



NOTICE OF LAND USE DECISION

You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.

Coos County Planning
60 E. Second St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
planning@co.coos.or.us

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

Date of Notice: **Friday, July 15, 2022**
File No: P-22-002

Proposal: Request for a land use authorization for a two (2) parcel partition.

Applicant(s): David and Priscilla Weston Estabrook Land Surveying
87768 Vine Lane 306 N 8t St
Bandon, OR 97411 Coos Bay, OR 97420

Staff Planner: Crystal Orr, Planner I

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete appeal application with the fee is submitted by the Planning Department at 12 p.m. on **Monday, August 01, 2022**. This proposal is for a Partition of two (2) parcels. Appeals are based on the applicable land use criteria. *Land Divisions are subject to approval under the Coos County Zoning and Land Development Ordinance (CCZLDO) Article 6.2 Land Divisions; Section 6.2.100 General Purpose; Section 6.2.125 Approval of Partitions, Planned Unit Development and Subdivision Required; Section 6.2.150 Conformity with Zoning Ordinances and Comprehensive Plan; Section 6.2.200 Application for Land Divisions; Section 6.2.350 Tentative Plat Requirements (Tentative Plan); Section 6.2.375 Review of Tentative Plan; Section 6.2.400 Access in Conjunction with a Land Division; Section 6.2.475 Access; Section 6.2.500 Easements; Section 6.2.525 Lots and Parcels; Section 6.2.550 Improvement Specifications; Section 6.2.800 Final Plat Regulations; Section 7.2, Table 7.2A Minimum Standards for New Roads and Driveways in Rural.*

Subject Property Information

File Number: P-22-002

Applicant: David Weston

Account Number: 2350400
Map Number: 28S1431CB-00800

Property Owner: WESTON, DAVID A & PRISCILLA R
87768 VINE LN
BANDON, OR 97411-7251

Situs Address: 87768 VINE LN BANDON, OR 97411

Acreage: 6.70 Acres

Zoning: RURAL RESIDENTIAL-2 (RR-2)

Special Considerations: BANDON AIRPORT CONICAL ZONE (ABC)
BANDON AREA OF MUTUAL INTEREST (BMI)

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

This notice shall be posted from July 15, 2022 to August 1, 2022

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.

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 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 application, staff report and any conditions can be found at the following link: <https://www.co.coos.or.us/planning/page/applications-2022> 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 is Crystal Orr, Planner I and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: _____ **Date:** Friday, July 15, 2022 .
Crystal Orr, Planner I

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, application and all evidenced associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval
Exhibit B: Vicinity Map

The Exhibits below are mailed/ emailed to the Applicant, Board of Commissioners and Planning Commission only. Copies are available upon request or at the following

Exhibit C: Staff Report
Exhibit D: Comments Received
Exhibit E: Application

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:

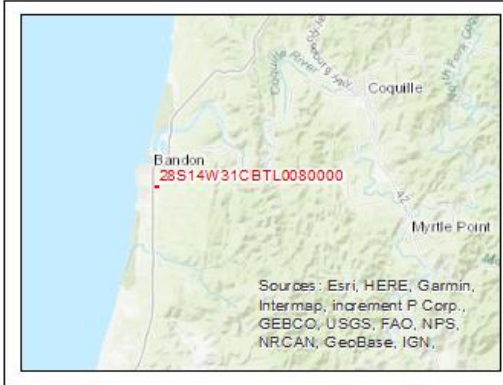
1. All necessary federal, state, and local permits shall be obtained.
2. Shall comply with all comments received and found as Exhibit "D" to this report.
3. Prior to submittal of the Final Plat the following conditions shall be completed:
 - a. Must comply with all comments within Exhibit D as well as any future comments from the Coos County Assessor's Office.
 - b. Applicant submits construction drawings for any new public roads or access easements to the Roadmaster. The County Roadmaster reviews construction drawings and applicable specifications for public roads and access easements, unless the Roadmaster waives this requirement;
 - c. Applicant constructs or bonds for required improvements; and
 - d. County Roadmaster inspects construction unless improvements are bonded;
4. All Final Plat shall meet the requirements SECTION 6.2.800 FINAL PLAT REGULATION AND REQUIREMENTS. Planning staff shall check off 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. There may be corrections through the final plat process or taxes that are required to be paid.
5. All landowners signatures shall be on the final plat.
6. The following statement that "no domestic water supply facility will be provided to the purchaser of any lot or parcel depicted in the proposed land division, even though a domestic water supply source may exist" must be include on the final plat.
7. A Traffic Plan must be submitted and meet standards prior to staff signing the final plat.

