### STAFF REPORT FOR ADMINISTRATIVE DECISION

APPLICANT/ OWNER:   Hal and Patricia Strain  
95196 Sitkum Lane  
Myrtle Point OR 97458

REQUEST: Land Division (2 parcel partition)

DECISION: Approved with Conditions

STAFF CONTACT: Debby Darling, Planner II

### MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS: Township 29S Range 12W Section 09D Tax Lot(s) 1800

### PROPERTY LOCATION

The property is located north of the City of Myrtle Point and is in the Urban Growth Boundary (UGB). It is accessed off of Sitkum Lane

### SPECIAL DISTRICTS/AGENCIES

- Coos County Sherriff
- Myrtle Point RFPD
- Coos County Roadmaster
- Coos County Surveyor

- Coos County Assessor
- City of Myrtle Point
- Oregon Department of Environmental Quality (DEQ)
- Oregon Water Resources Department

### APPLICABLE CRITERIA

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

<table>
<thead>
<tr>
<th>ORS</th>
<th>LDO</th>
<th>APPLICABLE CRITERIA</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Article 4.2, Section 4.2.500, Table 4.2d,</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Section 4.2.900 (6)</td>
<td>Uses; Residential Zoning Districts; Review Standards and Special Development Conditions</td>
</tr>
<tr>
<td></td>
<td>Article 4.4, Section 4.4.500</td>
<td>General Development Standards; Urban Residential</td>
</tr>
<tr>
<td></td>
<td>Article 6.1, Section 6.1.100, 6.1.400</td>
<td>General Provisions, Enforcement; General Purpose; Application for Land Divisions</td>
</tr>
<tr>
<td></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>
</tr>
<tr>
<td></td>
<td>Article 6.5; Section 6.5.250</td>
<td>Partitions and Subdivisions; Tentative Plan and Base Map</td>
</tr>
<tr>
<td></td>
<td>Section 7.3, Table 7.3</td>
<td>Minimum Road and Street Development Standards within City Urban Growth Boundaries</td>
</tr>
<tr>
<td></td>
<td>Article 10.1, Section 10.1.300, 10.1.400</td>
<td>Parking Standards: Parking Area Design, Required Number of Spaces for Type of Use</td>
</tr>
</tbody>
</table>
I. BASIC FINDINGS

A. Lawfully Created Parcel: The property was lawfully created consistent with LDO §3.3.800(2). The property was part of an approved land division in 2009 (P-09-02). In 2013, a property line adjustment was authorized by the Planning Department, creating the current configuration. Therefore, this parcel meets the criterion as listed in LDO §3.3.800(2).

B. Zoning: The subject property is zoned Urban Residential-1. LDO § 4.1.100(A) defines the purpose of the zoning districts as follows:

The purpose of the “UR-1” district is to provide for urban residential areas that are exclusively limited to conventional single family dwellings. Detached conventional single family dwellings clustered in planned unit developments are consistent with the objectives of the “UR-1” district. This district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

C. Site Description: According to the current Coos County assessment records, the property has 2.87 acres. The current Assessment Records show there is currently a house, with a garage, a carport and a barn on the property. The Base partition map shows there is also a septic drain field. There is an unnamed creek/drainage ditch that runs through the middle of the property, generally east and south from Sitkum Lane to the southeastern border of the property. The eastern portion of the property is wooded.

D. Surrounding Land Uses: Sitkum Lane borders the subject property to the north. Properties to the north of Sitkum Lane are zoned Industrial. The surrounding properties are all zoned UR-1 and lie within the Urban Growth Boundary of the City of Myrtle Point.

