STAFF REPORT FOR PLANNING COMMISSION

REQUEST: Amendments to the Coos County Zoning and Land Development Ordinance

STAFF CONTACT: Jill Rolfe, Planning Director

REVIEWING BODY: Coos County Board of Commissioners

APPLICABLE CRITERIA

<table>
<thead>
<tr>
<th>Coos County Zoning and Land Development Ordinance (LDO), Coos County Comprehensive Plan (CCCP), Oregon Administrative Rule (OAR)</th>
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<td>LDO Article 1.2 Legislative Amendments</td>
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I. BACKGROUND

These changes are part of a work program that was put together by Staff and reviewed by the Board of Commissioners. Staff has been working on needed changes to the ordinances since July of 2013. The changes have been requested from decision makers, public and Staff who responsible for implementing the ordinances. The goal is to streamline the process (when possible), address readability, and update outdated language. This amendment is specific to the Survey Standards and the proposed changes were at the request of the County Surveyor. Planning staff has reformatted this section to be consistent with the other chapters.

Once the language was completed and reviewed through work sessions with the Citizen Advisory Committee, the Planning Commission and the Board of Commissioners, Staff provided a 35-day post acknowledgment plan amendment (PAPA) notice to Department of Land Conservation and Development (DLCD). This notice is required 35 days prior to the first evidentiary hearing.

Staff was required to provide notice to all property owners that may be affected by the change, and this notice is referred to as a Measure 56 notice. In 1998, Oregon voters passed a law known as Ballot Measure 56. It requires that notices be mailed to landowners when a change in land-use laws might limit uses of their property. The law requires certain language to be used in the notices but that wording doesn’t describe the likely effects from the change in land-use laws. Receiving this notice does not mean the changes affect anyone’s property or property value. The changes proposed are not authorizing any type of development or use of anyone’s property. This notice was mailed as required by CCZLDO § 5.0.900. Notice was also published in the world. However, the notice did list the wrong publishing date. The notice was published on April 23, 2014 and again on May 3, 2014 (10 days prior to each hearing) in the World Newspaper.
II. PROPOSAL

The proposal consists of a legislative amendment to the Surveying Standards of the Coos County Zoning & Land Development Ordinance (LDO). This change is to modernize the survey requirements. The changes are consistent with survey standards and law as found in ORS 92 and ORS 209.250.

The survey standards that are being updated are minor. The updates are to scale, graphic standards, survey cross sections and benchmarks. The changes are attached. Removal of language is shown as crossed out and additional language has been bolded.

The proposed changes have been reviewed by the Citizen Advisory Committee, Planning Commission and Board of Commissioners in work sessions.

The Planning Commission will be taking testimony on the proposed changes and will make a recommendation to the Board of Commissioners. The testimony shall address the changes to Chapter 8 only.

III. COMMENTS

There have been comments received in opposition but the opponents failed to raise any objection specifically to the language changes in the Survey Standards. Some of the comments seem to relate to giving up some type of right to appeal. The notice does not state anyone would be giving up any right to appeal but explains failure to raise an issue prior to the close of the evidentiary record, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue. This is referred to as a waive it or raise it provision. The issues raised must address relevant land use criteria in order to allow a decision maker to address those issues. The opponents have not stated which part of the language in Chapter VIII (AM-14-03) they are objecting to; therefore, the Planning Commission is not going to be able to address concerns.

Some of the comments were about the language used in the Measure 56 notice regarding change in property values. This amendment is not retroactive and would only apply to any future development so it would be unlikely for the minor text amendments to the Survey Standards to have any effect on property values. This is not part of the criteria but is required be stated in the Measure 56 notice. Also, property values are not part of the relevant criteria.

Staff has addressed a few of the opponents concerns that were specific.

Mark Bickett & Jenette Entwise TT’s had concerns with the notification process. Notification is sent out to all property owners at the addresses listed on the property account (current tax rolls). The notice was mailed out on 4/9/14 and their notice was received back with a sticker that said forward time had expired return to sender on 4/14/14. Staff then resent the notice as a courtesy to the forwarded address provided by the post office. It is the responsibility of the property owner to keep mailing addresses up to date with the Assessor’s Office (see attached original mailing). The other comments relate to another application.

Tom Younker, Julie Eldridge and Christine Keenan have concerns with the language regarding Measure 56 which is beyond the scope of this review. The other issue seems to be the loss of ability to divide property. Changing Survey Standards will not affect the minimum lot size that is required to divide property.
All information pertaining to the application has been made available on the website and at the planning office. Staff can email information if requested.

There has been no issues raised pertaining to the language changes in the Survey Standards. Therefore, Staff requests that the Planning Commission recommend approval of file AM-14-03.

The proposed changes are shown with strike out for removal of language and bold for new language.

