other approved format.

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EXHIBIT B

**PROPOSED AMENDED CONDITIONS OF APPROVAL FOR
THE VILLAGES AT CASCADE HEAD REFINED PRELIMINARY MASTER PLAN
FOR ROCK CREEK VILLAGE
IN PLANNING COMMISSION FINAL ORDER 98-17**

Except as explained here, the following is a verbatim copy of the conditions of approval contained in Planning Commission Final Order No. 98-17 regarding an application for approval of amendments to the conditions of approval of the refined preliminary master plan for Rock Creek Village of the Villages at Cascade Head Planned Unit Development. Portions of the conditions that are proposed to be eliminated are struck through. Proposed additions are underlined. Explanations for proposed changes are in italics.

Conditions of Approval for Rock Creek Village

These conditions of approval apply to the Refined Preliminary Master Plan and tentative subdivision plan entitled *Rock Creek Village Tentative Subdivision Plan & Refined Preliminary Master Plan* prepared by Alpha Engineering, Inc., date stamped September 22, 1998 and to the *Rock Creek Village Landscape Master Plan* and *Rock Creek Village Landscape Details* prepared by W&H Pacific, date stamped September 22, 1998.

Except for the conditions of approval noted below, the conditions of approval for the Preliminary Master Plan for the Villages at Cascade Head in Planning Commission Findings, Conclusion and Order No. 96-02 (as amended) do not apply to the *Rock Creek Village Tentative Subdivision Plan & Refined Preliminary Master Plan*; are satisfied by the conditions of approval noted below; or are satisfied by the *Rock Creek Village Tentative Subdivision Plan & Refined Preliminary Master Plan* and/or the *Rock Creek Village Landscape Master Plan* and *Rock Creek Village Landscape Details*.

PLANNING

1. The Rock Creek Village Land Use Summary (dated May 28, 1998), attached as **Exhibit 1**, specifies the approximate acreage and maximum number of housing units for each block identified on the Refined Preliminary Master Plan.
2. A final master plan and final subdivision plat for each of the individual blocks or portions thereof, shall be submitted for review by the Planning **and Community Development Department** ~~Commission~~ to determine whether it is in substantial conformance with:
 - a. The presently-approved Refined Preliminary Master Plan for Rock Creek Village; and
 - b. The presently-approved tentative subdivision plan for Rock Creek Village.

Planning Condition 2 is amended to reflect the fact that the Planning Commission no longer is tasked with approving final master plans, that responsibility having been transferred to the Planning & Community Development Director.

3. ~~The initial approval of the Refined Preliminary Master Plan shall be effective for a period of two years with automatic two-year extensions thereafter so long as either:~~

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- ~~a) during the previous two year period the developer has submitted and received approval of a final master plan for at least one of the blocks identified in the Refined Preliminary Master Plan (e.g., Blocks A through G); or~~
- ~~b) during the previous two year period the developer has submitted and received approval of a final plat in accordance with Title 16 (Subdivisions) of the Municipal Code for a block, or a portion of a block, (e.g., Blocks A through G) within an area covered by a previously approved final master plan.~~
- ~~These extensions for the Refined Preliminary Master Plan approval shall continue to be available until the Villages at Cascade Head planned unit development project is completed, not to exceed the time period for the Villages at Cascade Head Preliminary Master Plan, as specified in Planning Commission Findings, Conclusion and Order No. 96-02 (as amended).~~
- 4. ~~Prior to approval of the first final master plan or final subdivision plat (whichever occurs first) submitted five years following approval of the *Rock Creek Village Tentative Subdivision Plan & Refined Preliminary Master Plan* prepared by Alpha Engineering, Inc., date stamped September 22, 1998, the Planning Commission shall re-evaluate all unbuilt portions of Rock Creek Village for conformity with the then existing City zoning ordinance and subdivision ordinance requirements in relation to then existing conditions. Following a public hearing, the Planning Commission shall amend its approval of any portion of the *Rock Creek Village Tentative Subdivision Plan & Refined Preliminary Master Plan* as needed to ensure that the unbuilt portions of Rock Creek Village are in conformance with the then existing City zoning ordinance and subdivision ordinance requirements. A subsequent re-evaluation shall be conducted prior to approval of the first final master plan or final subdivision plat (whichever occurs first) submitted five years following completion of the aforementioned re-evaluation.~~
- 5. ~~The time limitations stipulated by Section 16.08.280 of the *Municipal Code* for filing of a Final Subdivision Plat are waived since the project is to be constructed in phases.~~

Planning Conditions 3, 4 and 5 are eliminated because the time periods described have passed and in order to promote increased flexibility in development. Moreover, Planning Condition 3 was eliminated by the City Council via City Council Final Order Number 2012-01. The council replaced it with another condition of approval in that final order. This application includes a proposed amendment that would eliminate the 2012 condition of approval. See Exhibit C.

- 6. Blocks designated as "Detached Residential" in the Rock Creek Village Land Use Summary (see Exhibit 1) are permitted to have any type of detached single family residential use allowed in the ~~R-1-7.5~~ **R1** zone. Areas designated as "Attached Residential" in the Rock Creek Village Land Use Summary are permitted to have any type of attached residential use allowed in the R-M zone, ~~except that the multi-family dwelling units in Blocks A shall not be permitted to operate as vacation rental dwellings.~~ **No short-term rentals are allowed in the Villages at Cascade Head PUD.**

OWNERSHIP AND IMPROVEMENTS IN OPEN SPACE AREAS

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1. The Wildlife Habitat Tracts (WH1, WH2, and WH3), Wildlife Corridor (WL1 and WL2), and Wetland Tracts (W1, W2, and W3, W5, W6, and W7) shall be open space areas owned and maintained by the Homeowners Association, except as otherwise provided in these conditions of approval. ~~The 25-foot conservation easements around the Wildlife Habitat Tracts and Wetland Tracts shall be open space areas that may be owned by individual property owners.~~

Ownership and Improvements in Open Space Areas Condition 1 is amended to eliminate reference to a 25-foot conservation easement.

2. The Parks (P1 through P9), Water Detention Facilities (WQ1 through WQ11), and Common Areas (C1 through C10) shall be owned and maintained by the Homeowners Association, except as otherwise provided in these conditions of approval.
3. In the event the Homeowners Association wishes to transfer all or part of the ownership or maintenance responsibilities for Wildlife Habitat Tracts, Wildlife Corridors, Wetland Tracts, Parks, Water Detention Facilities, or Common Areas, or any of them, to another person, the transfer shall be subject to review and approval by the City prior to the transfer. ~~In addition, the proposed transfer shall be reviewed and voted on by the Villages at Cascade Head Environmental Resource Committee (ERC) prior to the transfer.~~ Any proposed transfer shall be transmitted to the City's Director of Planning and Community Development ~~with documentation that they have been reviewed by the ERC, including any comments by that committee and the results of the committee's vote on the proposed transfer.~~ The Planning Commission shall act on the City's behalf in reviewing and approving, approving with modifications, or disapproving the proposed transfer. The actions of the Planning Commission shall be subject to applicable appeal procedures, if any, established by the Zoning Ordinance, Lincoln City Municipal Code.

