



## NOTICE OF LAND USE DECISION BY THE COOS COUNTY PLANNING DIRECTOR

Coos County Planning  
225 N. Adams St.  
Coquille, OR 97423  
<http://www.co.coos.or.us/>  
Phone: 541-396-7770  
Fax: 541-396-1022

Date of Notice: August 20, 2019

File No: P-19-005

RE: A decision on an application request for a three (3) parcel partition on the applicants property and after the fact clearance for a Lawfully Created Parcel Determination.

Applicant(s): Caleb Lillie  
93284 Lillie Dr  
Myrtle Point, OR 97458

Surveyor: Troy Rambo  
PO Box 809  
North Bend, OR 97459

This decision notice serves as public notice to all participants, adjacent property owners, special districts, agency with interests, or person with interests. If you are an adjacent property owner, this notice is being mailed to you because the applicant has applied for a use or activity on their property that requires that you receive notice pursuant to ORS 197.763. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of a person named in the affidavit to receive the notice shall not invalidate an ordinance. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER."**

The requested proposal has been  Approved  Deny subject to the findings to the criteria found in Exhibit A. Approval is based on findings and facts represented in the staff report.

### Subject Property Information

File Number: P-19-005

Applicant: Caleb Lillie

Account Number: 1102600  
Map Number: 29S1133A0-00100

Property Owner: LILLIE, CALEB  
93284 LILLIE DR  
MYRTLE POINT, OR 97458-8834

Situs Address: 18976 HWY 42 MYRTLE POINT, OR 97458

Acreage: 11.03 Acres

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**Notice shall be posted from August 20, 2019 until 5:00 pm on September 4 2019**

Zoning: RURAL CENTER (RC)  
Special Considerations: ARCHAEOLOGICAL SITES (ARC)  
FLOODPLAIN (FP)  
NATIONAL WETLAND INVENTORY SITE (NWI)  
RURAL UNINCORPORATED COMMUNITY (RUC)

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Proposal: The applicants' proposal is an after the fact request for a Lawfully Created Parcel pursuant to Coos County Zoning and Land Use Ordinance §6.1.150 and request for Planning Director Approval for a three (3) parcel partition as provided by the Coos County Zoning and Land Development Ordinance § 6.2.375(5)&(6) Review of Tentative Plan, Criteria for Approval, Conditional Approval; § 6.2.400 Access in Conjunction with a Land Division; § 6.2.475 Access; § 6.2.500 Easements; § 6.2.525 Lots and Parcels; § 6.2.550 Improvement Specifications; §6.2.800.3.p through q and s Final Plat Regulations; § 7.2, Table 7.2A Minimum Standards for New Roads and Driveways in Rural.

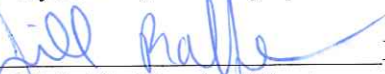
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The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals. If this matter is appealed, an appeal hearing will be conducted and notice of hearing will be provided in the same manner the notice of decision was distributed.

The application, staff report and any conditions can be found at the following link: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment--Applications2019.aspx>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact Crystal Orr, Planning Specialist and the telephone number where more information can be obtained is (541) 396-7770.

This decision will become final at 5 P.M. on September 4, 2019 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Coos County Planning Department.

Prepared by:  Date: August 20, 2019  
Crystal Orr, Planning Specialist

Authorized by:  Date: August 20, 2019  
Jill Rolfe, Planning Director

**EXHIBITS**

Exhibit A: Conditions of Approval  
Exhibit B: Vicinity Map & Tentative Plat  
Exhibit C: Discrete Parcel Map & Applicants Documentation

Exhibit D: Staff Report  
Exhibit E: Comments Received

The Exhibits below are mailed to the Applicant only. Copies are available upon request or at the following website: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-->

File Number: P-19-005

[Applications2019.aspx](#) or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.

#### **EXHIBIT "A"**

##### **Conditions of Approval**

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

#### **CONDITIONS OF APPROVAL**

The applicant has met the applicable criteria, with the following conditions:

1. All necessary federal, state, and local permits must be obtained.
2. Shall comply with all comments received and found as Exhibit "D" to this report.
3. Proof that the septic disposal system on Parcel 1 conforms to Department of Environmental Quality requirements must be received prior to the Final Plat being signed.
4. Applicant shall provide Coos County with a valid access permit from the Oregon Department of Transportation.
5. A Road Name Application must be received prior to signing the final plat.
6. Staff must receive proof of an adequate supply of potable water pursuant to the water requirement of Section 6.2.800(3).
7. All Final Plat shall meet the requirements SECTION 6.2.800 FINAL PLAT REGULATION AND REQUIREMENTS. Planning staff shall check of the requirements at the time of submittal and if not found to comply corrections shall be made prior to moving on to the Surveyor, Roadmaster and Assessor's Office for appropriate signatures.