COOS COUNTY PLANNING DEPARTMENT

Jill Rolfe, Planning Director

Attachments: “A” Proposed Changes
“B” Comments received

EC: County Counsel
Dave Perry, DLCD
Attachment “A”
CHAPTER VIII  SURVEYING STANDARDS

ARTICLE 8.1 SURVEYING STANDARDS

SECTION 8.1.100 SURVEYING PROFILES:
1. A profile of each proposed street or road shall be submitted using current survey standards and scale as approved by the County Surveyor. on reproducible orange line grid paper 22” wide, with 10 lines per inch equal to, or better than, K and E Catalog #485106. Drawings shall be to the following scale:
   a. Horizontal scale: 1” = 100’
   b. Vertical scale: 1” = 10’
   c. The drawings shall include the following features:
      i. Existing ground profile along the centerline shown in black India ink with dashed line. Such profile will include the lowest elevation of creeks or canyons as they cross the centerline as well as the high point of ridges as they cross the centerline. The proposed name of the street or road shall be clearly indicated. Profile may be taken from accurate contour lines of the preliminary plan when profile accompanies the preliminary plan;
      ii. Proposed centerline grades shown by a solid dark line; and
      iii. Vertical PI (Point of Intersection) shall be shown by a small circle with station number and elevation. (See example below) Removed graphic

2. Profile Graphic Standards:
   a. Grades shall be labeled on all tangents and vertical curves, data to be expressed to nearest 0.10% of grade.
   b. Stations shall be numbered along the bottom of each profile at each 100 foot station.
   c. Stations of intersecting streets shall be shown on the profile.
   d. Elevations shall be numbered every 10 feet at each end of the profile.
   e. Vertical curves shall be shown by a solid line and labeled with the length of the curve.
   f. Horizontal tangents and curves shall be shown on the bottom 3 inches of the sheet by the line diagram (See example following) Removed graphic
   g. Profiles shall extend at least 100 feet beyond the boundaries of the subdivision.
   h. Title of the profile shall be placed in the upper left corner of the profile sheet in black letters approximately ½ inch high including all of the following:
      i. Plat name;
      ii. Identification as a profile sheet;
      iii. Scale, horizontal and vertical;
      iv. USGS- Vertical datum; and
      v. Stamp of surveyor or engineer preparing the profile.
   i. Approximate locations and elevations of culverts, drain pipes, or utility pipes or lines buried in the right-of-way shall be shown.

SECTION 8.1.125 SURVEY CROSS SECTIONS:
1. Cross-sections for each proposed street or road shall be submitted on 10 grid per inch, orange line, reproducible grid paper to the following scale: using current survey standards.
   a. Horizontal scale: 1” = 10’
   b. Vertical scale: 1” = 10’
e. Cross-sections shall be shown at:
   i. Each and every 100 foot-station;
   ii. Intermediate stations where there is a distinct or radical change from cut to fill;
   iii. Intermediate points of critical concern, such as at extremely deep fills, high cuts or at existing or proposed driveways or buildings;
   iv. The widest part of a vehicle turnaround;
   v. Existing ground elevations, shown in black India ink with dashed line. When cross-sections are for preliminary plat the existing ground may be scaled from accurate 5 foot contours on the preliminary plan;
   vi. Proposed subgrade and finished grade of roadway, ditches, cuts and fills, conforming to the standard cross-sections as per figures AA-2, AA-3, AA-4 and AA-5 of Section 7.1.150; and
   vii. Location of approximate depth of culverts, drainage pipes or utility pipes or lines that may be buried.

2. Cross-Section Graphic Standards:
   a. Existing centerline elevation shown in numbers 1/10” high, 1” to 2” below cross-section drawn in black India ink directly beneath centerline of cross-section.
   b. Station designation shown in number 2/10” high shown below centerline elevation numbers draw in black India ink.
   c. Original ground elevations shall be shown at least 20 30 feet outside required right-of-way. When 5 to 10 foot contours are shown on the preliminary map or tentative map and 50 feet where uncontrolled USGS contours are shown on the preliminary map or tentative map.
   d. Title of cross-sections shall be placed in upper left corner of the cross-section sheet in black letters approximately 1/2” high including:
      i. Plat name;
      ii. Identification as cross-section sheet;
      iii. Scale, horizontal and vertical;
      iv. USGS Vertical datum used; and
      v. Stamp of surveyor or engineer preparing the cross-section.
   e. Overlapping of cross-sections will be avoided when possible.

SECTION 8.1.150 SURVEY DIMENSIONS: The following methods and dimensions shall be the minimum requirements on final plats and shall be shown on the face of the map itself.

1. Plat Boundaries:
   a. Bearings of line to the nearest second; and
   b. Distance to the nearest one-hundredth of a foot.

2. Centerline of Streets:
   a. Bearings to the nearest second; and
   b. Distance to the nearest one-hundredth of a foot.

3. Lot Lines:
   a. Bearings to the nearest second; and
   b. Distance to the nearest one-hundredth of a foot.

4. Curve Portions of a Lot Line:
   a. Central angle to the nearest second;
   b. Length of arc to the nearest one-hundredth of a foot; Radius to the nearest one-hundredth of a foot;
c. Radius to the nearest one-hundredth of a foot Arc Length to the nearest one hundredth of a foot;
d. Long Chord bearing to the nearest second;
e. Long Chord distance to the nearest one hundredth of a foot.

5. Street Centerline Curve Data:
   a. Central angle to the nearest second;
   b. Length of arc to the nearest one hundredth of a foot; Radius to the nearest one hundredth of a foot;
   c. Degree of curvature by arc definition Arc Length to the nearest one hundredth of a foot;
   d. Radius to the nearest one hundredth of a foot. Long Chord bearing to the nearest second; and
e. Long Chord distance to the nearest one hundredth of a foot.

6. In addition to the above dimensions, the following shall be shown in a separate table for supplemental curve data on curved lot lines:
   a. Lot number;
   b. Radius;
   c. Chord bearing; and
   d. Chord length.

