

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; § 7.2, Table 7.2B Minimum Standards for New Roads and Driveways in Urban.

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 February 11, 2020 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: January 27, 2020
Crystal Orr, Planning Specialist

Authorized by:  Date: January 27, 2020
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. If Parcel 1 and Parcel 2 will be sharing the mapped easement then the easement will need to be 40 feet with a 12 foot rocked roadway and a hammer head turnaround meeting requirements of CCZLDO Chapter VII, Table 7.2B. If the plan is for all parcels to access off of Wallace separately the applicant must check with the County Roadmaster to make sure that three (3) access points can be obtained. If three (3) access points are obtainable a note must be written on the plat that "Parcel 1 will access from Wallace Road". Please note that if you choose to use Wallace as the access point for Parcel 1 Coos County Planning Staff will not allow access through the easement when applying to site improvements on the property, and the access and driveway off of Wallace Road will need to meet all Road, Access and Driveway standards prior to authorization for any development.
4. 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



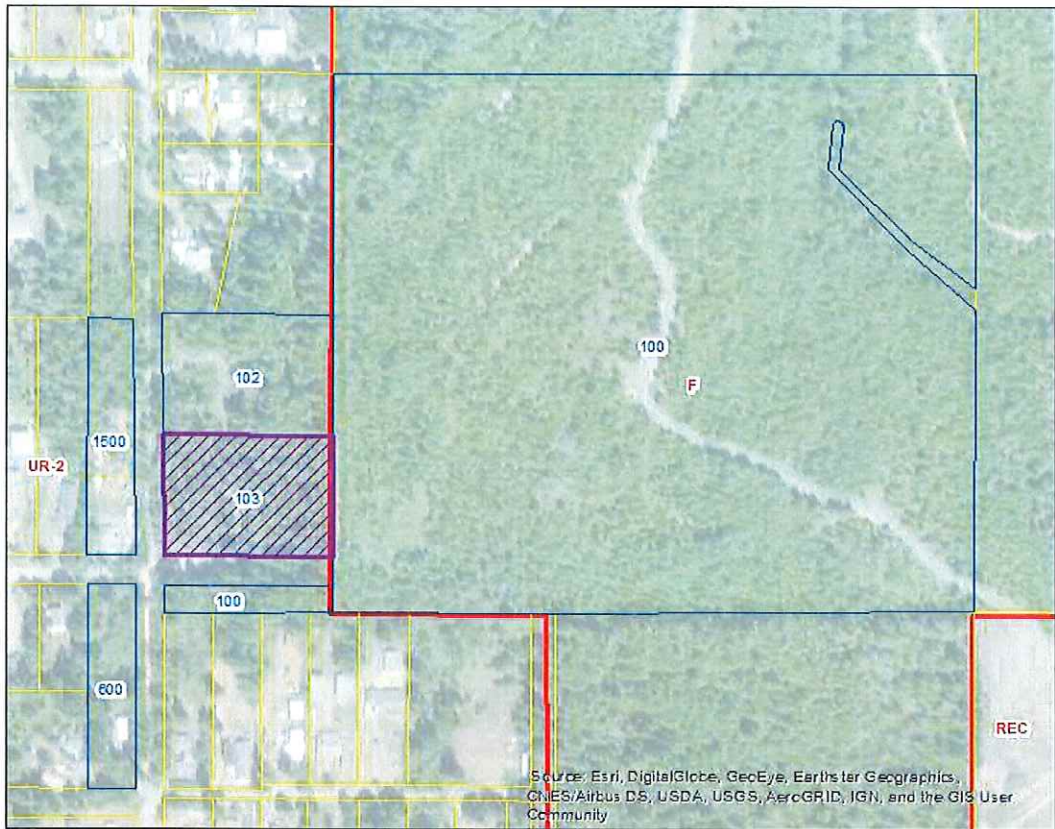
File: P-19-012

Applicant/ Owner: Douglas McMahan/ Leah Maggard