E. History:

- May 18, 1998, a water permit is issued.
- March 19, 2001, a zoning compliance letter (ZCL-01-118) is issued to repair the existing septic system.
- November 4, 2008, a pre-application for a land division is received and a report was sent to Mr. Rambo, Surveyor on December 3, 2008.
- February 12, 2009, a two-parcel partition (P-09-02) was submitted and approved.
- May 11, 2009, a zoning compliance letter (ZCL-09-125) was issued to site a barn.
- May 11, 2009, an address is given to the subject property.
- November 18, 2011, a zoning compliance letter (ZCL-11-240) is issued for an accessory structure that may be used as an agricultural building.
- June 18, 2013, a zoning compliance letter (ZCL-13-156) is given for a septic site evaluation only.
- June 18, 2013, a property line adjustment request is received in the Planning Department. This was authorized on July 24, 2013 creating the current configuration. On July 29, 2013, the Strains brought a copy of the recorded PLA deed for the Planning Department.
- August 7, 2013, this application for a two parcel land division is submitted. This was deemed complete pursuant to LDO Article 5.0 on August 27, 2013.
- September 10, 2013, Technical Review Committee Meeting (TRC) is scheduled for September 24, 2013 and comments are solicited. TRC was held as scheduled and the maps and file are reviewed.
- September 25, 2013, a Limited Land Use Decision notice is posted and mailed to the appropriate parties. Comments due by October 9, 2013.
- October 7, 2013, comments are received from the City of Myrtle Point expressing concerns about the septic system easement as shown on the tentative maps. The City has requested the Planning Department make the following statement known to the applicants and all interested parties: “Based on the potential of septic system failure and lack of area to construct a new drainfield, it is requested that a disclosure be included with the Planning Departments findings describing this risk. Should either of the proposed parcels desire in the future to connect to the City of Myrtle Point’s sanitary sewer and/or water systems, the City would require annexation of the parcel and the property owners would be required to bear any costs associated with connection of services.” Darin
II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

ORS | Section 197.195 | Limited Land Use Decision; Procedures

197.195 Limited land use decision; procedures. (1) A limited land use decision shall be consistent with applicable provisions of city or county comprehensive plans and land use regulations. Such a decision may include conditions authorized by law. Within two years of September 29, 1991, cities and counties shall incorporate all comprehensive plan standards applicable to limited land use decisions into their land use regulations. A decision to incorporate all, some, or none of the applicable comprehensive plan standards into land use regulations shall be undertaken as a post-acknowledgment amendment under ORS 197.610 to 197.625. If a city or county does not incorporate its comprehensive plan provisions into its land use regulations, the comprehensive plan provisions may not be used as a basis for a decision by the city or county or on appeal from that decision.

(2) A limited land use decision is not subject to the requirements of ORS 197.763.

(3) A limited land use decision is subject to the requirements of paragraphs (a) to (c) of this subsection.

(a) In making a limited land use decision, the local government shall follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.

(b) For limited land use decisions, the local government shall provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the local government can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(c) The notice and procedures used by local government shall:

(A) Provide a 14-day period for submission of written comments prior to the decision;

(B) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;

(C) List, by commonly used citation, the applicable criteria for the decision;

(D) Set forth the street address or other easily understood geographical reference to the subject property;

(E) State the place, date and time that comments are due;

(F) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

(G) Include the name and phone number of a local government contact person;

(H) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and

(I) Briefly summarize the local decision making process for the limited land use decision being made.

(4) Approval or denial of a limited land use decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(5) A local government may provide for a hearing before the local government on appeal of a limited land use decision under this section. The hearing may be limited to the record developed pursuant to the initial hearing under subsection (3) of this section or may allow for the introduction of additional testimony or evidence. A hearing on appeal that allows the introduction of additional testimony or evidence shall comply with the requirements of ORS 197.763. Written notice of the decision rendered on appeal shall be given to all parties who appeared, either orally or in writing, before the hearing. The notice of decision shall include an explanation of the rights of each party to appeal the decision. [1991 c.817 §3; 1995 c.595 §1; 1997 c.844 §1]
FINDING: On September 25, 2013, the Coos County Planning Department sent out a Request for Comments on Notice of Limited Land Use Decision to all adjacent property owners, applicable special districts, agencies and persons with interest regarding this application; therefore this criterion has been satisfied. The City of Myrtle Point was the only agency to comment as is noted above.

<table>
<thead>
<tr>
<th>LDO</th>
<th>Article 4.2. Section 4.2.500, Table 4.2d, Section 4.2.900 (6)</th>
<th>Uses; Residential Zoning Districts; Review Standards and Special Development Conditions</th>
</tr>
</thead>
</table>

§ 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 UR-1; therefore, LDO Section 4.2.500 (Table 4.2d) is applicable and has been reviewed in this section of the report below.

Article 4.6 is an overlay zone for floodplains and airports. This does not apply to this property.

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 other special regulatory considerations on the subject property.

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 must be addressed, unless that development is otherwise allowed.

