



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: December 4, 2019

File No: P-19-011

RE: A decision on an application request for a three (3) parcel partition on the applicants property.

Applicant(s): Norman Parrish
2405 Spruce St
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-19-011

Applicant: Norman Parrish

Account Number: 1091600
Map Number: 29S112000-00400

Property Owner: PARRISH, NORMAN
2405 SPRUCE ST
MYRTLE POINT, OR 97458-1597

Situs Address: NO SITUS ADDRESS

Acreage: 5.19 Acres

Notice shall be posted from December 4, 2019 until 5 pm on December 19, 2019

Zoning: FOREST (F)
Special Considerations: ARCHAEOLOGICAL SITES (ARC)
FOREST MIXED USE (MU)

Proposal: The applicants' 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 § 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; Article 7.2, Table 7.2A Minimum Standards for New Roads and Driveways in Rural. Article 5.13 MEASURE 49 CLAIMS AND PROCESS

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 December 19, 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: December 4, 2019
Crystal Orr, Planning Specialist

Authorized by:  Date: December 4, 2019
Jill Rolfe, Planning Director

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit C: Staff Report

Exhibit B: Vicinity Map & Tentative Plat

Exhibit D: 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--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"

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. A road name application will need to be submitted prior to receiving a signature on the final plat.
4. Shall comply with all conditions of approval for the Measure 49 (add claim number)
5. 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



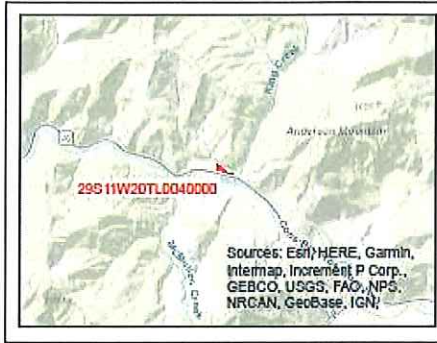
COOS COUNTY PLANNING DEPARTMENT

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

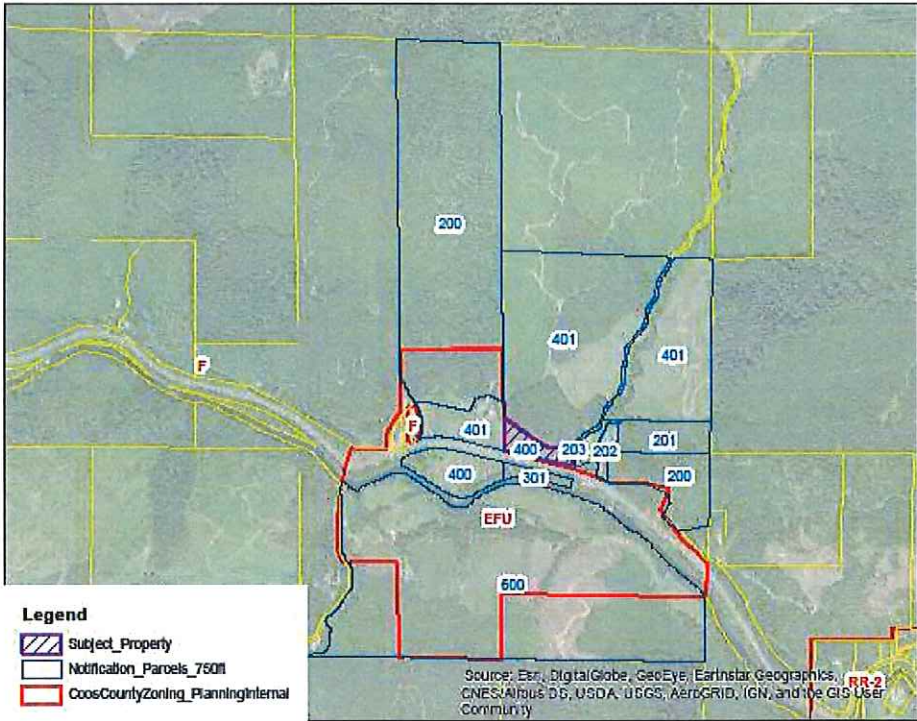
Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