The City shall approve a proposed transfer if it finds that (1) the proposed transfer is a reasonable way to implement the intent of this Final Order, of any final order approving a final master plan thereunder, or of applicable regulations, or that new information justifies a new approach; (2) the proposed transfer is in such a form that, in the event the transferee fails to carry out maintenance activities in conformance with the conditions of approval of this final order, the Homeowners Association has the legal right to enter onto the affected area and carry out the maintenance activities itself; and (3) the Homeowners Association has entered into an agreement with the City under which the Homeowners Association at all times will remain responsible for the maintenance of the affected area in conformance with the conditions of approval of this final order.

4. No structures shall be permitted within the Wildlife Habitat Tracts, Wildlife Corridors, or Wetland Tracts, ~~or the 25-foot conservation easement areas,~~ except for trails, road crossings, utilities, and other similar improvements approved by the City. Removal of vegetation shall not occur in these areas, other than as required for placement of trails, road crossings, utilities, and other similar improvements approved by the City.
5. The final master plan for any block or portion thereof that includes parks dedicated to the Homeowners Association shall include improvement plans and a list of permitted uses in the parks. The improvement plans and uses shall be subject to City review and approval.

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~~6. The *Landscape Master Plan* shall be revised to show the following trails:~~

~~a) A trail beginning at Tract P1 and following roads of Block C eastward past Tract WQ7, continuing east across Tract C7 to Tract WH2, then south through Tract WH2 along the west side of the wetland, then turning westward at the southern edge of Tract WH2 and extending across Tract C8, then extending around the southwest corner of Lot 46, and concluding at the street.~~

~~b) A trail beginning at the southern terminus of the proposed trail on the west side of Tract WH3, and extending south along the west side of Tract WH3 to the southern edge of the project, and then west along the southern edge of Tract W2 to the southern parking area of Block A1.~~

Ownership and Improvements in Open Space Areas Condition 6 is eliminated to remove requirements for specific trails.

7. The Final Master Plan shall show improvements and landscaping for the Parks, Common Areas, pedestrian/bike paths, and nature trails.
8. Trails built within the Wildlife Habitat Tracts, Wildlife Corridors, or Wetland Tracts, ~~or the 25-foot conservation easement areas~~ shall be permeable and constructed of natural materials. Where trail crossings over waterways are necessary, the crossing design shall minimize the need for excavation, such as the use of wooden bridges rather than culverts if appropriate to minimize the need for excavation.

ENVIRONMENTAL MITIGATION MEASURES

~~1. The owner shall comply with Environmental Conditions 6 – 8 of Planning Commission Findings, Conclusion and Order No. 96-02, as amended, regarding formation of the Villages at Cascade Head Environmental Resource Committee (ERC); preparation and implementation of an Environmental Management Plan (EMP); and establishment of an Environmental Compliance Officer (ECO) to provide oversight services on the behalf of the owner during construction activities. Compliance by the owner with the above conditions does not involve any delegation of City authority to the owner, ERC, EMP, or ECO. Actions by the owner, ERC, or ECO shall not be contrary to or in violation the City approvals and/or conditions for this project.~~

Environmental Mitigation Measures Condition 1 is eliminated because Environmental Conditions 6 - 8 of Planning Commission Findings, Conclusion and Order No. 96-02, as amended have been eliminated earlier.

2. No construction activities shall take place within the following tracts during of red-legged-frog egg-laying and-hatching season (i.e., February and March):
 - a. Wetland Tracts W5 and W7;
 - b. Wildlife Habitat Tracts WH1, WH2, and WH3; and
 - c. Park P3 and P4.

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3. Any in-stream work shall occur during in-water work periods approved by Oregon Department of Fish and Wildlife (ODFW).
4. If streams or drainage channels are impacted by construction activities, the impacted streams or drainage channels shall be restored to pre-existing habitat conditions prior to City acceptance of infrastructure improvements.
5. ~~Stream channels shall be monitored by the ECO to ensure that red-legged frog habitat is not degraded as a result of drainage improvements. The ECO shall coordinate with the ODFW and shall develop and implement site-specific stream habitat restoration measures, including but not limited to, in-stream structures designed to keep the majority of the stream flow in the center of the channel, protect eddies and ponded areas, and protect underwater stems of riparian vegetation for egg-laying habitat.~~

Environmental Mitigation Measures Condition 5 is eliminated because the position of the ECO was eliminated

6. All construction activities within or adjacent to Wetland Tracts or Wildlife Habitat Tracts shall minimize the use of heavy equipment to preclude accidental impacts to red-legged frogs hibernating in upland areas and shall be performed, under the supervision of the ECO, following any recommendations provided by the ODFW.
7. Natural vegetation and leaf litter (important for red-legged frog upland hibernation habitat) shall be retained in Wetland Tracts or Wildlife Habitat Tracts and upland buffer areas as much as possible.
8. There shall be no open burning conducted within Rock Creek Village either during construction or after completion of construction.
9. Before any area or portion thereof is developed where wetland mitigation is required under applicable law, the mitigation shall occur not later than the time of development within the area or portion thereof.
10. ~~The mitigation measures proposed in sections 3.1.3, 3.2.3, 3.3.3, 3.4.3, 3.5.3, and 3.6.3 of the Villages at Cascade Head / Rock Creek Village Environmental Assessment Supplement #1 (approved September 24, 1998) are hereby incorporated as conditions applicable to Rock Creek Village.~~

Environmental Mitigation Measures Condition 10 is eliminated because to the extent there are Significant Natural Resource areas in the Villages PUD they are dealt with via the Natural Resource Overlay Zone, which was created after this condition was imposed.

TREE PROTECTION

1. A tree protection plan shall be prepared by an arborist. The tree protection plan, which may use the *Detailed Tree Survey* prepared by CNF Consulting, Inc. (dated September 1998), shall identify the following tree attributes: location, size, species, condition, and prognosis for retention and integration into the final landscaping plan. The tree protection plan shall

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address all trees greater than 16" DBH within 25 feet of construction zones. Construction zones include areas where ground-disturbing activities will take place in association with:

- a. Construction of all dwelling units (except units located on single family and manufactured home lots), parking areas, clubhouses, and ancillary facilities;
- b. Installation of utilities, roads, sidewalks, trails, parks, water detention facilities, access corridors, and other infrastructure improvements;
- c. Construction staging areas; and
- d. Any other areas identified by the arborist.

