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

Coos County Zoning and Land Development Ordinance (LDO), Coos County Comprehensive Plan (CCCP), Oregon Administrative Rule (OAR)

| LDO   | Article 1.2 | Legislative Amendments |

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, the public, and Staff who implement the ordinances. The goal is to streamline the process (when possible), address readability and update outdated language. This amendment is specific to the Chapter VI Lots and Parcels. 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 standards relating to creation of lots and parcels.

Staff has combined all the provisions regarding creation of lots and parcels into one section for readability and organization purposes. Article 6.1 covers lawfully created lots and parcels. This article explains what is a lawfully created lot or parcel and sets out when an application is required to determine if a lawfully created lot or parcel exists. Article 6.2 covers land divisions and sets out requirements for dividing property including infrastructure, utilities and mapping requirements. The proposed language and existing language is attached for comparison. Planned Unit Development requirements were not changed just formatted. Article 6.3 property line adjustments. This article has been streamlined; however, there is additional information required in the form of a title report and map.

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

Attached to this report are the current language and the proposed language changes for comparison.

III. COMMENTS

There have been comments received in opposition but the opponents failed to raise any objection specifically to the proposed language. 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 VI (AM-14-07) 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 land division 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 specific issues raised pertaining to the proposed language changes. Therefore, Staff requests that the Planning Commission recommend approval of file AM-14-07.

COOS COUNTY PLANNING DEPARTMENT

Jill Rolfe, Planning Director

Attachments: “A” Proposed Changes and Current language to be changed
             “B” Comments received

EC: County Counsel
    Dave Perry, DLCD
Attachment “A”
CHAPTER VI LOTS AND PARCELS

ARTICLE 6.1 LAWFULLY CREATED LOTS AND PARCELS
A legal lot is a lot or parcel created in compliance with the current state and county regulations for land divisions. Lots are created through subdivisions (4 or more lots is a subdivision) and parcels are created through a partition (3 or less parcels is a partition). Additionally, this ordinance recognizes that parcels may be created through other means that were consistent with a prior county ordinance or state law such as the adoption of different land division provisions [December 6, 1962 - December 31, 1985 ordinances in place prior to acknowledgement of the Coos County Comprehensive Plan (CCCP)]. Parcels created prior to the adoption of the current acknowledged CCCP (1986) may require an application to determine the legality of said parcel.

Once lawful parcels or lots have been established pursuant to LDO Section 6.1.125 those lots or parcels shall remain lawfully created or discrete lots or parcels unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. If a parcel or lot is reconfigured by a property line adjustment that becomes the new discrete lot or parcel and the official date of creation.

SECTION 6.1.100 WHAT IS NOT A LAWFULLY CREATED LOT OR PARCEL:
The following circumstances do not lawfully create lots or parcels:
1. Tax lots do not create lawfully created lots or parcels. A tax lot is a unit of land used by the County Assessor’s office to set a value for property taxation. Tax lot creation or modification often uses methods that do not meet legal lot standards. Also included in this category are individual tax account numbers or statements. A tax account is used for taxing purposes.
2. Units of land conveyed by deed or contract do not necessarily create a legal lot or parcel. Units of land created by this method define ownership and title, but do not necessarily mean it was lawfully created under the state and local land use laws in effect at the time it was completed.
3. Multiple ownership of a parcel shown as a percentage does not divide the property.
4. A lot or parcel created by a land division without final county approval is not a legal lot. A partition or subdivision, in which the developer failed to complete the process within the allotted timeline and failed to receive an extension, is void. A plat must have been recorded at the County Clerk’s office.
5. Roads held in fee created after 1990 do not divide property.

SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:
1. The unit of land was created by an approved and recorded partition or subdivision;
2. A unit of land determined to be a legal lot or parcel though a prior county approval of a land use decision;
3. The unit of land is recognized as a legal lot as the result of court decisions or LUBA final opinion; or
4. The unit of land was created by deed instrument or land sales contract recorded prior to December 6, 1962, which was the date of the first official Coos County Subdivision Ordinance. After 1962 there was a legal process adopted by Coos County for land divisions.
5. The unit of land that was created by a lien foreclosure, foreclosure of a recorded contract of the sale of real property or the creation of cemetery lots;
6. The unit of land was created by the claim of intervening state or federal ownership of navigable streams, meandered lakes, tidewaters;
7. The unit of land was created as a result of a dedication of a public road (held in fee simple) prior to 1990 may divide property in the following cases:
   a. Between December 6, 1962 and January 1, 1989 (date the ordinance stopped acknowledging roads divide property) there were land division provisions adopted by Coos County. Staff will apply the provisions that were in place at that time the property was deeded to determine if the dedicated public road (held in fee simple) allowed for the road to divide the property; or
   b. If a public dedicated road was held in fee simple prior to December 6, 1962 and the property was bisected by a public dedicated road held in fee simple then the properties were lawfully divided and will be recognized as lawfully created parcels; or
8. The unit of land was created by a legal description in deeds or other instruments conveying real property prior to 1986. A deed may describe property as separate parcels but must have a beginning and ending point for each description within that deed.

SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:
If a parcel or lot cannot be shown to exist pursuant to LDO Section 6.1.125 Subsections 1 through 5 above then an application and notice is required. In the case of Subsections 6 through 8 an applicant shall submit evidence to show that the parcel(s) or lot(s) were lawfully created. A map showing the lawfully created parcel(s) or lot(s) shall be submitted with the application.

Staff will review the application based on the criteria in LDO Section 6.1.125; however, the applicant may provide case law to review if there is another applicable circumstance not provided in Section 6.1.125. If County Counsel is required to review information to determine legal status of a parcel or lot additional fees may be charged.

All notices will be provided in accordance with LDO Section 5.0.

Once it is determined that a lawfully created lot or parcel exists it shall be separated out on its own deed prior to any reconfiguration such as property line adjustment. A copy of that deed needs to be provided to the Planning Department to show the process has been completed. If there are more than two discrete parcels found in rural area then a road may be required to provide access. The applicable road standards in Chapter VII will apply.

ARTICLE 6.2 LAND DIVISIONS
As authorized by law, including ORS Chapters 92, 197 and 215, subdivisions, land partitions and streets created for the purpose of partitioning land shall be approved in accordance with this Ordinance. This Article applies to all land within the unincorporated territory of the County. A person desiring to subdivide land, to partition land, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this ordinance and state statutes.
SECTION 6.2.100 GENERAL PURPOSE:
All divisions of land shall conform to the Comprehensive Plan of Coos County with respect to the type and intensity of use, population densities, locations and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by Comprehensive Plan goals, policies, or maps.

SECTION 6.2.125 APPROVAL OF PARTITIONS, PLANNED UNIT DEVELOPMENTS (RESIDENTIAL AND RECREATIONAL) AND SUBDIVISIONS REQUIRED:
1. No person shall divide land, except after approval of such division pursuant to this Article.
2. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition or declaration of partition described in Section 6.2.825 has been acknowledged and recorded with the recording officer of Coos County.
   a. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.
   b. A person may negotiate to sell any parcel in a partition prior to the approval of the tentative plan.
   c. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition, a person may use the approved tentative plan for such subdivision or partition. [OR-92-07-012PL]
3. No person shall create a road or street for the purpose of land division without the approval of the County.
4. Coos County shall refrain from issuing any permit or approval for any application other than approval pursuant to this Section, including building permits or verification letters for any parcel of land not complying with this Section. [OR-93-12-017PL 2/23/94]
5. A Traffic Impact Study (TIS) may be required in accordance with § 7.1.350

SECTION 6.2.150 CONFORMITY WITH THE ZONING ORDINANCE AND COMPREHENSIVE PLAN:
1. All divisions of land, regardless of the number of lots or parcels, shall conform in all respects with the applicable regulations and specifications of Chapters 4 and 7, including uses of land, lot size and dimensions, space for off-street parking, landscaping and other requirements as may be set forth; and
2. Whenever any department of the County finds that the provisions of a Article have apparently been or may be violated by any person, the director of said department shall report such findings to the Planning Department Director for investigation and enforcement.

SECTION 6.2.175 REDEVELOPMENT PLAN:
1. In subdividing or partitioning land into large lots or parcels which at some future time could be further divided, the Director may require that the lots and parcels shall be of such size and shape, be so divided into lots and parcels, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will
permit a subsequent division of any parcel or lot into a smaller size which shall have the 
minimum lot frontage on a street.

2. No lot in a platted subdivision or partition shall be reduced in size from that shown on the 
recorded plat if the newly created lot or parcel will have less than the minimum lot area 
for the zone in which it is located.

3. Any lot in a platted subdivision or partition may be enlarged to approximate more closely 
the minimum lot area for the zone in which the lot is located, provided that no leftover lot 
areas shall be less than the minimum lot area for the zone.

4. Any person dividing land into large lots or parcels which at some future time could be 
further divided and still meet the minimum lot or parcel size requirement of the zone in 
which the land is located shall provide suitable road access to each created lot or parcel 
so that the future development of each lot or parcel will provide access for redevelopment 
of the lots or parcels.

5. Redevelopment Plans shall be noted in the property records of the Planning Department. 
In order to assure that access, utility placement and building locations are sited in a 
manner appropriate for urban densities, future development in urban areas where a 
redevelopment plan applies shall be consistent with that plan. Applications or 
development inconsistent with the redevelopment plan shall require an amended 
redevelopment plan to be reviewed as a minor amendment to the subject subdivision or 
partition.

SECTION 6.2.200 APPLICATION FOR LAND DIVISIONS:
All applications for land divisions shall be submitted to the Planning Department as required by 
this Article.

SECTION 6.2.225 AMENDMENT OF SUBDIVISION PLAT OR PARTITION PLAT:
1. Any plat of a subdivision or partition filed and recorded under provisions of ORS 92.010 
to 92.190 may be amended by an affidavit of correction:
   a. To show any courses or distances omitted from the subdivision or partition plat;
   b. To correct an error in any courses or distances shown on the subdivision or 
      partition plat;
   c. To correct an error in the description of the real property shown on the 
      subdivision or partition plat; or
   d. To correct any other errors or omissions where the error or omission is 
      ascertainable from the data shown on the final subdivision or partition plat as 
      recorded.

2. Nothing in this Section shall be construed to permit changes in courses or distances for 
the purpose of redesigning lot or parcel configurations.

3. The affidavit of correction shall be prepared by the registered professional land surveyor 
who filed the plat of the subdivision or partition. In the event of the death, disability, or 
retirement from practice of the surveyor who filed the subdivision or partition plat, the 
County Surveyor may prepare the affidavit of correction. The affidavit shall set forth in 
detail the corrections made and show the names of the present fee owners of the property 
materially affected by the correction. The seal and signature of the registered 
professional land surveyor making the correction shall be affixed to the affidavit of 
correction.
4. The County Surveyor shall certify that the affidavit of correction has been examined and that the changes shown on the certificate are permitted under this Section.

5. The surveyor who prepared the affidavit of correction shall cause the affidavit to be recorded in the office of the County Recorder where the subdivision or partition plat is recorded. The County Clerk shall promptly provide a recorded copy of the affidavit to the County Surveyor. The County Surveyor shall note the correction and the recorder’s filing information with permanent red ink, upon the original subdivision or partition plat and upon any true and exact copies filed in accordance with ORS 92.120(3). The corrections and filing information shall be marked in such a manner so as not to obliterate any portion of the subdivision or partition plat.

6. For recording the affidavit in the County deed records, the County Clerk shall collect a fee set by the County governing body. The County Clerk also shall collect a fee set by the County governing body to be paid to the County Surveyor for services provided under this Section.

SECTION 6.2.250 REPLATTING:
The act of replatting shall allow the reconfiguration of lots and public easements within a recorded plat. Upon approval by Coos County, pursuant to the process prescribed in Article 6.5, replats will act to vacate the platted lots, parcels, and easements within the replat areas with the following conditions:

1. A replat, as defined in Section 2.1.200 shall apply only to a recorded plat.
2. When the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225, Coos County shallnotify in writing each owner of record (of land described in the plat) not later than 30 days before the date of a hearing to determine whether the undeveloped subdivision should be replatted.
3. Notice, consistent with County approval of a tentative plan of a subdivision plat or partition plat, shall be provided by Coos County to the owners of property adjacent to the exterior boundaries of the tentative replat.
4. When a utility easement is proposed to be realigned, reduced in width, or omitted by a tentative replat approval, all affected utility companies or public agencies shall be notified, consistent with notice to owners of property contiguous to the tentative plat.
5. A replatshall comply with all applicable subdivision and partition plat provisions of this Ordinance.

SECTION 6.2.275 DEFINITIONS:
1. BENCHMARK: A mark on a permanent object indicating elevation and serving as a reference in topographic surveys and tidal observations. The term is generally applied to any item used to mark a point as an elevation reference. Frequently brass or aluminum disks are set in stone or concrete, or on rods driven deeply into the earth to provide a stable elevation point. The height of the benchmark is calculated relative to the level datum of the area, typically mean sea level.
2. COMMON OPEN SPACE: Land and facilities which are shared by all the individual owners in a planned unit development or recreational planned unit development and managed generally by a home owners' association. Common property may include
undeveloped land, parks, tennis courts, pools, community buildings, and other amenities for the convenience and enjoyment of the residents.

3. CONTROL STRIP: (also known as street plugs) The creation of a one (1) foot wide strip of land contiguous to a road, whereby such strip of land would be deeded to the County for the purpose of restricting access to said road from an adjacent lot or parcel.

4. EASEMENT: A grant of one or more property rights by a property owner to, or for use by, the public or another person or entity.

5. FINAL PLAT: A plat for the partitioning of land, duly submitted to the Planning Director and conforming in all respects to the requirements of this Ordinance and meets the requirements in Article 6.7.

6. FOOT ACCESS: A private way, other than a street or road, legally created to provide access across the entire parcel or lot of land lying within the shoreland boundary from a water body to an “upland” lot or parcel which shall abut the coastal shoreland boundary. Said access shall terminate at the shoreland boundary and shall have an improved permeable surface as deemed appropriate by the Coos County Roadmaster (i.e. sand, gravel, etc.).

7. LAND DIVISION: The act of dividing property into a partition or subdivision.

8. PARCEL: A unit of land that is created by a partitioning of land.

9. PARENT PARCEL: The most recent legal lot, parcel or tract of land including all contiguous lots, parcels or tracts of land under the same ownership, prior to or at a given point in time.

10. PARTITION: Means either an act of partitioning land or an area or tract of land partitioned.

11. 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 the 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 reduced in size by the adjustment complies with all applicable provisions of this Ordinance; or
   c. A sale or grant by a person to a public agency or public body for state highway, county road or other right-of-way purposes provided that such road or right-of-way complies with the applicable sections of this ordinance and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property divided by the sale or grant of property for state highway, for a county road, for a city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned. [OR 92-07-012PL]

12. PARTITION PLAT: Includes a final map and other writing containing all the descriptions, locations, dedications, specifications, provisions, and information concerning a partition. [OR 92-07-012PL]

13. PARTITIONER: Person or Applicant that submits a partition application.

14. PLANNED UNIT DEVELOPMENT (also referred to as a planned community): (ORS 94.550) means any subdivision under ORS 92.010 to 92.170, which results in a pattern of
ownership of real property and all the buildings, improvements and rights located on or belonging to the real property in which:

a. There is a homeowner's association responsible for the maintenance, operation, insurance and property taxes relating to any common property of the planned community or for the exterior maintenance of any property that is individually owned; and

b. Owners of individual lots, by virtue of their ownership, automatically are members of the homeowner's association and assume liability for membership fees.