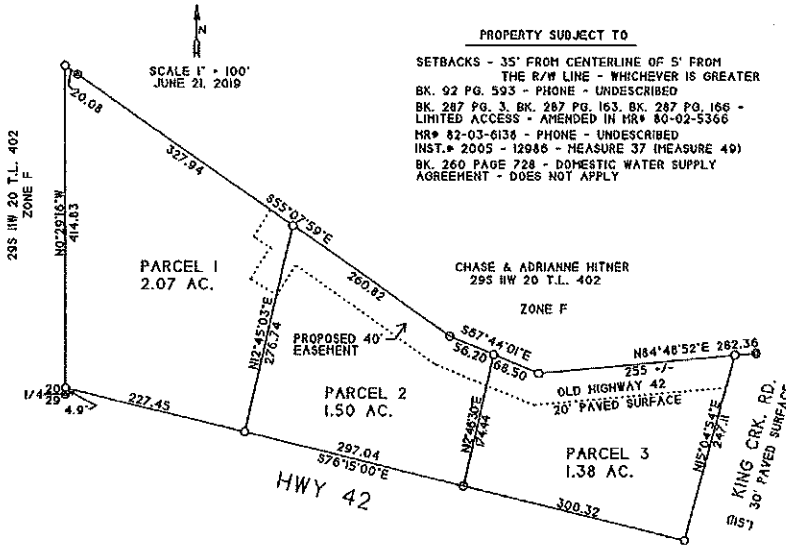
Fax: (541) 396-1022/TDD (800) 735-2900



File:	P-19-011
Applicant/ Owner:	Norman Parrish/ Troy Rambo
Date:	November 6, 2019
Location:	Township 29S Range 11W Section 20 TL 400
Proposal:	Partition



TENTATIVE PARTITION - LOCATED IN THE SW1/4 SE1/4 OF SEC. 20
 & NW1/4 NE1/4 SEC. 29, T.29S., R.11W., W.M., COOS COUNTY, OREGON
 (T.L. 400 - 29S 11W 20 - ACCT.# 1091600 - 5.19 AC.)



PREPARED FOR:
 NORMAN PARRISH
 2405 SPRUCE ST.
 MYRTLE POINT, OR 97458

PREPARED BY:
 MULKINS & RAMBO, LLC
 P.O. BOX 809
 NORTH BEND, OR 97459

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Troy J. Rambo
 OREGON
 0517 14884
 TROY J. RAMBO
 2865
 RENEWAL 12-31-20

LEGEND

- ⊙ RECORD CORNERS
- PROPOSED CORNERS

NOTES

- ZONING - F
- EXISTING LAND USE - VACANT
- WATER - WELLS - NOT PROVIDED
- SEWAGE DISPOSAL - INDIVIDUAL SEPTIC SYSTEMS - NOT PROVIDED
- POWER / PHONE - LOCATED ON SITE
- TOPOGRAPHY - LESS THAN 10X

EXHIBIT "C"
Staff Report

File Number:	P-19-011
Surveyor:	Troy Rambo
Account Number	1091600
Map Number	29S112000-00400
Property Owner	PARRISH, NORMAN 2405 SPRUCE ST MYRTLE POINT, OR 97458-1597
Situs Address	NO SITUS ADDRESS
Acreage	5.19 Acres
Zoning	FOREST (F)
Special Considerations	ARCHAEOLOGICAL SITES (ARC) FOREST MIXED USE (MU)

Reviewing Staff: Crystal Orr, Planning Specialist
Date of Report December 4, 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 (CCZLDO).

III. PROPERTY DESCRIPTION AND PROPOSAL

LAWFULLY CREATED: This property is acknowledged as a lawfully created pursuant to CCZLDO § 6.1.125.1.b as it was lawfully created by through a prior land use decision (MP-89-13).

LOCATION: The subject property is located southeast of the City of Myrtle Point. The property is accessed through a private easement via King Creek Road, which is a public County maintained road.

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 Forest (F) and contains 5.19 acres. The parcels surrounding are like sized and zoned Forest and Exclusive Farm Use.
- b. **PROPOSAL:** The applicant proposes a land division to divide the parent parcel into three (3) parcels for the purpose of creating building lots that were approved through a Measure 49 claim. The measure 49 claim did not authorize lots or parcels that exceed five (5) acres.