**EXHIBIT "B"**  
**Vicinity Map & Tentative Plat**



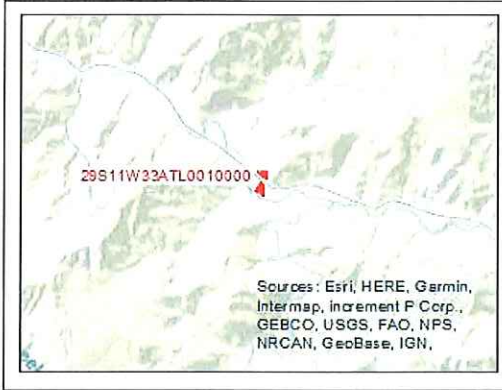
**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



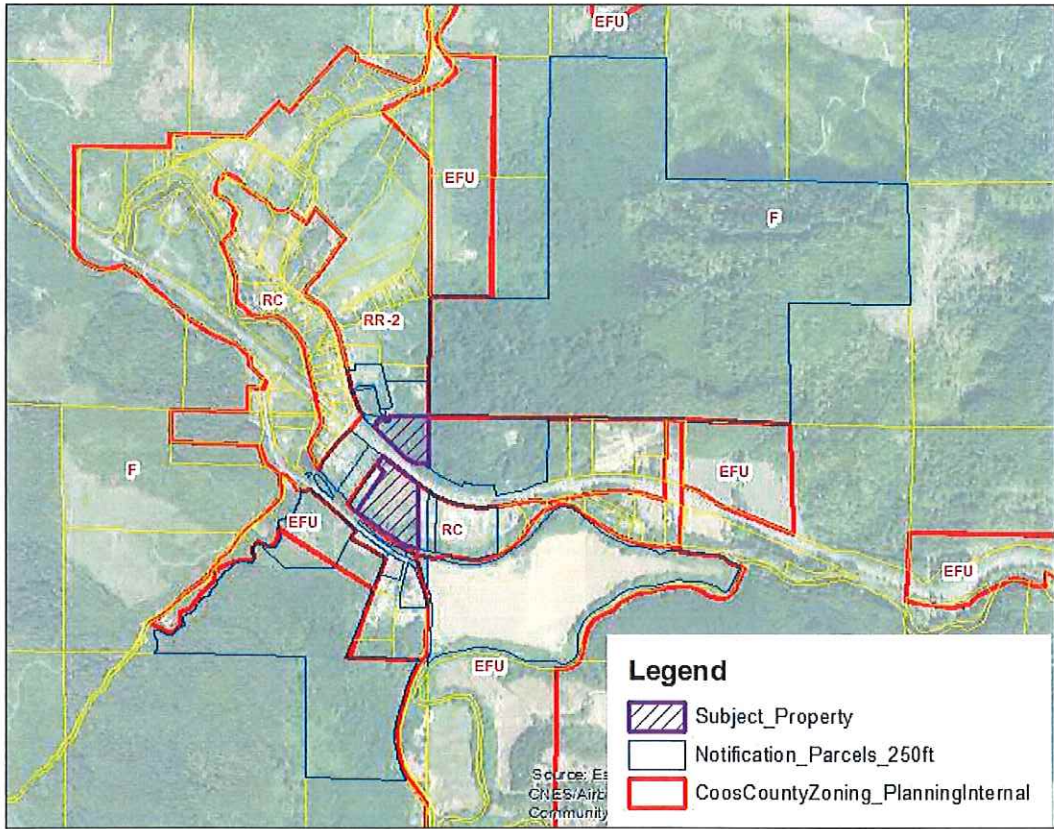
File: P-19-005

Applicant/  
Owner: Caleb Lillie

Date: July 31, 2019

Location: Township 29S Range 11W  
Section 33ATL 100

Proposal: Partition



TENTATIVE PARTITION  
 LOCATED IN THE NE1/4 S33.  
 T.29S., R.11W., W.M., COOS COUNTY, OR.  
 (29S HW 33A - ACCT.# 1102600 - 0.3 AC. +/-)

