

City of Depoe Bay

ORDINANCE NO. 172

AN ORDINANCE AMENDING ORDINANCE NO. 24 (DEPOE BAY ZONING ORDINANCE), AS AMENDED, ORDINANCE NO. 69 (DEPOE BAY COMPREHENSIVE PLAN), ORDINANCE NO. 72 (ESTUARINE PLAN), AND ORDINANCE NO. 111 (DEPOE BAY PARTITION AND SUBDIVISION ORDINANCE); ENACTING PROVISIONS REQUESTED AS A RESULT OF THE PERIODIC REVIEW OF THE DEPOE BAY ZONING ORDINANCE BY THE CITY OF DEPOE BAY, PURSUANT TO REVIEW BY THE DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT; AND DECLARING AN EMERGENCY.

WHEREAS, the Depoe Bay Planning Commission reviewed the Zoning Ordinance and Comprehensive Plan, pursuant to ORS 197.640; and

WHEREAS, the Department of Land Conservation and Development has made certain suggestions for revisions to the Comprehensive Plan and Zoning Ordinance as a part of the Periodic Review of said Plan and Ordinance; and

WHEREAS, the Depoe Bay Planning Commission approved certain changes of the Comprehensive Plan and Zoning Ordinance at a public hearing held on July 31, 1990 and has recommended those changes to the Depoe Bay City Council; and

WHEREAS, the Depoe Bay City Council held a public hearing on or about August 1, 1990 and considered the changes recommended by the Planning Commission; and

WHEREAS, as an oversight, the changes were not incorporated into Ordinance form and adopted following the August 1, 1990 Council meeting, and

WHEREAS, the City Council of the City of Depoe Bay finds and determines that the changes recommended by the Planning Commission and as approved by the City Council following a public hearing on or about August 1, 1990 should now be implemented,

NOW, THEREFORE, the City Council of the City of Depoe Bay ordains as follows:

1. Ordinance No. 69, the Depoe Bay Comprehensive Plan, be and is hereby in the following particulars:

a. Goal 2 and Goal 14, Policy 14, is hereby amended in its entirety to read as follows:

"The Planning Commission shall review the entire Comprehensive Plan and implementing ordinances at least upon notice from DLCD pursuant to OAR 660-19, Periodic Review. Other more limited reviews may occur at shorter intervals to address specific concerns."

b. Goal 2 and Goal 14 shall be amended by adding a new Policy No. 21 to read as follows:

"Policy 21.: The City of Depoe Bay shall not consider age, gender or physical disability to be an adverse consideration in evaluating a land use decision, as defined in ORS 197.015(10), or in any other decision over which the City has control."

c. Goal 2 and Goal 14. Goals 2 and 14 shall be amended by adding an additional Policy No. 22 to read as follows:

"Policy 22. The City recognizes the establishment of an Emergency Correction Facilities Siting Authority pursuant to ORS 179.010. The Siting Authority has the authority to make corrections facility siting decisions subject to the Governor's approval. Such decisions will be binding on the City as to the approval of the site and the construction and operation of a corrections facility."

d. Goal 2 and Goal 14. Goal 2 and Goal 14, Policy 18 is hereby amended in its entirety to read as follows:

"Policy 18. Pursuant to the Federal Consistency requirements of the Coastal Zone Management Act (Sec. 307), all State and Federal permits for activities covered under said act affecting land use within the City shall be reviewed by the City for compliance with the Comprehensive Plan before final disposition of the permit by the issuing agency."

e. Goal 2 and Goal 14. Goals 2 and 14 shall be amended by adding an additional Policy No. 23 to read as follows:

"Policy 23. Exceptions process. Exceptions from State Goals and Guidelines requirements for specific properties shall be considered by the City upon petition by the property owner to the City Council, or as initiated by the City Council. The following criteria having been determined:

(1). Reasons for the exception justify why the State policy embodied in the Goals should not apply;

(2). Areas which do not require a new exception cannot reasonably accommodate the use.