6. Bearings and angles shall be shown with symbols as indicated below:
   a. Degree Symbol \( \theta \)
   b. Minute symbol '
   c. Second symbol “

7. Linear dimensions shown as in most common survey practice with numbers and decimals only, avoiding excessive and unnecessary use of dimensional arrows.

SECTION 8.1.200 SURVEY CALCULATIONS: The following calculations shall be submitted with the final plat to the County Surveyor:

1. Coordinates and closures (all points on):
   a. Plat boundary;
   b. Street centerline;
   c. Block boundary; and
   d. Individual Lot and all other monuments.

2. Total acreage within the plat boundary;

3. Specifications for calculations sheets:
   a. All calculations will be properly indexed;
   b. Calculation sheets will be either 8 ½” x 11”; [or]
   c. 8 ½” x 14”.
   d. no unnecessary printed, lettered, or written information shall appear on calculation sheets except that which has to do with the calculation of the survey of the subdivision.

4. Traverse sheets shall contain, in the following order:
   a. Point # or lot corner, etc;
   b. Angle (when appropriate);
   c. Bearing;
   d. Horizontal distance;
   e---Cosine function;
   f---Sine function;
5. Minus coordinates will not be accepted.
6. One set of coordinates will be used throughout the plat.
7. Computer sheets or tapes may be **Digital copies in the above described format** may be accepted by the County Surveyor if properly indexed, labeled, and explained.

**SECTION 8.1.225 STANDARDS OF SURVEY ACCURACY:** The survey for the plat of the subdivision or partition shall be of such accuracy that the linear error of closure shall not exceed one foot in 10,000 feet and shall conform to all other minimum requirements of State law.

**SECTION 8.1.250 BENCHMARKS:**
1. At least one temporary benchmark shall be established within certain subdivisions (See Subsection 7 below)
2. Elevation datum shall be based on mean sea level based on the currently accepted datum.
3. Benchmarks shall be of such durable construction that the elevation is not likely to change unless the mark is destroyed. See specifications in § 6.2.650(5)(v).
4. The permanent benchmark from which elevation is obtained shall be described in the survey calculations to be submitted with the preliminary plan or tentative map:
   a. Name or letter designation;
   b. Published elevation;
   c. Name of agency establishing mark; **and**
   d. Location, **including narrative and diagram.**
5. A benchmark(s) based on the **current vertical USGS data from a permanently established and published Government benchmark(s) shall be required established for subdivisions:**
   a. Within an urban growth boundary;
   b. Within one-half mile of a city limits;
   c. Within one-half mile of an urban growth boundary;
   d. In a designated floodplain; or
   e. In subdivisions where extensive public quasi-public sewer systems are planned.
6. Method for the establishment of this benchmark shall be submitted to the County Surveyor for review and approval.

**SECTION 8.1.275 RESPONSIBILITY FOR DETERMINING COMPLIANCE WITH THIS CHAPTER:** The Coos County Surveyor shall be responsible for determining compliance with the provisions of this Chapter and, as appropriate, provide a written statement to the Planning Director indicating that the provisions of this Chapter have been satisfied with respect to an application under review.
Attachment B
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<td>Written Testimony submitted by: Joe Moore</td>
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WE OBJECT TO ALL THESE PROPOSED AMENDMENTS, THAT AFFECT OUR LAND USE RIGHTS!!!!

TO: COOS COUNTY PLANNING COMMISSION, COOS COUNTY PLANNING DEPT., COOS COUNTY BOARD OF COMMISSIONERS, AND ALL OTHER GOVT'S INVOLVED.
FROM BRIAN D. DEOS, AND SHERRIE L. DEOS, OWNERS OF CODE 0939 (AC#470301) AND 0940 (AC#470391)

WE OBJECT TO ALL THE AMENDMENT CHANGES IN AM-14-03, AM-14-05, AM-14-06, AM-14-07, AND DO NOT GIVE UP OUR RIGHTS TO APPEAL ANY OF THESE CHANGES, WHICH AFFECT OUR PROPERTY, TO THE LAND USE BOARD OF APPEALS!!

IN ADDITION WE CHASTISE ALL EMIENT DOMIAN GOVT. BACK DOOR THEFTS THAT DO NOT NOTIFY AND REQUIRE THE AFFECTED LAND OWNERS SIGNATURE. SHAME ON ANYONE WHO STEALS FROM PEOPLE WHO ARE LAW ABIDING CITIZENS, AND DO SO BEHIND SECRET OR NON-NOTIFYING METHODS!!

AGAIN WE STRONGLY OBJECT TO ALL THESE AMENDMENTS THAT TAKE AWAY THE LAND OWNERS RIGHTS, AND FAVOR EMINENT DOMAIN GOVERNMENTS RUN BY POLITICIANS' HIDDEN AGENDAS. WE FEEL THE REMOVAL OF NOTIFICATION, AND LAND OWNER SIGNATURES INVITE CORRUPTION, AND MAKE THE NON-LANDOWNERS AGENAS TAKE AFFECT BEFORE THE AFFECTED LAND OWNER EVEN KNOWS WHAT HAS TAKEN PLACE. SHAME ON ALL WHO THOUGHT UP THIS CORRUPT METHOD OF LAND GRABBING, OR THEFT, SHAME!!!! THIS IS NOT JUSTICES FOR YOUR CITIZENS. IT IS NOT THE FAIR AND IMPARTIAL USE OF GOVERNMENT. THIS IS POWER GRABBING CORRUPTION AT ITS WORST, AND/OR THE ABUSE OF POWER TO BENEFIT BIG MONEY.