15. PUBLIC ROAD: The entire right-of-way of any road over which the public has the right of use or any right-of-way held by the state or a political subdivision of the state for road purposes that is open for public use.

16. LOT: A unit of land created by a subdivision of land or a planned community. A lot lawfully created shall remain a discrete lot, unless the lot lines are changed or vacated or the lot is further divided as provided by this Ordinance. A parcel, tract, or area of land whose boundaries have been established by some legal instrument, and which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.

17. LOT, FLAG. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way.

18. LOT, PARCEL, OR TRACT DEPTH: The horizontal distance from the mid-point of the front lot line to the mid-point of the rear lot line.

19. LOT, PARCEL, OR TRACT FRONT LOT LINE: In the case of an interior lot, parcel, or tract, a line separating the lot, parcel or tract from the street; in the case of a corner lot, parcel or tract, a line separating a lot, parcel or tract from the street on which the improvement or contemplated improvement will face.

20. LOT, PARCEL OR TRACT SIDE LOT LINE: A lot line which is not a front or rear lot line.

21. LOT, PARCEL OR TRACT WIDTH: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot line.

22. SUBDIVIDE LAND: To divide a lot, parcel, area or tract of land into four or more lots within a calendar year except, for the purpose of this definition, "lot, parcel, area or tract of land" shall be interpreted as not necessarily having to include all contiguous ownership in the subdivision plat. A portion of a large contiguous ownership may be subdivided, provided the residual parcel (that portion of the contiguous ownership proposed to be excluded from the plat) meets the following criteria:

a. the residual parcel conforms to all other development standards of this Ordinance;

b. the residual parcel shall not be rendered "landlocked";

c. the residual parcel shall not be bisected by the creation of a subdivision access road;

d. the residual parcel must either be:
   i. zoned as resource land; or
   ii. must have an area greater than or equal to ten (10) acres.

23. SUBDIVIDER: Person or applicant that submits the subdivision.
24. **SUBDIVISION**: Either an act of subdividing land or an area, lot, parcel or tract of land subdivided as defined in these definitions.

25. **SUBDIVISION PLAT**: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

26. **TECHNICAL REVIEW COMMITTEE**: A committee established to act in a technical review capacity for the Board of Commissioners, which has the responsibility to examine all partition plats, subdivision plats, planned community plats. The committee will assist the Planning Director or reviewing body in rendering a decision relating to the approval, conditional approval, or disapproval of said applications.

27. **TENTATIVE PLAN MAP**: A map setting forth the proposed plan of partitioning, subdivision or planned community in conformance with the provisions of this Ordinance and subject to review and modification. [OR 92-07-012PL]

28. **UPLAND LOT OR PARCEL**: A lot or parcel not abutting a waterway and partially or totally outside a coastal shoreland boundary.

29. **USED FOR THE PURPOSES OF LAND DIVISION**: When a road or street is used to provide access to a parcel in a partition, or a lot in a subdivision or planned community.

### SECTION 6.2.300 GENERAL OUTLINE:

The following is a general outline of the process for the review of land divisions in Coos County:

1. Application is filed and reviewed for completeness pursuant to §5.0.200; and
2. Technical Review Committee (TRC) reviews tentative plans within 30 days from the date the application has been deemed complete. The Planning Director may extend this timeline if needed; and
3. Planning Director makes a decision unless subject to limited land use notice. If subject to limited land use notice pursuant to Article 5.0 a notice of decision will be mailed out within seven days of the expiration of the limited land use notice; and
4. Applicant submits construction drawings for any new public roads or access easements to the Roadmaster. The County Roadmaster reviews construction drawings and applicable specifications for public roads and access easements; and
5. Applicant constructs or bonds for required improvements; and
6. County Roadmaster inspects construction unless improvements are bonded; and
7. Applicant submits final plat after all conditions of approval have been completed; and
8. Planning Department coordinates review of final plat by affected County Departments; and
9. Board of Commissioners reviews final plats for subdivisions and for partitions proposing public dedications; and
10. Planning Director reviews final plats for partitions not proposing public dedications; and
11. If the final plat is approved, the applicant shall comply with Section 6.2.825 and file the plat with the County Clerk. (OR 92-07-012PL)

### SECTION 6.2.325 PRE-APPLICATIONS:

Application may be submitted pursuant to Section 5.0.100. The applicant may choose to have a pre-application meeting but it is not a requirement. Along with the application request the applicant shall submit to the Planning Department a sketch plan(s) of the proposed partition or subdivision. The sketch plan(s) shall be clearly and legibly drawn in a manner which may be
photo copied without loss of detail. The overall size of the plans or map shall not be less than 11” x 17”. The Planning Department will schedule a meeting with all applicable agencies and the applicant.

SECTION 6.2.350 TENTATIVE PLAT REQUIREMENTS (Tentative Plan):

1. Application Requirements
   a. An application and a tentative plat for approval shall be initiated as provided in Section 5.0.150 of this ordinance.
   b. The applicant shall file with the Director the original and four (4) additional copies of the tentative map on 11” X 17” paper for partitions and 18” x 24” paper for subdivisions.
   c. The tentative plat shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale shall use a typical engineer scale (example 1” = 50’).

2. Information required for tentative plat.
   a. All Land Divisions
      i. North arrow, scale and date of the drawing.
      ii. Appropriate identification clearly stating the map is a tentative plat.
      iii. Names and addresses of the landowners, subdivider/partitioner and the engineer, surveyor, land planner or landscape architect responsible for designing.
      iv. The tract designation or other description according to the real estate records of Coos County [Township, Range, Section, Tax Lot Number(s), and Assessor’s Tax Account Number(s)].
      v. The boundary line (accurate in scale) of the tract to be divided and approximate acreage of the property.
      vi. Contours with intervals of forty (40) feet or less referred to United States Geological Survey (or mean sea level) datum.
      vii. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
      viii. The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.
      ix. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.
      x. Location, acreage and dimensions of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed land division, together with the purpose of conditions or limitations of such reservations, if any.
      xi. Easements, together with their dimensions, purpose and restrictions on use.
      xiii. Draft of proposed restrictions and covenants affecting the plat.
      xiv. Predominant natural features such as water courses and their flows, marshes, rock outcropping, and areas subject to flooding, sliding or other natural hazards.
A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable.

b. Subdivisions (must address subsection a & b)
   i. The proposed name of the subdivision must be on the plat.
   ii. The proposed street pattern or layout showing the name and widths of proposed streets and alleys.
   iii. Private streets and all restrictions or reservations relating to such private streets.
   iv. Proposed Subdivision proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.
   v. Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.
   vi. The location of existing or proposed bicycle and/or pedestrian facilities if required under Article VII of this Ordinance.
   vii. Proposed means and location of sewage disposal and water supply systems.

3. Development Phasing
   a. Subdivisions shall:
      i. provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
      ii. Time limitations for the various phases must meet the following requirements:
         1. Phase 1 final plat shall be approved within twenty-four (24) months of preliminary approval.
         2. Phase 2 final plat shall be approved within thirty-six (36) months of preliminary approval.
         3. Phase 3 final plat shall be approved within forty-eight (48) months of preliminary approval.
   b. Partitions shall:
      i. Provide all phasing for partitions. If phasing is proposed then road standards for subdivisions shall apply.
      ii. If a land division is proposed on a property that has been partitioned in the prior three years then the partition shall be reviewed pursuant to subdivision criteria.

SECTION 6.2.375 REVIEW OF TENTATIVE PLAN:
1. Distribution to Affected Bodies. The Planning Department shall furnish a copy of the tentative plan to all affected special districts and cities which have a coordination agreement with Coos County; and
2. Within twenty (20) days of postmark, each city, special district and County Department receiving a copy of the tentative plan should submit a written statement to the Planning Department with respect to any matter, information, or recommendation deemed necessary for the applicant’s or public’s benefit.
3. The Planning Department shall make copies of all written statements available to the applicant and others interested.
4. Planning Director Review. The Planning Director, after reviewing the tentative plan and comments, may approve, conditionally approve, or disapprove any application. The Planning Director shall take action within forty-five (45) days of the date the application was accepted as complete, unless additional time is deemed necessary to complete the review.

5. Criteria for Approval of tentative land division plan
   a. A decision on the tentative land division plan application shall be made and notices shall be processed as required in Chapter 5.0 of this ordinance.
   b. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:
      i. The information required by this Article has been provided;
      ii. The design and development standards this chapter have been met; and
      iii. Applicable transportation standards in chapter VII have been or will be complied with;
      iv. Minimum parcel/lot sizes and requirements have been complied with for the zoning district.
      v. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.
   c. In granting tentative approval, the Approving Authority may impose conditions of approval deemed necessary to carry out the Comprehensive Plan and the provisions of this ordinance. Such conditions may include the construction of offsite public improvements, or money equivalent, deemed necessary, either immediately or in the future, as a result of the proposed development and shall be reasonably conceived to fulfill public needs emanating from the proposed development in the following respects:
      i. Protection of the public from the potentially deleterious effects of the proposed development; or
      ii. Fulfillment of the need for public service demands created by the proposed development.

6. Conditional Approval. The Planning Director may impose special conditions upon the approval of a tentative plan when it is established that such conditions are necessary to protect health, safety or welfare. Conditions may include but are not limited to the following:
   a. roadway and plat design modifications;
   b. utility design modifications;
   c. conditions deemed necessary to provide safeguards against documented geologic hazards;
   d. other conditions deemed necessary to implement the objectives of the Comprehensive Plan.

7. Effective Date. Unless the action of the Planning Director is appealed, the action shall be effective upon the expiration of the appeal period pursuant to Article 5.8. Following approval of a tentative plan, the applicant may proceed with preparation of any required construction drawings. Development as per the tentative plan may yet be subject to approval of the supplemental information as required by Section 6.5.250(5) and approval of construction drawings as required by Section 6.5.350. [OR-92-07-012PL]

8. Duration of Preliminary Subdivision Plan Approval
a. Approval of a preliminary subdivision plan shall be valid for twenty-four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase. Each phase shall be valid for an additional twenty-four (24) months from the date of approval of the preliminary plan. For example if there were three phases each phase has 24 months from the date of the decision of the prior phase (decision of the first phase was on 10/11/13 then phase two has until 10/11/15 and phase three would have until 10/11/17 to be completed). An applicant may choose to set a lesser time limit but this represents the maximum time allowed for phasing.

b. If any time limitation is exceeded, approval of the tentative plan, or of the phase of the preliminary tentative plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require new Administrative Action.

   a. An applicant may request an extension of the validity of a tentative land division plan approval or, if the preliminary plan provides for phased development, an extension of the validity of a tentative approval with respect to the phase the applicant is then developing. Such request shall be considered a Ministerial Action and shall be submitted to the Director, in writing, prior to expiration of such approval, stating the reason why an extension should be granted.
   b. The Director may grant an extension of up to twelve (12) months in the validity of a tentative plan approval or, if the tentative plan provides for phased development, an extension of up to twelve (12) months in the validity of a tentative plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.

SECTION 6.2.400 ACCESS IN CONJUNCTION WITH A LAND DIVISION:
All access shall conform with the provisions under Article 6.2 and Chapter VII.

SECTION 6.2.425 ROADS /STREETS/PEDESTRIAN WAYS:
The standards of Chapter VII shall apply.

SECTION 6.2.450 CONTROL STRIP:
The County may require the creation of a 1 (one) foot wide strip of land contiguous to a road, whereby such strip of land would be deeded to the County for the purpose of restricting access to said road from an adjacent lot or parcel. Control strips shall not be regarded as a lot or parcel but shall be platted. Control strips may be permitted for any of the following reasons:
1. To prevent access to abutting land at the end of a road right-of-way in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road;
2. To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed;
3. To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs are conveyed to the appropriate developer.
SECTION 6.2.475 ACCESS:
Each unit of land proposed to be created shall have access by way of a County road except as provided below:

1. Local Access Road: A unit of land created by subdivision or partitioning may have access by way of an existing local access road provided:
   a. The local access road was open to public use on January 1, 1986.
   b. Use of the local access road is not restricted by adopted policies of the Comprehensive Plan.
   c. The local access road is constructed to the private road standard contained in Article VII. However, if the road will, or could in the future, provide service to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the finished top surface width shall be a minimum of 18 feet and turnouts shall not be required.
   d. If the Approving Authority determines that the existing development pattern, topography, physical characteristics of the land, applicable land use regulations, or other circumstances affecting the area served by the local access road prevent the road from being used to provide access to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the Approving Authority may allow the local access road to be constructed to the same standards that are required for private roads, pursuant to Article VII.
   e. Additional right-of-way is provided along the frontage of the subject property when such is required to meet the minimum right-of-way requirements for a County road.
   f. The applicant agrees to participate in a private maintenance program for the local access road and executes any documents required by the Approving Authority to insure such participation.
   g. The applicant agrees to participate in any local improvement district which may be formed under ORS 371.605 to 371.660 or the Coos County Local Assessment Ordinance to improve the local access road to County Road standards. The applicant shall execute any documents required by the Approving Authority, including a waiver of remonstrance, to insure such participation.

2. In addition to the requirements above, approval of a subdivision served by a local access road shall require:
   a. All interior streets in the subdivision that require dedication shall be built to the County standard such that they may be incorporated into the County road maintenance system.
   b. The subdivision shall be subject to adequate restrictive covenants or other similar device which require interior streets to be maintained by lot owners in accordance with County standards. Such restrictive covenants shall be enforceable by the County.

3. Any access approval request under this section shall be reviewed to assure that no development occurs in known natural hazard areas without appropriate safeguards. The Planning Director or designee may condition its approval of a request on the provision of such safeguards, or otherwise condition approval of such requests to insure compatibility with the objectives of this ordinance, and the Coos County Comprehensive Plan.
SECTION 6.2.500 EASEMENTS:
Easements may include but are not limited to the following:
1. Private Road Access information is found in Chapter VII (Roads or Streets).
2. Utility Easements. Easements including but not limited to sewers, water mains and electrical lines shall be at least fifteen (15) feet wide, except for utility pole tieback easements which may be reduced to six (6) feet in width.
3. Pedestrian and Bicycle Ways. When necessary for public convenience, safety or if designated on an adopted County or State recreation or transportation system plan, the County Planning Director will require a developer of a subdivision, PUD, and office park complex to dedicate to the public, public access easements ten (10) feet in width. Said easements may be deemed necessary to provide access:
   a. through unusually long or oddly shaped lots or parcels;
   b. to schools, parks, or other public areas;
   c. for pedestrian travel adjacent to streets;
   d. to water bodies or other natural amenities;
   e. between streets or cul-de-sacs; or
   f. between office structures and through parking facilities.

SECTION 6.2.525 LOTS AND PARCELS:
1. Lot and parcel sizes shall meet the minimum lot sizes as established by the applicable zoning district.
2. Within an Urban Growth Boundary no lot area, yard, offstreet parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use, such as utility easements, access easements, road and street right-of-ways or septic drainfields.
3. Outside of the urban growth boundary no lot area, yard, offstreet parking and loading area or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use. This does not include utility easements, private road access easements or septic drainfields; but does include all public road and street right-of-ways.
4. Panhandle lots or parcels shall be an acceptable method of land division. More than two contiguous panhandles (as opposed to the panhandle “lots” themselves) shall not be permitted. Where two panhandles are contiguous, the County may require easements and construction of an access road. Panhandles are also referred to flag lots.
5. Dimensional Standards. The property will comply with development standards set out in the applicable zoning districts.

