To Whom It May Concern:

Let it be known I am questioning the wording of section AM-14-11. This appears to be giving a backdoor to the withdrawn pending application, File No. AM-14-05. This application was withdrawn on or around April 24, 2014. I am on record stating this appears to be a violation against the 5th Amendment of the United States Constitution and am repeating my objections on that basis.

AM–14–11 Coos County Ordinance Changes

This was moved from Section 5.2

SECTION 5.0.175 Application Made by Transportation Agencies, Utilities or Entities:

1. A transportation agency, utility company or entity with the private right of property acquisition pursuant to ORS Chapter 35 may submit an application to the Planning Department for a permit or zoning authorization required for a transportation project without landowner consent otherwise required by this ordinance.

2. For any new applications submitted after the effective date of this section, such A transportation agency, utility, or entity must mail certified notice to the Planning Department and any owner of land upon which the transportation proposed project would be constructed at least ten (10) days before submitting an application to the Planning Department. Said notice shall state the transportation agency, utility, or entity’s intent to file the application and must include a map, brief description of the proposed transportation project, and a name and telephone number of an official or representative of the project with the transportation agency available to discuss the proposed project.

3. A Such transportation agency, utility or entity (applicant) must comply with all other applicable requirements of this ordinance; however, a property divided by the sale or grant of property for state highway, county road, 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.

4. This section applies to applications submitted prior to the effective date of this section and to all unfulfilled conditions of approval of previously approved applications which requires the signatures or consent of the property owners at the time of the application submittal, provided that property owners were provided with notice of any hearing on the application pursuant to ORS 197.763.

5. Notwithstanding any other requirement of this ordinance, approvals granted to a such transportation agency for a transportation improvement, utility or entity shall not become effective for construction on a property under the approval until the transportation agency, utility or entity obtains either the written consent of the property owner or the property rights necessary for construction on that property the subject property is acquired for the project.

I further state that File No. AM-14-11 may be 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. It is noted that Section 5.0.175 # 4 & 5 do state proper notice is required but it does not state in any detail what happens if the property owner refuses consent nor what means the Transportation Agencies, Utilities or Entities acquires property rights.

I question the ulterior motives of these changes and ask what your intentions are?

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

Sincerely,

Joan Lynch
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