PREPARED FOR:  
 CALEB ELLIE  
 93284 ELLIE DR.  
 MYRTLE POINT, OR 97458

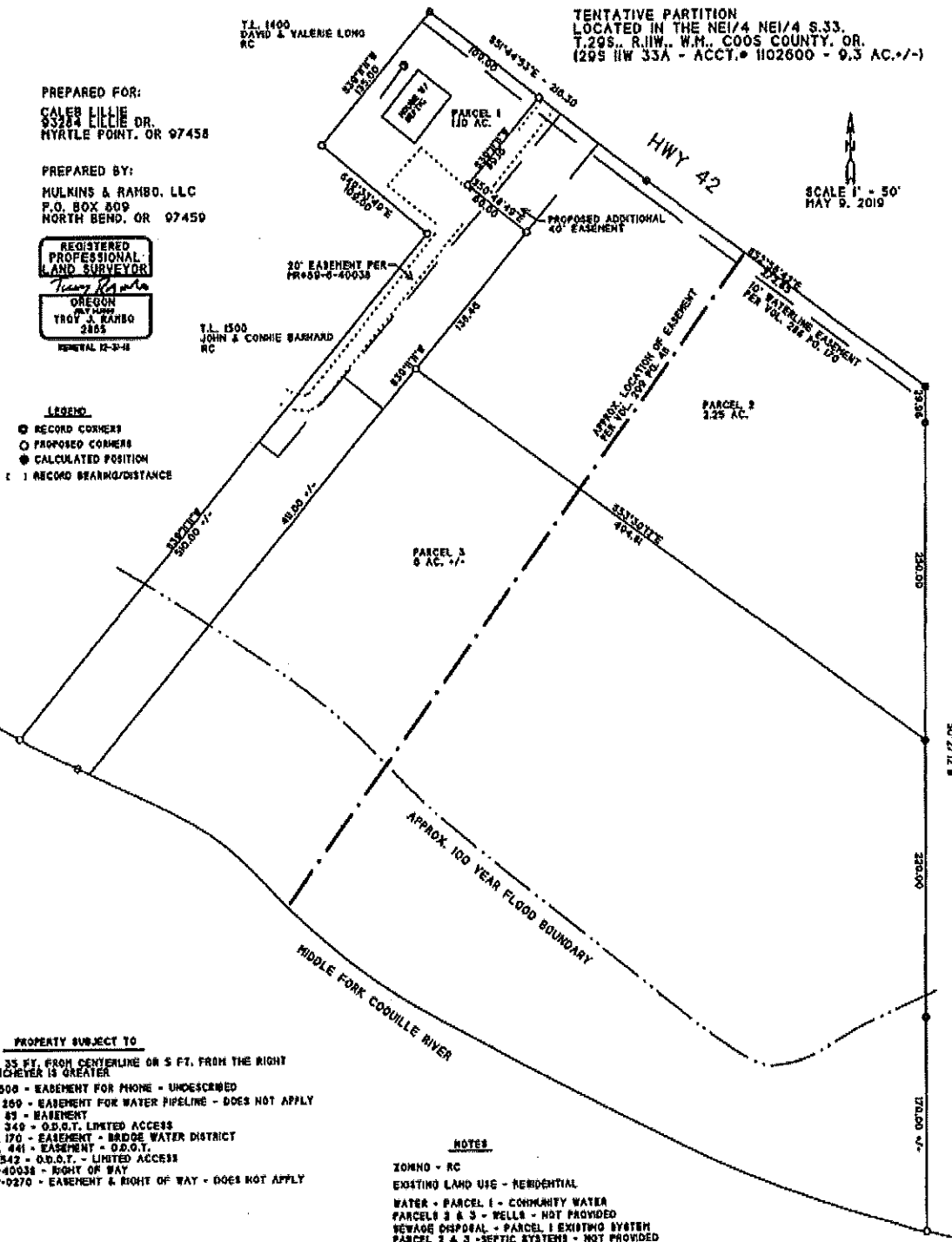
PREPARED BY:  
 MULKINS & RAMBO, LLC  
 P.O. BOX 809  
 NORTH BEND, OR 97450

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

TROY J. RAMBO  
 2885  
 EXPIRES 12-31-18

T.L. 1500  
 JOHN & CONNIE BARNARD  
 RC

T.L. 1500  
 DONALD & KATHRYN GENTLER  
 RC



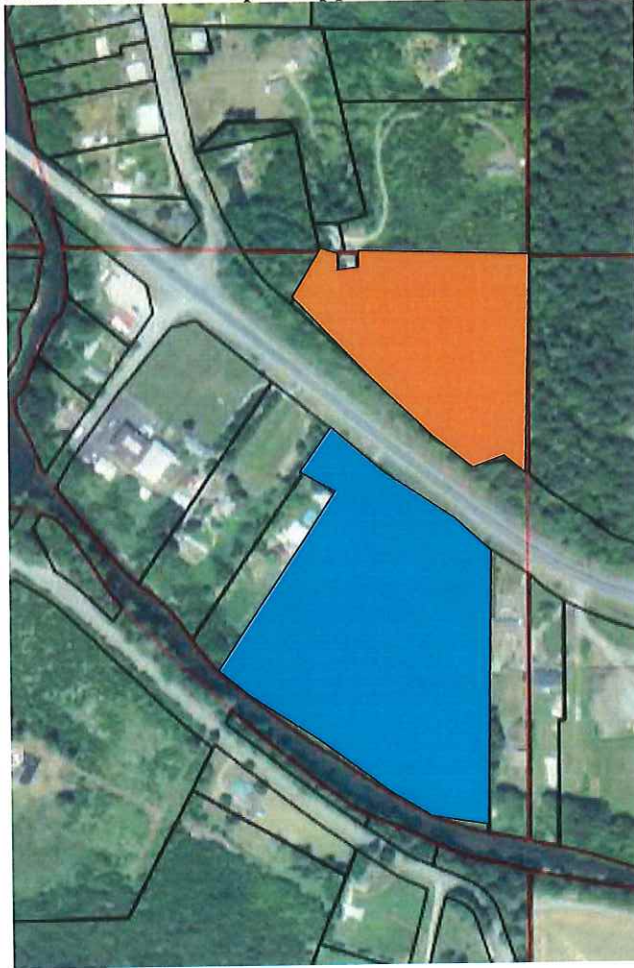
- LEGEND**
- RECORD CORNERS
  - PROPOSED CORNERS
  - CALCULATED POSITION
  - | RECORD BEARING/DISTANCE