EXHIBIT "B"
Vicinity Map & Tentative Plat

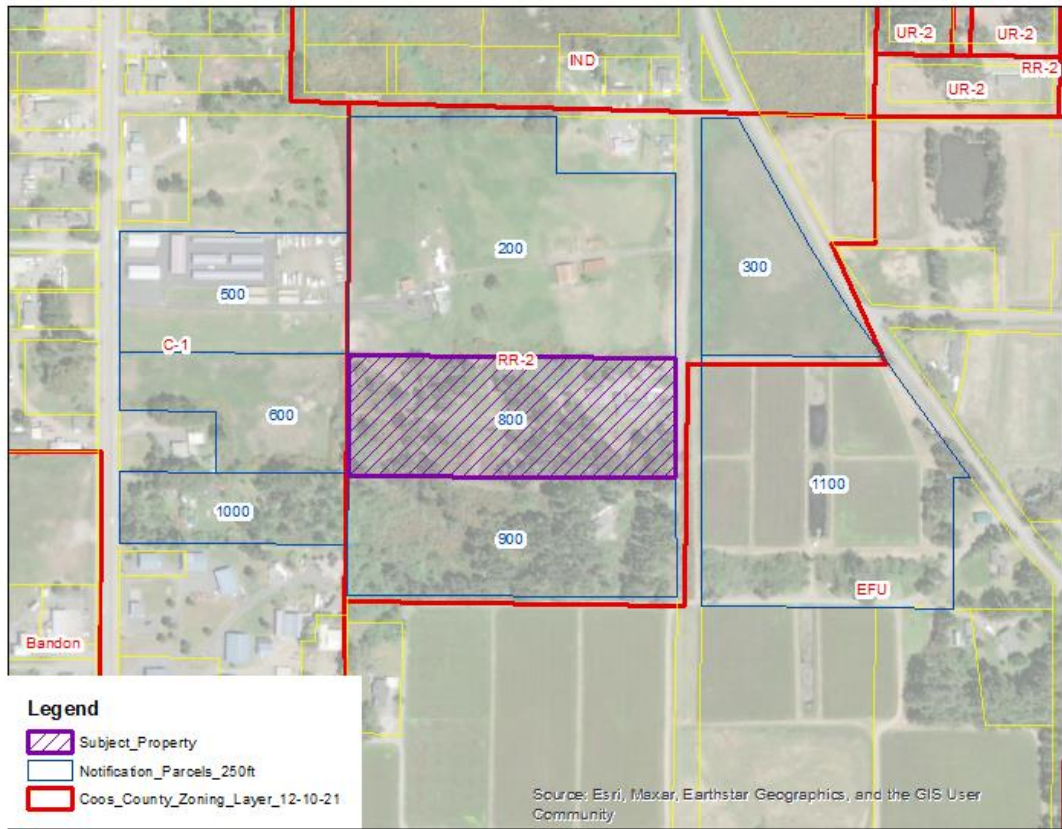


COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423
 Physical Address: 60 E. Second, Coquille Oregon
 Phone: (541) 396-7770
 TDD (800) 735-2900



File: P-22-002
 Applicant/ Owner: David and Priscilla Weston
 Date: June 30, 2022
 Location: Township 28S Range 14W
 Section 31CB TL 800
 Proposal: Land Division (Two Parcel Partition)



**EXHIBIT “C”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

- A. PROPOSAL:** The applicants' proposal is a request for Planning Director Approval for a two (2) parcel partition as provided by the Coos County Zoning and Land Development Ordinance (CCZLDO).

B. BACKGROUND/PROPERTY HISTORY:

The property has a Single-Family Dwelling that was built in 2018, and was authorized by zoning compliance letter ZCL-17-227.

The current application was received on February 22, 2022 and deemed complete within the required timeframe. The deemed complete process is a review that all the materials have been submitted as explained in the applications. This is not full review of the criteria as the burden of proof rest with the applicant and the details of the application are reviewed during the review period.

- C. LOCATION:** The subject property is located ¾ mile southeast of the City of Bandon. The property is accessed via Vine Lane, which is a public dedicated privately-maintained road. Vine Lane connects to Rosa Road, which is a major rural collector proceeding into the City of Bandon.

- D. ZONING:** The property is zoned Rural Residential-2 (RR-2).

There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreage. The zoning ordinance will specify permitted uses and minimum lot sizes.

The purpose of the “RR-2” and “RR-5” districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.

The “RR-2” district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

- E. SITE DESCRIPTION AND SURROUNDING USES:** The subject property is located ¾ mile southeast of the City of Bandon. The property is accessed via Vine Lane, which is a public dedicated privately-maintained road. Vine Lane connects to Rosa Road, which is a major rural collector proceeding into the City of Bandon. The property is zoned Rural Residential-2 (RR-2) and surrounded by like zoning on the northern and southern boundaries. The eastern boundary of the subject property are adjacent to Exclusive Farm Use zoned parcels. The western boundary of the subject property touches Commercial-1 zoned lands.