SECTION 6.2.550 IMPROVEMENT SPECIFICATIONS:
Improvements shall conform to the following standards:
1. Proof of an adequate supply of potable water. Water supply systems, both public and private, shall conform to the requirements of state law. Adequate water supply may be accomplished with storage tanks. Water requirement of Section 6.2.800(3)(0).
2. Sewage disposal systems, both public and private, shall conform to the requirements of state law.
3. Grading shall be performed and drainage facilities installed (i.e. French drains, catch basins, etc.) as is necessary to provide proper drainage within the partitioned area.

4. The installation of storm sewers may be required where necessary to insure proper drainage, to conform to an established or proposed drainage system or to eliminate threat to the public health and safety.

5. Streets or roads shall conform to the improvement standards stated in Chapter VII of this Ordinance. The county may deny, approve or approve with conditions a development proposal in order to minimize impacts to and protect transportation facilities. Any application that is expected to impact the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management and mobility standards.

6. Sidewalks of an all-weather material not less than five (5) feet in width, nor more than eight (8) feet in width shall be constructed as close to the center of pedestrian and bicycle ways as practical, when required.

7. Erosion prevention. When necessary to prevent erosion all cuts and fills and other graded areas shall be protected from erosion by appropriate seeding or planting of grass shrubs, trees or other soil stabilizing vegetation. (OR 98-12-009PL)

SECTION 6.2.575 LAND DIVISION TECHNICAL REVIEW COMMITTEE:

1. Establishment. The land division Technical Review Committee (TRC) is established to act in a technical review capacity for the Board of Commissioners, and is authorized to perform such functions as provided for in this Ordinance. The TRC shall meet within 30 days of the application being deemed complete. The TRC shall consist of the following members or their duly authorized representatives:
   a. Director or Planning Staff Member, who shall serve as Chair;
   b. Director – County Public Works (i.e., Roadmaster);
   c. County Surveyor;
   d. County Assessor;
   e. County Counsel;
   f. Health Department Staff (water and sanitation issues);
   g. County Planning Commission Chairman;
   h. Department of Environmental Quality (DEQ);
   i. Oregon Department of Transportation (if access is proposed from a state facility)
   j. Representative of Affected City (if located in an urban growth area); and
   k. Representative of Affected Special District.

2. Responsibility of TRC. The TRC shall examine all tentative (preliminary) partition plats, subdivision plats, and planned unit development plats, and assist the Planning Director in rendering a decision relating to the approval, conditional approval, or disapproval of said applications. In case of a variance request, the TRC shall form a committee recommendation to the Planning Director. The applicant shall be given notice of any TRC meeting pertaining to his or her request. In the event a committee member is unable to attend the meeting written comments should be made prior the meeting.
SECTION 6.2.600 PLANNED UNIT DEVELOPMENTS (PUD):
The provisions of this Article shall be known as the Planned Unit Development requirements and procedures. Its purpose is to set forth the objectives, principles, standards, and procedures to be used in developing a Planned Unit Development (PUD). The Planned Unit Development Article is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individualized site planning. It is intended to provide flexibility in the application of certain regulations in a manner consistent with the general intent and provisions of the Comprehensive Plan for Coos County, and this Ordinance, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility of surrounding areas and the creation of attractive, healthful, efficient and stable environments for living, shopping, recreation, or working.

Planned Unit Development, for purposes of this Article, is described as: an optional approach to community development which allows modification of more or less rigid setback, lot size specifications, and land use provisions of Chapter IV (Zoning) of this Ordinance, and instead establishes broad standards and goals to be followed, thus enabling and encouraging flexibility of design and development. Often based on the concept of cluster planning, it allows single-family houses and multiple-family dwellings of varying sizes, and appropriate institutional, and commercial uses to be built in the same development, thus inviting considerable variety in both tract and building design and uses, the possible retention of natural settings or community recreational areas, and reduced street and utility installation cost. Although the density of the total area remains consistent with that of conventional development, emphasis is placed on the relationship between buildings, uses, and open space, and the most efficient use of both natural and development resources, rather than planning on a lot-by-lot or building-by-building basis. All PUD proposals shall comply with ORS 94 and meet platting requirements set forth in this Article. If the there are four or more dwelling units then the subdivision requirements apply.

SECTION 6.2.625 PUD OBJECTIVES:
The general objectives of the Planned Unit Development are:
1. To encourage innovations and variety in the development or re-use of communities in the County;
2. To maximize choice in the type of environment available in Coos County;
3. To encourage a more efficient use of land and of public services and facilities;
4. To take advantage of and promote advances in technology, architectural design, and functional land use design;
5. To provide for the enhancement and preservation of property with unique features (i.e. historical, topographical, and natural landscape).
6. To simplify processing of development proposals for developers by providing for concurrent review of land use, subdivision, public improvements, and siting considerations;
7. To enable special problem areas or sites in the County to be developed or improved, in particular where these areas or sites are characterized by special features of geography, topography, size, shape, or historical legal non-conformance;
8. To provide an environment of stable character in harmony with surrounding development or use, or proposed development or use;
9. To permit flexibility of design that will create desirable public and private common open spaces, a variety in type, design, and layout of buildings, and utilize to the best possible extent the potentials of individual sites;  
10. To assist in reducing the public service costs of development.

SECTION 6.2.650 PUD USES:
The buildings and uses permitted in a Planned Unit Development shall be governed by the parent district, pertinent floating zones, and special considerations map restrictions. In addition to the uses permitted by the parent district, the following uses shall also be permitted:  
1. Multiple-family dwelling  
2. Two-family dwelling (Duplex)  
3. Low intensity recreation  
4. High intensity recreation  
5. Retail and service establishments that provide a convenience designed to primarily serve the residents of the PUD with goods and services, and not intended to serve a larger trade or service area.  
6. Accessory structures and uses to the extent necessary and normal to the uses permitted in this Section.

SECTION 6.2.675 LAND COVERAGE FOR PUD:  
1. In a Residential Planned Unit Development at least 40% of the gross land area, excluding existing and proposed parking and roads shall be devoted to open space and shall be designated as common property.  
2. The overall density of a Planned Unit Development shall not exceed the density of the parent zoning district, floating zone, or special consideration restrictions.  
3. The minimum lot area, width, depth, height and setback requirements of Chapter IV applicable to the zoning district in which the Planned Unit Development is proposed shall not dictate the strict guidelines for development within the Planned Unit Development and may therefore be waived. Individual buildings and accessory buildings, shall maintain the required parent district’s setback from all exterior plat boundary lines, so as to provide the minimum buffering deemed necessary to protect the integrity of adjacent properties.  
4. When Coos County determines that topographical or other existing barriers, or the design of the Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the Planned Unit Development, Coos County shall require that:  
   a. structures located near the perimeter of a Planned Unit Development are designed and located so as to protect the privacy and amenity of adjacent existing uses; and/or  
   b. a permanent screening be established either by appropriate structure or vegetation or both, along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses.  
5. The location, shape, size and character of required open space shall be consistent with the standards set forth below, and shall be maintained only for those uses so specified:  
   a. open space may be maintained for scenic, landscaping, outdoor recreational purposes, sound, solar availability or buffering;
b. open spaces shall be developed and improved to the extent that it will serve the purpose for which it is designated. Outdoor areas containing natural features, existing trees, and groundcover worthy of preservation may be left unimproved; and

c. any buildings, structures, and improvements within the open space shall be appropriate to the uses which are authorized for the open space and shall protect and enhance the integrity of the open space.

6. Maintenance of Common Open Space and Facilities. Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, Coos County shall require that an association of owners or tenants be created into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of Coos County. Said association shall be formed and continued for the purpose of maintaining such common open space and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended.

7. Dedication. Coos County may, as a condition of approval for any development, require that portions of the Planned Unit Development be set aside, improved, conveyed, or dedicated for the following uses:

   a. easements necessary to the orderly extension of public utilities;
   b. streets and pedestrian ways necessary to the proper development of either the Planned Unit Development and/or adjacent properties;
   c. recreational areas or open spaces suitable for the owners, residents, employees, or patrons of the Planned Unit Development of the general public.

8. Construction Standards. Except as expressly provided by this Article, the provisions of this Ordinance and all other County Ordinances and codes shall apply to and control all design and construction of improvements within a Planned Unit Development.

SECTION 6.2.700 RECREATIONAL PLANNED UNIT DEVELOPMENT:
The purpose of the Article is to set forth the objectives, principals, standards and procedures to be used in developing a Recreation Planned Unit Development (R-PUD). The R-PUD Article is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individualized site planning to fulfill an identified need for intense recreational opportunities. It is intended to provide flexibility in the application of certain regulations in a manner consistent with the general intent and provisions of the Comprehensive Plan for Coos County, and this Ordinance, thereby promoting a harmonious variety of residential and recreationally-related structures and uses. These may include tourist-oriented uses such as motels, restaurants, etc. All R-PUD proposals shall comply with ORS 94.

SECTION 6.2.725 OBJECTIVES OF R-PUD:
The general objectives of a Recreational Planned Unit Development are:

1. To encourage and provide for local recreational opportunities,
2. To encourage and provide significant diversification of the local economy by increasing the attraction of tourists to the County.
3. To provide incentives to stimulate the development of resort complexes; and
4. To provide complementary protection of significant open space and natural resource areas.
SECTION 6.2.750 R-PUD USES:
The buildings and uses permitted in a Recreational Planned Unit Development shall be governed by the parent district, pertinent floating zones and special considerations map restrictions. In addition to the uses permitted by the parent district, the following uses shall also be permitted:
1. Multiple-family dwellings;
2. Two-family dwellings (duplexes);
3. Low-intensity recreation facilities;
4. High-intensity recreation facilities;
5. Retail and service establishments not necessarily limited in scope to meet the needs of the R-PUD users; and
6. Accessory structures and uses to the extent necessary and normal to the uses permitted in this section.

SECTION 6.2.775 R-PUD DEVELOPMENT AND MAINTENANCE STANDARDS AND PRINCIPALS:
In lieu of the property development standards of the primary zone, the following standards shall apply to an R-PUD.
1. Minimum Sized Area for Developments. The minimum size for a tract of land to be developed as a R-PUD shall not be less than eighty (80) contiguous acres.
2. Land Coverage. In a R-PUD at least forty 40% of the gross land area, excluding existing and proposed parking and roads, shall be devoted to open space.
3. Density.
   a. Owner’s Primary Dwelling Unit. The overall density for “owners’ primary dwelling units” in a R-PUD shall not exceed the density permitted by the underlying zone or “special consideration” restrictions. For the purpose of an R-PUD, “owners’ primary dwelling unit” shall be defined as providing year-round occupancy for a single-family owner-occupied unit.
   b. Recreational Dwelling Unit. The overall numbers of permitted recreational dwelling units in a R-PUD shall not be less than the number of the “owners’ primary dwelling units”, nor shall the number of recreational dwelling units exceed the carrying capacity of the land, considering:
      i. Individual septic feasibility approvals for each dwelling unit; or approved public or community sanitary system;
      ii. Proof of an adequate supply of potable water pursuant to Sections 6.2.800(3)(o).

For the purpose of an R-PUD, “recreational dwelling unit” may be individually owned, and occupied year-round such as through time-sharing or other concepts, but shall be designed and generally used as “vacation homes” and “second homes” rather than as the owner’s primary dwelling.

Example 1: Given 100 acres:
- Permitted density: 1 density unit per 10 acres
- Carrying capacity = 100 units
Owner’s primary dwellings (OPDU) cannot exceed 10 units.
Recreational dwellings units (RDU) cannot exceed 100 minus (OPDU)
If the developer proposed 8 OPDU’s he may also be permitted to construct not less than 8 or more than 92 RDU’s.

Example 2: Given 100 acres:
Permitted density: 1 unit per 10 acres
Carrying Capacity = 12 units
OPDU cannot exceed 10 units.
RDU cannot exceed 12 minus (OPDU).

a. If the developer proposed 10 OPDU’s he could not have any RDU because the allowed RDU’s would be less than the number of OPDU’s. (Carrying capacity minus OPDU = RDU. RDU greater than or equal to OPDU therefore 12 minus 10 = 2. 2 is less than 10; result is NO RDU’s)
b. If the developer proposed 3 OPDU’s he may be permitted to construct no less than 3 nor more than 9 RDU’s. (Carrying capacity minus OPDU = RDU. RDU greater than or equal to OPDU therefore 12 minus 3 = 9. 9 is greater than 3; result is 9 RDU’s)

Example 3: Given 100 acres:
Permitted density = 1 unit per 10 acres
Carrying Capacity = 1 unit
Only one option exists: one OPDU.

4. Lot Area and Dimensional Standards: The minimum lot area, width, depth, height and setback requirements listed in, Chapter IV applicable to, the zoning district in which the Recreational Planned Unit Development is proposed may be waived. Individual buildings and accessory buildings shall maintain the required parent district’s setback from all exterior plat boundary lines, so as to provide the minimum buffering deemed necessary to protect the integrity of adjacent properties.

5. Perimeter Standards. When Coos County determines that topographical or other existing barriers, or the design of the Recreational Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the R-PUD, Coos County shall require that:
   a. structures located near the perimeter of a R-PUD are designed and located so as to protect the privacy and amenity of adjacent existing uses; or
   b. permanent screening be established either by appropriate structure or vegetation or both, along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses.

6. Open Space Standards. The required open space shall not be developed except for active and passive recreational activities, non-motorized vehicle or pedestrian trails, hazard control structures, and vegetative alteration such as golf courses and landscaped grounds. Clustering of intensive or build-up uses shall be encouraged to provide maximum retention of open space and to provide sufficient access to the recreational resource.

7. Maintenance of Common Open Space and Facilities. Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, Coos County shall require that an association of owners or tenants be created
into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of Coos County. Said association shall be formed and continued for the purpose of maintaining such common open space and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purpose intended.

8. Dedication: Coos County may, as a condition of approval for any development, require that portions of the Recreational Planned Unit Development be set aside, improved, conveyed, or dedicated for the following uses:
   a. easements necessary to the orderly extension of public utilities;
   b. streets and pedestrian ways necessary to the proper development of either the Recreational Planned Unit Development and/or adjacent properties;
   c. recreational areas or open spaces suitable for the owners, residents, employees, or patrons of the R-PUD or the general public.

9. Construction Standards: Except as expressly provided by this Article, the provisions of this Ordinance and all other County ordinances and codes shall apply to and control all design and construction of improvements within a R-PUD.

6.2.800 FINAL PLAT REGULATION AND REQUIREMENTS:
Action upon a final subdivision plat by the Director is a ministerial action and must be undertaken within thirty (30) days of receipt of the final plat.

1. Application for Final Subdivision and PUD Plat Approval
   a. Before expiration of the validity of the tentative plat approval, the applicant shall cause an Oregon registered professional land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.
   b. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, and other supporting documents as described in Subsections 2 to 6 of this section, and the appropriate fees as established by the Board.
   c. Construction Plans and Specifications:
      i. After approval of a tentative plan, and if the tentative plan includes the creation of access roadways, the applicant shall submit to the Planning Department five (5) copies of the following construction plans:
         1) Road or street profiles, cross-sections and drawings pursuant to Chapter VII. In lieu of cross-sections and profiles, the Roadmaster may field check the proposed road and if the subject topography does not warrant the requirement of cross-sections and profiles such requirements may be waived by the Roadmaster; and
         2) Applicable specifications for required utilities, road, streets, bike paths, parking and monumentation, provided the applicant intends to bond for said improvements.
      ii. It shall be the responsibility of the County Road Department to review the drawings and submittals relevant to road or street and utility construction. The Road Department shall also be responsible for reviewing the specifications pertaining to roads or streets and utilities pursuant to bonding.