- PROPERTY SUBJECT TO**
- SETBACKS - 35 FT. FROM CENTERLINE OR 5 FT. FROM THE RIGHT OF WAY, WHICHEVER IS GREATER
  - BK. 02 PG. 000 - EASEMENT FOR PHONE - UNDESCRIBED
  - BK. 103 PG. 260 - EASEMENT FOR WATER PIPELINE - DOES NOT APPLY
  - BK. 237 PG. 43 - EASEMENT
  - BK. 285 PG. 340 - O.D.S.T. LIMITED ACCESS
  - BK. 288 PG. 170 - EASEMENT - BRIDGE WATER DISTRICT
  - BK. 299 PG. 441 - EASEMENT - O.D.S.T.
  - BK. 311 PG. 342 - O.D.S.T. - LIMITED ACCESS
  - PR# 09-08-40038 - RIGHT OF WAY
  - INST.# 03-11-0270 - EASEMENT & RIGHT OF WAY - DOES NOT APPLY

- NOTES**
- ZONING - RC
  - EXISTING LAND USE - RESIDENTIAL
  - WATER - PARCEL 1 - COMMUNITY WATER
  - PARCELS 2 & 3 - WELLS - NOT PROVIDED
  - SEWAGE DISPOSAL - PARCEL 1 EXISTING SYSTEM
  - PARCEL 2 & 3 - SEPTIC SYSTEMS - NOT PROVIDED
  - POWER / PHONE - LOCATED ON SITE
  - TOPOGRAPHY - LESS THAN 10% EXCEPT ALONG THE RIVER

SCALE 1" = 50'  
 MAY 9, 2019

**EXHIBIT "C"**  
**Discrete Parcel Map & Applicants Documentation**



According to the applicant and supported by the information in the record, Oregon Highway Commission created an intervening ownership. They acquired the land for the purpose of a road way in Warranty Deeds (1950) Volume 285, page 349 and (1961) Volume 311 Page 542 located in the Coos County Land Records. The documents show the road is owned in fee and divides the property.



File No. 32880

55327

### WARRANTY DEED

(Individual)

Know All Men by These Presents, That we, James B. Sypher and Cora L. Sypher,

husband and wife, grantors, for the consideration of the sum of ~~One Thousand Three Hundred Sixty and 100/100 (1,360.00) DOLLARS~~ to ~~be paid~~, paid, have bargained and sold and by these presents do bargain, sell and convey unto the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, the following described premises, to wit:

PARCEL NO. 1

A parcel of land lying in the NE<sup>1</sup>/<sub>4</sub> of Section 33, Township 39 South, Range 11 West, W.M., Coos County, Oregon, the said parcel being bounded on the Northwest side by that property described in that deed to G. A. Young, et ux, recorded in Book 261, Page 371 of Coos County Deed Records; bounded on the Northeast side by the existing Coos Bay-Roseburg Highway; bounded on the East side by that property described in that deed to Wayne W. Lamb, et ux, recorded in Book 268, Page 133 of Coos County Deed Records; and bounded on the Southwest side by a line which is parallel to and 60 feet Southwest of the center line of the Coos Bay-Roseburg Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 525+00, said Station being 11.26 feet South and 894.01 feet West of the Northeast corner of said Section 33; thence South 49° 19' 30" East 767.69 feet; thence on a spiral curve left (the long chord of which bears South 53° 29' 24" East) 500 feet to Station 537+67.69, said center line crosses the Southeast side of said Young property approximately at Engineer's center line Station 530+55.

(Bearings used herein are based upon the Oregon Co-ordinate System, South Zone.)

The parcel of land to which this description applies contains 0.75 acre, outside of the existing right of way.

PARCEL NO. 2

A parcel of land lying in the NE<sup>1</sup>/<sub>4</sub> of Section 33, Township 39 South, Range 11 West, W.M., Coos County, Oregon, and being a portion of that property described in that certain deed to James B. Sypher, et ux, recorded in Book 218, Page 29 of Coos County Records of Deeds; the said parcel being that portion of said property lying Northeast of the existing Coos Bay-Roseburg Highway, lying Southeast of that property described in that deed to School District P77-C, recorded in Book 230, Page 197 of Coos County Deed Records and included in a strip of land variable in width, lying on the Northeast side of the center line of the Coos Bay-Roseburg Highway as said highway has been relocated, which center line is described in Parcel #1.

Said center line crosses the East line of said Section 33 approximately at Station 536+20.

The widths in feet of the strip of land above referred to are as follows:

Station	IN	Station	Width on Northeast Side of Center Line
525+00		532+67.69	80
532+67.69		534+00	80 in a straight line to 100
534+00		535+00	100 in a straight line to 70
535+00		537+67.69	70

The parcel of land to which this description applies contains 0.23 acre.

As a part of the consideration hereinabove stated, there is also bargained, sold, conveyed and relinquished to the Grantor all existing, future or potential common law or statutory abutter's easements of access between the right of way of the public way identified as the relocated Coos Bay-Roseburg Highway, including the existing Coos Bay-Roseburg Highway and all of the Grantors' remaining real property.