2. The tree protection plan shall **comply with LCMC 17.52.220.**

- ~~a. Incorporate the impact minimization and mitigation measures related to tree protection listed in subsections 3.1.3, 3.2.3, and 3.3.3 of the *Villages at Cascade Head / Rock Creek Village Environmental Assessment Supplement #1* (approved September 24, 1998);~~
- ~~b. Minimize tree removal in areas adjacent to water detention ponds in order to retain shading provided by trees;~~
- ~~c. Identify options for retaining and integrating existing trees in the multi-family residential areas to the maximum extent feasible.~~
- ~~d. Identify options for retaining buffers averaging 25 feet in width of existing trees along the borders of all residential blocks;~~
- ~~e. Demonstrate that all reasonable measures have been taken to preserve and protect existing trees; and~~
- ~~f. A schedule, which describes the duties and responsibilities of the arborist, including, but not be limited to, the arborist's attendance at mandatory pre-construction meetings involving representatives from City staff and construction personnel; initial grading and clearing activities; and any other activities which may impact the on-site trees. The on-site arborist will be authorized to make field determinations regarding minor variations to the approved tree protection plan regarding the retention and removal of additional trees. Subject to the review and approval of the Planning and Community Development Department, the arborist may delegate on-site construction monitoring activities to the ECO.~~
- ~~The tree protection plan shall be submitted for review and approval by the Planning and Community Development Department and Public Works Department as part of the final master plan in order to determine if all actions reasonably necessary to protect trees have been identified. The final master plan shall incorporate measures to protect trees, as recommended in the approved tree protection plan.~~

Tree Protection Condition 3 is amended to reflect the fact that the Municipal Code now addresses tree protection.

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3. Trees identified in the tree protection plan for retention shall be marked in the field and fenced prior to issuance of any construction permits. All fencing of trees to be retained shall be maintained during all phases of construction. If, during construction, it is found necessary to remove significant trees (as identified by the arborist), construction shall be halted in the immediate area of the subject tree(s) until a revision to the tree protection plan is reviewed and approved by the Planning and Community Development Department and Public Works Department. Individual trees may be removed as part of construction of single family residences.

The tree protection plan shall incorporate steps for protection of retained trees, which may include the following:

- a. Construction shall avoid injury to tree roots during onsite construction.
 - b. During dry periods, water shall be made available to the exposed roots of trees subject to root loss.
 - c. All construction traffic shall be excluded from areas identified to remain as undisturbed natural vegetation.
 - d. In lieu of adding soil around the base of a tree, a tree well with a diameter of four feet greater than the tree diameter shall be installed.
 - e. Retaining walls or similar structures shall be provided to protect roots from erosion.
 - f. In situations where trees are to be removed, the trees shall be cut (if possible), rather than bulldozed or removed with similar procedures, in order to protect soils, hillside integrity, and root structure of adjacent trees to be retained.
 - g. Trees which are to be retained, to serve as wind blocks for large trees planned for retention, shall be identified.
4. Removal of trees within the area of a final master plan shall be limited to the area(s) to be constructed shortly following removal. In addition, tree removal shall be subject to any applicable regulations regarding tree removal adopted by the City and in effect at the time of the removal. There shall be no disturbance of native vegetation outside of construction zones surveyed as part of the approved tree protection plan.

LANDSCAPING

1. A detailed landscape plan shall be submitted with the final master plan(s) for review and approval of staff. The landscape plan shall comply with ~~Section 4.100 of the Zoning Ordinance~~ **Chapter 17.55 of the Municipal Code** and shall show and/or provide the following information:
 - a. Landscaping shall be provided for all areas of the project site where ground-disturbing activities will occur, except for roads, sidewalk, parking areas, building footprints, and above-ground infrastructure facilities.

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b. Trees to be retained and tree protection measures shall be provided in accordance with the approved tree protection plan.

c. Landscaping with suitable native tree plantings shall be provided adjacent to all water detention ponds in order to provide shading and screening of ponds. Elevated water temperatures are harmful to red-legged frogs, amphibians, and fish species and must be avoided.

d. Landscaping in the following areas shall utilize native vegetation:

Wildlife Habitat Tracts WH1, WH2, and WH3;

Wildlife Corridors WL1 and WL2;

Wetland Tracts W1, W2, W3, W5, W6, and W7;

Water Detention Facilities WQ1 - WQ11; ~~and~~

~~The 25-foot conservation easements in Park P-3 and around the above-listed Wildlife Habitat Tracts and Wetland Tracts.~~

e. All mechanical equipment, including transformers shall be screened with landscaping. Details of landscaping shall be provided.

f. Details of any fencing shall be provided.

g. All trash container/recycling areas shall be screened with sight-obscuring fencing and landscaping.

h. All shrubs shall be provided in container sizes at a ratio of 3:1 (3-gallon containers: 5-gallon containers).

i. All trees must be planted at least ten feet away from any public water, sewer, or storm drain lines. All trees must be installed with a minimum of two support stakes. All nursery stakes must be removed from trees.

j. Wheel stops or curbs shall be provided along the outer boundaries of parking areas or where landscaping may be damaged by vehicles.

k. A two-to-four inch layer of mulch must be applied in all landscape areas.

Landscaping Condition 1 is eliminated because the plan was completed.

STREETS

1. The naming of streets within Rock Creek Village shall be in accordance with the Lincoln City street naming and addressing grid and shall be submitted to the Department of Planning and Community Development for review and approval.

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- ~~2. Access to the Rock Creek Village shall be only by means of NE Devils Lake Boulevard and NE Voyage Avenue. Access to Rock Creek Village via Sal-La-Sea Drive shall not available until such time that residential blocks within Salmon Creek Village are constructed. *Streets Condition 2 is eliminated because there may be an access option, such as via the Holly Farm, that were not contemplated at the time this condition was drafted.*~~
3. Private Roads (R1 through R4) shall be privately owned and maintained and shall be open for public use.
Streets Condition 3 is amended to refer to private streets without specifying any particular street.
4. A traffic impact study has been prepared in relation to the proposed PUD entitled "Transportation Impact Study, U.S. Highway 101, Lincoln City, Oregon." The study is dated October, 1994. The study identified that owner/developer's proportionate share of the cost of recommended Highway 101 improvements was the sum of Two Thousand Three Hundred Dollars (\$2,300) for each dwelling unit constructed within the PUD. Owner/developer shall enter into an agreement with the City that owner/developer shall cause to be paid to City this proportionate share of the cost of traffic improvements to, or in relation to, Highway 101, but outside the PUD, which agreement shall be in a form approved by the city, the form attached hereto as **Exhibit 2**.
In addition, the "Restrictive Covenants" required by these Conditions of Approval shall include a deed restriction, applicable throughout the PUD, as follows:
At the time of application to the City of Lincoln City for a building permit to construct a new dwelling unit or new dwelling units, the owner of the site on which the dwelling unit or units are to be built shall pay, or cause the applicant to pay, to the City, in addition to any other amounts that the City lawfully requires to be paid, the sum of \$2,300 for each dwelling unit, as adjusted to reflect any increase occurring after October 1994 in the construction price index as published in the weekly construction magazine "Engineering News Record" (for 20 cities, 1913-100). The applicant and the owner of the site shall have no right to the requested building permit until the sum has been paid for each dwelling unit covered by the building permit application, and the payment requirement shall be a restriction for the benefit of Lincoln City on any right the applicant or owner otherwise would have to receive a building permit. The amount of the payment, plus any investment income earned thereon, will be used to finance traffic improvements to, or in relation to, Highway 101 in North Lincoln City.
5. Engineered street improvement plans and specifications shall be submitted to the Public Works Department for review and approval prior to approval of construction permits. In locations where sufficient right-of-way is available, sidewalks shall meander, rather than be located immediately adjacent to the road.
- ~~6. The owner shall design and build temporary cul-de-sacs for any temporary dead-end streets which are constructed. The design of the temporary cul-de-sacs shall be subject to the review and approval of the Public Works Department. Temporary roadway easements required for the temporary cul-de-sacs shall be provided as part of the final master plan and~~

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~~subdivision plat. Such temporary roadway easements shall extinguish when the next connected phase of the street is completed.~~

Streets Condition 6 is eliminated because should there be a need for any temporary dead-end streets they will have to receive design and location approval from the city as a part of the final master plan approval process.