   It shall be the responsibility of the County Surveyor to review the drawings
and submittals relevant to surveying. The Surveyor shall also be responsible for reviewing the specifications pertaining to surveying and monumentation pursuant to bonding.

The County Roadmaster and County Surveyor shall within twenty (20) days after receipt of the construction drawings return the completed approval form to the Planning Director. If all approval forms are positive, the Planning Director shall approve the construction drawings.

If any approval form is negative or with conditions, the applicant shall if necessary resubmit new construction drawings revised to correct any discrepancies. Upon approval of the construction drawings, the Planning Director shall within five (5) days of approval notify the applicant, County Roadmaster and County Surveyor.

iii. Following approval of the construction drawings, the applicant may proceed with bounding or other security arrangements or construction of improvements and monumentation. Any construction of further site work shall be in conformance with the approved construction drawings and specifications. A sample bond can be found at the end of this Article for land divisions (Figure 6.2).

d. Before the final plat may be approved, the subdivider shall either:
   i. Install required monumentation, improvements and repair existing streets and other public facilities damaged in construction of the subdivision or partition;
   ii. Execute and file with the County Surveyor or Roadmaster an agreement between the applicant and the County. Interior Monuments: If the corners of partition or subdivision are to be monumented on or before a specified date after the recording of the plat, a bond, surety, cash or other security deposit at the option of the Surveyor shall be furnished prior to the recording of the plat. The estimated cost of performing the work shall be prepared by the surveyor or engineer performing the work on the described plat and shall be approved by the County Surveyor. When the subdivider wishes to bond for improvements and post-monumentation of the plat, the following notes and calculations will be submitted with the plat in addition to those listed in Section 8.1.400 (Survey Calculations)
      iii. copies of all original field notes made in connection with the survey of the plat; or
      iv. calculation sheets for:
          1) bearings;
          2) bearings adjustments;
          3) traverse;
          4) traverse adjustment;
   e. All other calculations made in connection with the survey of the subdivision.
   f. Bonding for roads can be found in Chapter VII.
2. Final Plat Requirements.
   a. The final plat shall be prepared in conformance with all provisions of §6.2.800.
   b. Prior to submission for final approval, the final plat shall be signed by all persons who own land in the subdivision or partition and the mortgagees, or by their authorized representatives or any titleholder. The plat shall bear the signature and seal of the registered professional land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be in archival quality black ink.
   c. All plats shall be drawn using archival quality black ink, approved by the County Surveyor, on archival quality drafting material. One shall be 18 inches by 24 inches (Clerk’s office) and one shall be 18 inches by 27 inches with the 3 inch extension on the left that is suitable for binding purposes (Surveyor’s office). The quality of said drafting material and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one inch and no nearer the left or binding edge than four inches.
   d. The plat shall be drawn to a typical engineer scale (example 1” = 50’). Any deviation from this scale shall be allowed only with the approval of the County Surveyor.

3. Information required in the Final Subdivision and PUD Plats shall include the final plat and supporting documents. Final plats shall otherwise comply with ORS 209.250.
   a. Name of Subdivision or PUD;
   b. North arrow, scale and date the plat was prepared;
   c. Legal description of the boundaries, area of the lots in acres, and the location of the subdivision by one-fourth section and Township and Range;
   d. Names and addresses of the subdivider, owner, mortgagee, if any, and the person preparing the plat;
   e. Lot boundary lines and street right-of-way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest second with basis of bearings;
   f. Each street shall be named and shown. The plat shall also show the names and width of the portion of streets subject to an offer to sell, dedication or offer to dedicate, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition the center line dimensions, the radius and central angle shall be indicated, length of curve, chord bearing and distance;
   g. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
   h. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision;

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i. Lot numbers shall be consecutively starting with number “1”;
j. Zoning classification of the property within the subdivision or PUD;
k. The course of all lines traced or established, giving the basis of bearing and the
distance and course to a section corner, one-quarter corner, one-sixteenth corner,
donation land claim corner in Township and Range, a lot corner of a recorded
subdivision, a boundary corner of a PUD, or a parcel corner of a recorded
partition;
l. Space for date and signature of the County officials;
m. Any conditions specified by the Approving Authority upon granting preliminary
approval;
n. For urban development, proof that sewer service is available to each lot in the
subdivision and installed according to the specifications of the sewer service
provider;
o. All lots shall be served from an established public or private water system or
private source with the water available at each lot prior to recording the plat. The
water quality shall be in accordance with the requirements of the Oregon Health
Division, the Oregon Water Resources Department, and the Oregon Department
of Environmental Quality.

If this is not a serial partition then the Planning Director, Planning Commission or
Board of Commissioners can waive this requirement. In the case of a waiver proof
needs to be provided that water could be provided in the future. Acceptable
information may be well logs for the area.

When the water supply is distributed through a community system the proposed
method of assuring the continued maintenance of the water system shall be
provided.

If a waiver is granted the following statement shall be shown on the plat:
a statement that no domestic water supply facility will be provided to the
purchaser of any lot or parcel depicted in the proposed land division, even though
a domestic water supply source may exist. This statement must be shown on the
face of the final plat.

It is the responsibility of the applicant to deliver a copy of the statement to each
prospective purchaser of a lot or parcel depicted in the land division pursuant to
ORS 92.090(4)(c).

If the waiver is not being applied for then an applicant shall submit and comply
with one of the following options:
i. A certification by a city-owned domestic water supply system or by the owner
of a privately owned domestic water supply system that water will be
available to the lot line of each and every lot or parcel depicted in the
proposed land division;

ii. Where the proposed source of water is by individual or community wells,
proof of an adequate supply of potable water for all anticipated needs of the
platted area shall be presented. Proof of an adequate supply of potable water may consist of:

a. Test wells, must have at least one well per five lots or parcels, or, in the case of lots or parcels averaging less than two acres, one well per ten acres. The test wells shall produce at least 1,000 gallons per day for two consecutive days for each proposed single-family residential site; and

b. A hydrology report documenting the availability of potable water by describing the average depth, yield and quality and by giving a general history of wells in the area.

iv. Where the proposed source of water is by a spring, creek, stream, pond, lake or other natural or man-made surface water impoundment, the following information shall be provided:

a. Certificate of the water as potable by the County Health Department, appropriate state agency or by an approved private laboratory.

b. Whether the source will be distributed through a community water system or through individual delivery systems;

c. Whether water rights exist to the supply and, if so, the names of persons holding such rights and amounts allotted to each;

d. The location of the sources of water supply;

e. The year-round or seasonal nature of the water supply;

f. Proof of an adequate water supply for all anticipated needs of the proposed development.

v. Storage tanks can be used to serve individual lots or parcels if needed. The tank needs to be a minimum of 1200 gallons to server one single family dwelling.

p. Provide written evidence that an on-site septic system(s) that is intended to remain in use after final approval was authorized by an approving authority; or, if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system(s) to be properly functioning and meets the requirements in OAR 340-071-0000. In any case, it must be shown that the existing septic system(s) is either located entirely on the same lot containing an existing dwelling, or that proper easements are provided to allow the continued use and maintenance of the system(s);

q. A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Coos County;

r. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page(s) of recording with Coos County;

s. A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval;

t. A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat;

u. A certificate signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the
approval of the tentative plan;
v. A narrative per ORS 209.250(2);
w. Planning Department file number;
x. If the property is wholly or partially within the boundaries of an irrigation district, drainage district, water control district, water improvement district, or district improvement company, then a certification from the district or company must be received by the County which states that the subdivision is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision to the fees and other charges of the district or company;

4. Information Required in the Final Partition Plat. The following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with ORS 209.250:
   a. Location of the parcel by one-fourth section, Township and Range;
   b. Names and addresses of the partitioner, owner, mortgagee, if any, and the registered professional land surveyor preparing the map;
   c. North arrow, scale, and date submitted;
   d. The names of any streets intersecting or within the parcels;
   e. All easements provided for public services, utilities, or access must be shown on the face of the partition plat using bearings, distances and dimensions or a legal description and any limitations of the easements. If it is a preexisting easement or if the easement has been filed with the County Clerk prior to the final approval of the land partition, then the Recorder's number shall appear on the face of the partition plat;
   f. Zoning classification and Comprehensive Plan designation;
   g. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner or Donation Land Claim corner in Township and Range, a lot corner of a recorded subdivision, a boundary corner of a condominium, or a parcel corner of a recorded partition;
   h. A surveyor's affidavit and written legal description of the boundary of all land contained in the land partition. Each parcel shall be identified with a parcel designation;
   i. Space for date and signatures of the following officials for the final partition plat:
      i. Director;
      ii. County Surveyor; and
      iii. County Tax Collector/Assessor in accordance with ORS 92.095;
   j. Narrative per ORS 209.250;
   k. Any additional information made a condition of approval of the tentative plan.
   l. When parcels are not required to be monumented or surveyed, a schematic diagram shall be included on the face of the final partition plat showing the exterior boundaries of all parcels and their relationship with the parcel(s) requiring monumentation and surveying;
   m. Unsurveyed parcels shall have the term "unsurveyed" in bold letters adjacent to the parcel number; and
5. Survey Requirements for all final plats:
   a. Survey Accuracy:
      i. The survey for the plat shall be done in a manner to achieve such accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater;
      ii. The survey for the plat shall be of such accuracy that the error of closure shall not exceed 1 foot in 10,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor; and
      iii. The dimensions shown on the plat shall be of such accuracy that the error of closure of any portion shall not exceed 1 foot in 10,000 feet.
   b. Measurements: The plat shall contain the following measurements:
      i. The boundary lines with distances and bearing the exact location and width of existing or recorded streets intersecting the boundary; and
      ii. The central angle, radius, length and bearing, and distance of the long chord; and
      iii. Bearing and distance for all tangents; and
      iv. Lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines; and
      v. The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet; and
      vi. All bearings or measured angles and distances separately indicated from those of record; and
      vii. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found. Any additional information shall be typed or printed in narrative form.
   c. Monuments:
      i. The plat shall contain the location, material, and size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the written approval of the County Surveyor. All monuments on the exterior boundaries of a subdivision shall be set where changes in the direction of the boundary occur and referenced on the plat before the plat is offered for approval. The remaining monuments need not be set prior to the approval of the plat. Special symbols shall be used to designate and describe points where the remaining monuments will be set;
      ii. Monuments shall meet the specifications of the County Surveyor and shall be no less than those required by ORS 92.060;
      iii. Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within one ten-thousandth of the distance shown on the subdivision plat, whichever is greater;
      iv. If the remaining monuments are not set prior to the approval of the plat:
         1) The person performing the survey work shall, by affidavit, on the
plat, certify that the interior monuments will be set by a date specified by him or her, such a date not exceeding one year from the date of submission of the plat for approval. The County Surveyor may extend the one year period and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Director;

2) The subdivider shall furnish to the Coos County Surveyor's Office a bond, cash deposit, or other security at the option of the Coos County Surveyor's Office in the amount equal to not more than 120% of the cost to perform the work for the remaining monumentation;

3) Upon completion of the remaining monumentation, the person performing the survey shall notify the County Surveyor within five (5) days;

4) The County Surveyor shall check the remaining monumentation, and, if the conditions required on the tentative plan have been complied with, he or she shall so certify on the subdivision plat in the Clerk's Office and the exact copy filed in the County Surveyor's Office;

5) The person performing the survey work shall certify by affidavit on the plat that he has correctly surveyed and marked with proper monuments the land as represented.

v. Flood Plain Monumentation for Subdivision, PUD and Partitions. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:

1) A standard Bench Mark shall be a minimum of 36" in depth and 8" in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least 30" in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher;

2) The Bench Mark location shall be indicated on the face of the Plat or Final Survey Map along with its name and elevation and the name, year, and elevation of the Bench Mark upon which the elevation is based;

3) The level notes or a copy thereof shall be filed with the final map. Any exceptions shall be allowed only with the approval of the County Surveyor.

d. Field notes and closure copies to County Surveyor:

   i. Copies of all lot closures and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.

   ii. If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his request.

e. County Surveyor Fees: The subdivider shall pay a fee to the County Surveyor as
provided in ORS 92.100(2). If the interior monuments are not set prior to the approval of the plat, the subdivider shall pay an additional fee to the County Surveyor equal to 50% of that fee provided in ORS 92.100(2), to cover the second field check as provided in post monumentation. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

6. Agreement for Improvements
   a. Before approval of the final subdivision plat, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the County an agreement between himself or herself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant;
   b. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for ministerial action. Such extension shall be approved only if changed conditions for which the applicant is not responsible and has made it impossible to fulfill the agreement within the original time limit(s).

7. Performance Bond
   a. To assure full performance of the improvement agreement, an applicant shall provide one of the following:
      i. a surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the County Counsel; or
      ii. cash deposit with the County Treasurer; or
      iii. certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the Roadmaster. The bank certification or letter of assurance shall be approved by the County Counsel; or
      iv. cash deposit with an escrow agent authorized to transact business in the State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the Roadmaster. Escrow instructions shall be approved by the County Counsel.
   b. Such assurance of full and faithful performance shall be for a sum determined by the Roadmaster to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plat, including related engineering, and may include an additional percentage as determined by the Roadmaster to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project;
   c. If the applicant fails to carry out provisions of the improvement agreement and the County has unreimbursed costs or expenses resulting from such failure, the
County shall call on the bond, cash deposit, certification or letter of assurance or escrow deposit for reimbursement. If the amount of the bond, cash deposit, certification or letter of assurance or escrow deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond, cash deposit, certification or letter of assurance or escrow deposit is less than the cost and expense incurred, the applicant shall be liable to the County for the difference.

8. Development Phasing: If the preliminary subdivision plan approval pursuant to §6.3.100 of this ordinance provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in Subsections 1 through 6 of this section, for that phase only.

9. Standards for Final Subdivision Plat Approval
   a. The Director shall grant final subdivision plat approval if it is determined that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined by this ordinance;
   b. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan;
   c. Approval of a final plat by the Approving Authority shall constitute an acceptance by the public of the dedication of any street shown on the plat. Acceptance of a street by approval of the final plat shall not constitute an acceptance to maintain the street. Acceptance for maintenance of any street by virtue of approval of the final plat shall be by a separate process of petitioning the Board for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes;
   d. The granting of approval, or withholding approval, or a determination of conformance with the preliminary approval of a final subdivision plat is not a land use decision or a limited land use decision, as defined in ORS 197.015;
   e. Information or requirements, shown either graphically or by notation, which may be subject to administrative change or variance, may be placed on a plat with authorization from the County Surveyor.