There is a large cranberry farm located towards the east and south of the subject property. The properties within this overall area are lightly developed for residential uses and generally vacant.

F. COMMENTS:

- a. **PUBLIC AGENCY:** All comments received through the Technical Review Committee meeting are found at Exhibit “D”. No other public agency comments have been received at this time.

- b. **PUBLIC COMMENTS:** This property did not require any request for comments prior to the release of the decision.
- c. **LOCAL TRIBE COMMENTS:** This property did not require any request for comments prior to the release of the decision.

II. GENERAL PROPERTY COMPLIANCE:

A. COMPLIANCE PURSUANT TO SECTION 1.1.300:

It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.

B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“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.*

FINDING: This property is a lawfully created pursuant to CCZLDO § 6.1.125.1.c, in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created (deed document book 233 volume 655). The parcel is Lot 5 of the Plat of Beale-McDonald Subdivision.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for a land partition creating two (2) parcels and is subject *Coos County Zoning and Land Development Ordinance (CCZLDO) Article 6.2 Land Divisions; Section 6.2.100 General Purpose; Section 6.2.125 Approval of Partitions, Planned Unit Development and Subdivision Required; Section 6.2.150 Conformity with Zoning Ordinances and Comprehensive Plan; Section 6.2.200 Application for Land Divisions; Section 6.2.350 Tentative Plat Requirements (Tentative Plan); Section 6.2.375 Review of Tentative Plan; Section 6.2.400 Access in Conjunction with a Land Division; Section 6.2.475 Access; Section 6.2.500 Easements; Section 6.2.525 Lots and Parcels; Section 6.2.550 Improvement Specifications; Section 6.2.800 Final Plat Regulations; Section 7.2, Table 7.2B Minimum Standards for New Roads and Driveways in Urban.*

B. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict

a use. Development considerations play a very important role in determining where development should be allowed in the Balance of County zoning. The adopted plan maps and overlay maps must be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

FINDING: This property is within a Bandon Airport Conical overlay zone. Future land use applications for development will have to address this overlay zone at the time of proposal.

C. LAND DIVISION REQUIREMENTS (PARTITION REQUIREMENTS)

Coos County Zoning and Land Development Ordinance (CCZLDO)

i. GENERAL COMPLIANCE

- **ARTICLE 6.2 LAND DIVISIONS** As authorized by law, including ORS Chapters 92, 197 and 215, subdivisions, land partitions and streets created for the purpose of partitioning land shall be approved in accordance with this Ordinance. This Article applies to all land within the unincorporated territory of the County. A person desiring to subdivide land, to partition land, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this ordinance and state statutes.
 - *SECTION 6.2.100 GENERAL PURPOSE: All divisions of land shall conform to the Comprehensive Plan of Coos County with respect to the type and intensity of use, population densities, locations and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by Comprehensive Plan goals, policies, or maps.*
 - *SECTION 6.2.125 APPROVAL OF PARTITIONS, PLANNED UNIT DEVELOPMENTS (RESIDENTIAL AND RECREATIONAL) AND SUBDIVISIONS REQUIRED:*
 1. *No person shall divide land, except after approval of such division pursuant to this Article.*
 2. *No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition or declaration of partition described in Section 6.2.825 has been acknowledged and recorded with the recording officer of Coos County.*
 - a. *No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.*
 - b. *A person may negotiate to sell any parcel in a partition prior to the approval of the tentative plan.*
 - c. *In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition, a person may use the approved tentative plan for such subdivision or partition. [OR-92-07-012PL]*
 3. *No person shall create a road or street for the purpose of land division without the approval of the County.*
 4. *Coos County shall refrain from issuing any permit or approval for any application other than approval pursuant to this Section, including building permits or verification letters for any parcel of land not complying with this Section. [OR-93-12-017PL 2/23/94]*
 5. *A Traffic Impact Study (TIS) may be required in accordance with § 7.1.350*

- **SECTION 6.2.150 CONFORMITY WITH THE ZONING ORDINANCE AND COMPREHENSIVE PLAN:**
 1. All divisions of land, regardless of the number of lots or parcels, shall conform in all respects with the applicable regulations and specifications of Chapters 3, 4 and 7, including uses of land, lot size and dimensions, space for off-street parking, landscaping and other requirements as may be set forth; and
 2. Whenever any department of the County finds that the provisions of a Article have apparently been or may be violated by any person, the director of said department shall report such findings to the Planning Department Director for investigation and enforcement.

FINDING: The application submittal was received, and the proposal reviewed to ensure compliance with all comprehensive plan and ordinance requirements. The Roadmaster did not require a traffic impact study. The property is currently with a 2018 single family dwelling, and appears to be partial covered in Shore pines based on aerial imagery. The property is large enough to accommodate the proposal. Therefore, currently the property is found to be in compliance and the review will continue to demonstrate the proposal can meet the applicable criteria.