7. The North Lincoln Fire and Rescue District shall review and approve the proposed roadway widths and cul-de-sac configurations.
8. No streets shall be gated or in any way restrict or obstruct access for the use and convenience of the general public.
9. All permanent, public and private deadend streets shall be provided with properly sized cul-de-sac or hammerhead turn-arounds to accommodate emergency vehicles. Use of hammerhead turn-arounds must be approved by the Public Works Department and the North Lincoln Fire and Rescue District.
10. NE Devils Lake Boulevard shall be the primary access to Rock Creek Village for construction traffic. NE Voyage Avenue may be used for delivery and removal of equipment and for construction in Blocks E and F. Construction traffic shall not use NE Port Lane or Sal-La-Sea Drive to access the project site.
11. Prior to the issuance of development permits, the applicant shall prepare a survey the existing condition of NE Devils Lake Boulevard and NE Voyage Avenue, subject to the review and approval of the Public Works Department. Deterioration caused by construction activities shall be repaired by applicant up to and including a proportional share of a full A/C overlay. Repairs or overlays shall be done in accordance with the City's capital improvements program.
- ~~12. NE Voyage Avenue shall have a right-of-way width of 50 feet and shall be improved with a pavement width of 36 feet curb to curb.~~
- ~~13. The public road extending eastward from NE Devils Lake Boulevard to Tract R3 and northward the "Holly Farm" property (tax lot 6-11-35/300) shall have a right-of-way width of 50 feet.~~
- ~~14. Arched culverts shall be utilized at roadway crossings of streams to minimize impacts to potential fish and amphibian habitat.~~

Streets Conditions 12-14 are eliminated because Voyage Avenue has been completed, the design of other streets within the PUD will be determined at the time of final master plan approval.

UTILITIES

1. All water, electrical, tele-communication, and natural gas utility lines shall be placed underground within the road right-of-ways throughout Rock Creek Village.

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2. All easements shall be shown in dashed lines on the final plat, including the size and locations as required by the affected utilities, public agencies and utility service companies.
3. All utility easement restrictions shall be recorded with the final plat.
4. All utility easements shall be clearly defined as to their scope, purpose, and term, preferably to be included within the restrictive covenants which are to be recorded with the subdivision plat. The acronym "PUE" for "public utility easement" must be clearly defined and spelled out.
5. A five (5) foot public utility easement adjacent to the right-of-ways and private streets shall be provided and maybe utilized for water-related equipment (e.g., meters, valves) and other utility-related equipment (e.g., electrical pedestals, street lights, telephone pairs, junction boxes).
6. It shall be the responsibility of the subdivider to coordinate final acceptance of all proposed public utility easements with affected utilities, public agencies, and service companies prior to final plat approval of each phase of the subdivision.

SEWER

1. All sewer laterals shall be stubbed, and the location of such stubbed sewer laterals shall be marked at the curb or edge of street right-of-way so that its location may be ascertained in the future with minimal difficulty by the contractor(s).
2. Engineered sewer utility plans and specifications shall be submitted to the Public Works Department and the Planning and Community Development Department for review and approval.
3. Construction plans for sewer lines shall minimize the use of heavy equipment and shall minimize disturbance of natural stream substrate in locations within 25 feet of drainages.
4. All wastewater pumping installations shall have auxiliary power. All components shall be compatible with City standards.
5. Costs of providing electric power to any pumping installation will be the responsibility of the owner. City responsibility for power cost will not include more than the regular monthly schedule billing after the agreed maintenance period has expired.
6. Structural maintenance costs incurred by the City for "Aerial Utility Crossings" shall be borne by the Homeowners Association.
- ~~7. The applicant is responsible for installation of the off site sanitary sewer infrastructure connections shown on Sheet 11 of 17 the *Rock Creek Village Tentative Subdivision Plan & Refined Preliminary Master Plan* prepared by Alpha Engineering, Inc.~~

Sewer Condition 7 is eliminated because the off-site sanitary sewer infrastructure connections referred to are no longer needed.

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8. Utility easements for future sanitary sewer extensions to the "Holly Farm" property (tax lot 6-11-35/300) shall be provided to allow service from Blocks C and F.

WATER

1. All lots within Rock Creek Village shall be served by the City's water supply system, in accordance with City specifications.
2. Water meters shall be clustered at common lot lines to the maximum extent possible.
3. ~~A water reservoir shall be provided, by the developer/owner, to meet the demands of some isolated high spots in Blocks B and G when any one of the areas is proposed for development.~~

~~Installation of the reservoir to serve the isolated high spots in Blocks B and G will not be required if the applicant demonstrates to the satisfaction of the City and the North Lincoln Fire and Rescue District that the use of pumps in lieu of the reservoir will provide adequate water supply, including fire flows, to the isolated high spots in Blocks B and G, and that the City's ability to provide water supply service and maintain adequate storage for the existing City service area is not impaired.~~

~~If the reservoir is installed to serve the isolated high spots in Blocks B and G, the volume of storage shall be not less than 750,000 gallons, subject to review and approval by the city engineer to assure that the facility is sized to meet the demands of the project, based on the domestic water consumption required under the City of Lincoln City Comprehensive Water Source Distribution and Treatment Analysis (as amended) along with a fire flow storage volume providing 2200 gallons per minute for two hours. Furthermore, the applicant shall provide evidence that the water reservoir, access road, and any associated hillside excavation or fill areas will be screened so as not to be visible or will not be visible at the time of installation from off-site locations. The evidence shall be submitted to the Planning Commission for review and approval in association with submittal of a final master plan for development of the isolated high spots in Blocks B and G. Alternatively, the applicant may request amendment of the Villages at Cascade Head Preliminary Master Plan dated October 20, 1998 (as amended) to locate the water reservoir at a location at which the reservoir, access road, and any associated hillside excavation or fill areas will not be visible at the time of installation from off-site locations.~~

Water Condition 3 is eliminated because the city engineer has determined that the water reservoir referred to is not needed.

4. All water pumping installations shall have auxiliary power. All components shall be compatible with City standards.
5. Engineered water utility plans and specifications shall be submitted to the Public Works Department and the Planning and Community Development Department for review and approval.

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- ~~6. The applicant is responsible for installation of the off site water infrastructure connections shown on Sheet 11 of 17 the *Rock Creek Village Tentative Subdivision Plan & Refined Preliminary Master Plan* prepared by Alpha Engineering, Inc.~~
- ~~7. Utility easements for future water line extensions to the "Holly Farm" property (tax lot 6-11-35/300) shall be provided to allow service from Blocks C and F.~~
- ~~8. In Block C, a water line shall extend as a 12" main from NE Devils Lake Boulevard to the "Holly Farm" property (tax lot 6-11-35/300) to allow water service to the Holly Farm property.~~

Water Conditions 6-8 are eliminated because the need for connections and lines for the Holly Farm and elsewhere will be determined at the time of final master plan approval.