10. Filing and Recording of Final Plat:
    a. After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials, in the order listed:
       i. Director, on behalf of the Planning Department;
       ii. Board of Commissioners if there any dedications;
       iii. Assessor in accordance with the provisions of ORS 92.095; and
       iv. Surveyor, in accordance with the provisions of ORS 92.100.
    b. The final plat shall be recorded within thirty (30) days of the date received unless there are corrections needed;
    c. The original plat may not be corrected or changed after it is recorded with the County Clerk.
SECTION 6.2.825 REQUIRED DECLARATION OF PARTITION:

After final approval of any partition plat creating unsurveyed partitioned parcels, the partitioner shall cause to be recorded in the County deed records a “Declaration of Partition” which shall be numbered as required under ORS 92.120(2) and shall include:

1. The declaration described in ORS 92.075(1) to (3);
2. A description of each parcel being created, prepared by a registered professional land surveyor together with the seal, signature, and address of the registered professional land surveyor;
3. Evidence of any approval required by this Ordinance;
4. The County Surveyor shall review the “Declaration of Partition” to determine that the “Declaration of Partition” complies with the provisions of this Section and other applicable laws and with the partition requirements established by this Ordinance. [OR-93-12-017PL 2/23/94]
Figure 6.2
Estimate of Cost for the Construction of Streets, Structures, Monumentation and other Improvements

DATE:______________________

Coos County Board of Commissioners
Coos County Courthouse
Coquille, OR 97423

RE:   (Exact Land Developments Name)

Township ______   Range _______  Section__________   Tax Lot(s) ___________________

Dear ______________:

Herewith is an estimate of cost for the improvements within the development for the purpose of obtaining a performance bond, said improvements to be constructed in accordance with the approved plans and specifications for said development on file with the Coos County Planning Department.

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Sub Total $_________

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ARTICLE 6.3 PROPERTY LINE ADJUSTMENTS

SECTION 6.3.100 PROPERTY LINE ADJUSTMENTS:
As set forth in ORS 92.190(3), the common boundary line between lots or parcels may be adjusted in accordance with this section without the replatting procedures in ORS 92.180 and 92.185 or the vacation procedures in ORS Ch. 368. Once a lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The Director has authority to approve a line adjustment as a Ministerial Action.

SECTION 6.3.125 PROCEDURE:
1. An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:
   a. Reason for the line adjustment;
   b. Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways;
   c. A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten (10) feet of the proposed adjusted line;
   d. A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable.
2. A line adjustment is permitted only where an additional unit of land is not created and where the lot or parcel reduced in size by the adjustment complies with the requirements of the applicable zone except that a line adjustment for the purpose of exchange or transfer of land between resource land owners shall be allowed so long as:
   a. No parcel is reduced in size contrary to a condition under which it was formed;
   b. The resulting parcel sizes do not change the existing land use pattern (e.g. two conforming parcels must remain conforming; and
   c. Two non-conforming parcels may remain non-conforming; and, two parcels, one conforming and one non-conforming, may remain as such regardless of which parcel is non-conforming after the exchange or transfer).
3. An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment.
4. A line adjustment for a lot or parcel that is less than the minimum lot size before the
adjustment and further reduced as a result of the adjustment is permissible provided the applicant submits either:

a. Proof that, for the lot or parcel reduced in size, sewage disposal is provided by either a publicly owned sewage disposal system, or a privately owned sewage disposal system regulated by the Public Utility Commission of Oregon; or

b. Written evidence, for the lot or parcel reduced in size, that an on-site septic system that is intended to remain in use after final approval was authorized by an approving authority, or if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system to be properly functioning, and that the existing septic system is either located entirely on the same lot or parcel containing an existing dwelling, or that a proper easement is provided to allow the continued use and maintenance of the system; or

c. Documentation, for a vacant lot or parcel reduced to less than one (1) acre, that the Department of Environmental Quality has approved the method of sewage disposal. Unless circumstances warrant otherwise (public services), parcels that are greater than one (1) acre shall not be subject to a septic system evaluation in the line adjustment process.

5. In resource lands, a unit of land containing a dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling.

a. A resource unit of land less than 160 acres and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;

b. A resource unit of land 160 acres or greater and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted below 160 acres with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;

c. A resource unit of land 160 acres or greater and containing a dwelling approved as a 160-acre dwelling, or approved for construction of a 160-acre dwelling, cannot be reduced below 160 acres for the purpose of qualifying the vacant unit for a 160-acre dwelling.

6. Same Designation: A line adjustment shall only be permitted where the sale or transfer of ownership is made between abutting owners of like designated lands, residential lands, commercial lands, industrial lands, and resource lands, unless an existing structure encroaches over an existing property boundary or the boundary line adjustment is required to comply with requirements of the State Department of Environmental Quality for a subsurface sewage system.

SECTION 6.3.150 EASEMENTS AND ACCESS:
A line adjustment shall have no affect on existing easements or access. Access shall not be eliminated through a property line adjustment process. If an access is potentially affected then an easement may be created for access to comply with this criterion.

SECTION 6.3.175 MAPPING AND FILING REQUIREMENTS:
1. Map and Monuments Required:
   a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared;
   b. The survey map shall show all structures within ten (10) feet of the adjusted line;  
   c. The survey shall establish monuments to mark the adjusted line.

2. Approval and Filing Requirements:
   a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved;
   b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted;
   c. Once endorsed by the Director, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map;
   d. A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk;
   e. If a survey is required, the Deed shall be recorded and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Coos County Planning Director shall be submitted to the County Surveyor along with the required filing fee. The survey map will be given a filing number which will be added to the Property Line Adjustment deed. The deed will then be recorded whereupon the recording number for said deed will be added to the face of the survey map. Said map will then be filed with the County Surveyor, completing the process.
Proposed Article 6.1 Lawfully Created Lots and Parcels replaces language in § 3.3.800.

Current Language that will be replaced, removed or reformatted.

SECTION 3.3.800. Lawfully Created Lots and Parcels. The following lots or parcels shall remain discrete lots or parcels, unless individual lot or parcel lines are changed or vacated or the individual lot or parcel is further divided as provided by this Ordinance:

1. Lots or parcels created prior to January 1, 1986; or
2. All lots or parcels lawfully created after January 1, 1986. (OR-00-05-014PL)
3. Separate tax lot or tax account numbers do not in themselves divide property into separate discrete lots or parcels.
4. Mortgages, trust deeds, or liens do not divide property.
5. Deeds for lawfully created lots or parcels not in the “same ownership” do divide property. “Same ownership” shall include land deeded to the same persons (initials are considered the same full names).

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<th>OWNERS OF CONTIGUOUS PROPERTY “B”</th>
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</tr>
<tr>
<td>J. Adam Doe</td>
<td>John A. Doe</td>
<td>No</td>
</tr>
<tr>
<td>John &amp; Mary Doe</td>
<td>J.A. &amp; M.S. Doe</td>
<td>No</td>
</tr>
<tr>
<td>John A. Doe</td>
<td>Mary S. Doe</td>
<td>Yes</td>
</tr>
<tr>
<td>John &amp; Mary Doe</td>
<td>M.S. Doe</td>
<td>Yes</td>
</tr>
</tbody>
</table>

6. Land sales contracts and trust deeds do divide property if there are no applicable planning, zoning or partitioning ordinances or regulations.
7. The presence of public road easements or public road dedications do not of themselves divide property into separate discrete lots or parcels. (OR 93-02-001PL 3-31-93)
8. Submerged lands claimed by the state in fee and other intervening ownerships, do divide property into separate discrete lots or parcels.
9. Private road easements do not divide property.
Proposed Article 6.2 Land Divisions replaces Articles 6.1, 6.2, 6.3(Reserved) 6.4, and 6.5. This Proposed revision includes Article 6.6 and 6.7 but they have not been changed just renumbered. The current language has been provided below so that you can compare to the proposed language.

Current Language that will be replaced, removed or reformatted.

ARTICLE 6.1 GENERAL PROVISIONS, ENFORCEMENT

SECTION 6.1.100. General Purpose. The general purpose of this Chapter is to prescribe the form and content of subdivision plats and partition plats (minor and majors) and the procedures to be followed in their development and approval and to designate those authorized to give such approval; to establish the minimum requirements and standards necessary for efficient, safe, and attractive subdivisions and partitions consistent with the natural resources of the County; and to provide penalties for violations. It is intended that this Chapter be consistent with ORS Chapters 92 and 215.

It is further the intent of this Chapter:

1. To ensure that land be subdivided or partitioned in a manner which will promote the public health, safety, convenience, and general welfare.
2. To aid in the implementation of the Coos County Comprehensive Plan.
3. To protect the natural assets of the County by providing the means for encouraging orderly developments by relating the number, design, and distribution of lots or parcels to existing topographical, ecological, hydrological, and other natural conditions.
4. To minimize through proper design and layout, the danger to life and property by the hazards of fire, flood, water pollution, soil erosion and land slippage.
5. To ensure that proper consideration are given for adequate light and air, and prevention of overcrowding of land.
6. To provide lots, parcels, and development sites of sufficient size and appropriate shape and character for the purpose for which they are to be used.
7. To provide for adequate water supply, sewage disposal, storm drainage, and other utilities needed for public health, safety, and welfare.
8. To provide adequate provisions for transportation designed to handle the anticipated usage and to ensure that they minimize safety hazards and adverse impact on the neighboring area.
9. To ensure that the costs of providing rights-of-way and improvements for vehicular and pedestrian traffic, utilities, and public areas serving new developments be borne by the benefited persons rather than by the people of the County at large.
10. To encourage new concepts and innovations in the arrangement of building sites, lots, and parcels within divisions by means of a Planned Unit Development or clustering. Deviations from the traditional approaches of dividing lands may be considered for approval when such deviations will facilitate the ultimate development of the land in a unique manner that will be compatible with the purpose of this Chapter.

SECTION 6.1.200. Approval of Partitions, PUD’s and Subdivisions Required.
1. No person shall divide land, except after approval of such division pursuant to this Chapter.
2. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition or declaration of partition described in Section 6.4.450 has been acknowledged and recorded with the recording officer of Coos County.
   a. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.
   b. A person may negotiate to sell any parcel in a partition prior to the approval of the tentative plan.
   c. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition, a person may use the approved tentative plan for such subdivision or partition. [OR-92-07-012PL]

3. No person shall create a road or street for the purpose of land division without the approval of the County.
4. Coos County shall refrain from issuing any permit or approval for any application other than approval pursuant to this Section, including building permits or verification letters for any parcel of land not complying with this Section. [OR-93-12-017PL  2/23/94]

SECTION 6.1.300. Inter-relationship with Other County Ordinances, Codes, Orders and Policies.

1. Comprehensive Plan. All land divisions shall be in conformity with the Coos County Comprehensive Plan.
2. Coos County Zoning and Land Development Ordinance. All land divisions shall conform to all applicable requirements of this ordinance.
3. Whenever any department of the County finds that the provisions of a Chapter have apparently been or may be violated by any person, the director of said department shall report such finding to the Planning Department Director for investigation and enforcement.
4. (RESERVED)
5. Under no circumstances shall Coos County be responsible for the administration of city codes on specific properties after annexation.
6. (RESERVED)

SECTION 6.1.350. (RESERVED)

SECTION 6.1.400. Application for Land Divisions.

1. Applications: All applications for land divisions shall be submitted to the Planning Department as required by this Chapter.

SECTION 6.1.500. Amendment of Subdivision Plat or Partition Plat.

1. Any plat of a subdivision or partition filed and recorded under provisions of ORS 92.018 to 92.190 may be amended by an affidavit of correction:
   a. To show any courses or distances omitted from the subdivision or partition plat;
b. To correct an error in any courses or distances shown on the subdivision or partition plat;
c. To correct an error in the description of the real property shown on the subdivision or partition plat; or
d. To correct any other errors or omissions where the error or omission is ascertainable from
   the data shown on the final subdivision or partition plat as recorded.

2. Nothing in this Section shall be construed to permit changes in courses or distances for the
   purpose of redesigning lot or parcel configurations.

3. The affidavit of correction shall be prepared by the registered professional land surveyor who
   filed the plat of the subdivision or partition. In the event of the death, disability, or
   retirement from practice of the surveyor who filed the subdivision or partition plat, the
   County Surveyor may prepare the affidavit of correction. The affidavit shall set forth in
detail the corrections made and show the names of the present fee owners of the property
   materially affected by the correction. The seal and signature of the registered professional
   land surveyor making the correction shall be affixed to the affidavit of correction.

4. The County Surveyor shall certify that the affidavit of correction has been examined and that
   the changes shown on the certificate are permitted under this Section.

5. The surveyor who prepared the affidavit of correction shall cause the affidavit to be recorded
   in the office of the County Recorder where the subdivision or partition plat is recorded. The
   County Clerk shall promptly provide a recorded copy of the affidavit to the County Surveyor.
   The County Surveyor shall note the correction and the recorder’s filing information with
   permanent red ink, upon the original subdivision or partition plat and upon any true and exact
   copies filed in accordance with ORS 92.1203. The corrections and filing information shall
   be marked in such a manner so as not to obliterate any portion of the subdivision or partition
   plat.

6. For recording the affidavit in the County deed records, the County Clerk shall collect a fee
   set by the County governing body. The County Clerk also shall collect a fee set by the
   County governing body to be paid to the County Surveyor for services provided under this
   Section.

SECTION 6.1.550. Replatting: The act of replatting shall allow the reconfiguration of lots
   and public easements within a recorded plat. Upon approval by Coos County, pursuant to the
   process prescribed in Article 6.5, replats will act to vacate the platted lots, parcels, and easements
   within the replat areas with the following conditions:
   1. A replat, as defined in Section 2.1.200 shall apply only to a recorded plat.
   2. When the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225,
      Coos County shall notify in writing each owner of record (of land described in the plat) not
      later than 30 days before the date of a hearing to determine whether the undeveloped
      subdivision should be replatted.
   3. Notice, consistent with County approval of a tentative plan of a subdivision plat or partition
      plat, shall be provided by Coos County to the owners of property adjacent to the exterior
      boundaries of the tentative replat.
   4. When a utility easement is proposed to be realigned, reduced in width, or omitted by a
      tentative replat approval, all affected utility companies or public agencies shall be notified,
      consistent with notice to owners of property contiguous to the tentative plat.
   5. A replat shall comply with all applicable subdivision and partition plat provisions of this
      Ordinance.
ARTICLE 6.2 DESIGN AND DEVELOPMENT STANDARDS

SECTION 6.2.100. Purpose. All land divisions shall conform to the design and development standards specified in the following sections. The standards so specified shall be considered as the minimum appropriate for land division, partition, PUD or subdivision development and are not intended to limit the developer from using higher standards of design and development.

SECTION 6.2.150. Roads or Streets. The standards of Chapter VII shall apply.

SECTION 6.2.200. Control Strip. The County may require, or at the request of the developer, the creation of a 1 (one) foot wide strip of land contiguous to a road, whereby such strip of land would be deeded to the County for the purpose of restricting access to said road from an adjacent lot or parcel. Control strips shall not be regarded as a lot or parcel. Control strips may be permitted for any of the following reasons:
1. to prevent access to abutting land at the end of a road right-of-way in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road;
2. to prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed;
3. to prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs are conveyed to the appropriate developer.

SECTION 6.2.250. Access.
1. The development of land shall be such as to provide each lot or parcel with one of the following alternative means of access:
   a. a lot or parcel shall abut upon a public street, other than an alley; or
   b. a lot or parcel shall abut upon a private easement (restricted agricultural, mining, and forestry easements may be used for land divisions, but not for siting dwellings and other development uses); or
2. Any access approval request under this section shall be reviewed to assure that no development occurs in known natural hazard areas without appropriate safeguards. The Planning Director or designee may condition its approval of a request on the provision of such safeguards, or otherwise condition approval of such requests to insure compatibility with the objectives of this ordinance, and the Coos County Comprehensive Plan.
3. Any land division that involves the creation of a public or private road or street or “foot access” will require a partition, planned community or subdivision approval. [OR-92-07-012PL]
4. All private road right-of-way easements shall be part of a lot, parcel or designated common areas. The area within the private easement can only be considered as part of a required minimum lot size pursuant to Section 3.3.500.
5. As used in this section, the following definitions shall apply:
   a. “foot access” means a private way, other than a street or road, legally created to provide access across the entire parcel or lot of land lying within the shoreland boundary from a
waterbody to an “upland” lot or parcel which shall abut the coastal shoreland boundary. Said access shall terminate at the shoreland boundary and shall have an improved permeable surface as deemed appropriate by the Coos County Roadmaster (i.e. sand, gravel, etc.)

b. “upland lot or parcel” means a lot or parcel not abutting a waterway and partially or totally outside a coastal shoreland boundary.