WV 311 542  
56128

File No. 36218

**WARRANTY DEED**  
(Individual)

Know All Men by These Presents, That Mr. David E. Hatfield and

Phyllis E. Hatfield, husband and wife; Lynn L. Hatfield and Sharon Hatfield, also known as Sharon L. Hatfield, husband and wife; Harry A. Hatfield, ~~husband and wife~~ and/ Caroline Hatfield, husband and wife, grantor<sup>s</sup>, for the consideration of

the sum of Fifty and No/100 (\$50.00) ----- DOLLARS

to HM paid, have bargained and sold and by these presents do bargain, sell and convey unto the STATE OF OREGON, by and through its STATE HIGHWAY COMMISSION, the following described premises, to wit:

A parcel of land lying in the NE1/4 of Section 33, Township 29 South, Range 11 West, W. M., Coos County, Oregon, and being a portion of that property described in that deed to David E. Hatfield, et al, recorded in Book 287, Page 480 of Coos County Records of Deeds; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Northeasterly side of the center line of the Coos Bay-Roseburg Highway as said highway has been relocated, which center line is described as follows:

Beginning at Engineer's center line Station 525+00, said Station being 11.26 feet South and 894.05 feet West of the Northeast corner of said Section 33; thence South 49° 19' 30" East, 767.69 feet; thence on a spiral curve left (the long chord of which bears South 53° 29' 24" East) 500 feet to Engineer's Station 537+67.69. The Northeasterly line of said strip of land crosses the East line of said property approximately opposite Engineer's center line Station 535+25.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on Northeasterly Side of Center line
525+00		532+67.69	80
532+67.69		534+00	80 in a straight line to 100
534+00		534+50	100 in a straight line to 150
534+50		537+00	150

(Bearings used herein are based upon the Oregon Co-ordinate System, South Zone.)

The parcel of land to which this description applies contains 0.2 acre outside of the existing right of way.

As a part of the consideration hereinabove stated, there is also bargained, sold, conveyed and relinquished to the Grantee all existing, future or potential common law or statutory abutting easements of access between the parcel herein described and all of the Grantors' remaining real property, including access previously reserved at Highway Engineer's Station 535+50.

It is expressly intended that these covenants, burdens, restrictions and reservations shall run with the land and shall forever bind the Grantee, their heirs and assigns.



**EXHIBIT "D"**  
**Staff Report**

File Number:	P-19-005
Surveyor:	Troy Rambo
Account Number	1102600
Map Number	29S1133A0-00100
Property Owner	LILLIE, CALEB 93284 LILLIE DR MYRTLE POINT, OR 97458-8834
Situs Address	18976 HWY 42 MYRTLE POINT, OR 97458
Acreage	11.03 Acres
Zoning	RURAL CENTER (RC) RURAL RESIDENTIAL-2 (RR-2)
Special Considerations	ARCHAEOLOGICAL SITES (ARC) FLOODPLAIN (FP) NATIONAL WETLAND INVENTORY SITE (NWI) RURAL UNINCORPORATED COMMUNITY (RUC)

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**Reviewing Staff:** Crystal Orr, Planning Specialist  
**Date of Report** August 20, 2019

**I. PROPOSAL**

The applicant's proposal is a request for Planning Director Approval for a three (3) parcel partition as provided by the Coos County Zoning and Land Development Ordinance and a Lawfully Created Parcel Determination.

**II. BACKGROUND INFORMATION:**

The property is developed with a 1905 dwelling. The only permits that have been issued for this property prior to this request was a Zoning Clearance Letter (ZCL-19-161) issued to replace or repair the existing septic system on May 16, 2019. This application request for a land partition and confirmation of a lawfully created parcel outside of the land division was received on May 16, 2019.

**III. PROPERTY DESCRIPTION AND PROPOSAL**

**LAWFULLY CREATED:** This property is acknowledged as a lawfully created pursuant to CCZLDO § 6.1.125.1.e as it was lawfully created by deed or land sales contract prior to any applicable planning, zoning or subdivision ordinances or regulations that prohibited the creation (deed document book 287 page 480).

**LOCATION:** The subject property is located southeast of the City of Myrtle Point. The property is accessed via Highway 42, a State owned highway. The situs address is 18976 HWY 42 MYRTLE POINT. The property is located within the Rural Unincorporated Community of Bridge.

**SITE DESCRIPTION AND SURROUNDING USES:**

- a. **SITE DESCRIPTION AND SURROUNDING USES:** This property is located southeast of the City of Myrtle Point. The property is zoned Rural Center (RC) and

contains 9.3 acres according to Registered surveyor Troy Rambo. There is a Single Family Dwelling that will remain on Parcel 1 after the land division. The surrounding properties located within the 250 notification buffer are zoned Rural Center (RC) and Rural Residential-2 (RR-2). The lawfully created unit of land that is part of the land division is bordered by Middle Fork Coquille River to the south, and Highway 42 to the North. To the east and west are like zoned residential properties. This is a residential area.

- b. PROPOSAL:** The applicant is seeking confirmation that the portion of the tax lot located on the north side of Hwy 42 is a Lawfully Created Parcel Determination and a three (3) parcel Land Division for the portion of the tax lot located on south side of HWY 42.