(3). The long term environmental, economic, social and energy consequences resulting from the use of the

proposed site are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a goal exception;

(4). The proposed uses are compatible with other adjacent uses or will be so through measures designed to reduce adverse impacts;

(5). The proposed exception satisfies all requirements of current Oregon Statutes and Administrative Rules pertaining to Goal exceptions."

f. Goal 6 - Air, Land and Water Resources, Policy 8 is hereby amended in its entirety to read as follows:

"The City of Depoe Bay shall include updated water quality information within the Comprehensive Plan inventory during State mandated Periodic Reviews or during limited reviews pertaining to City water supply if such information is available from the Oregon Department of Environmental Quality or other certifiable source."

g. Goal 8 - Recreation. Goal 8 is hereby amended by adding an additional Policy 10 to read as follows:

"Policy 10. The City of Depoe Bay shall cooperate with and encourage the Oregon Highway Department Parks Division in the development of a State Parks Master Plan, consistent with the maintenance, creation or enhancement of current or proposed State owned parks."

h. Goal 9 - Economy. Goal 9 shall be amended by adding as an additional Policy 5 to read as follows:

"Policy 5. The City of Depoe Bay shall develop a Waterfront Development Master Plan to allow for effective and efficient development consistent with the character and potential of Depoe Bay. The City shall work with local, state and federal groups or agencies in developing the plan."

i. Goal 10 - Housing, is hereby amended by adding as an additional policy 4 the following:

"(4) The City of Depoe Bay shall amend and update the housing needs included in the inventory when information from the Lincoln County Assessors' Office becomes available."

j. Goal 11. Goal 11, Policy 12 is amended in its entirety to read as follows:

"Policy 12. The City of Depoe Bay shall rely on the Lincoln County School District for the provision of public education. The City supports all efforts to enhance and improve educa-

tional facilities in Lincoln County and continued busing of Depoe Bay students. The City supports the concept of developing additional Lincoln County School facilities within Depoe Bay."

k. Goal 12 - Transportation. Goal 12 is hereby amended by adding as additional Policies 9 and 10 to read as follows:

"Policy 9. The City of Depoe Bay shall allow emergency repair or alterations on the Depoe Bay bridge by the State Highway Division or their authorized representative upon notification that such repair or alteration is found to be necessary to insure continued safe vehicular or pedestrian crossing.

Policy 10. The City of Depoe Bay shall encourage and cooperate with local, state or federal agencies in the development of transportation plans which provide for the preservation, aesthetic enhancement and continued safe operation of transportation routes within the City of Depoe Bay planning area."

l. Goal 16 - Estuarine Resources. This should be added to the Comprehensive Plan, Goal 16, Estuarine Resources, the following Goal and Policy:

"Goals.

1. To recognize and protect the unique economic, social and environmental resource capabilities of Depoe Bay Estuary.

Policies.

1. The City of Depoe Bay shall implement and maintain a Depoe Bay Estuary Plan consistent with Goal 16 Estuarine Resources requirements for shallow draft development estuaries."

2. Ordinance No. 24, as amended, is hereby amended in the following particulars:

a. Section 1.030 is amended with respect to the below definitions and said definitions are amended in their entirety:

"Accessory Use: A structure or use subordinate and normally incidental to the main use of a property and located on the same lot as the main use.

Buildable Area: For ocean front lots and lots with intervening ownership which does not prevent coastal erosion of the property, the amount of area from the existing line of mean high water to the landward extent of the property.

Day Care Facility: A facility accommodating fewer than 13 children for the purposes of day care in the provider's home, or meeting the definition and standards as contained in ORS 418. The provider's children are included for the purposes of this definition.

Deck, unenclosed: A non-covered attached or unattached structure accessory to the main use of the property, having no components necessary to the structural support of the main use.

Deck, enclosed: A covered attached or unattached structure accessory to the main use of the property, having no components necessary to the structural support of the main use.

Factory Built Dwelling: A dwelling unit built substantially or entirely at a place other than the residential site, including prefabricated or modular homes, inspected and certified as having been constructed in accordance with the requirements of the Uniform Building Code and City regulations, but excluding mobile or manufactured homes.

Family Day Care Provider: A day care provider who regularly provides day care in the provider's home in the family living quarters.

Flag Lot: A lot, the major portion of which has access to a road or street by means of a narrow strip of land called the 'staff.' The staff shall have a minimum width and frontage of not less than 25 feet.

Lot Area: The total horizontal area within the lot lines of a lot, exclusive of streets or easements of access to other property. The staff portion of a flag lot shall not be used

in computing the size or area of the lot for zoning or building purposes.