SECTION 6.2.300. **Easements.** Easements may include but are not limited to the following:

1. **Private Road Access.** Pursuant to Chapter VII (Roads or Streets).
2. **Utility Easements.** Easements including but not limited to sewers, water mains and electrical lines shall be at least 15 feet wide, except for utility pole tieback easements which may be reduced to 6 feet in width.
3. **Pedestrian and Bicycle Ways.** When necessary for public convenience, safety or if designated on an adopted County or State recreation or transportation system plan, the County Planning Director will require a developer of a subdivision, PUD, and office park complex to dedicate to the public, public access easements 10 feet in width. Said easements may be deemed necessary to provide access:
   a. through unusually long or oddly shaped lots or parcels; or
   b. to schools, parks, or other public areas; or
   c. for pedestrian travel adjacent to streets; or
   d. to water bodies or other natural amenities; or
   e. between streets or cul-de-sacs; or
   f. between office structures and through parking facilities.

4. **Slope Easements.** Necessary when right-of-way slope construction extends outside of the normal right-of-way.

SECTION 6.2.350. **Lots and Parcels.**

1. Lot and parcel sizes shall meet the minimum lot sizes as established by the applicable zoning district (also see Section 3.3.500 maintenance of minimum requirements).
2. Panhandle lots or parcels shall be an acceptable method of land division. More than two contiguous panhandles (as opposed to the panhandle “lots” themselves) shall not be permitted. Where two panhandles are contiguous, the County may require easements and construction of an access road.

**EXAMPLE:**
3. Dimensional Standards.
   a. Minimum access frontage for any lot or parcel shall be fifty feet (50’).
   b. Minimum panhandle width for any lot or parcel shall be 20 feet (20’).
4. Side lot and parcel lines shall be avoided, except when needed to overcome specific disadvantages of topography and orientation.
5. Double frontage lots or parcels shall be avoided, except when needed to overcome specific disadvantages of topography and orientation.
6. Lot and parcel size, width, shape and orientation shall be appropriate for the location of the property being developed, the topography and the type of development and use proposed as determined by the County Surveyor.
7. Lots or parcels shall not be unreasonably shaped or laid out, or the lots or parcels shall not violate or destroy the lay of the land contrary to the provisions of this ordinance.
8. Within UGB’s only, lot, tract, or parcel width shall be at least 25% of the depth, and not less than otherwise required by this ordinance.

SECTION 6.2.400. Improvement Specifications. Improvements shall conform to the following standards:
1. Water supply systems, both public and private, shall conform to the requirements of state law.
2. Sewage disposal systems, both public and private, shall conform to the requirements of state law.
3. Grading shall be performed and drainage facilities installed (i.e. French drains, catch basins, etc.) as is necessary to provide proper drainage within the partitioned area.
4. The Hearings Body may require the installation of storm sewers where necessary to insure proper drainage, to conform with an established or proposed drainage system or to eliminate threat to the public health and safety.
5. Streets or roads shall conform to the improvement standards stated in Chapter VII of this Ordinance.
   “(5.5) For developments affecting State road facilities by more than 300 trips per day, as estimated using the most recent edition of the ITE Trip Generation Manual, or where the development causes traffic impacts that bring a State road below acceptable levels of service standards, or impacts a State road that is already operating below acceptable levels of service, or impacts a State road that has a documented safety problem, the applicant shall be required to provide a traffic impact study that identifies traffic impacts attributable to the development and appropriate mitigation measures. Mitigation must be provided in order for the development to be approved. The determination of impact effect, scope of the impact study, scheduling, and funding of improvements shall be coordinated between the developer, the County and the Oregon Department of Transportation.”
6. Sidewalks of an all-weather material not less than 5 feet in width, nor more than 8 feet in width shall be constructed as close to the center of pedestrian and bicycle ways as practical, when required. Also see Section 6.2.300.
7. **Erosion prevention.** When necessary to prevent erosion all cuts and fills and other graded areas shall be protected from erosion by appropriate seeding or planting of grass shrubs, trees or other soil stabilizing vegetation. (OR 98-12-009PL)
ARTICLE 6.4. REVIEW COMMITTEE
SECTION 6.4.100. Land Division Technical Review Committee.

1. Establishment. The land division Technical Review Committee (TRC) is established to act in a technical review capacity for the Board of Commissioners, and is authorized to perform such functions as provided for in this Ordinance. The TRC shall consist of the following members or their duly authorized representatives:
   a. Director – County Planning Department, who shall serve as Chairman;
   b. Director – County Public Works (i.e., Roadmaster);
   c. County Surveyor;
   d. County Assessor;
   e. County Counsel;
   f. County Hearings Body Chairman;
   g. Representative of Affected City;
   h. Representative of Affected Special District.

2. Responsibility of TRC. When requested by the Planning Director the TRC shall examine all tentative (preliminary) partition plats, subdivision plats, and planned unit development plats, and assist the Planning Director in rendering a decision relating to the approval, conditional approval, or disapproval of said applications. In case of a variance request, the TRC shall form a committee recommendation to the Planning Director. The following notification requirements shall apply:
   a. The applicant shall be given notice of any TRC meeting pertaining to his or her request.
   b. Notice of all Planning Director decisions shall be provided to all affected property owners pursuant to the requirements of Section 5.7.100 and any affected cities and special districts.
   c. If no appeals or reconsideration hearing requests are received pursuant to Article 5.8, the decision shall be binding. If any appeals are received, the application shall be scheduled for an appeal hearing before the Hearings Body. If a reconsideration hearing request is received from an affected city or special district, the matter shall be scheduled for review before the Hearings Body.[OR-92-07-012PL]

SECTION 6.4.450. Required Declaration of Partition. After final approval of any partition plat creating unsurveyed partitioned parcels, the partitioner shall cause to be recorded in the County deed records a “Declaration of Partition” which shall be numbered as required under ORS 92.1202. and shall include:
   a. the declaration described in ORS 92.075(1) to (3);
   b. a description of each parcel being created, prepared by a registered professional land surveyor together with the seal, signature, and address of the registered professional land surveyor; and
   c. evidence of any approval required by this Ordinance. The County Surveyor shall review the “Declaration of Partition” to determine that the “Declaration of Partition” complies with the provisions of this Section and other applicable laws and with the partition requirements established by this Ordinance. [OR-93-12-017PL 2/23/94]
ARTICLE 6.5. PARTITIONS AND SUBDIVISIONS. A property divided by the sale or grant of property for state highway, county road, city street or other right-of-way shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned. (OR 92-07-012PL)

SECTION 6.5.100. Filing Schedule. The following is a general outline of the process for the review of subdivision and partitioning of land in Coos County:
1. Applicant files pre-application (optional at the Planning Director’s discretion);
2. Planning Director reviews pre-application;
3. Applicant files tentative plans;
4. TRC reviews tentative plans;
5. Planning Director makes a decision;
6. Applicant submits construction drawings for any new public roads or access easements;
7. County Roadmaster reviews construction drawings and applicable specifications for public roads and access easements;
8. Applicant constructs or bonds for required improvements;
9. County Roadmaster inspects construction unless improvements are bonded;
10. Applicant submits final plat;
11. Planning Department coordinates review of final plat by affected County Departments;
12. Board of Commissioners reviews final plats for subdivisions and for partitions proposing public dedications; Planning Director reviews final plats for partitions not proposing public dedications;
13. If the final plat is approved, the applicant shall comply with Section 6.1.350 and file the plat with the County Clerk. (OR 92-07-012PL)

SECTION 6.5.200. Pre-Application.
1. Submittal of Sketch Plan. The applicant at the discretion of the Planning Director shall submit to the Planning Department a sketch plan(s) of the proposed partition or subdivision. The sketch plan(s) shall be clearly and legibly drawn in a manner which may be photo copied without loss of detail. The overall size of the plans or map shall not be less than 11” x 17”.
2. Review of Sketch Plan. The Planning Director shall review the sketch plan(s) in relation to:
   i. Coos County Comprehensive Plan;
   ii. state law requirements;
   iii. the provisions of this ordinance;
   iv. special problems associated with the land or proposed development;
   v. development of adjacent properties;
   vi. general scope of all streets and utilities. [OR-92-07-012PL]

SECTION 6.5.250. Tentative Plan and Base Map. (Tentative Plan)
1. Application
   a. All proposed tentative partition and subdivision plats and base maps shall comply with all applicable sections of this Ordinance. Applicants shall secure appropriate zoning authorization or clearance prior to submittal.
b. A tentative partition or subdivision plat map and base map, complete with all submittal requirements and the appropriate fee, shall be submitted to the Planning Department.

c. Within ten (10) days of receiving a complete application, the Planning Department shall distribute copies of the tentative partition or subdivision plat map and base map to affected cities, special districts and County departments.

2. Tentative Plat Map and Base Map Standards. An application for a partition or subdivision shall include a tentative plat map and a base map, each drawn on mylar or substantial high quality tracing paper measuring 18" x 24" using archival ink and drafting material. The maps shall be clearly and legibly drawn to a standard engineer's scale. All maps shall be drawn to the same scale except as otherwise authorized by the County Surveyor. Each map shall be clearly titled as being part of a tentative partition, subdivision plat, or planned community. (OR 00-5-014PL)

3. Required Maps. A tentative partition or subdivision plat map and base map shall be submitted for the lot or parent parcel to be divided.

A. Base Map. A base map shall be submitted containing the following information:

i. Map Data.
   a. Property Boundaries;
   b. Lot or parcel area in acres or square feet;
   c. North point, scale of drawing, and date;
   d. Location of the property by quarter-quarter section, township, range, and tax lot number(s);
   e. Names and addresses of the owner(s) and any other person employed in the preparation, layout or design of the base map;
   f. Section lines;
   g. City boundaries;
   h. Location(s) of existing zoning districts applicable to the subject property.

ii. Topography. All existing natural features including:
   a. Contour lines (may be taken from USGS 7.5 minute quad sheets);
   b. Areas subject to inundation;
   c. Lakes, streams, creeks, rivers, and other bodies of water;
   d. Identified wetlands;
   e. Identified geologic hazards and other features affecting development.

iii. Existing Improvements. All existing improvements including:

   a. Location, name, right-of-way width and road improvement width of all existing streets, roads, highways, alleys, and other easements;
   b. Existing monuments;
   c. Adjacent subdivisions;
   d. Existing non-dedicated roads, trails, and driveways;
   e. Existing dwellings, farm buildings or other structures.

iv. Utilities. The location(s) of existing utilities including:

   a. Sewer and water mains;
   b. Wells or springs that provide potable water;
   c. Septic systems;
   d. Culverts and drainage lines or pipes.
B. Tentative Plan. This map shall show the following additional information proposed for the development:

i. Map Data.
   a. Appropriate identification clearly stating the map is part of a tentative plan. Proposed subdivision name if applicable.
   b. Names and addresses of the owners and any other person employed in the preparation, layout or design of the tentative plan.
   c. North point, scale of drawing, and date.
   d. Property boundaries.

ii. Proposed Developments. The following improvements where applicable shall be shown as approximate:
   a. the name, location, width, grade and radii of the streets, roads or private access easements. Stationing shall be shown at 100-foot intervals;
   b. the location, width and purpose of all proposed easements;
   c. the location, dimension, acreage and numbers of all proposed lots or parcels;
   d. proposed finish grades of the property and streets, showing all cut and fill areas, location of proposed retaining walls or slope protection and proposed drainage systems or drainageways;
   e. sites, if any, allocated for purposes other than residential structures;
   f. any proposed public areas;
   g. locations, grade and size of proposed utilities including water, sewer, fire hydrants, storm drains, electricity and communication lines, and service and utility structures. All facilities shall be considered in their relation to existing and planned facilities, topographical conditions, public convenience and safety, and proposed use of the land;
   h. existing structures to remain;
   i. location and area of all open spaces, setbacks where applicable. Buffers, screens, recreational facilities, or landscaping.

4. Written Information. The following written information shall be submitted with the tentative plan:

A. Property Report: indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable. A subdivision guarantee may be acceptable, additional information may be required.

B. If applicable, the conceptual method and obligations of a homeowners association, covenants, or deed restrictions.

C. Phasing. A statement describing and explaining the rationale for any proposed phasing of construction, the sale of lots or parcels, and the placement of utilities and construction of streets.

D. Public Services. A statement of available public services, such as police and fire protection, schools and school buses and electric, telephone, or other utilities. The statement shall indicate the proximity of such services in addition to giving an estimate of
the capacity of the service to effectively absorb the increased demand reasonably anticipated to be placed on the services as a result of the land development.

E. **Water Supply.** A statement of the proposed method of water supply including source, quantity, quality and method of distribution.

F. **Sewage Disposal.** A statement of the proposed method of sewage disposal.

5. **Supplemental Information.** The following supplemental information shall be submitted with the tentative plan, or, prior to or with the construction drawings that may be required for roadways:

   A. **Geologic Report.** For proposed roadways with slopes greater than 3:1 or where otherwise required by the County, a site specific geologic investigation report. This report shall be prepared by a licensed engineering geologist, soils engineer, or other qualified expert, who must carry errors and omissions insurance. Verification of the insurance must be submitted with the report. The report shall indicate the structural integrity of improvements, including but not limited to any proposed structures, cuts or fills, recommended storm drains both on and off the site, erosion control measures and slope stabilization devices, and trees or other stabilizing vegetation to be retained.

   B. **Public Services.** Pursuant to the statement of public services, Section 6.5.250(4)(D), the applicant shall submit a copy of any agreement with the appropriate companies, districts, agencies or cooperatives providing electrical, telephone or other required service.