Date: January 15, 2020

Location: Township 26S Range 14W Section 01AB TL 103

Proposal: Partition



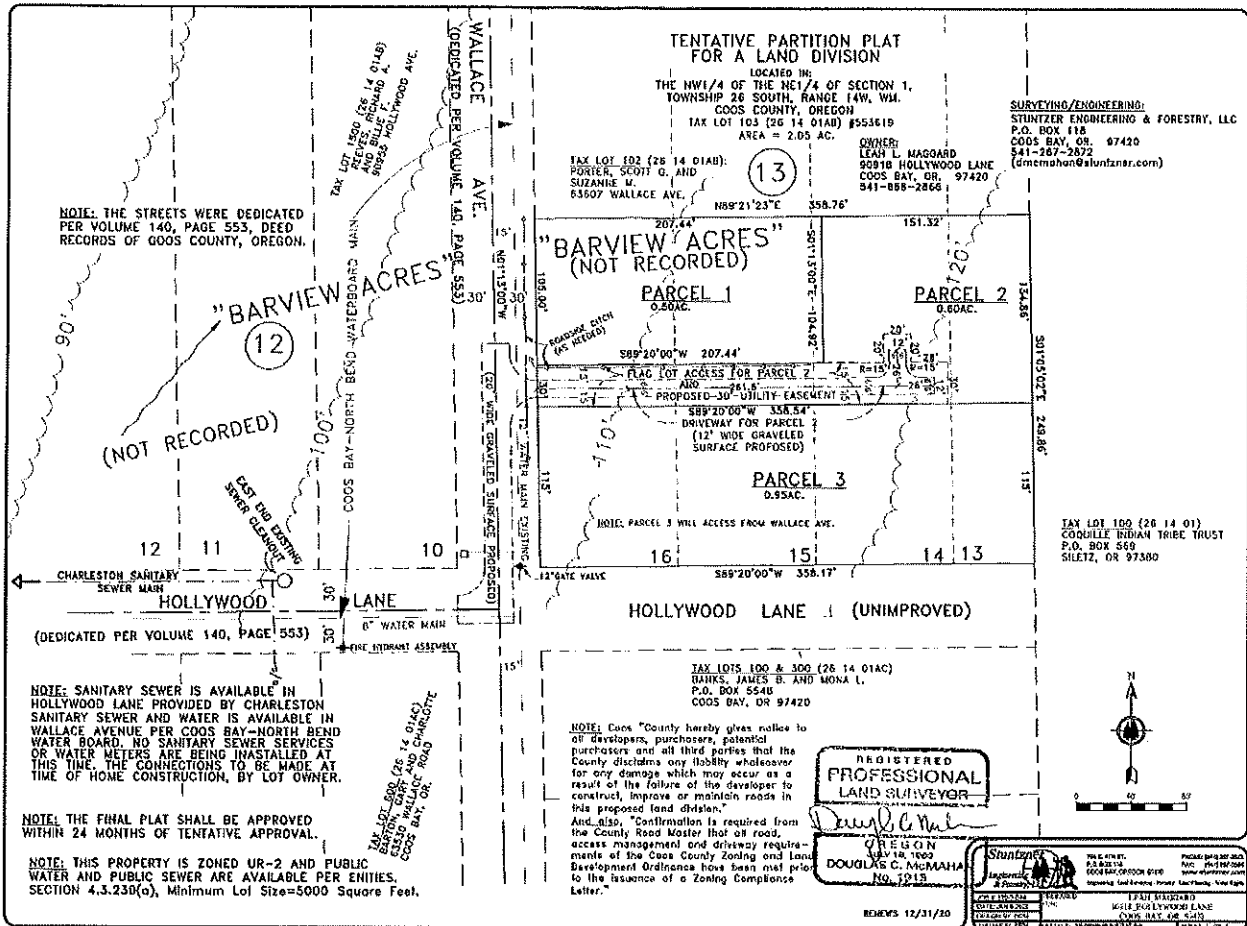


EXHIBIT "C"
Staff Report

File Number:	P-19-012
Surveyor:	Doug McMahon
Account Number	553619
Map Number	26S1401AB-00103
Property Owner	MAGGARD, LEAH L 90918 HOLLYWOOD LN COOS BAY, OR 97420-7626
Situs Address	NO SITUS ADDRESS
Acreage	2.02 Acres
Zoning	URBAN RESIDENTIAL-2 (UR-2)
Special Considerations	ARCHAEOLOGICAL SITES (ARC) BIRD SITE MEETS GOAL 5C REQRMT (B5C) URBAN UNINCORPORATED COMMUNITY (UUC)

Reviewing Staff: Crystal Orr, Planning Specialist

Date of Report: January 27, 2020

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 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 number 84-55362).

LOCATION: The subject property is located within the Urban Unincorporated Community of Barview. The property is accessed via Wallace Road, which is a Coos County maintained public road.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** This property is located south of the City of Coos Bay in the Urban Unincorporated community of Barview. The property is zoned Urban Residential-2 (UR-2) and contains 2.02 acres. The parcels surrounding are zoned Urban Residential except for the parcels to the east, which are larger sized Forest (F) zoned properties.
- b. **PROPOSAL:** The applicant proposes a land division to divide the parent parcel into three (3) parcels.