Manager/Owner/Caretaker Residence: A residence, secondary to the main use of the property, for the sole purpose of providing living quarters for the owner, operator or caretaker of a new or ongoing commercial or industrial enterprise.

Manufactured Home: For construction classification purposes, 'manufactured home' means a structure with a Department of Housing and Urban Development (HUD) label certifying that the structure is constructed in accordance with National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.), as amended on August 22, 1981.

Mobile Home: A detached single-family dwelling unit constructed under HUD building requirements and designed to be towed or transported to a placement site on wheels, or meeting the current definitional requirements of ORS 446.003 (17), including:

- a. Residential trailers constructed before January 1, 1962.
- b. Mobile houses constructed between January 1, 1962 and June 15, 1976 which met Oregon construction requirements then in effect.
- c. Manufactured Homes constructed to federal standards.
 - (1) Single-Wide: A mobile home constructed and transported as a single frame unit. A single-wide may have extensions or tilt-out areas, but remains a single frame unit after set up.
 - (2) Multi-Wide: A mobile home constructed and transported as two or more frame units which are structurally connected on site to form one or more dwelling units.

Mobile Home Park: A facility which provides for the placement of four or more residential manufactured housing units on a space rent basis.

Partition Land: To divide land into two or three parcels of land within a calendar year, but does not include:

- (a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for sale of real property or the creation of cemetery lots; or
- (b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land is reduced

in size by the adjustment, complies with the Depoe Bay Zoning Ordinance; or

(c) A sale or grant by a person to a public agency or public body for State Highway, County Road, City Street or other right of way purposes provided that such road or right of way complies with the Depoe Bay Comprehensive Plan and O.R.S. 215.213(2)(q) to (s) and 215.283(2)(p) to (r).

Plat: a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

Residential Home: A residence, except nursing homes, operated as a group home for mentally or physically handicapped persons which may require the assistance of on site care givers.

b. Section 3.010(1), is amended by adding as additional subsections (f) and (g) as follows:

"f. Residential homes.

g. Family day care provider."

c. Section 3.010(3)(a)(2) is amended by adding at the conclusion of the sentence the following:

", except flag lots."

d. Section 3.010(3)(a) is hereby amended by adding as an additional subsection (4) the following:

"(4) Lot area for ocean front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean high water to the landward extent of the property."

e. Section 3.020, subsection (1) is amended by adding as additional subsections (h) and (i) as follows:

"h. Residential homes.

i. Family day care provider."

f. Section 3.020(3)(a)(2) is amended by adding at the conclusion of the sentence the following:

", except flag lots."

g. Section 3.020(3)(a) is hereby amended by adding as an additional subsection (4) the following:

"(4) Lot area for ocean front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean high water to the landward extent of the property."

h. Section 3.030, subsection (1) is amended by adding as additional subsections (i) and (j) as follows:

- "i. Residential homes.
- j. Family day care provider."

i. Section 3.030(3)(a)(2) is amended by adding at the conclusion of the sentence the following:

", except flag lots."

j. Section 3.030(3)(a) is hereby amended by adding as an additional subsection (4) the following:

"(4) Lot area for ocean front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean high water to the landward extent of the property."

k. Section 3.040, subsection (1) is amended by adding as additional subsections (i) and (j) as follows:

- "i. Residential homes.
- j. Family day care provider."

l. Section 3.040(3)(a)(2) is amended by adding at the conclusion of the sentence the following:

", except flag lots."

m. Section 3.040(3)(a) is hereby amended by adding as an additional subsection (4) the following:

"(4) Lot area for ocean front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean high water to the landward extent of the property."

n. Section 3.050(3)(a)(2) is amended by adding at the conclusion of the sentence the following:

", except flag lots."

o. Section 3.050(3)(a) is hereby amended by adding as an additional subsection (4) the following:

"(4) Lot area for ocean front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the line of mean high water to the landward extent of the property."

p. Section 3.110 is amended by deleting subsection k ("k. Mobile Home Park.") and renumbering the balance of the subsections to be in alphabetical order.

q. Section 3.110, subsection (1) is hereby amended by adding as an additional subsection (a.a.) the following:

"a.a. Public or private parking lots."

r. Section 3.140, subsection (1) is hereby amended by adding as an additional subsection (h.h.) the following:

"h.h. Public or private parking lots."

s. Section 3.310, subsection (1)(h) is hereby amended in its entirety to read as follows:

"(h) Manager/Owner/Caretaker Residence."

t. Section 3.140, subsection (1)(gg) is hereby amended in its entirety to read as follows:

"(gg) Manager/Owner/Caretaker/Residence."

u. Section 3.360, subsection (2) is amended by adding the following to the end of the existing paragraph:

"For the purposes of this section, Coastal Shorelands are those areas identified on the Depoe Bay Comprehensive Plan Maps to be:

a. Subject to ocean flooding and lands within 100 feet of the ocean shore, or within 50 feet of the Depoe Bay estuary or North Depoe Bay Creek and South Depoe Bay Creek;

b. Where the geologic instability is related to or will impact a coastal water body;

c. Natural or man-made riparian resources, especially vegetation necessary to stabilize the shoreline and to maintain water quality and temperature necessary for the maintenance of fish habitat and spawning areas;

d. Areas of significant shoreland and wetland biological habitats whose habitat quality is primarily derived from or related to the association with coastal water areas;

e. Areas necessary for water-dependent and water-related uses, including areas of recreational importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities, dredge material disposal and mitigation sites, and areas having characteristics suitable for aquaculture;

f. Areas of exceptional aesthetic or scenic quality, where the quality is primarily derived from or related to the association with coastal water areas; and

g. Coastal headlands."

v. Section 3.360, subsection (5)(a)(4) is amended in its entirety to read:

"(a) Ocean and Estuary - The area between the point of mean higher high water and 50 feet landward measured on the existing grade."

w. Section 3.360, subsection (5)(c) is amended in its entirety to read as follows:

"Exceptional Aesthetic Resources, Coastal Headlands. Development in areas of exceptional aesthetic resources or coastal headlands shall not substantially alter the existing visual character of the area."

x. Article 4 is amended by including as an additional Section 4.015 the following:

"Section 4.015. Manager/Owner/Caretaker's Residence. In the M-C and L-I Zones, a residence secondary to the main use of the property for the sole purpose of providing living quarters for the owner, operator or caretaker of a new or ongoing commercial or industrial enterprise, provided that:

a. The living space shall be located in the same building as the principle use of the property.

b. Non-owner/manager inhabitation of the living space is prohibited.

c. The Planning Commission shall review each approval granted under the provisions of this section annually unless determined otherwise by the Planning Commission."

y. Section 4.030, subsection (4) is amended in its entirety to read as follows:

"(4) Off-street parking spaces for dwellings, hotels, motels, resorts and time shares shall be located on the same lot or immediately adjacent to the dwelling or other use."

z. Section 4.060 is amended by adding as an additional subsection 4, the following:

"Unenclosed decks may be located within required yards except for clear vision areas, but shall encroach no further than 1/3 of the required setback distance."

aa. Section 6.050, subsection (7)(a) is amended in its entirety to read as follows:

"Minimum size of park: 4 spaces 4 spaces 2 acres."

bb. Article 10 is hereby amended by including as an additional Section 10.015 the following:

"Section 10.015. 120 Day Limit on Final Action.

(1). The City shall take final action on an application for permits or zone change, including resolution of all appeals under Section 10.020, within 120 days after the application is accepted as complete.

(2). The application is complete if all items specified in Section 10.030 or on the application forms is submitted at the time of application.

(a). If the application is incomplete, the City shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information.

(b). The application shall be deemed complete upon receipt by the City of the missing information, or

(c). If the applicant refuses to submit the requested information within 30 days, the application shall be considered complete on the 31st day after the City first received the application.

(d). If the application was complete when first submitted or the applicant submits the requested information within 180 days of the date of application, approval or denial of the action shall be based on the standards and criteria applicable at the time the application was first submitted.

(3). The 120 day period set in subsection 1 of this Section may be extended for a reasonable period as determined by the City at the request of the applicant.

(4). The 120 day period set forth in this Section shall only apply to decisions wholly within the authority and jurisdiction of the City."

cc. Section 10.020(1) is amended by replacing "thirty (30)" days and "thirty-day" as appears twice in said Section with "nine (9) days."

dd. Article 10.020 is amended by adding as additional subsections (3) and (4) as follows:

"3. An application for an appeal shall include the specific rationale for the appeal with sufficient clarity to allow the City and respondents an adequate opportunity to respond to or resolve each issue.

