STAFF REPORT FOR ADMINISTRATIVE DECISION

APPLICANT/OWNER: Michelle Turner
62922 Shiners Road
Coos Bay OR 97420

REQUEST: Land Division (3 parcel partition)

DECISION: Approved with Conditions

STAFF CONTACT: Debby Darling, Planner II

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS: Township 26S Range 13W Section 11B Tax Lot(s) 906

PROPERTY LOCATION

The property is located south of the city of Coos Bay and is accessed off of Major Drive, via Clyde Drive.

SPECIAL DISTRICTS/AGENCIES

Coos County Sheriff
Coos County Assessor
Coos County Roadmaster
Coos County Surveyor
Oregon Department of Environmental Quality (DEQ)

Coos Bay School District #6
Millington RFPD
Oregon International Port of Coos Bay
Coos Bay-North Bend Water Board

APPLICABLE CRITERIA

Coos County Zoning and Land Development Ordinance (LDO) and Coos County Comprehensive Plan (CCCP)

<table>
<thead>
<tr>
<th>LDO</th>
<th>Article 4.2, Section 4.2.400, Table 4.2C, Section 4.2.900 (6)</th>
<th>Uses; Rural Residential Zoning Districts including Rural Unincorporated Communities; Review Standards and Special Development Conditions</th>
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<td>LDO</td>
<td>Article 6.2, Section 6.2.100, Section 6.2.250 (1), Section 6.2.350</td>
<td>Design and Development Standards; Purpose; Access; Lots and Parcels</td>
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<td>LDO</td>
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<td>Partitions and Subdivisions; Tentative Plan and Base Map</td>
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<td>LDO</td>
<td>Section 7.2, Table 7.2</td>
<td>Rural Road Standards: Minimum standards for new roads, streets, and driveways</td>
</tr>
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</table>
I. BASIC FINDINGS

A. Lawfully Created Parcel: The property was lawfully created consistent with LDO §3.3.800(2). This property was lawfully created as Parcel 3 of a partition plat (2010-11) in 2010 (Planning file number P-09-10). Therefore, meeting the criterion as listed in LDO §3.3.800(2).

B. Zoning: The subject property is zoned Rural Residential-2 (RR-2). The purpose of the "RR-2" district is to provide for small acreage homesites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary. The "RR-2" district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

C. Site Description: The property has 6.30 acres. There is no development on the property. Major Drive enters the property at the southeast corner and will be used to access the 3 proposed parcels. The property is forested. The property is accessed off of Clyde Drive, via Shriners Road.

D. Surrounding Land Uses: All adjacent properties are zoned Rural Residential (RR-2).

E. History: This property is part of a serial partition¹.

- In 2004, zoning clearance was given for septic installation, a single family dwelling and a pole building. Driveway confirmation was approved and an address was assigned.
- In 2005, the property owners applied for a three parcel land division (Partition), P-05-03. This partition was approved and the final plats were recorded in September, 2005.
- In 2005, at the same time as the partition was submitted, a Variance (V-05-02) to the road standards was submitted and approved.
- In 2005, an application for three road names was submitted (RN-05-01). The names, Clyde Drive, Shriners Road and Minor Drive were adopted.
- In 2006, a second three parcel partition (P-06-15) was submitted. This partition was approved and the final plats were recorded in December, 2006.
- In 2007, a seven-lot subdivision (SUB-07-05) was submitted. This subdivision was approved but was never recorded and subsequently it was withdrawn by the property owners in November, 2009.
- In 2007, a road name application (RN-07-11) was submitted. The name Major drive was adopted.
- In 2009, a third three parcel partition (P-09-10) was submitted and approved. This partition was recorded in September, 2010.
- In 2013, the current application was submitted for a three parcel partition. The subject property is parcel three of P-09-10.
  - Originally, it was part of a previously submitted subdivision. Even though this subdivision was withdrawn, the survey was completed. Corners and monuments were set and approved by the previous County Surveyor. The road, Major Drive, has been previously approved.
  - This application will complete the partition process for this property owner.