BRIAN D. DEOS

SHERRIE L. DEOS

DATE 4-10-2014

RECEIVED
APR 14 2014
COOS COUNTY PLANNING DEPARTMENT
4/11/2014

To the Coos County Planning Dept.,
We do not agree to any boundary changes.

J. D. Moore
Joe on more

RECEIVED
APR 14 2014

COOS COUNTY
PLANNING DEPARTMENT

Exhibit: 2
Date: 4/14/14
To whom it may concern:

And or Jill Rolfe,

I received a letter in the mail that could affect the value of my property. I do not like the sound of that unless of course it goes up in value. ☐

Measure so notice

Thank you—

Candy Mitchell

28649 Quail Rd
North Bend, OR 97459
(541) 297-5069

RECEIVED

APR 15 2014

COOS COUNTY
PLANNING DEPARTMENT

Exhibit: 3
Date: 4/15/14
Marie Keith  
28 Briarhurst Dr.  
Gansevoort, NY 12831

Coos County Planning Dept.  
250 N Baxter St.  
Coquille, OR 97423

Reference Property Descriptions:  
30S120800000800, 30S120800000400, 30S120800000400, 30S120800000900, 30S12050001600,  
30S120800000505, 30S120700000100

4/16/2014

Dear: Coos County Planning Board:

In reference to “measure 56 notice of Coos County public land use hearings”, as a land owner that is potentially affected by this measure, I am NOT in support of this measure; or any other measures that will affect my property for public use in any way.

This property has been in our family for many years and we do NOT want to have the County divide this property for a cause, or use, that we do not believe in.

As a tax payer and property owner of a parcel that is potentially in jeopardy, I’m applaud that Coos County may exercise the power of eminent domain to achieve their goals of public use. It appears that Coos County has the intent to divide and modify our property and property lines, which will therefore decrease its overall value. This is unacceptable.

I am prepared to exercise our legal rights with litigation, as we deem necessary.

I am petitioning the Coos County planning board to release and provide any and all documentation that affects our property and forward it to me in a timely manner for my review. I would expect the planning board to submit to me in writing, all facts, figures and any changes that the planning board makes, or intends to make, that may affect my property, for my review.

I also feel that Coos County can look for other alternative areas for any type of public access.

I look forward to your response.

Thank you.

[Signature]

Marie Keith

RECEIVED  
APR. 18, 2014  
COOS COUNTY  
PLANNING DEPARTMENT  
Exhibit: 4  
Date: 4/18/14
04-17-2014

Planning Department
Planning Commission
250 N. Baxter
Coquille, Oregon 97423

Dear Planning Staff,

I have received a letter with the below proposed changes from Coos County Planning Department.

I am opposed to AM-14-05 as well as A-M14-03 and AM-14-06 and AM-14-07 AM-14-09 scares me the most.

File No. AM-14-03, I am opposed to any change made to current survey standards

File No. AM-14-05 I am opposed to removing the public from any notification of what the governmental entities or entities with the power of eminent domain to submit any land change without proper notification to land owner and due process. This is wrong and government should not have this power in any way shape of form to remove the public of what it is doing.

File No. AM-14-06 I am opposed to any change made to help File No. AM-14-03.

File No. AM-14-07 I am opposed to any change made to help File No. AM-14-03.

Sincerely,

[Signature]

Elizabeth Halamka
69238 Caleb Rd
North Bend Oregon 97459

RECEIVED

APR 21 2014

COOS COUNTY
PLANNING DEPARTMENT

Exhibit: 5
Date: 4/21/14
DATE: 4-19-14

To whom it may concern;

This is in regards to the letter I received from the Coos County Planning Dept about four amendments AM-14-03, 05, 06 and 07 addressing private property rights. As a private property owner I have concerns about the letter and the process used to notify.

#1. I feel adequate time was not give to the property owner to properly educate and respond to the planning department with concerns we might have with the amendments, given the complexity of the issues and the ability for a lay person to understand those issues.

#2. AM-14-05. In a time when personal rights and property owner rights are being infringed upon from a lot of different directions, I feel this takes away more rights of the property owner. When governmental entities can apply to alter or infringe on private property without notification to the property owner that is wrong!

#3. AM-14-07 Any time water is mentioned in any way, red flags go up, and with limited time to read and understand how the wording of these amendments fit into the law, than how are we as property owners to feel good that these amendments are in our best interests.

In closing, what is the rush? Why was there such short notice? What is the true intent of these amendments? Why does government need to be so complex, KIS= Keep It Simple!

Sincerely, Wayne Everest

Wayne Everest

Address: 45748 Hwy 101, Bandon, Or. 97411

RECEIVED

APR 2 1 2014

COOS COUNTY PLANNING DEPARTMENT

Exhibit: 0
Date: 4/21/14
Dear Commission Members,

We appreciate notification of proposed changes to Coos County Planning regulations in accordance with Measure 56. Nevertheless, we have a few concerns and want to go on record.

- We don’t believe the notification is sufficient to determine exactly what will be changed and what will remain. The intent of the changes doesn’t provide sufficient information. While we are required to comment on the changes in writing 10 days before the scheduled hearings, we won’t actually know specifically what changes are proposed until seven days before the hearings. One of the biggest problems with making legislative changes is unintended consequences. Unless we know what the specific wording changes will be—what will be added, what will be deleted, what will be changed and where—we cannot determine if there will be consequences from those changes that were not intended, but become reality because no one really thought about them. It is common for a body like the planning commission to be so focused on what they are trying to accomplish for good, that they fail to recognize the full ramification of their actions and actually create a problem that was unintended but harmful nonetheless.