4. Notice of Appeal. A notice of an appeal shall be sent to the applicant, interested or affected parties who participated at the initial or final hearing and who filed a written request for notice of appeals, and others required by the Ordinance. The notice shall contain:

a. A description in general terms the applicable criteria from the Ordinance and Plan known to apply to the application at issue.

b. The street address, Assessors' Map number, or other easily understood geographical reference to the subject property or area.

c. The date, time and place of the hearing.

d. A statement that failure to raise an issue in person or by letter precludes appeal and that failure to specify to which criterion the comment is directed precludes appeal based on that criterion, and

e. Be mailed at least 20 days before the hearing on the appeal."

ee. Article 10 is hereby amended by including as an additional Section 10.025 the following:

"Section 10.025. Consolidated Applications: In the event two or more land use actions are requested concurrently for the same property or use, the applicant shall supply all information required by this Ordinance and as requested on forms prescribed by the City. The separate requests shall be heard as one proposal at the time of Public Hearing. The final action on a consolidated application shall be subject to the 120 day limitation as stated in Section 10.015."

ff. Section 10.040 is amended in its entirety to read as follows:

"Section 10.040. Action Fees. The applicant or appellant in any local land use action within the jurisdiction of the City of Depoe Bay is responsible for all costs incurred by the City in processing and preparing the action. In the case of a consolidated application, the total of the higher deposit plus one-half (1/2) of all other required deposit(s) for each action requested shall be paid. Deposits in an amount not to exceed the actual or average cost of such actions are required to be paid to the City upon filing of an application. Any funds remaining at the completion of the action shall be

refunded to the applicant or appellant pursuant to Section 10.045. The amount of deposits for specific actions shall be as established by resolution of the City Council."

gg. Article 10 is amended by including as an additional Section 10.045, the following:

"Section 10.045. Land Use Action Costs: Upon expiration of the appeal period for a land use action initiated pursuant to this ordinance, the City shall provide the applicant or appellant with a statement showing the total cost of processing the action, including, but not limited to, costs incurred by the City for staff reports, legal services, public notices, postage and copies.

(1) The applicant shall reimburse the City for land use action costs within 30 days of receiving the statement, or such other period of time as approved by the hearing body.

(2) In the event a land use action requires a protracted evaluation by City Staff, the Planning Commission or City Council, additional deposits may be required to cover City expenses. Deposits under this section shall be paid to the City prior to final action being taken by the Hearings body.

(3) Failure to reimburse to the City land use action costs shall be considered a violation of this Ordinance and subject to the provision of Article 12. Remedies.

(4) In the event an applicant withdraws a request for a land use action, all costs incurred by the City for the action from the date of application to the date of withdrawal shall be reimbursed to the City.

(5) Notwithstanding the provisions of Section 10.045(1) through (4), the City Council may waive reimbursement of any or all portions of land use action costs.

(6) An application for a land use action or appeal shall be considered voluntarily withdrawn if the applicant or appellant fails to reimburse the City the Land Use Action Costs within the period specified in (1) above."

hh. Section 10.050 is amended by changing the title of this section to "Public Hearing Procedures."

ii. Section 10.050 is hereby amended by adding as additional subsections (5), (6), (7), (8) and (9) the following:

"(5) If an application changes the zone of property which includes all or part of a mobile home park, the City shall give written notice by first class mail to each existing mailing address for occupants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application. For the purposes of this section, the occupants' name and address as listed by the owner or manager of the park shall be used for notification.

(6) No decision or action by the Planning Commission or City Council shall be invalid due to ex-parte contact or bias resulting from ex-parte contact with member of the Planning Commission or City Council, if the member of the decision making body receiving the contact:

a. Places on record the substance of any written or oral ex-parte communications concerning the decision or action, and

b. An announcement of the content of the contact or communication and of the parties' right to rebut the substance of the contact is made at the first hearing following the communication where action will be considered or taken on the subject to which the communication pertains.

(7) A communication between City Staff (including consultants for Legal, Engineering, Planning or other services) and the Planning Commission or City Council shall not be considered an ex-parte contact.

(8) The City of Depoe Bay Planning Commission and City Council shall not consider age, gender or physical disability to be an adverse consideration in evaluating a land use request in any decision over which the City has control.