Forest (F)

The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.

The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

ARTICLE 5.13 MEASURE 49 CLAIMS AND PROCESS

Measure 49 modifies Ballot Measure 37 (2004) to ensure that Oregon law provides just compensation for unfair burdens while retaining Oregon's protections for farm and forest uses and the state's water resources. Measure 49 has two main parts: the first part concerns Measure 37 claims that were filed on or before June 28, 2007; the second part addresses new Measure 49 claims. The first part of Measure 49 replaces the two alternate remedies of Measure 37 (a waiver of land use regulations or the payment of compensation) with an approval for claimants to establish a specific, but limited, number of home sites. This home site approval is provided as a form of compensation for land use regulations imposed after owners acquired their properties. It is available only for claimants who filed Measure 37 claims on or before June 28, 2007. The second part of Measure 49 concerns the filing of new claims, which may be based on land use regulations enacted only after January 1, 2007. As with Measure 37, Measure 49 provides either compensation or waivers for new land use regulations. However, Measure 49 defines the category of land use regulations that are eligible for relief more narrowly, to include only those regulations that limit residential uses of property or that restrict farming or forest practices. In addition, under Measure 49, relief is provided only if the owner demonstrates that the new regulations have reduced the value of property. For claims based on regulation of residential uses, claimants are exempted from regulation only to the extent necessary to allow additional residential development of a value comparable to the value lost as a result of the regulation.

The first part of Measure 49 applies to all Measure 37 claims that were filed on or before June 28, 2007, whether those claims were approved or pending. If a claimant elects to seek relief under Measure 49, the state must undertake a supplemental review of the relevant Measure 37 claim(s). The supplemental review will verify claimant ownership of the property, when the claimant acquired the property and the number of home sites that the claimant could have developed when the property was acquired. At the end of the supplemental review, the claimant will receive an order indicating what the claimant is approved for in terms of additional land divisions and/or dwellings. What claimants are approved for depends on where the property is located, when the claimant acquired the property and what the claimant asked for under Measure 37.

Most Measure 37 claims were filed for property located in rural parts of the state—land outside any UGB and any city. Claims for property located entirely outside any UGB and any city are eligible for relief under two options: an Express option that may allow up to three home sites, and a Conditional option that may allow up to 10 home sites. The Conditional option is not available for property with certain special designations and requires proof that the value of the claimant's property was reduced. Under both options, however, the claimant must have had the right to develop the additional home sites when the property was acquired. Verifying what claimants could have done when they acquired their property is the main focus of the supplemental review under Measure 49.

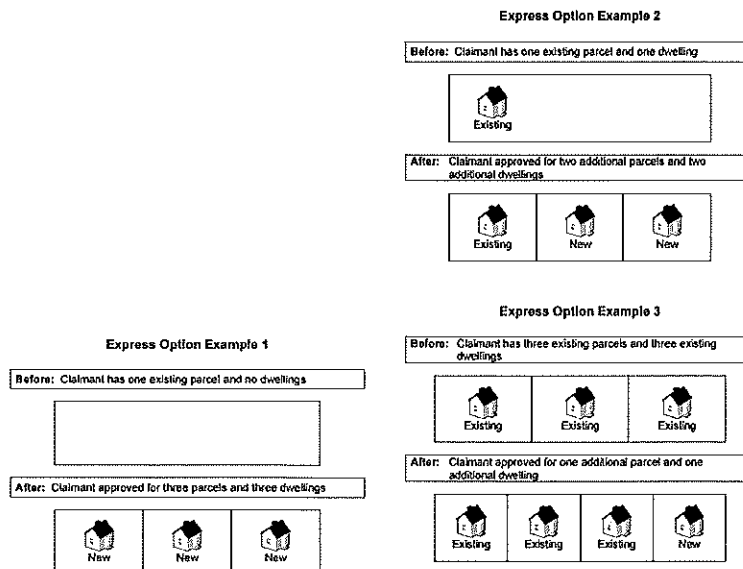
A claimant with a Measure 37 waiver who has begun the development described in the waiver may proceed under Measure 37 if the use of the property complies with the waiver and the claimant has a common law vested right to complete and continue the use. In areas of the state outside a UGB, claimants must have waivers from both the local government and the state. Generally, claimants also will need to have received land use permits for their uses and to have at least begun construction of their uses, before they will have vested rights. Additional information concerning vested rights is contained in guidance

from the state that is available on the DLCD website at <http://www.oregon.gov/LCD/MEASURE49>. Claims for non-residential uses filed under Measure 37 for property outside any UGB and any city may be amended to seek approval for residential uses under Measure 49. Other non-residential uses may continue only to the extent they are vested.