- File No. AM-14-05 amending text on land use entities is of concern. Although we understand the necessity of responsible use of eminent domain, submitting a land use application for our land without our signatures means it could be submitted without our knowledge. Surely the county is not suggesting that others should be able to propose a use of our land that we wouldn’t know about until after the process was complete, effectively forbidding us a voice in the process. While it might be vastly more convenient for government to decide what to do with private property without the input and objection of the owners of that property, it hardly seems appropriate in a nation based on the voice of the people and strong values of private ownership. In fact, we would even question the constitutionality of such a regulatory change. Again, until we actually know what wording changes are being proposed, it is difficult to assess the unintended consequences of such a change.

- File No. AM-14-06 seems vague in terms of intention. The cryptic description leaves us wondering if it will allow the county to take an acre of our land as a
parking lot for construction equipment and staging, or to expand the easement to increase the width of county road right-of-ways. Again, the intent seems to be to give the right to the county to take any portion of our land without our voices being heard in the process, or without appropriate compensation for our loss. Such actions dramatically affect the resale value of property.

- File No. AM-14-07 is of concern in terms of ramifications. What ramifications are there of “property line adjustments” and of “addressing water requirements?” Being surrounded by cranberry growers already, we are concerned about water even though our parents established their home on this property long before it became surrounded by cranberry bogs. Now will we be required to go to additional expense to satisfy water requirements because the aquifer is threatened by overuse when we haven’t been the ones overusing it?

- The Measure 56 notice concludes that “these amendments may affect the permissible uses of your property... and may change the value of your property.” Yet the notice has not given us sufficient information to determine whether or not the changes will actually affect us. How can we possibly comment and “provide evidence” without really knowing the impact the changes will have because we don’t really know what the changes are!

Essentially, you are saying to us “trust us.” But history has shown that government is only truly honest and fair when citizens keep a watchful eye. Knowledge is the basis for that watchfulness. You have not given us the information and knowledge we need to be watchful, responsible citizens, and that certainly doesn’t engender our trust. While civic servants must surely get tired of the time consuming process of informing citizens and involving them in decision-making, we hope you will have the respect for the citizens of the county and our democratic system of government to not be hasty in your effort to make changes, and to fully involve the private property owners in a meaningful way to get diverse viewpoints on the impact your actions will have on the lives and livelihoods of the citizens and taxpayers you serve.

Sincerely,

Laurie J. Wilson          Ann Jaussi
Trustee                        Trustee
A&L Trust                        A&L Trust
Owners of the home and property at 87229 Davis Creek Lane, Bandon, Oregon, 97411

Mailing Address: 1101 Eagle Ridge Circle, Sandy, UT 84094
Comments Re: Notice that Coos County has proposed a land use that may affect the permissible uses of property and other properties.

Statement found on internet.

The proposed text amendment does not allow the government, or anyone else, to "use someone else's land." It allows the filing and processing of a land use application without landowner consent, but in order to actually use that land, the applicant will need to either get the consent of the landowner or else acquire the property rights necessary to make use of the land (for example, temporary or permanent easement, or fee title). Neither the government nor a private entity with eminent domain authority can obtain property rights without paying just compensation, either through a negotiated purchase or through a court award in a condemnation action.

So someone can file an application on someone else's land without their consent or knowledge. Sounds kinda backwards to me.

Chapter VI

Reading and trying to understand chapter VI has left me very confused as to the accuracy of documents received from county records at time of purchase. Are they accurate or will be subjected to new survey requirements?

I am expressing my concerns so as not to preclude my right to appeal should I need to in the future.

Ruth Adams

96315 Sunlake Lane, Lakeside, Oregon 97449

RECEIVED
APR 21 2014
COOS COUNTY
PLANNING DEPARTMENT
Concerning the proposed changes:

File No. AM-14-03:
Question, Does this mean the county will use GPS to adjust existing lines? Existing lines should stand. Property was purchased with existing lines.

File No. AM-14-05
Property owners and lien holders have the right to know if governmental entities or entities with the power of eminent domain plan to use their property for a project during the planning stages.
Question: Does no signature mean no notification? If so then this proposal is wrong. Land owners need to know, especially when plans could change land owners options for said property.

File No. AM-14-06
Question: Does the county intend, consider, plan to expand current right-of-ways on existing roads? If so which roads, and how much of expansion. Property owners need to know what the county is planning before decision is made, particularly when their property is effected.

This is our formal objection to the proposed changes. Please answer our questions in writing

Richard & Sherri Erwin
18423 Sitkum Lane
Myrtle Point, OR 97458

Sherri Erwin

RECEIVED
APR 21 2014
COOS COUNTY PLANNING DEPARTMENT
April 14, 2014

Coos County Planning Department
250 N. Baxter
Coquille, OR 97423
Attn: Jill Rolfe Planning Director

RE: Measure 56

We are concerned about the language in File No. AM-14-05, the proposed amendment allowing governmental entities or entities with the power of eminent domain to submit land use applications without the property owners signature.

Please be aware any attempts by any governmental entities or entities with power of eminent domain to seize private property (either above or below ground) without mutual consent of the property owner will be met with stiff and determined resistance.