(9) At a public hearing, a statement or Staff Report shall be announced to those in attendance that:

a. Describes the substantive Ordinance Criteria, and

b. Indicates testimony and evidence must be directed toward the ordinance criteria or other issues which a person believes to pertain to the action, and

c. Failure to address a criterion precludes an appeal based on that criterion, and

d. All persons shall raise issues with sufficient clarity so as to allow the Hearing Body or others an adequate opportunity to respond to or resolve the issue.

e. Failure to make this statement shall not invalidate the decision by the hearing body."

jj. Section 13.020 is hereby amended by adding as an additional subsection (a) to Section (4) the following:

"Ocean Front Lots. Ocean front lots where the only intervening land is platted Common Open Space, Public Ownership or similar types of non-developable land shall meet the established minimum building setback."

3. The inventory adopted as part of the adoption process for the Depoe Bay Comprehensive Plan is hereby amended in the following particulars:

a. Pages 48 through 51, as set forth on the attached Exhibit A, shall be added to the Depoe Bay Comprehensive Plan inventory in their entirety.

b. Page 28, Population. Page 28 of the inventory, discussing Population shall be amended to read as follows:

"Population growth for the City of Depoe Bay has generally followed the trend of growth pattern of Lincoln County as a whole (Figure 1). The annual percent change though, both plus and minus, has exceeded the percentage of growth experienced by the county. Population estimates taken from the Portland State University Center for Population Research and Census, published in January, 1988, were used to document the changes over the last 10 years (Table 1). The average population growth was approximately 2.8% over the ten year period, with 1981-1982 showing the greatest increase (5.36%) and 1985-86 showing the lowest (-1.81).

Table 1. Population (1978-1988)

| | | | | | |
|-----------------------|-----------------------|----------------------|----------------------|-----------------------|------------------------|
| <u>1978</u> 655 | <u>1979</u> 690 | <u>1980*</u> 723 | <u>1981</u> 745 | <u>1982</u> 785 | <u>1983</u> 785 |
| <u>1984</u> 800 | <u>1985</u> 825 | <u>1986</u> 810 | <u>1987</u> 835 | <u>1988</u> 865 | <u>78-88</u> 200 |
| <u>Percent Change</u> | | | | | |
| <u>78-79</u> 5.34 | <u>79-80</u> 4.78 | <u>80-81</u> 3.04 | <u>81-82</u> 5.36 | <u>82-83</u> -0- | <u>83-84</u> 1.91 |
| <u>84-85</u> 3.12 | <u>85-86</u> -1.81 | <u>86-87</u> 3.08 | <u>87-88</u> 3.59 | <u>78-88</u> 32.06 | <u>Average</u> 2.80 |

*1980 is based on U.S. Census data, while all other years are estimates from the Center for Population Research.

In the original plan and inventory, population projections used for planning purposes were based on the average growth rate from earlier, more vigorous, growth periods. This resulted in the following projections (Table 2). While these figures are not in line with the actual growth rate, they afforded the opportunity to plan for the public services necessary to meet the needs if growth rates had continued high.

Table 2. Original Population Projections (1980)

| <u>1980</u> | <u>1985</u> | <u>1990</u> | <u>1995</u> | <u>2000</u> |
|-------------|-------------|-------------|-------------|-------------|
| 653 | 1011 | 1342 | 1608 | 1859 |

It is the intent of the City to be prepared for a high rate of growth, even if the actual increases do not meet expected levels. The data used for the original Inventory were in error, and given that no additional studies have been made available to Lincoln County to establish a more current analysis, the following projections for planning purposes will be used. (Table 3). These projections assume that except for the '85-'86 decline the City will experience growth similar to that shown since recovering from the recession in the early eighties, approximately 3.5%.

Table 3. Revised Population Projections (1988)

| <u>1988</u> | <u>1990</u> | <u>1995</u> | <u>2000</u> | <u>2005</u> |
|-------------|-------------|-------------|-------------|-------------|
| 865 | 926 | 1100 | 1307 | 1552 |

Although the projections originally utilized for housing requirements resulted in excess lands being designated for housing or commercial uses, the Lincoln County area as a whole has exhibited an increasing population trend. In order to allow for accelerated growth of the area, the City will assume that the ultimate population in the area will become closer to the original, higher projection. Until such time as better population and housing figures become available from Lincoln County, the U.S. Census of 1990, or other verifiable source, the City will utilize original housing and commercial requirements as listed in the 1982 Inventory."

c. Open Spaces, Scenic and Historic Areas, Natural Resources. Subsection (f) in the "Open Spaces, Scenic and Historic Areas, Natural Resources" section of the inventory shall be amended by changing the reference of "Depoe Bay State Park" to "Depoe Bay City Park."

