STAFF REPORT FOR ADMINISTRATIVE DECISION

APPLICANT/
OWNER: Steve Winfrey
Steve & Tina Winfrey
64170 Solari Road
Coos Bay OR 97420

REQUEST: Land Division (2 parcel partition)

DECISION: Approved with Conditions

STAFF CONTACT: Debby Darling, Planner II; Jill Rolfe, Planning Director

MAP NUMBER(S) / LEGAL DESCRIPTION

ASSESSOR’S MAPS: Township 25S Range 12W Section 26C Tax Lot(s) 800

PROPERTY LOCATION

The property is located east of the city of Coos Bay and is accessed via Solari Road.

SPECIAL DISTRICTS/AGENCIES

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

Coos Bay School District #9
Oregon International Port of Coos Bay
Coos Forest Protective Association
Confederated Tribes of Coos, Siuslaw, and Lower Umpqua Indians (Confederated Tribes)

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>
</tr>
</thead>
<tbody>
<tr>
<td>LDO</td>
<td>Article 4.4, Section 4.4.400</td>
<td>General Development Standards; Rural Residential</td>
</tr>
<tr>
<td>LDO</td>
<td>Article 4.6, Section 4.6.209</td>
<td>Overlay Zones – Floodplain (/FP): Permitted Uses</td>
</tr>
<tr>
<td>LDO</td>
<td>Article 4.7, Table 4.7a(3)(b); Appendix 1, Policy 5.7(3)</td>
<td>Special Considerations; Historical, Cultural, and Archaeological Resources, Natural Areas and Wilderness. Notification</td>
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<td>LDO</td>
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<td>Administrative and Application Review Provisions; Application Requirements; Application Completeness</td>
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<td>LDO</td>
<td>Article 6.1, Section 6.1.100, 6.1.400</td>
<td>General Provisions, Enforcement; General Purpose; Application for Land Divisions</td>
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</tbody>
</table>
I. BASIC FINDINGS

A. **Lawfully Created Parcel:** The property was lawfully created consistent with LDO §3.3.800(1). This property was lawfully conveyed to Ronald B and Sharon E Eckfield under deed reference number 77-021887 of the Coos County Deed Records, located in the Coos County Clerk’s office. Therefore it was a lawfully created property prior to January 1, 1986 and meets the criterion as listed in LDO §3.3.800(1).

B. **Zoning:** The subject property is zoned Rural Residential-5 (RR-5). The purpose of the “RR-5” 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-5” 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 contains 10.69 acres. Currently there is one home and a shop located on the property. The eastern portion of the property is bottom land. There are trees surrounding the developed area. Solari Road, which accesses the property, borders the property to the east.

D. **Surrounding Land Uses:** Adjacent properties to the north, south, and east are zoned RR-5. The property to the west is zoned Exclusive Farm Use (EFU). A little farther to the north there are also properties zoned EFU and the Coos River lies beyond that.

E. **History:**
   - November 25, 2013, a property line adjustment was submitted. This was authorized on December 23, 2013.
   - February 6, 2014, the Planning Department received a copy of the property line adjustment deed.
   - March 28, 2014, this application was submitted.
   - April 22, 2014, the application was deemed complete.
   - TRC (Technical Review Committee) was held on May 13, 2014.

II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

§ 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-5; 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 lies within the floodplain overlay zone; and this will be addressed below.

Article 4.7 addresses special regulatory considerations based on adopted inventories in the CCCP. After reviewing the inventory maps staff has determined that the property lies within the cultural interests of the Confederated Tribes and this will be addressed below.

Chapter V is the administration or procedural requirements which contain the 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 that must be addressed.

### TABLE 4.2c

<table>
<thead>
<tr>
<th>RURAL RESIDENTIAL USE</th>
<th>ZONE DISTRICT</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RR-2</td>
</tr>
<tr>
<td>Land Divisions:</td>
<td>P-6</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 4.2c 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.

| LDO | Article 4.4, Section 4.4.400 | General Development Standards; Rural Residential |

§ 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: ***
      - 5 acre in the RR-5 district ***

FINDING: The subject property is zoned RR-5 and the minimum lot size for this zoning is five (5) acres. The property currently consists of more than 10 acres, and therefore, qualifies for a 2-parcel land division. Each parcel
will contain more than 5 acres. Staff finds the land division proposal is consistent with the acreage.

**G. Offstreet Parking and Loading: (See Chapter X)**

FINDING: Chapter X, Section 10.1.400 (6) requires 2 spaces per dwelling unit for residential dwellings. Parcel 1 has a pre-existing dwelling and does not need to meet these requirements. Upon development of Parcel 2, the Coos County Roadmaster will authorize the parking plan.

**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 both lots.

### LDO Article 4.6, Section 4.6.209

**Overlay Zones: Permitted Uses**

**Section 4.6.209** In a district in which the /FP zone is combined, those uses permitted by the underlying district are permitted outright in the /FP Overlay Zone, subject to the provisions of this article.

FINDING: A land division is a permitted use in the RR-5 zoning district. Once the land division is completed, Parcel 2 will lie within the Floodplain overlay. If there should ever be development on this parcel, it must conform with Article 4.6, the Floodplain overlay zones.