Sincerely,
Paul and Marcia Chantiny

We agree with the comments above:

Name Address
Linda & Wayne Wingert 95634 N. Way Lane
Wayne M. Wingert
James Schroder
Kenneth B. Eck
Holly Burren 95317 N Way
N. B. Or.

Exhibit: 10
Date: 4/21/14

Paul and Marcia Chantiny
94825 North Way Lane
North Bend, OR 97459

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COOS COUNTY PLANNING DEPARTMENT
We agree with the comments above: (Continued from Page 1)

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jared Reeves</td>
<td>94791 North Way Lane</td>
</tr>
<tr>
<td></td>
<td>North Bend OR 97457</td>
</tr>
<tr>
<td>Colleen Reeves</td>
<td>94790 North Way Lane</td>
</tr>
<tr>
<td></td>
<td>North Bend OR 97459</td>
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<tr>
<td>Jeff Reeves</td>
<td>94790 N Way Lane</td>
</tr>
<tr>
<td></td>
<td>North Bend OR 97459</td>
</tr>
<tr>
<td>Bonnie Bolle</td>
<td>95032 North Way Ln</td>
</tr>
<tr>
<td>Carl Faris</td>
<td>North Bend OR 97459</td>
</tr>
</tbody>
</table>

Signatures:

- Jared Reeves
- Colleen Reeves
- Jeff Reeves
- Bonnie Bolle
- Carl Faris
April 20, 2014

Coos County Planning Department
250 N. Baxter
Coquille, OR 97423

As real property owners in Coos County, we are concerned about the Measure 56 Notice of Coos County Public Land Use Hearings we received last week.

Due to a prior commitment out of state, we will be unable to attend the May 1st public hearing. However, we would like to know if there is any provision for compensation to landowners if the value of their property is reduced due to any of the proposed land uses mentioned in the notice.

One of the proposed amendments will allow any governmental entity to submit a land use application, whether or not they have power of eminent domain. This does not seem right at all!

Also, when the phrase “without the property owner’s signature” is used, is it possible that it could mean that the property owner may not even be made aware of the land use application submitted for his own land? Hopefully not!

Respectfully,

Arval D. Marple

Elizabeth A. Marple
P.O. Box 87
Langlois, OR 97450
April 20, 2014

Coos County Planning Department
250 N Baxter
Coquille OR 97423

RE: COMMENTS TO AND OBJECTIONS CONCERNING MEASURE 56 NOTICE OF COOS COUNTY PUBLIC LAND USE HEARINGS

TO: Coos County Planning Commission:

I am an owner of real property in Coos County, and I received a MEASURE 56 NOTICE OF COOS COUNTY PUBLIC LAND USE HEARINGS in the mail. As provided in the above-referenced notice, please consider this letter as my comments about and objections to proposed language of the amendments:

- I strongly object to the adoption of any legislative amendment or other amendment that would restrict the permissible uses of or reduce the value of my real property. "The County has determined that adoption of one or more of these amendments may affect the permissible uses of your property and other properties in the affected zone(s), and may change the value of your property."

- I strongly object to the adoption of File No. AM-14-05 amending text in §5.0.150 Application Requirements in the CCZLDO. That amendment would allow any governmental entity to submit a land use application without my signature, without my knowledge, and apparently without any compensation to me, the real property owner, for the use of, misuse of, destruction of, or deliberate theft of my real property. How can the Coos County Planning Commission and the Coos County Board of Commissioners even entertain such a flagrant misuse of governmental power?

- I object to the adoption of File No. AM-14-03 amending the text in Chapter VIII (Survey Standards) of the CCZLDO. Modern survey standards are being used regardless of whether or not the language in the chapter is modernized or not. The proposed changes are unnecessary.

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COOS COUNTY PLANNING DEPARTMENT

Exhibit: 12
Date: 4/21/14
Coos County Planning Department
April 20, 2014

Page 2.

- I object to the adoption of File No. AM-14-06 to amend the text in Chapter VII (Transportation, Access and Parking) of the CCZLDO. The current language concerning traffic, access and parking regulation, routine road maintenance and rights-of-way are more than adequate and should not be changed to restrict any future development or to restrict the use of any of my real property.

- I object to the adoption of File No. AM-14-07 to amend text in Chapter VI (Land Division) of the CCZLDO. The Coos County Planning Commission is making the application process for a simple division of real property, property line adjustments, roadways, etc. so complicated, it makes one wonder why.

With this letter, I have raised my issues “prior to the close of the evidentiary record and provided a statement or evidence sufficient to afford the decision makers an opportunity to respond to the issue.” Therefore, I may appeal any issue to the Land Use Board of Appeals.

Respectfully submitted,

Dian Marple

DIAN MARPLE
PO Box 103
Langlois OR 97450
To: Coos County Planning Dept.

Coos County Courthouse Annex
250 N. Baxter Coos County Courthouse
Coquille, OR 97423

From: Mark Bickett & Jeanette Entwisle

April 17, 2014

Having just received (this day), your Measure 56 Notice of Coos County Public Land Use Hearings:

I object to having less than 4 days to give a written response and providing 19 copies for my public comment. I do not receive the newspaper or watch TV. Please allow at least 2 weeks notice mailed out for a public comment. Your Postmarked envelope enclosed as proof.

My Public Comment:

Re: Legislative amendments to the Coos County Zoning and Land Development Ordinance
   File No. AM-14-05 that amends text in 5.0.150 Application Requirements in the CCZLDO.