### **Rural Center (RC)**

*The intent of the Rural Center Designation "committed" rural nodes is to provide residential, commercial, and public/semi-public uses.*

*The purpose of the "RC" is to provide for the development of rural commercial, tourist commercial, residential and services facilities, necessities, convenience and supplies ancillary to nearby agricultural, forestry, recreational and rural residential uses and activities and to conserve energy by providing for needed commercial outlets in rural areas already "committed" as residential/commercial nodes.*

*New commercial uses that are consistent with the objectives of the "RC" district are those uses which are needed for the convenient shopping needs of the nearby rural population.*

*Only one Primary Use can exist, and any other use must be subordinate in size and nature. Pursuant to OAR-660-022-003 Commercial building or buildings in a rural unincorporated community shall not exceed 4,000 square feet of floor space.*

### **SECTION 6.1.100 WHAT IS NOT A LAWFULLY CREATED LOT OR PARCEL:**

A unit of land shall not be considered a separate parcel simply because the subject tract of land;

1. Is a unit of land created solely to establish a separate tax account;
2. Includes properties that have divided interest;
3. Lies in different counties;
4. Lies in different sections or government lots;
5. Lies in different land use or zoning designations; or
6. Is dissected by a public or private road.

### **SECTION 6.1.125 LAWFULLY CREATED UNIT OF LAND**

"Lawfully established unit of land" means:

1. The unit of land was created:
  - a. Through an approved or pre-ordinance plat;
  - b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;
  - c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.
  - d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;
  - e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.
  - f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. "Navigable-for-title" or "title-navigable" means that ownership of the waterway, including its bed, was passed from the federal government to the state at

statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.

### **SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:**

An application to establish a lawfully created unit of land shall be submitted in the case of Section 6.1.125.1.d, e and f and Section 6.1.125.2. This is an administrative land use decision. If County Counsel is required to review information to determine legal status of the unit of land 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 unit of land exists it shall be separated out on its own deed prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed. If there are more than two lawfully created units of land (discrete parcels) found to exist a road may be required to provide access. The applicable road standards in Chapter VII will apply.

**Finding: Highway 42 was acquired fee simple through warranty deeds prior to 1950 (Deed Document Volume 285 Page 349 Therefore, Highway 42 is considered an intervening ownership. The legal description confirms that the two tax lots are located within one legal description with an exception for the "Coos Bay-Roseburg Highway".**

- ***SECTION 6.2.350 TENTATIVE PLAT REQUIRMENTS***

**Finding: This section was reviewed prior to deeming the application complete. The application was found to be complete within the 30 day timeline. An application for a land division shall meet the requirements of the tentative plan prior to setting up the Technical Review Committee to allow for comments and review.**

- ***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.*

**FINDING: The application was circulated to all affected bodies including special districts and agencies and/or departments that the County has an agreement with. Comments have been summarized below and were provided to the applicant as part of the TRC and found at Attachment "D".**

- **Coos County Cartographer, Jorene Smith responded that the tax lot number is missing for the parcel. There was a deed recorded as Document No. 2019-3602 segregating the portion of tax lot 100 above the Highway (resulting in the new creation of tax lot 101 tax account #**

99920148 with 5.10 acres) I did not find an approval from the Planning Department regarding the segregation. There may be an additional process to complete prior to the final map being approved. After the segregation of tax lot 101 the remainder acreage shows as 11.03 acres, we will need the final survey to show the acreages surveyed in order to adjust the acreage. The width of all streets or public ways must be shown on the final plat. If the tax statements are not mailed by the time the final plat is submitted for approval, then pre payment of taxes must be collected before the assessor can sign the final plat. The pre payment amount will be disclosed on a separate statement.

- Coos County Surveyor, Mike Dado commented that he had no objections to the proposal.
- Coos County Roadmaster, John Rowe commented that the proposal will require a permit from the Oregon Department of Transportation (ODOT) for the new roadway approach off State Highway 42. The new roadway will serve four (4) tax lots after the Partition is finalized. The existing roadway will need to meet the standards of CCXLDO Table 7.2a, local residential serving four or more dwellings.
- John McDonald, Development Review Planner for Oregon Department of Transportation (ODOT) responded that the property shall have no new accesses to OR 42. All newly created parcels shall take access from the existing access and reciprocal easements for access must be recorded in the deed.

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.*

**FINDING:** The application was received May 16, 2019 and deemed complete June 14, 2019. This report is past the forty-five (45) days time for review, additional time was necessary to complete the review due to volume of applications received within this time frame.

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.*

**FINDING:** The decision is that the tentative land division plan complies with the requirements of this article and other articles pertaining to mapping and access with conditions. The decision will be processed accordingly.