¹ Parent parcel was Township 26S Range 13W Section 11B Tax Lot 900
II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

| LDO | Article 4.2. Section 4.2.400, Table 4.2C, Section 4.2.900 (6) | Uses; Rural Residential Zoning Districts including Rural Unincorporated Communities; Review Standards and Special Development: Conditions |

§ 4.2.100 Use Matrices - General. The uses and activities allowed within the individual zoning districts prescribed in Section 4.1.100, together with those uses that may be conditionally allowed or which are prohibited, are set forth in Tables 4.2a through 4.2g. These zoning use tables stipulate where and under what specific circumstances development may occur. The following symbols denote whether or not the specific use or activity listed in the tables is permitted outright, may be permitted with conditions, may be allowed subject to an Administrative Conditional Use, may be allowed subject to a hearings Body Conditional Use, or prohibited in the specific zoning district: *** P-# The use or activity may be allowed outright, but is specifically conditioned or limited by Section 4.2.900.***

In addition to any applicable special conditions or findings prescribed in Section 4.2.900, the following may also limit and regulate uses and activities in Tables 4.2a through 4.2g:

1. Article 4.6, "Overlay Zones"
2. Article 4.7, "Special Considerations"
3. Chapter V, "Administration" (Procedural requirements)
4. Article 4.4, "General Development Standards"

FINDING: The subject property is zoned RR-2; therefore, LDO Section 4.2.400 (Table 4.2C) is applicable and has been reviewed in this section of the report below.

Article 4.6 is an overlay zone for floodplains and airports and this property does not fall within any of the overlay zones; therefore, that Article is not applicable to this review and requires no further review.

Article 4.7 addresses special regulatory considerations based on adopted inventories in the CCCP. After reviewing the inventory maps staff has determined that there are no inventories that apply to this property and Article 4.7 requires no further reviews as it is not applicable to this review.

Chapter V is the administration or procedural requirements which contain process for the application timelines and notice requirements. There are no other sections that are applicable to this application in Chapter V. This report has addressed the procedure requirements that are applicable to this review.

Article 4.4 covers the general development standards that all development unless otherwise allowed must be addressed.

### TABLE 4.2c

<table>
<thead>
<tr>
<th>RURAL RESIDENTIAL USE</th>
<th>ZONE DISTRICT</th>
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<tbody>
<tr>
<td></td>
<td>RR-5</td>
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<tr>
<th>Land Divisions:</th>
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<tr>
<td>partition</td>
<td>P-6</td>
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</tbody>
</table>

§ 4.2.900 Review Standards and Special Development Conditions. The review standards and special development conditions referenced in Tables 4.2-a through 4.2-g are set forth below:

6. Use must comply with Article 6.1 and 6.5.
FINDING: Table 4.2c above shows that a partition is a permitted use subject to review standard #6 in LDO § 4.2.900. As noted, review standard 6 requires that an applicant comply with LDO Articles 6.1 and 6.5. The applicant has submitted an application with Tentative Partition maps as required by Articles 6.1 and 6.5. These criteria have been satisfied.

<table>
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§ 4.4.400 General Standards for Rural Residential Zoning Districts.

The general standards set forth in this section shall apply to the zoning districts and uses addressed in Table 4.2-c.

1. RR-5, RR-2, RC, CREMP Rural Residential, AND CREMP RC Zoning Districts
   A. Minimum Lot Size: ***
      - 2 acres in the RR-2 district ***
      FINDING: The subject property is zoned RR-2 and the minimum lot size for this zoning is two acres. The property currently consists of more than six acres; therefore, it can be divided into three parcels and still meet the minimum lot size requirements. Staff finds the land division proposal is consistent with the density criterion.