### LDO Article 4.7, Table 4.7a(3)(b); Appendix 1, Policy 5.7(3)

**Special Considerations; Historical, Cultural, and Archaeological Resources, Natural Areas and Wilderness. Notification**

Appendix 1, Policy 5.7(3)

Coos County shall continue to refrain from wide-spread dissemination site-specific inventory information concerning identified archaeological sites. Rather, Coos County shall manage development in these areas so as to preserve their value as archaeological resources.

This strategy shall be implemented by requiring development proposals to be accompanied by documentation that the proposed project would not adversely impact the historical and archaeological values of the project's site. "Sufficient documentation" shall be a letter from a qualified archaeologist/historian and/or a duly authorized representative of a local Indian tribe(s). The Coos County Planning Department shall develop and maintain a list of qualified archaeologists and historians. In cases where adverse impacts have been identified, then development shall only proceed if appropriate measures are taken to preserve the archaeological value of the site. "Appropriate measures" are deemed to be those, which do not compromise the integrity of remains, such as: (1) paving over the sites; (2) incorporating cluster-type housing design to avoid the sensitive areas; or (3) contracting with a qualified archaeologist to remove and re-inter the cultural remains or burial(s) at the developer's expense. If an archaeological site is encountered in the process of development, which previously had been unknown to exist, then, these three appropriate measures shall still apply. Land development activities found to violate the intent of this strategy shall be subject to penalties prescribed by ORS 97.745 (Source: Coos Bay Plan).

This strategy is based on the recognition that preservation of such archaeologically sensitive areas is not only a community's social responsibility but is also a legal responsibility pursuant to Goal #5 and ORS 97.745. It also recognizes that historical and archaeological sites are non-renewable, cultural resources (Source: Coos Bay Plan).

FINDING: The property is noted on the special Considerations map to be in an area of cultural and archaeological interest to the Confederated Tribes. The map is general and does not have site specific information. Coos County relies on the tribes to provide data on a case by case basis. The Confederated Tribes
are included in the notification of this land division and if there is any further development on either of the two resulting parcels, the Confederated Tribes will be notified at that time and comments will be requested. Therefore, this criterion has been met.

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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 March 28, 2014, the applicant, who is the property owner, submitted this application for a two parcel partition. There was sufficient information and evidence provided to demonstrate compliance with the LDO. The application was deemed complete on April 22, 2014 and a Technical Review Committee Meeting was scheduled and held on May 13, 2014. Issues or missing information were noted and conveyed to the Surveyor. 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 addressed below.

<table>
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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 born 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, noting only that the line between Parcels 1 and 2 need a bearing and a monument will need to be set at the bearing break in the line. The standards in Chapter VII 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 Solari Lane. The County Roadmaster a driveway confirmation will be required at the time of development for Parcel 2. Parcel 1 has a pre-existing driveway and access. ODOT was also notified of the impending partition and they determined the partition will not affect state transportation facilities.

**§ 6.2.350 Lots and Parcels**
(1) Lots and parcel sizes shall meet the minimum lot sizes as established by the applicable zoning
FINDING: The property is zoned RR-5. The minimum lot size is 5 acres as explained in §4.4.100(1) of the LDO. Each parcel is above the minimum lot size. Therefore, this criterion has been met.

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.

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

| TABLE 7.2 |
| MINIMUM STANDARDS FOR NEW ROADS, STREETS AND DRIVEWAYS |

<table>
<thead>
<tr>
<th></th>
<th>Average Daily Traffic</th>
<th>Subgrade Width</th>
<th>All-Weather Travel Surface</th>
<th>Right-of-Way Width</th>
<th>Compacted Rock Depth</th>
<th>Maximum Grade</th>
<th>Centerline Maximum Degree of Curvature</th>
<th>Vertical Unobstructed Clearance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private roadways in conjunction</td>
<td>0-12 ADT</td>
<td>16’</td>
<td>12’</td>
<td>50’</td>
<td>5’</td>
<td>3’</td>
<td>18%</td>
<td>56 degrees</td>
</tr>
</tbody>
</table>
FINDING: The submitted application is for a two (2) parcel partition. Parcel 1 has a pre-existing dwelling and driveway and these criteria do not apply; however, if Parcel 2 is developed, a driveway confirmation and access permit will be required by the County Road Department before development can occur.

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.

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 submission 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: Tom Guevara, Oregon Department of Transportation, Mitch Lewis, Watermaster, Coos County Planning Commission, The Coos County Board of Commissioners, the special districts as noted above, and Clyde Mulkins, Surveyor. 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 June 2, 2014.

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 June 17, 2014, 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 final plats shall comply with all criteria in 6.5.450.
2. The line between Parcels 1 and 2 will need a bearing and a monument will need to be set at the bearing break in the line.
3. Date, scale, north point, as well as the initial point must be shown on the final plat and in the legend.
4. Names of the owners, partitioner, engineer and/or surveyor must be shown on the final plat.
5. There shall be a description of found monuments or monuments set in the legend on the final plats
6. Description and signature block must appear on the face of the final plat.
7. Declarations and certificates must be shown on the final plat.
8. Current taxes must be paid before the Assessor can sign the final plat. If the final plat is not filed before July 1, a pre-payment of taxes must be collected. Please contact the Assessor’s office first.

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 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.

Note: All fees are subject to change