STORM DRAINAGE

1. All development shall comply with the applicable provisions of *Municipal Code* Chapter 12.08 (Grading and Erosion Control) as then in effect, prior to issuance of any development permit(s).
2. Engineered grading, drainage, and erosion control plans and specifications shall be submitted to the Public Works Department and the Planning and Community Development Department for review and approval as part of submittal of the Final Subdivision Plat.

The grading plans shall identify the location of construction staging areas and shall minimize tree removal in areas adjacent to water detention ponds in order to retain shading provided by trees..

- ~~3. A copy of the erosion control plan approved by the City shall be provided to the Devils Lake Water Improvement District.~~

Storm Drainage Condition 3 is eliminated because the Devils Lake Water Improvement District has no approval authority.

4. The owner shall limit peak runoff to that discharged under an undeveloped condition for 2-, 5-, 10- and 25-year storms.
5. Stormwater facility designs shall comply with ~~Resolution and Order No. 91-47 (as amended) of the Washington County Unified Sewerage Agency and City of Lincoln City~~ stormwater facility requirements. All designs shall minimize overall environmental impacts, especially on streams and riparian vegetation.

Storm Drainage Condition 5 is amended to eliminate reference to outdated standards.

6. Water detention facilities shall be constructed to limit peak flows, up to the 25-year event, to the naturally occurring peak flow levels.
7. Water quality facilities shall be designed to accommodate summer flows and shall treat the collected water using the best available and financially feasible treatment technology.

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8. All collected stormwater runoff shall be discharged into site stormwater management facilities.
9. The owner shall provide copies of all necessary National Pollution Discharge Elimination System erosion control permits or their equivalent based on then effective regulations, and evidence of the DEQ review and approval of the erosion control plan to the City. ~~and Devils Lake Water Improvement District.~~
10. The owner shall maintain annually all storm drainage improvements including ditches, pipes, and stormwater quality and detention facilities located on private property and enter into an agreement with the City that allows the City to maintain the facilities at applicant's expense should applicant fail to properly maintain the facilities.
11. Easements for stormwater ditches shall be shown on the Final Master Plan and Final Subdivision Plat. Access easements for maintenance of stormwater pipes and ditches, and water quality and detention facilities shall be provided for and shown on the final master plan(s) and final subdivision plat(s). Equipment and vehicular access to these facilities shall be provided on grades of 3 to 1 or less, unless approved otherwise by the Public Works Department.

STREET LIGHTS AND MAILBOXES

1. The location, design, style, and type of street light pole and luminaire located on public streets shall be reviewed and approved by the city engineer prior to approval of the final master plan for each and every block, and prior to the approval of the construction plans for all roadways.
2. Street lights located on public streets shall be provided by the owner, at street intersections, at the end of cul-de-sacs, and spaced along the length of the streets at a maximum distance as set forth by the standards of the Public Works Department.
3. Street lights shall be **DarkSky Approved or equivalent.** ~~directed downward and shall be designed to minimize back scatter.~~
4. The owner shall coordinate with the U.S. Postal Service for the placement of mailboxes located within the Rock Creek Village. If mailboxes are to be located adjacent to curbs, they shall be so situated that there shall be a minimum 5-foot clear space for the sidewalk.
5. The energy and maintenance costs for street lights on private streets shall be borne by the homeowners association.

FIRE PROTECTION

1. Roof materials which are fire-resistant shall be used in fire-sensitive areas as designated by the Lincoln City Fire Marshal.
2. The number and distribution of fire hydrants shall conform to ~~Table No. A-111-B-1 of the 1991~~ Uniform Fire Code or the equivalent code ~~and table~~ as adopted by the City of Lincoln City at the time of plans submittal.

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Fire Protection Condition 2 is amended to remove reference to outdated standards.

3. The size, location, and number of all fire hydrants shall be submitted to the North Lincoln Fire and Rescue District No. 1 for review and approval.
4. The owner shall respond to the concerns and standards of the North Lincoln Fire and Rescue District No. 1 and evidence of such review and approval shall be provided to the City.

SURVEYOR

1. Prior to ground disturbing activities, the owner shall notify the Lincoln County Surveyor regarding the construction schedule and activities for Rock Creek Village. The owner shall be responsible for replacing any survey monuments disturbed or destroyed during construction and filing a survey for the review and approval of the County Surveyor which shows how the positions of the monuments were reestablished. In addition, the owner is responsible for establishing post-monumentation of interior monuments required by the County Surveyor.
2. The location, dimensions, and purpose of all proposed easements shall be shown on the final master plan and subdivision map.

BOND AND AGREEMENT

1. Prior to approval of a final plat for a phase of the development, either:
 - a. The city engineer shall verify that all public infrastructure improvements have been installed in accordance with the requirements of the final master plan and tentative subdivision plan; or
 - b. The owner shall enter into a written agreement with the City, which agreement shall be subject to review and approval by the city attorney, that all required public infrastructure improvement work as specified in the conditions of issuance of the development permit shall be completed within twenty-four (24) months from final plat approval in accordance with applicable City standards and approved plans and specifications.
2. The owner shall warrant the materials and workmanship of the public infrastructure improvements for a period of one (1) year from date of acceptance by the City.
3. Except as otherwise provide by applicable City regulations then in effect, with an improvement agreement entered into under Bond and Agreement Condition 1(b), above, the owner shall post one of the following, in the amount of 110% of the estimated cost of improvements covered by the agreement, to ensure full and faithful performance:
 - 3.1 A surety bond executed by a surety company authorized to transact business in the state of Oregon.
 - 3.2 Cash.
 - 3.3 An irrevocable standby letter of credit or similar security in a form acceptable to the city attorney.

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The form of security provided by the owner shall be subject to the following:

- a. Upon satisfactory completion of all required public infrastructure improvements, and acceptance thereof by the City, the amount allocated to such improvements shall be reduced to 20% of the original bond amount, or 20% of the cost of construction of the required infrastructure improvements, whichever is greater. The bond amount shall be fully released on satisfactory completion of the one-year warranty period.
 - b. Should the owner fail to complete the listed improvements within the specified time period and/or in accordance with the terms of the agreement, the City may complete the improvements and recover the full cost and expense thereof from the security and, if the security is not sufficient, from the owner.
4. The City shall accept streets, storm drains, sanitary sewer lines, water lines and easements in which they are located at such time as the owner has fully complied with all the terms and conditions of the agreement and has satisfactorily completed the one-year warranty period. If, during the warranty period, the owner fails to remedy defective materials or workmanship, then the City may remedy the defective materials or workmanship and recover the full cost and expense thereof from the security provided under Bond and Agreement Condition 4 and, if there is no security or if the security is not sufficient, from the owner.
 5. Before the City shall accept an improvement that shall become a City maintained improvement and/or facility, the owner's engineer shall provide the City with a Mylar drawing showing the as-built improvements along with two copies of said as-built drawings. In addition, the engineer shall provide digital as-built drawings on Intergraph micro station format or other format approved by the City.