   G. Offstreet Parking and Loading: (See Chapter X)
      FINDING: Chapter Ten, Section 10.1.400 (6) requires 2 spaces per dwelling unit for residential dwellings. This will need to be addressed when development occurs.

   H. Minimum Road Frontage/Lot Width:
      within UGB's - 50 feet
      outside UGB's - 20 feet
      FINDING: The subject property is outside of any UGB(Urban Growth Boundary). The minimum road frontage is 20 feet. The submitted tentative maps show there is more than adequate frontage for all three lots.

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Article 5.0 Administration and Application Review Provisions

§ 5.0.150 Application Requirements
(Article 5.6 of this ordinance Site Plan Review Requirements and Chapter 6 Land Divisions have additional submittal requirements)
Applications for development or land use action shall be filed on forms prescribed by the County and shall include sufficient information and evidence necessary to demonstrate compliance with the applicable criteria and standards of this Ordinance and be accompanied by the appropriate fee.

***
Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. “Property owner” means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.

***
The burden of proof in showing that an application complies with all applicable criteria and standards lies with the applicant.

§ 5.0.200 Application Completeness (ORS 215.427)

A. An application will not be acted upon until it has been deemed complete by the Planning Department. In order to be deemed complete, the application must comply with the requirements of Section 5.0.150, and all applicable criteria or standards must be adequately addressed in the application.
FINDING: On February 12, 2013, the applicant, who is the property owner, submitted this application for a three parcel partition. There was sufficient information and evidence provided to demonstrate compliance with the LDO. The application was deemed complete on March 1, 2013 and a Technical Review Committee Meeting was scheduled and held on March 11, 2013. Issues or missing information were noted and conveyed to the Surveyor and property owner/applicant. The maps were corrected and the review has progressed. Staff finds the application meets the criteria of § 5.0.150 and 5.0.200. Criteria found in Article 6 are noted below.

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**Article 6.1 General Provisions, Enforcement.**

§ 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.

***

§ 6.1.400 Application for Land Divisions

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

FINDING: By submitting the application for the partition, the applicants have met the general provisions and intent of Article 6.1.
ARTICLE 6.2 DESIGN AND DEVELOPMENT STANDARDS

§ 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.

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

***

FINDING: The applicant must submit a land division that conforms to the design and development standards in Article 6.2. The applicant has submitted base and tentative partition maps that meet the design standards and have been approved by the County Surveyor. The standards in Chapter 7 shall be reviewed separately.

§ 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...

***

FINDING: Access to the existing dwelling is provided off of Major Drive. The County Roadmaster has approved a hammerhead turn around at the end of Major Drive, which will allow enough room for fire suppression equipment to turn around and allow access to all three parcels.

§ 6.2.350 Lots and Parcels

(1) Lots and parcel sizes shall meet the minimum lot sizes as established by the applicable zoning district...

***

FINDING: The property is zoned Rural Residential-2. The minimum lot size is 2 acres as explained in §4.4.100(1) of the LDO. Each parcel will meet or exceed the minimum lot size. This criterion has been met.

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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)

FINDING: This property has not been divided by the sale or grant of property for state highway, county road, City Street, or other right-of-way. Therefore, this criterion does not apply.

§ 6.5.250 Tentative Plan and Base Map

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.

FINDING: The submitted maps contain the map data and information required by this Section with the exceptions noted below in the Conditions of Approval. The maps and fee were submitted and the application was deemed complete. A technical Review Committee Meeting was scheduled and held to discuss possible discrepancies on the maps. Any changes noted are listed in the conditions below.

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§ 7.2 Rural Road Standards, Table 7.2- Minimum Standards for New Roads, Streets, and Driveways

TABLE 7.2

<table>
<thead>
<tr>
<th>MINIMUM STANDARDS FOR NEW ROADS, STREETS AND DRIVEWAYS</th>
</tr>
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<tbody>
<tr>
<td>Average Daily Traffic 0-12 ADT</td>
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FINDING: The submitted application is for a three (3) parcel partition. The County Roadmaster has agreed to allow a permanent hammerhead turnaround at the end of Major Drive due to the topography. All driveways will be required to have a 12 foot travel surface with a maximum grade of 12%. During the Technical Review Committee meeting, the Roadmaster indicated he had no other issues with the roadways.