SECTION 4.2.500. Urban Residential Zoning Districts. The uses and activities regulated by the urban residential zoning districts are set forth below:

**TABLE 4.2d**

<table>
<thead>
<tr>
<th>URBAN RESIDENTIAL USE</th>
<th>ZONE DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Divisions:</td>
<td></td>
</tr>
<tr>
<td>partition</td>
<td>P-6</td>
</tr>
<tr>
<td></td>
<td>UR-2</td>
</tr>
</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 4.2d 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>
<thead>
<tr>
<th>LDO</th>
<th>Article 4.4, Section 4.4.500</th>
<th>General Development Standards; Urban Residential</th>
</tr>
</thead>
</table>

§ 4.4.500 General Standards for Urban Residential Zoning Districts.

The general standards set forth in Tables 4.4-a and 4.4-b shall apply to the zoning districts and uses addressed in Table 4.2-d.

Access to new dwellings shall meet road and driveway standards in Chapter VII. [OR 95-05-006PL 11/29/95]

**TABLE 4.4-a**

**PROPERTY DEVELOPMENT STANDARDS/URBAN RESIDENTIAL WITHIN CITY – UGB**

<table>
<thead>
<tr>
<th>Zone</th>
<th>UR-1</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Size</td>
<td>#4</td>
</tr>
<tr>
<td>Minimum Street Frontage</td>
<td>50’</td>
</tr>
<tr>
<td>Minimum Lot Width</td>
<td>50’</td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>50’</td>
</tr>
<tr>
<td>Front Set-Back</td>
<td>20’</td>
</tr>
<tr>
<td>Side Set-Back</td>
<td>#2</td>
</tr>
<tr>
<td></td>
<td>5’ #8</td>
</tr>
<tr>
<td>Rear Set Back</td>
<td>#8</td>
</tr>
<tr>
<td></td>
<td>5’</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>35’</td>
</tr>
<tr>
<td>Off-Street Parking</td>
<td>#7</td>
</tr>
</tbody>
</table>

Footnotes:

2. The side yard adjacent to a street or road (corner lot) shall require a minimum setback of 15 feet.

4. The following minimum lot sizes shall apply:
   a. Site having *neither* public water or public sewer – one acre.
   b. Sites having *public* water, but *no* public sewer – 8000 square feet.
c. Sites having both public water and public sewer – 5000 square feet, except a two family duplex which requires 8000 square feet.

7. Offstreet parking and loading requirements per Chapter X apply.

8. Riparian Vegetation Protection.
   i. Riparian vegetation within 50 feet of a wetland, stream, lake, or river, as identified on the Coastal Shoreland and Fish and Wildlife habitat inventory maps, shall be maintained except that:
      a. Trees certified by the Coos Soil and Water Conservation District, a port district, or U.S. Soil Conservation Service posing an erosion or safety hazard may be removed to minimize said hazard; or
      b. Riparian vegetation may be removed to provide direct access for a water-dependent use; or

***

FINDING: The submitted tentative partition plat shows the following:
1. Neither public sewer or water are being supplied to the properties; therefore the minimum lot size will be 1 acre. This criterion has been satisfied.
2. Both parcels meet or exceed the minimum street frontage of 50 feet. This criterion has been satisfied.
3. Both parcels meet or exceed the minimum lot width and depth. These criteria have been satisfied.
4. The front setback will be 20 feet. All other setbacks will be 5 feet. This will be regulated when a zoning compliance letter has been issued.
5. The subject property lies within the Myrtle Point city UGB; therefore, the building height will be limited to 35 feet. This will be regulated when zoning compliance is issued.
6. Offstreet parking will be addressed below.
7. There is a 50 foot riparian setback from the unnamed creek. No building will be allowed within this area.

| LDO | Article 6.1, Section 6.1.100, 6.1.400 | General Provisions, Enforcement; General Purpose; Application for Land Divisions |

§ 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.

| LDO | Article 6.2, Section 6.2.100, Section 6.2.250 (1), Section 6.2.350 | Design and Development Standards; Purpose; Access; Lots and Parcels |

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 property is provided off of Sitkum Lane. The County Roadmaster had no concerns about the proposed access off of Sitkum Lane. An access permit will be required by the County Roadmaster to access Parcel 2 of this land division.