- 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.*

**FINDING: Staff has found that the application meets the information required by this article including design and development standards, transportation standards, minimum parcel sizes and requirements for the zoning district, this is not a phased development.**

- 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.*

**FINDING: The application has been conditioned to ensure the proposal complies with the Coos County Comprehensive Plan and Implementing Ordinance.**

- 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.*

**Finding: The access to all parcels is through State Highway 42, will need a permit through Oregon Department of Transportation. All parcels must use the existing access; an easement is documented on the tentative plan. As a condition of approval the applicant shall provide Coos County with a valid access permit from the Oregon Department of Transportation.**

- 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]*

**Finding: The effective date for this tentative approval will be September 3, 2019 unless an appeal is received.**

- 6. *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.*

7. *Granting of Extensions.*

- 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.*

**Finding: This land division is not a phase partition and shall be valid for two (2) years from the effective date. The final partition plat shall be filed on or before this two (2) year time period expires. If the applicant is unable to complete the conditions of approval and file the final partition prior to the expiration an extension can be applied for. Extensions are valid for twelve (12) months.**

- ***Section 6.2.400 Access in Conjunction with a Land Division:***

*All access shall conform to the provisions under Article 6.2 and Chapter VII.*

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

**Finding:** **Parcels 1 and 2 will have direct access to State Highway 42, and parcel 3 will share the State Highway 42 access through a documented easement. The parcel to the east currently has an easement. The easement shall be illustrated on the final plat; and a copy of the recorded easement shall be received by Staff prior to the signing of the Final Plat.**

**There is no proposed pedestrian or bicycle path as part of this request as this is not required for this land division. There is no requirement for a slope easement.**

**Coos County Roadmaster, John Rowe commented that the proposal will require a permit from ODOT for the new roadway approach off State Highway 42. The new roadway will serve four (4)**

units of land after the Partition is finalized. The existing roadway will need to meet the standards of CCZLDO Table 7.2a, local residential serving four or more dwellings.

Therefore, the above criteria have addressed the access and easement criteria.

- **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 drain fields.*
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.*

**Finding: 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).*
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)*

**Finding: This property is zoned Rural Center and contains 9.3 acres. The minimum lot size within Rural Center is one (1) acre. All three (3) parcels will exceed the minimum lot size for their zoning**



**district; the tentative map shows Parcel 1 (zoned RC) as 1.10 acres, Parcel 2 (Zoned RC) as 2.25 acres and Parcel 3 (Zoned RC) as 6 acres.**

**The property is outside of the Urban Growth Boundary and; therefore, does not require any lot area, yard, off street parking, loading or any other type of open space for this partition. The proposal does not include a panhandle lot. The minimum street frontage is 30 feet; all parcels will exceed the minimum requirement. The minimum lot width and depth of 50 feet has been met for all parcels.**

**As a condition of approval the applicant must submit proof of an adequate supply of potable water pursuant to the water requirement of Section 6.2.800(3).**

**According to the tentative map there is a septic system for the existing dwelling. Proof that the septic disposal system conforms to Department of Environmental Quality requirements must be received prior to the Final Plat being signed.**

**No drainage issues have been identified on this property. A grading and storm water plan is not required at this time; however, grading, drainage, and erosion prevention may be required if and when new development takes place.**

**Therefore, the criterion for a tentative plan has been met.**

**VIII. NOTICE REQUIREMENTS:**

**A notice of decision will be provided to property owners within 250 feet of the subject properties, special districts, interested parties and DLCD.**

**EXHIBIT E”  
Comments Received**

**Crystal Orr**

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**From:** MCDONALD John [John.MCDONALD@odot.state.or.us]  
**Sent:** Wednesday, August 14, 2019 3:06 PM  
**To:** Crystal Orr  
**Cc:** HOROWITZ Micah; WADDINGTON Jeff S  
**Subject:** RE: ODOT Development Review Update

Crystal,

My apologies. Here are our comments:

P-19-005 – The property shall have no new accesses to OR 42. All newly created parcels shall take access from the existing access, and reciprocal easements for access must be recorded in the deed.

P-19-006 – we have no comments on the proposal.

P-19-007 – The property shall have no new accesses to US 101. All newly created parcels shall take access from the existing access, and reciprocal easements for access must be recorded in the deed.

Thanks,

John McDonald  
Development Review Planner  
ODOT Southwestern Region  
541-957-3688

**From:** Crystal Orr <[corr@co.coos.or.us](mailto:corr@co.coos.or.us)>  
**Sent:** Wednesday, August 14, 2019 2:23 PM  
**To:** MCDONALD John <[John.MCDONALD@odot.state.or.us](mailto:John.MCDONALD@odot.state.or.us)>  
**Cc:** HOROWITZ Micah <[Micah.HOROWITZ@odot.state.or.us](mailto:Micah.HOROWITZ@odot.state.or.us)>  
**Subject:** RE: ODOT Development Review Update

Hello,

I sent you a request for comments for a TRC for P-19-005 and we have not received comments. This parcel accesses from highway 42. Can you please provide comments, and whether they have a legal access permit.

Thank you,

*Crystal Orr*

Crystal Orr, Planning Specialist  
Coos County Planning Department  
225 N. Adams (physical address)  
250 N. Baxter (mailing address)  
Coquille, OR 97423



**COOS COUNTY SURVEYOR**  
250 N. Baxter Street, Coquille, Oregon 97423

**Michael L. Dado**  
541-396-7586  
Email [coosurvey@co.coos.or.us](mailto:coosurvey@co.coos.or.us)

August 12, 2019

To: Crystal Orr

Re: Land Partition P-19-005  
Caleb Lillie  
29-11- 33A, TL 100

Crystal,

I have no objections to this proposed Land Partition.  
I apologize that I will be out of town and unable to attend the TRC meeting.  
I have no further comments at this time.