   C. **Water Supply.** Pursuant to the statement of water supply, Section 6.5.250(4)(E), the applicant shall submit and comply with the following:

      i. a certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system that water will be available to the lot line of each and every lot or parcel depicted in the proposed land division; or

      ii. a statement that no domestic water supply facility will be provided to the purchaser of any lot or parcel depicted in the proposed land division, even though a domestic water supply source may exist. This statement must be shown on the face of the final plat. It is the responsibility of the applicant to deliver a copy of the statement to each prospective purchaser of a lot or parcel depicted in the land division pursuant to ORS 92.090(4)(c).  

      iii. Where the proposed source of water is by individual or community wells, proof of an adequate supply of potable water for all anticipated needs of the platted area shall be presented. Proof of an adequate supply of potable water may consist of:

         a. Test wells, must have at least one well per five lots or parcels, or, in the case of lots or parcels averaging less than two acres, one well per ten acres. The test wells shall produce at least 1,000 gallons per day for two consecutive days for each proposed single-family residential site; and

         b. certificate of the water as potable by the County Health Department or appropriate state agency; or by an approved private laboratory.

         c. a hydrology report documenting the availability of potable water by describing the average depth, yield and quality and by giving a general history of wells in the area.

      iv. Where the proposed source of water is by a spring, creek, stream, pond, lake or other natural or man-made surface water impoundment, the following information shall be provided:
a. Certificate of the water as potable by the County Health Department, appropriate state agency or by an approved private laboratory.
b. Whether the source will be distributed through a community water system or through individual delivery systems;
c. Whether water rights exist to the supply and, if so, the names of persons holding such rights and amounts allotted to each;
d. The location of the sources of water supply;
e. The year-round or seasonal nature of the water supply;
f. Proof of an adequate water supply for all anticipated needs of the proposed development.
g. When the water supply is distributed through a community system the proposed method of assuring the continued maintenance of the water system shall be provided.

d. **Sewage Disposal.** Pursuant to the statement of sewage disposal, Section 6.5.250(4)(F):
   i. a certificate by a city-owned sewage disposal system, special district sewage disposal system or by the owner of a privately owned sewage disposal system that sewage disposal will be available to the lot line of each and every lot or parcel depicted in the proposed land division; or
   ii. a statement that no sewage disposal facility will be provided to the purchaser of any lot or parcel depicted in the proposed land division. This statement must be shown on the face of the final plat. It is the responsibility of the applicant to deliver a copy of the statement to each prospective purchaser of a lot or parcel depicted in the land division pursuant to ORS 92.090(5)(c).
   iii. If the sewage disposal system is by private septic system or another Department of Environmental Quality (DEQ) approved system then DEQ feasibility (approved test holes) must be submitted for each lot or parcel. [OR96-06-007PL 9/4/96]

e. **Foot Access.** If “foot access” is proposed pursuant to Section 6.2.250 the application shall also include the following:
   i. a copy of any easements providing access to the parent parcel;
   ii. a written statement explaining why extension of any road system is impractical for this particular situation;
   iii. delineation of the coastal shoreland boundary on the tentative map;
   iv. evidence establishing that approval of the proposed foot access would be consistent with Coos County Comprehensive Plan, Coos Bay Estuary Management Plan, or the Coquille River Estuary management Plan.

f. **Public Road Access.** If a lot or parcel abuts a public road, verification of a road access permit shall be submitted. [OR-92-07-012PL]
Section 6.5.300. **Review of Tentative Plan.**

1. **Distribution to Affected Bodies.** The Planning Department shall furnish a copy of the tentative plan to all affected special districts and cities which have a coordination agreement with Coos County; and

2. Within twenty (20) days of postmark, each city, special district and County Department receiving a copy of the tentative plan should submit a written statement to the Planning Department with respect to any matter, information, or recommendation deemed necessary for the applicant’s or public’s benefit.

3. The Planning Department shall make copies of all written statements available to the applicant and others interested.

4. **Planning Director Review.** The Planning Director, after reviewing the tentative plan and comments, may approve, conditionally approve, or disapprove any application. The Planning Director shall take action within forty-five (45) days of the date the application was accepted as complete, unless additional time is deemed necessary to complete the review.

   A. **Approval.** If the Planning Director approves an application, the Planning Director shall make findings of fact which substantiate the following conclusions:
      i. The plan complies with the requirements of its submittal (Section 6.5.250. Tentative Plan).
      ii. The plan complies with the objective of the Comprehensive Plan.
      iii. The plan complies with all applicable laws, regulations, or ordinances.
      iv. That any divisions of EFU land comply with Table 4.2-b.

   B. **Conditional Approval.** The Planning Director may impose special conditions upon the approval of a tentative plan when it is established that such conditions are necessary to protect health, safety or welfare. Conditions may include but are not limited to the following:
      i. roadway and plat design modifications;
      ii. utility design modifications;
      iii. conditions deemed necessary to provide safeguards against documented geologic hazards;
      iv. other conditions deemed necessary to implement the objectives of the Comprehensive Plan. The Planning Director may establish a specific time limit to complete the conditions.

   C. **Disapproval.** The Planning Director shall disapprove a tentative plan if the plan cannot be found in compliance with “A” or “B” above.

   D. **Notice.** Notice of the Planning Director’s decision shall be mailed to all property owners of record, pursuant to the requirements of Section 5.7.100, and any affected cities and special districts.

   E. **Effective Date.** Unless the action of the Planning Director is appealed, the action shall be effective upon the expiration of the appeal period pursuant to Article 5.8.

   F. **Effect of Approval.** Following approval of a tentative plan, the applicant may proceed with preparation of any required construction drawings. Development as per the tentative plan may yet be subject to approval of the supplemental information as require by Section 6.5.250(5), and approval of construction drawings as required by Section 6.5.350. [OR-92-07-012PL]

**SECTION 6.5.350. Construction Plans and Specifications.**
1. **Submittal.** After approval of the tentative plan, and if the tentative plan includes the creation of access roadways, the applicant shall submit to the Planning Department five (5) copies of the following construction plans:
   a. road or street profiles, cross-sections and drawings pursuant to Chapter VIII. In lieu of cross-sections and profiles, the Roadmaster may field check the proposed road and if the subject topography does not warrant the requirement of cross-sections and profiles such requirements may be waived by the Roadmaster.
   b. specifications for the required utilities, road or streets and monumentation, provided the applicant intends to bond for said improvements pursuant to Section 6.5.400.
   c. A base map indicating accurate contour lines related to a bench mark established pursuant to Chapter VIII and as determined from Table 6.5. [OR-92-07-012PL]

### TABLE 6.5. AVERAGE LOT SIZE (omit largest and smallest lots, average of remainder)

<table>
<thead>
<tr>
<th>SLOPE</th>
<th>CONTOUR INTERVAL</th>
<th>A – UP TO 5 ACRES</th>
<th>B – 5 OR MORE ACRES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. up to 5%</td>
<td>2’</td>
<td>1. Contours may be taken from USGS 7-1/2’ Quad sheets, 1972</td>
<td></td>
</tr>
<tr>
<td>2. 5% - 20%</td>
<td>5’</td>
<td>2. Contours may be as shown in A. 1, 2, 3 of this table</td>
<td></td>
</tr>
<tr>
<td>3. 20%+</td>
<td>10’</td>
<td>3. TRC may require spot elevations.</td>
<td></td>
</tr>
<tr>
<td>4. Road centerline profiles and cross-sections may be plotted from these contours.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Contour lines shall extent at least 50 feet beyond land division boundaries.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3. TRC may require spot elevations.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Road profiles and cross-sections to be surveyed in the field if contours are taken from USGS.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5. Contours shall extend 50 feet beyond land division boundaries.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- d. Supplemental information pursuant to Section 6.5.250 5.
- e. Homeowners association bylaws, ownership arrangement of common open space and any covenants or deed restrictions.

2. **Within 7 days of the mailing date,** each city, special district and County Department receiving a copy of the tentative plan should submit a written statement to the Planning Department with respect to any matter, information, or recommendation deemed necessary for the applicant’s or public’s benefit.

It shall be the responsibility of the County Road Department to review the drawings and submittals relevant to road or street and utility construction. The Road Department shall also be responsible for reviewing the specifications pertaining to roads or streets and utilities pursuant to bonding.
It shall be the responsibility of the County Surveyor to review the drawings and submittals relevant to surveying. The Surveyor shall also be responsible for reviewing the specifications pertaining to surveying and monumentation pursuant to bonding.

The County Roadmaster and County Surveyor shall within twenty (20) days after receipt of the construction drawings return the completed approval form to the Planning Director. If all approval forms are positive, the Planning Director shall approve the construction drawings.

If any approval form is negative or with conditions, the applicant shall if necessary resubmit new construction drawings revised to correct any discrepancies. Upon approval of the construction drawings, the Planning Director shall within five (5) days of approval notify the applicant, County Roadmaster and County Surveyor.

3. **Effect of Approval.** Following approval of the construction drawings, the applicant may proceed with bonding or other security arrangements or construction of improvements and monumentation. Any construction of further site work shall be in conformance with the approved construction drawings and specifications. [OR 92-07-012PL]

**SECTION 6.5.400. Agreement for Improvements.**

Before the final plat may be approved, the partitioner or subdivider shall either:

1. install required monumentation, improvements and repair existing streets and other public facilities damaged in the construction of the subdivision or partition; or
2. execute and file with the County Surveyor or Roadmaster, pursuant to directions below, an agreement between himself and the County.

**A. Interior Monuments:** If the corners of a partition or subdivision are to be monumented on or before a specified date after the recording of the plat, a bond, surety, cash or other security deposit at the option of the Surveyor shall be furnished prior to the recording of the plat. The estimated cost of performing the work shall be prepared by the surveyor or engineer performing the work on the described plat and shall be approved by the County Surveyor. When the subdivider wishes to bond for improvements and post-monumentation of the plat, the following notes and calculations will be submitted with the plat in addition to those listed in Section 8.1.400 (Survey Calculations) (OR-00-05-014PL):

   i. copies of all original field notes made in connection with the survey of the plat;
   ii. calculation sheets for:
     a. bearings;
     b. bearings adjustments;
     c. traverse;
     d. traverse adjustment;
     e. all other calculations made in connection with the survey of the subdivision.

**B. Improvements.** If the road, street, utility, or other improvements for a partition or subdivision are to be completed on or before a specified date after recording of the plat,
the estimated cost (See figure 6.5) of performing the work shall be prepared by the surveyor or engineer performing the work on the described plat and shall be approved by the County Roadmaster.

C. Bond, Surety, Cash or Other Security Deposit Requirements. The bond, surety, cash or other security deposit agreement shall:
   i. specify the time within which the required monumentation, improvements or repairs shall be completed;
   ii. be filed in the amount of 120% of the approved estimated cost, as per the sample Bond Request, Figure 6.5;
   iii. be conditioned upon the final approval and acceptance of the development;
   iv. be forfeited to the County if the applicant does not complete the requirements within the agreed-upon time limit, not to exceed two years from date of final plat approval, or if the applicant has created a hazard causing imminent danger to the public health and safety within or adjacent to the development which the developer is financially unable to correct. If the amount of the bond or cash deposit exceeds the cost and expense incurred by the County, the County shall release the remainder to the rightful claimant. If the amount of the bond or cash deposit is less than the cost and expense incurred by the County, the subdivider or partitioner shall be liable to the County for the difference.
   v. Cover any costs, attorney fees, and liquidation damages resulting from delay or failure to meet the deadline.

D. Phasing. The agreement may provide for the construction of improvements in units and for an extension of time under specific conditions. See Section 6.5.500 (Extension of Time).

FIGURE 6.5 SAMPLE BOND REQUEST (Sample was removed)

SECTION 6.5.450. FINAL PLAT.

1. Application. An application for a final partition plat or subdivision plat complete with all submittal requirements and the appropriate fee shall be submitted to the Planning Department for approval not later than five 5. years after the date of approval of the tentative plan.

   A. No final plat may be submitted for consideration and approval unless a tentative plan, and any required construction drawings for the proposed land division have been submitted previously and approved by the County pursuant to this Article.

   B. The final plat map shall be clearly titled as being a final:
      i. partition plat;
      ii. subdivision plat; or
      iii. planned community.

2. Final Plat Map Standards. A final partition plat or subdivision plat shall meet the following standards (OR 00-05-014PL):

   A. One original, clearly and legibly drawn to a standard engineer's scale approved by the County Surveyor;
B. Be drawn on good quality mylar or similar plastic film measuring 18" x 24" using archival inks and drafting material;

C. One exact copy or additional original drawn to the same standards as in A and B above, measuring 18" x 27" with at least 3" on left edge being blank for binding purposes. (OR 98-01-002PL 5-4-98)

**EXAMPLES**

![18' Map](map1.png)

**Exact copy for Surveyor's office**

![18' Map Area](map2.png)

**Original for Clerk's office**

D. Upon request, the person offering the plat for recording shall also file with the County Assessor an exact copy, certified by the surveyor who made the plat and by the County Clerk, to be a true copy of the final plat.

E. If additional sheets are required, then all sheets will be indicated as being part of the final plat and as sheet 1 of 2, sheet 2 of 2, etc. and shall comply with the requirements established by the County Surveyor.

3. **Plat Map.** The final plat map shall contain the following information:

   **A.** the date, scale, north point, legend, controlling topography such as bluffs, creeks and other bodies of water and existing cultural features such as highways and railroads;

   **B.** legal description of the tract boundaries, including a statement of the total acreage within the tract;

   **C.** names of the owners, subdivider, engineer, and surveyor;

   **D.** reference points of existing surveys identified, related to the plat by distances and bearings, and references to a field book or map as follows:

   i. monuments, stakes, or other evidence found or set on the ground and used to determine boundaries of the partitioned area shall be shown as follows on the final plat:

   ![Initial Point](initial.png)

   **Monuments found**

   **Monuments set**
Monuments to be set after Final Plat is filed.

This information shall include all references to OSHD monument information including map/drawing number;

ii. adjoining corners of adjacent developed areas;
iii. city boundary lines when crossing or adjacent to the subdivision or partition plat;
iv. township, section, and donation land claim within or adjacent to the subdivision or partition plat;
v. the established centerline monumentation of a street adjacent to or within the subdivision or partition plat;
vi. all other monuments found or established in making the survey of the subdivision or partition plat as required to be installed by the provisions of this Ordinance.

E. the exact location and width of streets or roads and easements intersecting the boundary of the tract;

F. the names of all streets or roads;

G. tract, lot or parcel boundary lines; (OR 00-05-014PL)

H. the width of the streets or roads, the width of any existing right-of-way, and the width on each side of the centerline. For streets on curvatures, curve data shall be based on the street centerline. In addition to the street centerline dimensions, the radius and central angle shall be indicated.

I. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement, the width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivided or partitioned area. If the easement is being dedicated by the map, it shall be properly referenced to the owner’s certificate of dedication. If private easements are being created to provide access, language shall be placed on the plat creating an easement to all proposed lots or parcels.

J. Lot or parcel numbers beginning with number “1” and numbered consecutively and the area of each lot or parcel to the nearest hundredth of an acre.

K. Land parcels to be dedicated or reserved for public use or common ownership as distinguished from lots intended for sale.

L. Declaration.
   i. A written declaration shall be included on the face of the partition or subdivision final plat stating that the declarant has caused the subdivision or partition plat to be prepared and the property subdivided or partitioned in accordance with ORS chapter 92. Any dedication of land to public purposes or any public or private easements created, or any other restriction made, shall be stated in the declaration.
   ii. If the declarant is not the fee owner of the property, the fee owner and the vendor under any instrument of sale shall also execute the declaration for the purpose of consenting to the property being subdivided or partitioned.
   iii. If the subdivision or partition plat contains any dedication or donation of land to public purposes, the holder of any mortgage or trust deed shall also execute the declaration for the purpose of consenting to the property being submitted to the provisions of ORS chapter 92.
iv. Notwithstanding the provisions of subsections i. through iii. above, the fee owner, vendor or the mortgage or trust deed holder may record an affidavit consenting to the declaration of property being subdivided or partitioned and to any dedication or donation of property to public purposes. Such affidavit shall indicate the recorded document by which the interest in the property was acquired and all information required by ORS 93.410 to 93.530 and shall be recorded in deed records at the same time as the subdivision or partition plat. The county clerk shall note the recording information of the affidavit on the original and any exact copies of the subdivision or partition plat.

M. Certificates. The following certificates, which may be combined where appropriate, must be included on the final plat or on an additional sheet pursuant to 6.5.450(2)(c).

i. If the plat contains the creation of a private road, the following statement shall be presented in the form of a certificate signed and acknowledged by all parties having any record title interest in the land being developed:

“As a condition of approval of this map/plat the undersigned hereby agrees that he/she will hold Coos County harmless from and indemnify the County for any liability for damage which may occur to the undersigned or his/her property or to any other persons or property whatsoever as a result of the undersigned’s failure to build, improve or maintain roads in this proposed land division.”