III. ANALYSIS

The applicant is proposing a three parcel land division. Based on review of the aerial photographs, assessment records, Planning Department records, and the applicants’ submitted evidence, it appears the land division application conforms with the provisions and takes into account the requirements to ensure necessary standards for efficient, safe, and attractive developments while remaining consistent with ORS 92 and 215. Therefore, based on the evidence in the record the proposal meets the criteria.

Please note, all applications are subject to review of all applicable review criteria in the Coos County Comprehensive Plan (CCCP), the Coos County Zoning and Land Development Ordinance (LDO), and all land use regulations. Please be aware the burden of proof rests with the applicant.

Pursuant to §6.5.450, an application for a final partition plat, complete with all submittal requirements and appropriate fee, shall be submitted to the Planning Department for approval not later than five years after the date of approval of the tentative plat.

IV. NOTIFICATION

The Planning Department mailed individual written notice of the decision to the owners of record of all property
located within 250-feet of the subject property. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s) and Dave Perry, DLCD. Notice of Decision was also provided to the following: Coos County Planning Commission, The Coos County Board of Commissioners, the special districts as noted above, and surveyor Troy Rambo. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on April 30, 2013.

V. NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by 5 p.m. on May 14, 2013, in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

V. CONDITIONS OF APPROVAL

1. The North point must be corrected on the base and tentative maps.
2. The end of Major Drive must be the Road Department approved hammerhead turnaround and must be able to accommodate fire suppression equipment and vehicles.

FINAL PLAT 2

1. The final plats shall comply with all criteria in 6.5.450.
2. A statement that no domestic water supply facility will be provided shall be included on the face of the final plat. It is the responsibility of the applicants to deliver a copy of the statement to each prospective purchaser of the undeveloped parcel.
3. A statement that no sewage disposal facility will be provided shall be included on the face of the final plat. It is the responsibility of the applicant to deliver a copy of this statement to each prospective purchaser of the undeveloped parcel.
4. Date, scale, north point, as well as the initial point must be shown on the final plat and in the legend.
5. Names of the owners, partitioner, engineer and/or surveyor must be shown on the final plat.
6. Description and signature block must appear on the face of the final plat.
7. The names of all streets or roads, the exact location and width of said streets or roads; and easements intersecting the boundary of the tract must be shown on the final plat.
8. Declarations and certificates must be shown on the final plat.
9. Current taxes must be paid before the Assessor can sign the final plat.

Fees: Surveyor: Final Plat $100.00, Filing $100.00 plus $15.00 each additional page.
Planning: Submittal of Final Plat $300.00
Assessors: $100 processing fee will be required before the Assessor will sign the final plat. If the final plat is not filed before July 1 or the tax statements are not mailed by the time the final plat is submitted for approval, then a pre-payment of taxes must be collected before the Assessor will sign the final plats. Prepayment amount will be disclosed on a separate statement.
Road: A driveway confirmation/access permit must be purchased prior to development. Please check with the Planning Department for the current fee.

Note: All fees are subject to change.

2 *NOTE: the above mentioned Final Plat requirements are noted for convenience and are not intended to replace all of the final plat requirements identified in the LDO §6.5.450.
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Surveyor: Final Plat $100.00, Filing $100.00 plus $15.00 each additional page.
Planning: Submittal of Final Plat $300.00
Assessors: A processing fee of $50.00 per parcel will be required before the Assessor will sign the final plat. If the final plat is not filed before July 1 or the tax statements are not mailed by the time the final plat is submitted for approval, then a pre-payment of taxes must be collected before the Assessor will sign the final plats. Prepayment amount will be disclosed on a separate statement.
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