Very truly yours

Michael L. Dado



## COQUILLE INDIAN TRIBE

3050 Tremont Ave. North Bend, OR 97459  
Telephone: (541) 756-0904 ~ Fax: (541) 756-0847  
[www.coquilletribe.org](http://www.coquilletribe.org)

August 2, 2019

Coos County Planning Department  
250 N Baxter  
Coquille, Oregon 97429

Re: P-19-005

Project location: Township 29S, Range 11W, Section 33A, TL 100

Thank you for the opportunity to comment on the proposal for a land partition at the above referenced location. Our records show known cultural resources within extremely close proximity to the project area.

Due to the close proximity to known cultural resources, we request that the landowner and/or contractor contact our office at (541) 217-5721 to schedule a Cultural Resource Monitor to be on site during all ground-disturbing activities. Please schedule the monitor a minimum of 72 hours in advance of anticipated project start time.

Please be aware that state statutes and federal law governs how archaeological sites are to be managed. 43 CFR 10 applies on tribal and federal lands, federal projects, federal agencies, as well as to federal actions and federally funded (directly or indirectly) projects. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of a Native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object, or removal of an archaeological object from public or *private lands*. If archaeological materials are discovered, uncovered, or disturbed on the property, we will discuss the appropriate actions with all necessary parties.

Thank you again and feel free to contact me if you have any questions.

Best,

Todd Martin  
Tribal Historic Preservation Specialist



## COOS COUNTY ASSESSOR'S OFFICE

250 North Baxter Street, Coquille, Oregon 97423

(541) 396-7901

FAX (541)396-6071/TDD 1-800-735-2900

**STEVE JANSEN**  
ASSESSOR

August 8, 2019

Planning Department  
Crystal Orr

Re: Tentative Partition Plat (P-19-005)  
Account # - 1102600  
Map # - 29-11-33A TL 100

Dear Crystal,

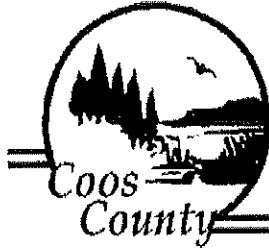
Our office has reviewed the above referenced tentative partition plat and have found the following items that need attention:

1. The Tax Lot # is missing on the Tentative Plat.
2. There was a Deed recorded as Document No. 2019-3602, segregating the portion of TL 100 above the Road (resulting in the creation of New TL 101 Tax Acct. # 99920148 with 5.10 AC.) I did not find an approval from the Planning Department regarding the Segregation. There may be an additional process to complete prior to the Final being approved.
3. After the Segregation of TL 101 the remainder Acreage shows as 11.03, we will need the Final survey to show the acreages surveyed in order to adjust them.
4. The widths of all streets or public ways must be shown on the plat.
5. If the tax statements are not mailed by the time the final plat is submitted for approval, then pre-Payment of taxes must be collected before the Assessor can sign the Final.
6. The Pre-Payment amount will be disclosed on a separate statement.
7. Please be advised that there is a potential for additional tax on this property.
8. We assume the Initial point, legal description and signature block will be shown on the final plat.
9. Please be advised that a processing fee of \$225.00 will be required before the Assessor signs the final plat.

Sincerely,

Jorene Smith  
Cadastral Cartographer

Coos County is an Affirmative Action/Equal Opportunity Employer and complies with section 504 of the Rehabilitation Act of 1973



**PUBLIC WORKS**  
**ROAD - SOLID WASTE**  
250 N Baxter Street, Coquille, Oregon 97423  
(541) 396-7665  
FAX (541) 396-1023

**JOHN ROWE**  
Director / Roadmaster

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August 15, 2019

Jill Rolfe  
Planning Director

Re: Tentative Plat Review -- Partition P-19-005  
T29S, R11W, Section 33A TL 100  
Applicant: Caleb Lillie

Comments

A permit from ODOT will be required for the new roadway approach off State Highway 42.

The existing roadway will serve four tax lots after the partition is finalized. The existing roadway will need to meet the standards of CCZLDO Table 7.2A, Local Residential serving four or more dwellings.

Thank you,

*John Rowe*  
John Rowe  
Roadmaster

Coos County is an Affirmative Action/Equal Opportunity Employer and complies with section 504 of the Rehabilitation Act of 1973  
E-mail: [jrowe@co.coos.or.us](mailto:jrowe@co.coos.or.us)



**Coos County Planning Department**  
Coos County Courthouse Annex, Coquille, Oregon 97423  
Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423  
Physical Address: 225 N. Adams, Coquille, Oregon  
(541) 396-7770  
FAX (541) 396-1022 / TDD (800) 735-2900  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)  
Jill Rolfe, Planning Director

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August 14, 2019

Memo: P-19-005

RE: Section 6.2.350, 6.2.475, 6.2.500, 6.2.525

The following requirements are needed for the above sections for the Partition that was submitted:

- 6.2.350.2. iv tax lot number is missing
- 6.2.350.2.xiv the floodplain is mapped incorrectly
- 6.2.475.1 need a copy of the ODOT access permit

Thank you,

Coos County Planning Department  
225 N. Adams (physical address)  
250 N. Baxter (mailing address)  
Coquille, OR 97423