RESTRICTIVE COVENANTS

1. Deed restrictions incorporating the conditions of approval of Planning Commission Findings, Conclusion and Order No. 96-02, as amended, ~~not otherwise in conflict with City zoning regulations and municipal code requirements, and applicable to the entire Villages at Cascade Head Planned Unit Development (except for the 60-acre set-aside area located on the northern portion of the property, which the owners have transferred to the City),~~ **have been** shall be recorded in the deed records of Lincoln County prior to the approval of any final master plan submitted under the *Rock Creek Village Refined Preliminary Master Plan*. The conditions of approval incorporated into the deed restrictions shall be enforceable by the City and shall be recorded as an encumbrance on the title of the property within the Villages of Cascade Head Planned Unit Development in order that the conditions run with the land and are binding on all future owners and land use decisions. ~~Prior to recording, the deed restrictions shall be subject to review and approval by the City Attorney as to conformance with this condition and as to legal sufficiency.~~
2. Supplemental deed restrictions ~~in conformance with the conditions of approval of this Final Order, not otherwise in conflict with City zoning regulations and municipal code requirements, and applicable to the area covered by the *Rock Creek Village Refined Preliminary Master Plan*,~~ to the extent conformance with the conditions of approval of this

ATTACHMENT 3

~~Final Order is not completely achieved by the deed restrictions referred to in Restrictive Covenants Condition 1 of this Final Order, shall be **have been** recorded in the deed records of Lincoln County prior to the approval of any final master plan or final subdivision plat submitted under the *Rock Creek Village Refined Preliminary Master Plan*. The conditions of approval incorporated into the deed restrictions shall be enforceable by the City and shall be recorded as an encumbrance on the title of the property within the area covered by the Rock Creek Village Refined Preliminary Master Plan in order that the conditions run with the land and are binding on all future owners and land use decisions. Prior to recording, the deed restrictions shall be subject to review and approval by the City Attorney as to conformance with this condition and as to legal sufficiency.~~

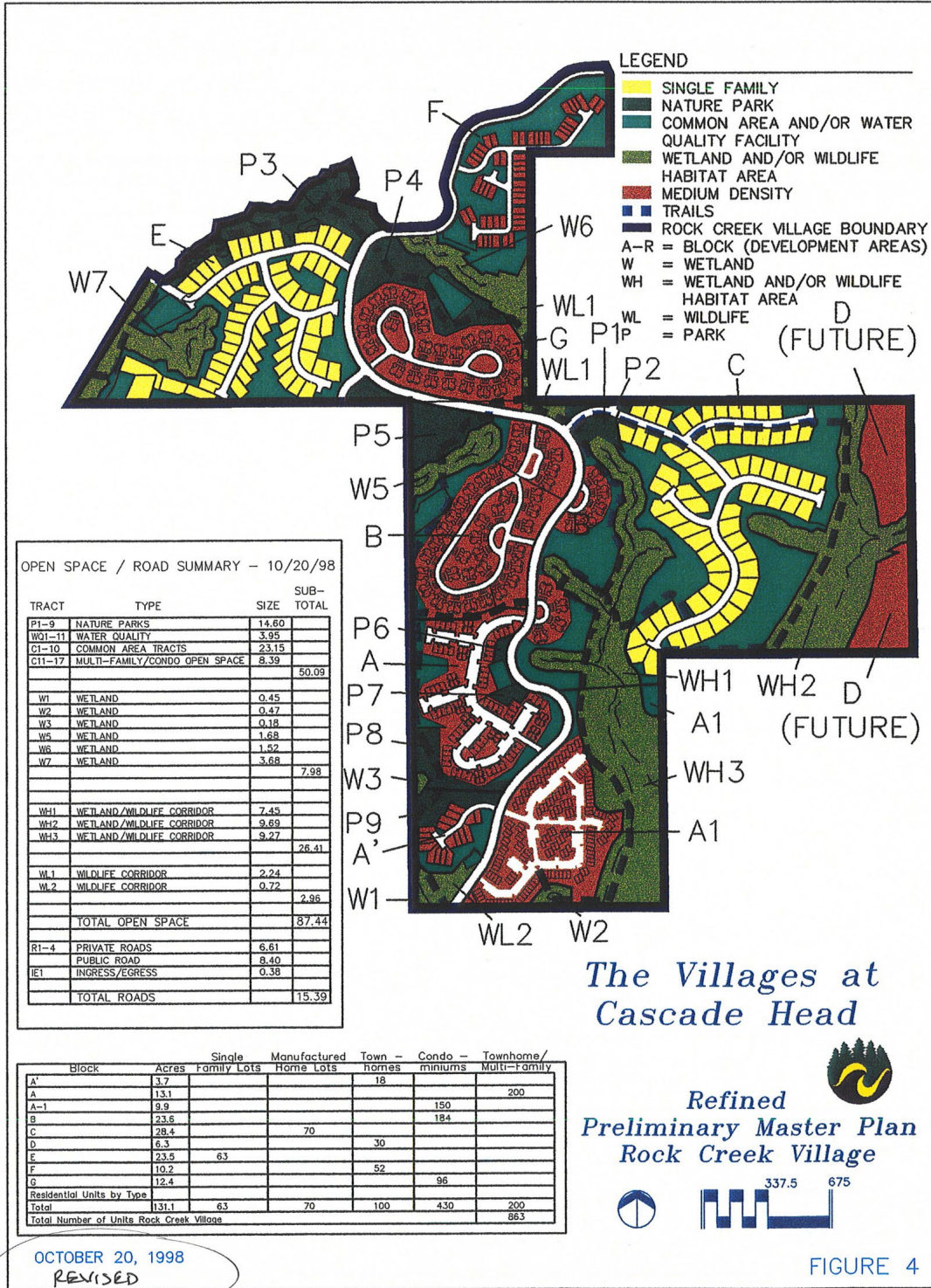
Restrictive Covenants Conditions 1 and 2 are amended to reflect the fact that prospective actions called for in the conditions have been accomplished.

3. Amendments to the recorded deed restrictions, referred to in Restrictive Covenants Conditions 1 and 2 of this Final Order, shall be subject to review and approval by the City prior to recording of the amendments. ~~In addition, proposed amendments shall be reviewed and voted on by the Villages at Cascade Head Environmental Resource Committee (ERC) prior to recording.~~ All proposed amendments shall be transmitted to the City's Director of Planning and Community Development with documentation that they have been reviewed by the ERC, including any comments by that committee and the results of the committee's vote on the proposed amendments. ~~As to minor amendments, if a majority of the ERC members voted to approve the proposed amendments, then the Director may act on the City's behalf in reviewing and approving, approving with modifications, or disapproving the proposed amendments. As to major amendments, or if a majority of the ERC members did not vote to approve proposed minor amendments, or if the Director otherwise elects to refer proposed minor amendments to the Planning Commission for review, then the Planning Commission shall act on the City's behalf in reviewing and approving, approving with modifications, or disapproving the proposed amendments. The actions of the Director and Planning Commission shall be subject to applicable appeal procedures, if any, established by the Zoning Ordinance Lincoln City Municipal Code.. For purposes of this paragraph, minor amendments are only amendments that will not have public visibility and that (1) do not increase densities, (2) do not change boundaries, (3) do not change any use, specific or general, described in the approved *Rock Creek Village Refined Preliminary Master Plan* or any approved final master plan thereunder, and (4) do not change the location or amount of land devoted to specific land uses. For purposes of this paragraph, all other amendments are major amendments.~~

The City shall approve a proposed amendment if it finds that the proposed amendment is a reasonable way to implement the intent of this Final Order, of any final order approving a final master plan thereunder, or of applicable regulations, or that new information justifies a new approach, provided, however, that any conditions of approval of this Final Order and of any final order approving a final master plan thereunder, that have been incorporated into already recorded deed restrictions, may not be amended unless this Final Order or the final master plan final order itself first has been amended to modify the conditions.