Measure 37 claims filed after June 28, 2007, are treated as new Measure 49 claims. Such claims are eligible for waivers or compensation under Measure 49 only if they are based on new land use regulations (those enacted after January 1, 2007) and only to the extent the claim demonstrates that the new regulation(s) has reduced the value of the property. New Measure 49 claims require proof that a regulation (those enacted after January 1, 2007) has reduced the value of your property. You have five years from the date the new regulation was enacted to file a new claim. Measure 49 requires public entities to compensate claimants for the effect of new land use regulations or to waive those regulations. However, the types of regulations that trigger claims are more limited under Measure 49. They include the following:

- State statutes that establish a minimum lot or parcel size;
- State statutes in ORS chapter 215 that restrict the residential use of private real property;
- Provisions in the Comprehensive Plans, zoning ordinances or land division ordinances that restrict the residential use of private real property “zoned for residential use” ;
- Certain statutes and rules that restrict forest practices or farming practices; and
- Statewide planning goals and administrative rules of the Land Conservation and Development Commission.

Most common approved claims are referred to as the Express option. The number of lots, parcels or dwellings that may be approved under the Express option is limited to three. In addition, the number cannot exceed the number in the claimant’s Measure 37 claim or waiver, if one was issued. If the property already contains one or more dwellings or more than one parcel, then neither the total number of dwellings nor parcels can exceed three. However, if a claimant’s property already contains three or more parcels and three or more dwellings, the claimant may receive one more parcel and one more dwelling if the claimant otherwise qualifies under Measure 49. If a claimant’s property already contains three parcels and has two or fewer dwellings, the claimant can receive only additional dwellings. The following diagrams illustrate some possibilities under the Express option.



SECTION 5.13.100 ONCE A CLAIM HAS BEEN RECEIVED

Once a claimant has received an approval under Measure 49, there is no time limit on when the claimant may carry out the development of the property. However, if the claimant sells the property, the claim will transfer but the purchaser only has ten (10) years to complete the development. The division of the property, and any dwellings, approved under Measure 49 are treated as permitted uses even if they would not otherwise be allowed under the zoning for the property.

The claimant will still need to apply for a subdivision or partition approval to divide the property, and for a building and development permit for any dwellings. Subdivisions, partitions and dwellings approved under Measure 49 must comply with all current applicable siting and development standards, except to the extent that the application of the development standards would prohibit the use. (There is an exception to this exception, in that standards that are "reasonably necessary to protect public health or safety or carry out federal law" must be applied even if the effect would be to prohibit the use.) In addition, newly-created lots or parcels in an exclusive farm use (EFU), forest or mixed farm-forest zone may not exceed two acres, if located on land that is high-value farm- or forestland or in a ground water restricted area; or five acres otherwise. In addition, if the property is in an EFU, forest or mixed farm-forest zone, the new lots or parcels must be clustered "so as to maximize the suitability of the remnant lot or parcel for farm or forest use." A claimant with home site approvals on more than one property may cluster some or all of the dwellings, lots or parcels to which the claimant is entitled on one of the properties.

SECTION 5.13.110 PROCESS

The applicant is required to submit a tentative plan regarding development that is based on a Measure 49 claim. The plan will be provided to the Department of Land Conservation and Development (DLCD) for a 30 day comment period. Sometimes Measure 49 claims mistakenly have counted tax lots as parcels in the claims. Tax lots do not create legal parcels. Staff will review the property to determine if there are legal parcels established already or if they will be required to be divided to meet the intent of the Measure 49 claim. This will be done at the time the tentative plan is completed.

Once that has expired and as long as there are no negative comments regarding compliance with the Measure 49 claim form DLCD an applicant may apply for a partition. The minimum lot sizes and dimensions will be waived and replaced with the requirements of the waiver when creating and applying for a partition.