I particularly must object to the changes as stated in File No. AM-14-05, amending the eminent domain rights which would allow public entities to cross above or below my land and use it for their purposes without my signature.

As a land owner I reserve and demand the legal right as to how my land is used; with or without my permission, and/or signature. Please strike this amendment out and let property owners retain the use of their property as they see fit. I do not want a public access road or utility running across my land without my signature and permission.

Mark Bickett & Jeanette Entwisle TTs
Seven Hounds Trust 1-5-2012
[Signature]

1047 Newport Ave. SW
Bandon, OR 97411
Tel: 541-329-0371

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APR 21 2014
COOS COUNTY PLANNING DEPARTMENT
Seven Hounds Trust 1-5-2012
Bickett, Mark; Trustee; ET AL
1047 Newport Ave. SW
Bandon, OR 97411-9571
To the staff of the Coos County Planning Department:

We received your notice regarding land use proposals. I have some concerns I would like to express regarding the amendments you are proposing.

Firstly, please consider the fact that Psalm 24:1 states “The earth is the Lord’s and the fullness thereof; the world, and they that dwell therein.” God’s plan is for the earth He made to be inhabited. Isaiah 45:18 says “For thus saith the LORD that created the heavens; God himself that formed the earth and made it; he hath established it, he created it not in vain, he formed it to be inhabited: I am the LORD, and there is none else. Also Psalm 115:16 says “The heaven, even the heavens, are the LORD’s: but the earth hath he given to the children of men.”

When God brought the children of Israel into the promised land, He was careful to be sure the land was divided into portions for each of the tribes of Israel. Each tribe then divided up their inheritance into portions of inheritance for each family unit. These were very well guarded by the families. If their land was sold, it was to be redeemed at the year of jubilee, so each family would retain their inheritance. Joshua 13:14,33; Ezekiel 44: 15, 23, 24, 28; Joshua 13, 14, 38; Numbers 36:2,7. God was the inheritance of the tribe of Levi. They had cities scattered throughout the other tribes. They were priest and temple servants.

Princes and rulers were not to oppress the people nor seize their inheritance. When King Ahab of Israel wanted to buy the vineyard of Naboth, he would not sell it to him because it was the inheritance of his fathers. “And Naboth said to Ahab, The LORD forbid it me that I should give the inheritance of my fathers unto thee.” 1 Kings 21:3. King Ahab’s wife, Jezebel, arranged for the murder of Naboth, and the stealing of his vineyard. King Ahab then went to possess the vineyard which had been obtained by robbery and murder. The prophet Elijah was sent by God to meet him and pronounce to Him God’s judgement on his actions. “And thou shalt speak unto him, saying, Thus saith the LORD, Hast thou killed, and also taken possession? And thou shalt speak unto him, saying, Thus saith the LORD, In the place where dogs licked the blood of Naboth shall dogs lick thy blood, even thine.” 1 Kings 21:19

Ezekiel 46:18 says, “Moreover the prince shall not take of the people’s inheritance by oppression, to thrust them out of their possession; but he shall give his sons inheritance out of his own possession: that my people be not scattered every man from his possession.”

Ezekiel 45:7-10 says, “And a portion shall be for the prince on the one side and on the other side of the oblation of the holy portion, and of the possession of the city, before the oblation of the holy portion, and before the possession of the city, from the west side westward, and from the east side eastward: and the length shall be over against one of the portions, from the west border unto the east border. In the land shall be his possession in Israel: and my princes shall no more oppress my people; and the rest of the land shall they give to the house of Israel according to their tribes. Thus saith the Lord GOD: Let it suffice you, O princes of Israel: remove violence and spoil, and execute judgment and justice, take away your exactions from my people, saith the Lord GOD. Ye shall have just balances, and a just ephah, and a just bath.”
I am concerned that the policies you are proposing are violating the principle of private property ownership which is and established principle of the Creator God. Can you take the private property of people and use it for utility lines, roads, or any other use without the signature and consent of the owners? Is this not stealing the land of the people? Can you take their land for parking, roads, and your own uses, or affect the way they may use their property and the value of their property without this being an oppression of the people? Will not God see this? I encourage you to have a healthy fear of the LORD, the Creator, for your own sakes.

In addition to this, the 5th amendment of the Bill of Rights states”… nor private property be taken for public use without just compensation.” Certainly just compensation of any kind must needs include foreknowledge and consent to the use of the property by the owners of that property.

Thank you for taking the time to read my letter. As public servants answerable to God for the stewardship of your public office, I urge you to consider these principles for the benefit of yourselves, and those you serve.

Sincerely,

Diane D. Scofield

Mrs. Diane Scofield
87111 Croft Lake Lane
Bandon, Oregon 97411
April 21, 2014

Coos County Planning Commission,

We received a letter informing us of the upcoming hearing about Coos county public land use on May 1st and since we will be out of town and unable to attend to voice our concerns we are submitting our concerns in writing. Under the second bullet point referring to file no. AM-14-05, we strongly oppose this text being amended. We feel this gives the county and other government entities power that they are not entitled to. As property owners who pay property taxes and a mortgage, we have the right to be involved in any discussions or decisions that would affect our property rights or value. There are already easements for utilities so it is not necessary for you to use eminent domain for future utility projects. As far as the language “The proposed amendment allows governmental entities or entities with the power of eminent domain to submit a land use application without the property owners signature” this should not be allowed to be added to the CCZLDO. This takes away the rights of property owners in Coos county. No one should have the right to take property or do something that affects some ones property without their signature and consent.