Urban Residential (UR)

There are three Urban Residential (UR) zoning districts: Urban Residential-1 (UR-1); Urban Residential-2 (UR-2); and Urban Residential – Multi Family (UR-M). The intent of the Urban Residential

Districts is to include conventional, urban density housing (single family/multi-family) plus cluster housing and planned unit developments.

The purpose of the "UR-2" district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the "UR-2" district. The "UR-2" district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

- **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 on December 20, 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 and did not require any additional information.**
 - **Coos County Roadmaster, John Rowe commented that the easement will need to be 40 ft wide, with a 12 ft wide rocked roadway and a hammer head turnaround meeting the requirements of the CCZLDO Chapter VII, Table 7.2B.**
 - **John McDonald, 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 November 20, 2019 and deemed complete December 20, 2019. This report is within the 45 day timeline.

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: Planning staff is unsure whether all parcels will access off of Wallace Road or if Parcel 1 and Parcel 2 will share the mapped easement. If they plan to share the easement then the easement will need to be 40 ft wide, with a 12 ft wide rocked roadway and a hammer head turnaround meeting the requirements of the CCZLDO Chapter VII, Table 7.2B. If the plan is for all parcels to access off of Wallace separately the applicant must check with the County Roadmaster to make sure that three (3) access points can be obtained. If three (3) access points are obtainable a note must be written on the plat that “Parcel 1 will access from Wallace Road”. Please note that if you choose to use Wallace as the access point for Parcel 1 Coos County Planning Staff will not allow access through the easement when applying to site improvements on the property, and the access and driveway off of Wallace Road will need to meet all Road, Access and Driveway standards prior to authorization for any development. The minimum parcel size for the zoning district has been complied with. This is not a phased partition.

- 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: No special conditions will be imposed for this partition.

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 February 11, 2020 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: If Parcel 1 and Parcel 2 will be sharing the mapped easement then the easement will need to be 40 feet with a 12 foot rockered roadway and a hammer head turnaround meeting requirements of CCZLDO Chapter VII, Table 7.2B. If the plan is for all parcels to access off of Wallace separately the applicant must check with the County Roadmaster to make sure that three (3) access points can be obtained. If three (3) access points are obtainable a note must be written on the plat that "Parcel 1 will access from Wallace Road". Please note that if you choose to use Wallace as the access point for Parcel 1 Coos County Planning Staff will not allow access through the easement when applying to site improvements on the property, and the access and driveway off of Wallace Road will need to meet all Road, Access and Driveway standards prior to authorization for any development.

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 Urban Residential-2 (UR-2) and contains approximately 2.02 acres. The minimum lot size within the UR-2 zone is 5,000 square feet (.12 acres) if the property has both public water and sewer. This property has public water through the Coos Bay North Bend Water Board and public sanitation through Charleston Sanitation. All Parcels will exceed the minimum lot size for the zoning district; Parcel 1 will have .50 acres, Parcel 2 will have .60 acres, and Parcel 3 will have .95 acres.

The property is outside of the Urban Growth Boundary; 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.

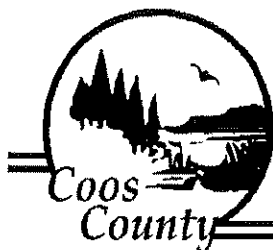
No drainage issues have been identified on this property. A grading and storm water plan is not required at this time; however, grading, drainage, and erosion prevention maybe required if and when new development takes place.

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

January 15, 2020

Jill Rolfe
Planning Director

Re: Tentative Plat Review – P-19-012
T26S, R14W, Section 01AB, TL 103
Applicant: Leah L Maggard

Comments

The right of way on Leah Way needs to be 40 ft. wide, with a 12 ft. wide rocked roadway and a hammer head turnaround meeting the requirements of the CCZLDO Chapter VII, Table 7.2B.

Thank you,

John J. Rowe
John Rowe
Roadmaster



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

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

January 15, 2019

To: Crystal Orr

Re: Land Partition P-19-012
Leah Maggard
26-14-01AB, TL 103

Crystal,

I have no objections to this proposed Land Partition. I do have concerns as to the proposed access. I have no further comments at this time.

Very truly yours

Michael L. Dado



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

January 7, 2020

Planning Department
Crystal Orr

Re: Tentative Subdivision (SUB-19-001)
Account # - 553619
Map # - 26-14-01AB TL103

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 access whether a dedicated road or easement will need to be delineated on 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 \$450 will be required before the Assessor signs the final plat.

Sincerely,

Jorene Smith
Cadastral Cartographer

CC: Mike Dado, County Surveyor
Douglas McMahan, Surveyor
File

Coos County is an Affirmative Action/Equal Opportunity Employer