If any other land use actions are taken on the property under current law to site a dwelling, establish legally created parcels or land division this will reduce the number of dwellings and parcels granted by the Measure 49 claim.

Measure 49 claims do exempt health and safety rules such as hazards and road standards established in Article 4.11 and Chapter VII. Land divisions are subject to standards set out in Article 6.2.

- **SECTION 6.2.350 TENTATIVE PLAT REQUIREMENTS**

Finding: This section was reviewed prior to deeming the application complete. The application was found to be complete on July 26, 2019. 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 distributed 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 had no objections and did not require any additional information.**
 - **Coos County Surveyor, Mike Dado had no objections to the proposed land division, but required the proposed easement be monumented.**
 - **Coos County Roadmaster, John Rowe commented that the roadway and hammer head turnaround in the proposed 40 ft easement shall meet the requirements in the CCZLDO Chapter VII table 7.2A.**
 - **Micah Horowitz, Development Review Planner for Oregon Department of Transportation (ODOT) did not provide comments.**
 - **Coos Health and Wellness, Richard Hallmark Environmental Health Program Manager did not provide comments.**
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 June 27, 2019 and deemed complete July 26, 2019. The Technical Review Committee members met on Thursday October 24, 2019 at 8AM and reviewed the tentative plan. This report is past the forty-five (45) days time for review. Due to application volume additional time was necessary to complete the review.

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 tentative land division plan is found to comply with the requirements of this article and other articles pertaining to mapping and access with conditions of approval. 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, and requirements for the zoning district, this is not a phased development. This Land Division does not meet the required minimum lot size, but this property was approved for a Measure 49 claim that allows them to divide the parent parcel into three (3) units of land. The Measure 49 claim also allows them to site a dwelling on each parcel.

- 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 will be through a private easement off of King Creek Road, which is a paved public Coos County maintained road. The private easement will provide access to three (3) dwellings and therefore a Road Name Application must be submitted prior to the signing of the final plat.

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 December 19, 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. Furthermore, the Measure 49 authorization is only valid for ten years once a property has been transferred to a different ownership.

- ***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: All Parcels will have access through a private easement off of King Creek Road, which is a paved Coos County maintained public road. The easement will provide access to three (3) dwellings and therefore a Road Name Application must be submitted 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.

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 Forest (F) and contains 5.19 Acres. The minimum lot size within the Forest zone is 80 Acres. This parcel was approved for a Measure 49 claim which allows a division of this parcel into three (3) parcels.

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.

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 maybe required if and when new development takes place.

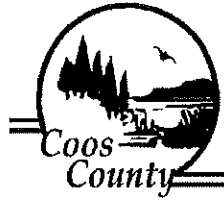
The private easement will serve three parcels and is required to be named as part of the partition process.

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

VIII. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 100 feet of the subject properties, special districts, and DLCD.

Exhibit "D"
Comments Received



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

JOHN ROWE
Director / Roadmaster

October 24, 2019

Jill Rolfe
Planning Director

Re: Tentative Plat Review – Partition P-19-011
T29S, R11W, Section 20 TL 400
Applicant: Norman Parrish

Comments

The roadway and hammer head turnaround in the proposed 40 ft. easement shall meet the requirements in the CCZLDO Chapter VII Table 7.2A.

Thank you,

John Rowe
John Rowe
Roadmaster



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

October 9, 2019

Planning Department
Crystal Orr

Re: Tentative Partition Plat (P-19-011)
Account # - 1091600
Map # - 29-11-20 TL400

Dear Crystal,

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

1. Everything appears to be in order.
2. The current taxes must be paid in full before the Assessor can sign the plat.
3. Please be advised that there is a potential for additional tax on this property.
4. We assume the initial point, legal description and signature block will be shown on the final plat.
5. 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

CC: Mike Dado, County Surveyor
Troy Rambo, Surveyor
File

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



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

Michael L. Dado
541-396-7586
Email coosurvey@co.coos.or.us

October 9, 2019

To: Crystal Orr

Re: Land Partition P-19-011
Norman Parrish
29-11-20, TL 400

Crystal,

I have no objections to this proposed Land Partition. The proposed easement must be monumented.

I have no further comments at this time.

Very truly yours

Michael L. Dado