Restrictive Covenants Condition 3 is amended to remove references to the Villages at Cascade Head Environmental Resource Committee since that committee never was created and the conditions of approval requiring its creation are proposed to be eliminated.

ATTACHMENT 3



OCTOBER 20, 1998
REVISED

ATTACHMENT 3

Table 3
THE VILLAGES AT CASCADE HEAD
LAND USE SUMMARY - 5/28/98
ROCK CREEK VILLAGE

Block	Acres	Detached Residential			Attached Residential		
		Ocean View Lots	Single-Family Lots	Manufactured Home Lots	Townhomes	Condominiums	Townhome/Multi-Family
A'	3.7				18		
A	13.1						200
A-1	9.9					150	
B	23.6					184	
C	28.4			70			
D	6.3				30		
E	23.5		63				
F	10.2				52		
G	12.4					96	
Residential Units By Type		0	63	70	100	430	200
Totals		131.1 ac		863 units			

Tracts Not Included in Residential Blocks		
Tract	Size (acres)	Notes
P1	0.69	Dedicated Park
P2	0.29	Dedicated Park
W1	0.45	Wetland
W2	0.47	Wetland
W3	0.18	Wetland
W5	1.68	Wetland
W6	1.52	Wetland
W7	3.68	Wetland
WH1	7.45	Wetland/Wildlife Corridor
WH2	9.69	Wetland/Wildlife Corridor
WH3	9.27	Wetland/Wildlife Corridor
WL1	2.24	Wildlife Corridor
WL2	0.72	Wildlife Corridor
	<u>38.33</u>	

Multifamily/Condo Open Space		
Tract	Size (acres)	Notes
C11	1.12	
C12	0.3	
C13	0.41	
C14	0.26	
C15	2.05	
C16	1.68	
C17	2.57	
	<u>8.4</u>	

Land Use	Acres	Percentage
Residential 1/	75.5	42%
Open Space	87.1	49%
Public Roads	15.4	9%
Total Acreage	178.0	100%

1/Residential= 131.1 (total land in blocks)
 - 40.2 (open space in blocks)
 -8.4 (multifamily/condo open space)
 - 7.0 (private roads and I/E)

Open Space Tracts Within Residential Blocks		
Tract	Size (acres)	Notes
P3	4.66	Dedicated Park
P4	3.21	Dedicated Park
P5	2.7	Dedicated Park
P6	0.22	Dedicated Park
P7	0.33	Dedicated Park
P8	1.34	Dedicated Park
P9	1.16	Dedicated Park
WQ1	0.13	Water Quality
WQ2	0.28	Water Quality
WQ3	0.61	Water Quality
WQ4	0.39	Water Quality
WQ5	0.20	Water Quality
WQ6	0.25	Water Quality
WQ7	0.27	Water Quality
WQ8	0.58	Water Quality
WQ9	0.32	Water Quality
WQ10	0.33	Water Quality
WQ11	0.59	Water Quality
C1	1.96	Common Tract
C2	1.36	Common Tract
C3	0.47	Common Tract
C4	1.29	Common Tract
C5	5.73	Common Tract
C6	0.35	Common Tract
C7	2.67	Common Tract
C8	4.46	Common Tract
C9	3.85	Common Tract
C10	1.01	Common Tract
	<u>40.71</u>	

Roads		
Tract	Size (acres)	Notes
R1	1.67	Private Road
R2	1.24	Private Road
R3	3.38	Private Road
R4	0.32	Private Road
IE1	0.38	Ingress/Egress
	8.40	Public Road
	<u>15.39</u>	

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EXHIBIT C PROPOSED AMENDMENTS TO THE CONDITIONS OF APPROVAL OF CITY COUNCIL FINAL ORDER 2012-01

Except as explained here, the following is a verbatim copy of the conditions of approval contained in City Council Final Order No. 2012-01 regarding an application for time extensions for the Villages at Cascade Head Planned Unit Development. Portions of the conditions that are proposed to be eliminated are struck through. Proposed additions are underlined. Explanations for proposed changes are in italics.

Conditions of Approval

For the purposes of these conditions of approval, “block” means an area of a specific residential development type as described in the Villages at Cascade Head preliminary master plan. It is not intended to refer to “city blocks” or to blocks as referred to in LCMC Tile 16, Subdivisions.

For the purposes of these conditions of approval, “block owner” means the owner of one or more blocks.

~~For the purposes of conditions 8, 9, 10, and 11, “Property owners” means the owners of one or more blocks (other than Block A prime) on December 10, 2012, or any party to whom is transferred part or all of an interest in any block or blocks prior to January 31, 2013.~~

The foregoing paragraph is eliminated because the conditions listed are either eliminated in their entirety as explained below, or amended to remove the term “property owners.”

1. ~~Zoning Condition Number 11 in Exhibit A of Lincoln City Planning Commission Final Order No. 97-17 is deleted and replaced with the following:~~

~~The approval of the preliminary master plan shall be effective until January 31, 2023. Prior to expiration of the preliminary master plan, the planning commission may, on receipt of an application applying to the as yet unbuilt portions of the development, extend the expiration date, provided that the extension will be consistent with then-existing city zoning ordinance requirements, in relation to then-existing conditions.~~

Condition 1 is eliminated as the timing requirement is unneeded.

2. ~~Planning Condition Number 3 in Exhibit B of Lincoln City Planning Commission Final Order No. 97-17 is deleted and replaced with the following:~~

~~The approval of the refined preliminary master plan shall be effective until January 31, 2023. Prior to expiration of the refined preliminary master plan, the planning commission may, on receipt of an application applying to the as yet unbuilt portions of the development, extend the expiration date, provided that the extension will be consistent with then-existing city zoning ordinance requirements, in relation to then-existing conditions.~~

Condition 1 is eliminated as the timing requirement is unneeded.

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- ~~3. The capacity of the sewer system serving the Villages at Cascade Head is limited. Any available existing capacity will be allocated on a first come, first served basis. Before approval of any new development of any block, including new development in Block A, the block owner must enter into an agreement with the city describing the block owner's responsibility and time table for designing, constructing, and installing improvements to the sewer system required for the development, including i) connection of sufficient capacity to the city sanitary sewer main, as determined necessary by the city, and ii) necessary upgrades to the West Devils Lake Pump Station. This agreement is required due to the deferral of submittals detailing improvements and costs required by LCMC 17.52.210.1 and LCMCV 17.52.230.C.~~

Condition 3 is eliminated as the necessary sewer capacity improvements already have been constructed and the needed capacity has already been allocated to the Villages at Cascade Head PUD.