This certificate shall include a statement as to whether any roads depicted on the final subdivision or partition plat that provide access to the lots or parcels are public or private and if the are publicly or privately maintained. If they are publicly or privately maintained, then the statement shall identify who is responsible for the maintenance.

IT IS SO AGREED THIS day of ________________ ____________

DEVELOPER (Signature. ____________________________

ii. A certificate with the signature and seal of the engineer or the surveyor responsible for the survey and final plat. The certificate shall state that the surveyor has correctly surveyed and marked with proper monuments the lands as represented, and has placed a proper monument indicating the initial point of beginning and has indicated the dimensions and kind of monuments and their location in accordance with ORS 92.060(1), and has accurately described the tract of land upon which the parcels or lots are laid out. (OR 00-05-014PL)

iii. For subdivisions only, a certificate with signature block for the County Road Department’s approval that the subdivider has complied with the following alternatives: (OR 98-01-002PL)

a. all improvements have been installed in accordance with the requirements of these regulations; or

b. an agreement has been executed as provided in Section 6.5.400 to ensure completion of the required improvements.

iv. A certificate with a signature block for the County Surveyor’s approval, to-wit:
a. the plat complies with the requirements for accuracy and completeness and that all monuments have been set pursuant to this Ordinance; or 
b. an agreement has been executed as provided in Section 6.5.400 to ensure completion of the required monumentation.

v. A certificate with a signature block for County Assessor's approval, to-wit:
   a. "all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed upon the tax roll which have become a lien upon the lot or parcel, have been paid or which will become a lien during the tax year have been paid."

vi. A certificate with a signature block for the approval of the Planning Director indicating that the plat is in conformity with the requirements of this Ordinance.

vii. For all subdivision, and for partition plats with public dedication a certificate with a signature block for the Board of Commissioners indicating that:
   a. The Board determines that the plat is in conformity with the requirements of this Ordinance; and
   b. The Board accepts any and all dedications as represented on the final plat.
   c. If the plat contains the creation of a private road the following statement shall precede the Board of Commissioners signature certificate:
      "Coos County hereby gives notice to all developers, purchasers, potential purchasers and all third parties whatsoever that the County disclaims any liability whatsoever for any damage which may occur as a result of the failure of the developer to construct, improve or maintain roads in this proposed land division."

N. RESERVED (OR-98-01-002PL 5/4/98)

O. Approval of Subdivision by Special Districts. All plats of subdivisions located within the boundaries of an irrigation district, drainage district, water control district or district improvement company shall be submitted to the board of directors of the district or company and its approval thereof shall be endorsed thereon by the board of directors before approval of such plat of any subdivision may be approved by the Board of Commissioners pursuant to Section 6.5.450(3)(L)(viii), unless the procedures and requirements of ORS 92.110 are otherwise met.

P. Survey Dimensions. Survey dimensions shall comply with Article 8.1 Surveying Standards of this Ordinance and the County Surveyor shall be responsible for ensuring compliance.

4. Supplementary Information with Final Plat. The following data shall accompany the final plat:
   A. address of the owner, developer, engineer, surveyor, planner, or any other professional persons engaged in the design and/or preparation of the plat;
   B. a preliminary title report issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interest in the premises;
   C. a copy of any deed restrictions applicable to the subdivision, partition plat or planned community (OR 00-05-014PL);
   D. a copy of any dedication requiring separate documents;
   E. written proof that all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed upon the tax roll have been paid which have
become a lien upon the subject properties or which will become a lien during the calendar year;
F. sheets and drawings concerning survey drawings and calculations specified in Chapter VIII.

5. Final Plat Monumentation Standards.
A. Except as provided by subsection (5)(e), the following points shall be monumented:
   a. the initial point;
   b. points on the exterior boundary;
   c. the intersection of all streets and roads;
   d. all lot and parcel corners; and
   e. road centerline curve point and points of tangency (PI may be substituted if approved by the County Surveyor in advance.)
B. Minimum size and type of all monuments shall be 5/8" x 30" steel reinforcing rod, or ¾" galvanized iron pipe. (interior diameter)
C. The County Surveyor may authorize the setting of another type of monument if it is impractical to set the size required in B above.
D. Points shall be plainly and permanently marked upon monuments so that measurements may be taken to them to within one-hundredth of a foot.
E. All monuments at angle points on the exterior boundaries of a partition/subdivision shall be placed and the monuments shall be referenced on the plat before the plat is offered for recording. However, remaining monuments need not be set prior to the recording of the plat if the land surveyor performing the survey work certifies that the remaining monuments will be set on or before a specified date as provided in Section 6.5.400, and if the person partitioning or subdividing the land furnishes to the county Surveyor a bond, cash deposit or other security as required by the County guaranteeing the payment of the cost of setting the remaining monuments for the subdivision or partition plat as provided in Section 6.5.400. (OR 00-05-014PL)
F. All parcels in a partition plat that consist of ten 10. acres in size or more need not be monumented on the property corners, except that any corner of a ten 10. acre or larger parcel must be monumented if that corner is also a corner of a parcel smaller than ten 10. acres which is a part of the same partition. All roads created through a partition plat or subdivision shall, without exception, be monumented in conformance with the requirements of this Section.

6. Consideration of Final Plat.
A. Within ten 10. days after a final partition or subdivision plat is submitted according to the provisions of this Ordinance, the Planning Director shall distribute the original mylar of the proposed land division to the surveyor for review. A copy of said proposed land division shall be sent to the Roadmaster for review and comment.
B. Within not less than twenty (20) days from the date the application for final plat is distributed, the Planning Director shall review the final plat and make a decision to review the final plat and make a decision to either approve or conditionally approve the final plat application, unless there is a specific finding that the plat map does not substantially conform to the approved tentative plan and any required construction
drawings or to one or more of the requirements of this Ordinance or any other applicable laws and regulations.

i. The Planning Director shall notify the applicant within seven (7) working days of any decision to deny the final plat.

ii. The Planning Director shall notify the applicant within seven (7) working days of any decision to conditionally approve the final plat, and said notice shall identify the conditions of approval. The applicant shall correct or comply with all conditions, and said conditions shall appear on the final plat prior to approval signatures.

iii. If the Planning Director approves the final plat application, then the County Roadmaster, County Assessor, County Surveyor and County Planning Director shall sign the respective certificates on the final plat.

C. If the final plat does not require the signature of the Board of Commissioners (i.e. partition plat without any public dedications), then within seven (7) working days of the Planning Director’s final decision and signing, the Planning Director shall notify the applicant of said decision.

D. If the final plat requires the signatures of the Board of Commissioners (i.e., subdivisions and partition plats including public dedications), the Planning Director shall schedule a date before the Board of Commissioners to obtain signatures at the earliest available date after obtaining all other required approval signatures.

E. Following final action by the Board of Commissioners, the Planning Director shall notify the applicant of the action within seven (7) working days.

F. Within twenty (20) days of such notification to the applicant that the final plat has been approved and signed, the applicant shall deliver the signed plat to the office of the County Clerk to be offered for the record. The same day of recording, the applicant shall submit the exact copy to the County Surveyor pursuant to this Article.

i. If a water right is appurtenant, a copy of the acknowledged statement of water rights pursuant to Section 6.1.350 of this Ordinance must be attached to the final plat before the County Clerk may accept the final plat.

G. If the final plat is not recorded within twenty (20) days of notification of final approval and signing, the plat shall be filed as a new plat application as provided in Section 6.5.100.

7. Distribution of Final Plat. Following the recording of the final plat, the County Surveyor shall furnish and distribute a copy of the plat to the Planning Director, Assessor and Roadmaster.

SECTION 6.5.500. Extension of time. The Board of Commissioners may extend the time period allowed for the filing of a final plat provided the subdivider or partitioner can establish that a diligent effort has been made toward completion of the final plat. Pursuant to Section 6.5.450 a final plat (and appropriate fee) shall be submitted to the Planning Department not later than five (5) years after the date of approval of the tentative plan.

A request for an extension based upon this provision, must be submitted prior to the expiration of the five (5) year deadline. (OR 00-05-014PL)
Proposed Article 6.3 Property Line Adjustments replaces § 3.3.150, 3.3.151 and 3.3.152.

Current Language that will be replaced, removed or reformatted.

SECTION 3.3.150. Property Line Adjustments. A property line adjustment is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel and where an existing unit of land that is reduced in size by the adjustment complies with all other provisions of this Ordinance. Property line adjustments may be permitted in any zone or across zones, or between lots or parcels in a recorded subdivision or partition plat.

SECTION 3.3.151. Procedure. A single adjustment of one line between two abutting properties will be approved as a ministerial act.

Multiple adjustments between more than two abutting properties will be processed as a land use decision and may be approved as a single application on condition that each adjustment is completed prior to the next, in accordance with ORS Chapter 92. Land owners seeking property line adjustment(s) must file with the Planning Department:

1. A scaled plot plan shall be submitted with an application for a property line adjustment showing:
   a. All existing property lines;
   b. The proposed location of the adjusted property line;
   c. The location of existing buildings, with distances to the existing and the proposed property line;
   d. The location of septic systems, wells and easements, and their distances from the existing and the proposed property line; and
   e. The existing size and the proposed size of each lot or parcel, in square feet or acres.

2. Written consent from all owners of the properties that will be modified by the property line adjustment.

3. If the application is approved, the adjusted property line must be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, except, a survey and monumentation are not required when:
   a. all parcels will be greater than 10 acres or when the property line adjustment involves the sale; or
   b. there is a grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes property.

4. If required, a survey complying with ORS 209.250 must be filed with the County Surveyor within one year of the date of final approval of an application for a property line adjustment.

5. Within one year of the date of final approval of an application for a property line adjustment a deed must be recorded with the County Clerk. The deed shall contain the names of the parties, the description of the adjusted property line,
references to original recorded documents, and signatures of all parties with proper acknowledgement (ORS 92.190). The deed shall also contain a separate description of the area being conveyed from one parcel to the other and shall contain a statement that the conveyance is part of a property line adjustment.

SECTION 3.3.152 Approval Criteria. A property line adjustment may be approved if it complies with all of the following:

1. The existing lots or parcels were lawfully created in accordance with Section 3.3.800;
2. No new parcels will result from the adjustment;
3. All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless the building or improvement does not currently comply, in which case the building or improvement shall not be rendered more nonconforming by the adjustment;
4. All adjusted parcels shall be large enough to accommodate a use allowed in the zone where the property is located, including an on-site septic system.
5. Resulting lots or parcels shall comply with all applicable zoning ordinance provisions after the adjustment, unless the adjustment meets one of the following exceptions:
   a. One or both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or
   b. Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment, or
   c. Property line adjustments by a public body for the purpose of incorporating excess right-of-way property into adjacent property shall not be subject to minimum lot size requirements.
6. Property line adjustments on land zoned Exclusive Farm Use, Forest and Forest Mixed Use may not be used to:
   a. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
   b. Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
   c. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.
7. The adjustment shall not result in parcel(s) that overlap a city limit or county line.
8. The adjustment shall not result in the loss of access to any parcel unless alternative access complying with Article 7.1 is provided.
9. If any of the parcels involved in the lot line adjustment(s) is subject to conditions of a prior land use permit, then the area added to that parcel shall be subject to any conditions imposed under the permit.
Attachment B
<table>
<thead>
<tr>
<th>Date Received</th>
<th>EXHIBIT #</th>
<th>Description</th>
<th># OF PAGES</th>
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<tr>
<td>April 14, 2014</td>
<td>1</td>
<td>Written Testimony submitted by: Brian DeOs and Sherrie DeOs</td>
<td>1</td>
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<tr>
<td>April 14, 2014</td>
<td>2</td>
<td>Written Testimony submitted by: Joe Moore</td>
<td>1</td>
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<tr>
<td>April 15, 2014</td>
<td>3</td>
<td>Written Testimony submitted by: Candy Mitchell</td>
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<td>April 18, 2014</td>
<td>4</td>
<td>Written Testimony submitted by: Marie Keith</td>
<td>1</td>
</tr>
<tr>
<td>April 21, 2014</td>
<td>5</td>
<td>Written Testimony submitted by: Elizabeth Halamka</td>
<td>1</td>
</tr>
<tr>
<td>April 21, 2014</td>
<td>6</td>
<td>Written Testimony submitted by: Wayne Everest</td>
<td>1</td>
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<tr>
<td>April 21, 2014</td>
<td>7</td>
<td>Written Testimony submitted by: Laurie Wilson and Ann Jaussi</td>
<td>2</td>
</tr>
<tr>
<td>April 21, 2014</td>
<td>8</td>
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<td>Written Testimony submitted by: Mark Bickett and Jeanette Entwisle</td>
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<td>Written Testimony submitted by: Barbara Dimitruk and Donald Dimitruk</td>
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<td>Written Testimony submitted by: Darlene Shinabery-Wheeler</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-NOTIFITING 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

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APR 14 2014

COOS COUNTY PLANNING DEPARTMENT

Exhibit: 1
Date: 4/14/14
4/11/2014

To the Coos County Planning Dept,

We do not agree to any boundary changes.

J. D. Morse
Joe Am Moore

RECEIVED
APR 14 2014

COOS COUNTY
PLANNING DEPARTMENT

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

To: CANDY MITCHELL

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.

Thank you,

CANDY MITCHELL

70049 QUAIL RD
NORTH BEND, OR 97459
(541) 297-5069

4-12-14

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:
30S12080000800, 30S12080000400, 30S12080000900, 30S12050001600,
30S12080000505, 30S12070000100

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.

Marie Keith

RECEIVED
APR 10 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-14-05 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,

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

[Signature]

Address: 45748 Hwy 101, Bandon, Or. 97411

RECEIVED

APR 21, 2014

COOS COUNTY
PLANNING DEPARTMENT

Exhibit: 6
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
Trustee
A&L Trust
Owners of the home and property at 87229 Davis Creek Lane, Bandon, Oregon, 97411

Ann Jaussi
Trustee
A&L Trust

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
Board of Commissioners
Coos County Planning Department

April 21, 2014
Richard & Sherri Erwin

18423 Sitkum Lane
Myrtle Point, Or 97458

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

\[Signature\]
Sherri Erwin

RECEIVED
APR 21 2014
COOS COUNTY PLANNING DEPARTMENT

Exhibit: 9
Date: 4/21/14
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

[Signature]

We agree with the comments above:

Name
Linda & Wayne Wingert
Wayne Wingert
James Schroder
Kenneth B. Eck
Greg Bencum

Address
95634 N. Way Lane
North Bend, OR 97459

68978 Covenant Rd
North Bend, OR 97459

93699 Bajl Park Lane
Ls. Bg. One, 97420

[Signature]

Exhibit: 10
Date: 4/21/14
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<td>Colleen Reeves</td>
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<tr>
<td>Bonnie Bolke</td>
<td>95032 North Way Ln</td>
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<td>Carl Faris</td>
<td>North Bend, OR 97454</td>
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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

RECEIVED
APR 21 2014
COOS COUNTY
PLANNING DEPARTMENT

Exhibit: 11
Date: 4/21/14
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.
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
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

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

RECEIVED
APR 21 2014
COOS COUNTY PLANNING DEPARTMENT
April 18, 2014

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,

Mrs. Diane Scofield
87111 Croft Lake Lane
Bandon, Oregon 97411
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 Statutes. 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

RECEIVED
APR 21 2014
COOS COUNTY PLANNING DEPARTMENT

Exhibit 1
Date: 4/21/14
Coos County Planning Department
250 N. Baxter
Coos County Courthouse
Coquille, Oregon 97423

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 home owners 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 effect 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

RECEIVED
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