§ 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 Urban Residential-1. The minimum lot size is 1 acre without both public sewer and water. All parcels will meet or exceed this minimum lot size. This criterion has been met.

| LDO | Article 6.5; Section 6.5.250 | Partitions and Subdivisions; Tentative Plan and Base Map |

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.

<table>
<thead>
<tr>
<th>LDO</th>
<th>Section 7.3, Table 7.3</th>
<th>Minimum Road and Street Development Standards within City Urban Growth Boundaries</th>
</tr>
</thead>
</table>

§ 7.3 Minimum Road and Street Development Standards within City Urban Growth Boundaries

<table>
<thead>
<tr>
<th></th>
<th>Minimum Right-of-Way Width</th>
<th>Minimum Travel Surface Width</th>
<th>Minimum Sub-Grade Width</th>
<th>Maximum Grade</th>
<th>Intersections</th>
<th>Sidewalks minimum width¹</th>
<th>Curb Width¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>50'</td>
<td>28'</td>
<td>32'</td>
<td>16%</td>
<td>60 degrees</td>
<td>50'</td>
<td>150'</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>5' both sides</td>
<td>Not required</td>
</tr>
</tbody>
</table>

Construction

<table>
<thead>
<tr>
<th></th>
<th>Base Rock</th>
<th>Finish Rock</th>
<th>Paving</th>
</tr>
</thead>
<tbody>
<tr>
<td>6”</td>
<td>4”</td>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

FINDING: The submitted application is for a two parcel partition. All driveways will be required to have a driveway confirmation from the Roadmaster prior to issuance of a zoning compliance letter for development. The

¹ Required only if paving is required
Roadmaster will also determine the need for any other residential road development.

<table>
<thead>
<tr>
<th>USE</th>
<th>STANDARD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
</tr>
<tr>
<td>a. single-family dwelling.</td>
<td>2 spaces per dwelling unit.</td>
</tr>
</tbody>
</table>

FINDING: Once development occurs, these parking standards shall be met.

III. ANALYSIS

The applicant is proposing a two 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), Dave Perry, DLC. Notice of Decision was also provided to the following: Troy Rambo, Surveyor, Coos County Planning Commission, The Coos County Board of Commissioners, the special districts and agencies as noted above. 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 October 23, 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 November 7, 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. Pursuant to ORS 215.416(1), the fees charged by the Planning Department for permit applications represent the average cost of processing the application. If the actual cost of processing the application exceeds the average cost, then the applicant shall be responsible for paying the full amount. If such an amount is due, it must be paid before the final plats can be accepted.
2. Current taxes must be paid before the Assessor can sign the final plat. If the final plat is not filed before...
July 1, a prepayment of taxes must be collected. Contact the Assessor’s office to ascertain what this prepayment might be.

3. Final Plat fees for the Planning Department are $300 and must be paid when submitting the final plats. There may be fees from other Departments. Please check with the Road Department, Surveyor’s office, Assessor’s office and Clerk’s office to determine what those fees will be.

4. There is a potential of additional taxes on this property. Please contact the Assessor’s office for additional information about this.

5. The City of Myrtle Point has concerns about a possible future failure of the septic system easement and requested the following statement to be included in the findings:

“Based on the potential of septic system failure and lack of area to construct a new drainfield, it is requested that a disclosure be included with the Planning Departments findings describing this risk. Should either of the proposed parcels desire in the future to connect to the City of Myrtle Point’s sanitary sewer and/or water systems, the City would require annexation of the parcel and the property owners would be required to bear any costs associated with connection of services.” Darin Nicholson, City Manager.

Note: All fees are subject to change.

**FINAL PLAT**

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. There are no water rights of record on the subject property. Property owners should be aware that they should contact Oregon Water Resources Department.

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. The final plats should be labeled as a Re-Plat of Parcels 1 & 2 of Partition Plat 2009-6.

10. The centerline of the existing easement is noted as being per Bk. 156, Pg. 271. On the final Partition Plat 2009-6, the book and page for this easement is shown as 156-257. The correct easement deed must be shown on the final plats.

11. If the delta of the curve along Sitkum Lane is correct, the bearing on L2 should be S54°17′33″W.

12. There is an error of closure of approximately S82°30′E. 0.08.

13. Curve information breakdown along Sitkum Lane needs to be shown for Parcels 1 & 2.

---

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.

Attachments:
Application
Maps
Decision Notice