- ~~4. Before approval of any new development of any block outside of Block A prime, the block owner must enter into an agreement with the city for payment to the city of the block owner's proportionate share, as determined by the city engineer, of the costs of upgrading the Roads End water booster station required to serve this development. This agreement is required due to the deferral of submittals detailing improvements and costs required by LCMC 17.52.210.1 and LCMCV 17.52.230.C.~~

Condition 4 is eliminated as the necessary water capacity improvements already have been constructed and the needed capacity has already been allocated to the Villages at Cascade Head PUD.

- ~~5. Before approval of any new development of any block outside of Block A prime, the block owner must consult with the city engineer and then complete, in a manner acceptable to the city engineer, the constructed portion of NE Devils Lake Boulevard within the Villages at Cascade Head PUD and intended to serve the new development. At a minimum, this will require the block owner to add the final asphalt lift after ensuring the road bed, the first asphalt lift, curbs, gutters, sidewalks, and installed utilities meet current city standards, as defined by the city engineer, making repairs determined by the city engineer to be necessary, under the observation of the city engineer and to her approval.~~

Condition 5 is eliminated because the required improvements to NE Devils Lake Boulevard have been completed.

6. Before the block owner continues construction on Fernwood Loop, the block owner must consult with the city engineer and ensure that the road bed and constructed utilities meet current city standards, by testing and making any repairs that the city engineer determines necessary. The block owner shall make the repairs under the observation of the city engineer and to her approval. After the initial asphalt is placed, the block owner

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must maintain Fernwood Loop in good repair. Before the block owner places the final asphalt lift on Fernwood Loop, the block owner must ensure that the road bed, the first asphalt lift, curbs, gutters, and sidewalks meet current city standards, as defined by the city engineer, by making any repairs that the city engineer determines necessary. The block owner shall make the repairs under the observation of the city engineer and to her approval.

7. Before undertaking construction of any infrastructure improvements in or serving any block, including but not limited to public or private streets, roadways, storm drainage, sewer, or water systems, the block owner must enter into an agreement with the city to ensure the timely completion of the improvements and other actions set out in these conditions of approval. The agreement shall:
 - a. Provide that if the block owner does not complete the required improvements or take the required actions within the established time periods, then the city may complete the improvements or take the actions and recover the full cost and expense of completion from the owner;
 - b. Require the block owner to reimburse the city for all costs of inspection by the city of the improvements and actions;
 - c. Require the block owner to hold harmless, defend, and indemnify the city and its mayor and council members, officers, boards, commissioners, and employees from claims of any nature arising or resulting from the city's performance of acts or completion of improvements required to be done by the block owner;

As a condition to city acceptance of the agreement, the block owner shall file with the city a surety bond executed by a surety company authorized to transact business in the state of Oregon to assure the full and faithful performance of the agreement by the block owner. The surety bond shall be in an amount equal to 110 percent of the estimated cost to complete the required improvements and take the required actions, as agreed upon by the city engineer and the block owner. The amount may be reduced from time to time at the sole discretion of the city engineer following the satisfactory completion of the improvements or actions. This agreement is required due to the deferral of submittals detailing improvements and costs required by LCMC 17.52.210.1 and LCMCV 17.52.230.C.

- ~~8. Before January 31, 2013, the property owners must restore the full functionality, as required by the city, of the storm water system in Devils Lake Boulevard. This will include cleaning out the silt from catch basins, detention ponds, and water quality ponds and swales.~~

Condition 8 is eliminated because it is no longer necessary as the storm water system has been restored and the date mentioned in it has long since passed.

9. ~~Before January 31, 2013, the property owners~~ Before beginning construction of any improvements or infrastructure in Block A, the block owner shall submit a permanent erosion control plan acceptable to the city either as submitted or with required revisions.

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Condition 9 is amended to continue to require a permanent erosion control plan despite the fact that January 31, 2013 has long since passed.

10. ~~Before January 31, 2013, the property owners~~ Before beginning construction of any improvements or infrastructure in Block A, the block owner must install erosion control measures, as specified in the approved erosion control plan, in all disturbed areas to the satisfaction of the city and maintain erosion measures until the city deems they are no longer needed.

Condition 10 is amended to continue to require erosion control measures despite the fact that January 31, 2013 has long since passed.

11. ~~Before January 31, 2013, to the satisfaction of the city, the property owners must remove noxious vegetation as defined in LCMC 8.12.010 from disturbed areas and remove vegetation that threatens damage to infrastructure. From September 30, 2012, the Block owners~~ must maintain the properties free of noxious vegetation as defined in LCMC 8.12.010 and ~~damaging~~ vegetation that threatens to damage infrastructure.

Condition 11 is amended to eliminate the requirement to remove noxious vegetation and threatening vegetation by January 31, 2013 because the date mentioned has long since passed. It is amended further to make such vegetation removal an ongoing requirement.

12. ~~From the date of this final order, no~~ No one shall disturb soils or remove trees without city approval, and no one shall stockpile materials on the site, except in conjunctions with an issued building or site development permit.

Condition 12 is amended to remove the reference to an unspecified date.

13. The block owners of the unbuilt portions of the Villages at Cascade Head PUD shall design the streets so that pullouts and public transit shelters may be added in the future without the need to acquire additional rights-of-way or relocate any sidewalks or utility lines.
14. All future construction in the Villages at Cascade Head, including but not limited to development of right-of-way and construction of buildings, shall comply with the Americans with Disabilities Act.
15. The block owners of the unbuilt portions of the Villages at Cascade Head PUD shall design and install irrigation systems, if any, so that they do not spray onto or otherwise result in irrigation water onto impervious surfaces such as roads, driveways, parking lots, and sidewalks.
16. ~~In any future application for approval of a preliminary master plan, refined preliminary master plan, or final master plan, whichever comes first, the block owners also must submit an application for revision of the Villages at Cascade Head Preliminary Master Plan and the Rock Creek Village Refined Preliminary Master Plan to reflect the transfer of 46 acres of land (more or less) to the Confederated Tribes of Siletz Indians for expansion of the Chinook Winds golf course.~~

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Condition 16 is eliminated as it requires a property owner to apply for plan revisions that have nothing to do with their properties.

17. The block owner and/or the constructor of ~~the~~ infrastructure improvements including but not limited to public or private streets, roadways, curbs, gutters, sidewalks, storm drainage, sewer, or water systems shall warrant the materials and workmanship of ~~all~~ the improvements for a period of one year from the date of tentative acceptance by the city and shall provide financial security for the warranty in the form of a surety bond executed by a surety company authorized to transact business in the state of Oregon in the amount of 20percent of the cost of construction of the improvements, as verified by the city and approved by the city engineer.

Condition 17 is amended for clarity.

18. ~~All conditions of FO 98-17 and other applicable final orders not otherwise amended by this order or earlier orders remain in effect. In the event of any conflict between a condition of approval in an applicable final order and a condition of approval of this order, the most current condition that is compatible with current zoning standards shall apply.~~

Condition 18 is eliminated as many conditions of approval from the final orders referred to are being eliminated or amended.