Steven and Laurie Duff
58650 Fernwood Rd.
Coquille, OR 97423
April 21, 2014

Coos County Planning Department  
250 N. Baxter  
Coos County Courthouse  
Coquille, Oregon 97423

To Whom It May Concern:

Let it be known I am against your proposed Measure 56 on the basis of it being a violation against the 5th Amendment of the United States Constitution.

I further state that Measure 56 is a violation against Chapter 195 — Local Government Planning Coordination - as noted in the State of Oregon Revised Statues. Noted sections are:

JUST COMPENSATION FOR LAND USE REGULATION  
sections 195.300 to 195.336. Highlighting sections 195.305, 195.310

Further notice is given to ORS Chapter 35 – Eminent Domain: Public Acquisition of Property, section 35.220 specifically, which clearly states:

Precondemnation entry on real property. (1) Subject to the requirements of this section, a condemnor may enter upon, examine, survey, conduct tests upon and take samples from any real property that is subject to condemnation by the condemnor. A condemnor may not enter upon any land under the provisions of this section without first attempting to provide actual notice to the owner or occupant of the property…

I question the ulterior motives of this measure and ask what are your intentions?

I respectfully submit this and request it be read at the hearing.

Sincerely,

[Signature]

Joan Lynch  
88034 Dew Valley Lane  
Bandon, OR 97411

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APR 21 2014  
COOS COUNTY  
PLANNING DEPARTMENT
Coos County Planning Department
250 N. Baxter
Coos County Courthouse
Coquille, Oregon 97423

1 of 2  April 21, 2014  4:36 pm

RE: Measure 56 – Notice of Coos County Public Land Use Hearings
RE: Property potentially affected;
Younker Family
61584 Daniels Creek Road, Coos Bay, OR
Tax Account number 473400 – NE Qtr. Sec. 15, T. 26S, R 12W

Dear Planning Department,

We received your letter on April 12, 2014 regarding Measure 56 informing us that you will be conducting a public hearing on May 1st to review legislative text changes with one additional date for specific topics scheduled for May 13th.

The notice states that if we cannot attend the hearings, we can send in a letter regarding our concerns by Monday April 21st. Although Lynn Jones said that the April 21st date was not a hard cut off, we are faxing this letter to you today, April 21st to give the decision makers ample time to understand and respond to our concerns and every effort will be made to attend the hearing.

Having spent considerable time trying to understand the changes, we are still not at all clear as to the repercussions these changes may have on our property. We attempted to hire a local attorney to read the letter and the related materials on the website to inform us of any items that may affect our property in any way. The timeline was simply too tight to get legal guidance on such an important matter. (Note: We contacted Coos Bay Attorney Larry Finneran and spoke with
Tracy in Attorney Andy Combs office as he was not available last week due to mediation.)

After speaking with Lynn Jones, Debby Darling, and Chris Hood we have been assured that these changes are “merely housekeeping” to make the codes easier for homeowners to find and understand while researching information regarding their own private party. However, the letter uses some fairly threatening language with regard to property lines, “eminent domain... without property owner signature” and “may affect the permissible uses of your property and other properties.”

Given that this property has been in our family since 1960 we are quite concerned about any intentional, or unintentional consequences these “mere housekeeping” updates may have on our property. We are specifically concerned about the loss of current permissible uses and preservation of our right to split our 160 acres into two 80 acre lots, both with adequate access. Additionally, we are concerned about intention for any entity to demand property for easements for any reason what so ever. We are raising these issues, and any other issue that may affect our property, prior to the close of the evidentiary record and are giving this notice in sufficient time to afford the decision makers an opportunity to respond to the issue therefore establishing a basis to appeal to the Land Use Board of Appeals at some future date if necessary.

Regards,

Younker Enterprises Inc.
Tom Younker
Julie Eldridge
Christine Keenan

206-856-9106 (call to arrange payment for 19 copies of this letter)
3749 SW 171st Street
Burien, WA 98166
Coos County Planning Department

RE: Proposed Legislative Text Changes To The Following

File No AM-14-03
File No AM-14-05
File No AM-14-06
File No AM-14-07

Please consider this a formal objection to any change to the above listed File No's as we object to any changes that may affect the usages or value of the mixed used commercial/residential property, the building, access, right aways, and/or it's business at: 47074 Hwy 101 South, Bandon, OR. 97411

Please keep us informed in writing to both the property address in Bandon and the tax bill mailing address at 411 Kelly Lane, Santa Cruz, CA. 95060.

Regards,

Barbara Dimitruk
Donald Dimitruk

Barbara Dimitruk
First American Title
Marketing and Business Development Manager
Office: 831-460-3280
Cell: 831-818-0660
Bdimitruk@firstam.com

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APR 22 2014
COOS COUNTY PLANNING DEPARTMENT

Exhibit: 18
Date: 4/22/14
April 22, 2014, 8:48 AM
Darlene Una Wheeler
63195 Shinglehouse Rd
Coos Bay, Or 97420

Dear Coos County Planning Department;

I received your letter on the public hearing to be held May 1 @ 7pm but I will be working and cannot attend. I am concerned, however of how this effects my property. I don’t desire any changes but am unaware of any power I have. If the changes are to be law.

Respectfully,
Darlene Shinabery-Wheeler