4. Ordinance No. 72, enacting the Depoe Bay Estuarine Plan, is hereby amended by the adoption of the attached Depoe Bay Estuary Plan, attached hereto, marked Exhibit "B" and the same shall supersede the Depoe Bay Estuarine Plan adopted in Ordinance No. 72, subsection 1.

5. Ordinance No. 111, (Partition and Subdivision Ordinance) is hereby amended in the following particulars:

a. Section 1.030, subsection 17 is hereby amended in its entirety to read as follows:

"'Partition Land' means to divide land into two or three parcels of land within a calendar year, but does not include:

(a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for sale of real property or the creation of cemetery lots; or

(b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land is reduced in size by the adjustment, complies with the Depoe Bay Zoning Ordinance; or

(c) A sale or grant by a person to a public agency or public body for State Highway, County Road, City Street or other right of way purposes provided that such road or right of way complies with the Depoe Bay Comprehensive Plan and O.R.S. 215.213(2)(q) to (s) and 215.283(2)(p) to (r)."

b. Section 1.030(12) is hereby amended in its entirety to read as follows:

"Major partition: a partition which includes the creation of a road or street."

c. Section 1.030(13) is hereby amended in its entirety to read as follows:

"Minor partition: a partition that is subject to approval by a city or county under a regulation or ordinance adopted pursuant to O.R.S. 92.046 and that does not include the creation of a road or street."

d. Ordinance No. 111 is amended in such places as "map" is used to refer to partitions and in its place "plat" shall be reused to refer to partitions.

e. Section 1.030 is amended by deleting the definition of "partition plat" and a new definitional section shall be inserted, as Section 21, as follows:

"Plat: a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition."

f. Section 1.030 is hereby amended by inserting a new definition as subsection 22 as follows:

"Replat: includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications and provisions and information concerning a recorded subdivision."

g. Section 1.030 is hereby amended by adding as an additional subsection (4) the following:

"Buildable Area: For ocean front lots and lots with intervening ownership which does not prevent coastal erosion of the property, the amount of area from the line of mean high water to the landward extent of the property."

h. Section 2.020(1)(b), subsection 6 is amended in its entirety to read as follows:

"Approximate area, or buildable area in the case of ocean frontage, of the property being partitioned and each proposed parcel."

i. Section 2.030(2), subsection (e) is amended in its entirety to read as follows:

"Approximate area, or buildable area in the case of ocean frontage, of the property being partitioned and each proposed parcel."

j. Section 2.040(1)(b), subsection (6) is amended in its entirety to read as follows:

"(6) The approximate location and dimensions of all proposed lot lines, with buildable area in the case of ocean frontage, of each proposed lot."

k. Article 3 is hereby amended by including as an additional Section 3.015 as follows:

"Construction Standards: All street and attendant improvements shall conform at a minimum to the standards as contained in Resolution No. 107 Specifications and Requirements in the Construction of Subdivisions."

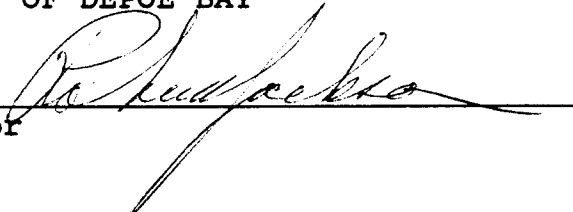
WHEREAS, the adoption of this ordinance is necessary to preserve the peace, health, safety and welfare of the citizens of the City of Depoe Bay, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately upon its adoption by the City Council of the City of Depoe Bay and approval by the Mayor.

Introduced and passed the first reading in a regular meeting of the City Council of the City of Depoe Bay, Oregon on this 7th day of October, 1991.

Passed at the second reading, placed on final passage, and adopted by the City Council of the City of Depoe Bay, Oregon, on this 7th day of October, 1991.

Approved by the Mayor of the City of Depoe Bay, Oregon, this 7th day of October, 1991.

CITY OF DEPOE BAY



Mayor

ATTESTED:



City Recorder