- **SECTION 6.2.300 GENERAL OUTLINE:** *The following is a general outline of the process for the review of land divisions in Coos County:*
 1. Application is filed and reviewed for completeness pursuant to §5.0.200; and
 2. Technical Review Committee (TRC) reviews tentative plans within 30 days from the date the application has been deemed complete. The Planning Director may extend this timeline if needed; and
 3. Planning Director makes a decision unless subject to limited land use notice. If subject to limited land use notice pursuant to Article 5.0 a notice of decision will be mailed out within seven days of the expiration of the limited land use notice; and
 4. Applicant submits construction drawings for any new public roads or access easements to the Roadmaster. The County Roadmaster reviews construction drawings and applicable specifications for public roads and access easements; and
 5. Applicant constructs or bonds for required improvements; and
 6. County Roadmaster inspects construction unless improvements are bonded; and
 7. Applicant submits final plat after all conditions of approval have been completed; and
 8. Planning Department coordinates review of final plat by affected County Departments; and
 9. Board of Commissioners reviews final plats for subdivisions and for partitions proposing public dedications; and
 10. Planning Director reviews final plats for partitions not proposing public dedications; and
 11. If the final plat is approved, the applicant shall comply with Section 6.2.825 and file the plat with the County Clerk. (OR 92-07-012PL)

FINDING: The application was received on February 22, 2022 and reviewed for completeness check. Once a completed application was received the process was followed as explained above. The notice of decision means the applicant must comply with steps four (4) through eleven (11).

- **SECTION 6.2.350 TENTATIVE PLAT REQUIREMENTS:**
 1. Application Requirements
 - a. An application and a tentative plat for approval shall be initiated as provided in Section 5.0.150 of this ordinance.
 - b. The applicant shall file with the Director the original and four (4) additional copies of the tentative map on 11" X 17" paper for partitions and 18" x 24" paper for subdivisions.
 - c. The tentative plat shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is

proposed. Under ordinary circumstances, the scale shall use a typical engineer scale (example 1" = 50').

2. Information required for tentative plat.

a. All Land Divisions

- i. North arrow, scale and date of the drawing.*
- ii. Appropriate identification clearly stating the map is a tentative plat.*
- iii. Names and addresses of the landowners, subdivider/partitioner and the engineer, surveyor, land planner or landscape architect responsible for designing.*
- iv. The tract designation or other description according to the real estate records of Coos County [Township, Range, Section, Tax Lot Number(s), and Assessor's Tax Account Number(s)].*
- v. The boundary line (accurate in scale) of the tract to be divided and approximate acreage of the property.*
- vi. Contours with intervals of forty (40) feet or less referred to United States Geological Survey (or mean sea level) datum.*
- vii. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.*
- viii. The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.*
- ix. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.*
- x. Location, acreage and dimensions of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed land division, together with the purpose of conditions or limitations of such reservations, if any.*
- xi. Easements, together with their dimensions, purpose and restrictions on use.*
- xii. Zoning classification of the land and Comprehensive Plan map designation.*
- xiii. Draft of proposed restrictions and covenants affecting the plat.*
- xiv. Predominant natural features such as water courses and their flows, marshes, rock outcropping, and areas subject to flooding, sliding or other natural hazards.*
- xv. A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable.*

b. Subdivisions (must address subsection a & b)

- i. The proposed name of the subdivision must be on the plat.*
- ii. The proposed street pattern or layout showing the name and widths of proposed streets and alleys.*
- iii. Private streets and all restrictions or reservations relating to such private streets.*
- iv. Proposed Subdivision proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.*
- v. Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.*
- vi. The location of existing or proposed bicycle and/or pedestrian facilities if required under Article VII of this Ordinance.*
- vii. Proposed means and location of sewage disposal and water supply systems.*

3. Development Phasing

- a. Subdivisions shall:
 - i. provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
 - ii. Time limitations for the various phases must meet the following requirements:
 - 1. Phase 1 final plat shall be approved within twenty-four (24) months of preliminary approval.
 - 2. Phase 2 final plat shall be approved within thirty-six (36) months of preliminary approval.
 - 3. Phase 3 final plat shall be approved within forty-eight (48) months of preliminary approval.
- b. Partitions shall:
 - i. Provide all phasing for partitions. If phasing is proposed, then road standards for subdivisions shall apply.
 - ii. If a land division is proposed on a property that has been partitioned in the prior three years then the partition shall be reviewed pursuant to subdivision criteria.

Finding: This section was reviewed prior to deeming the application complete. 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. The Technical Review Committee Meeting was held on July 7, 2022. Therefore, the proposal meets the requirements.

ii. LAND DIVISION APPROVAL CRITERIA

- 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 Technical Review Committee (TRC) and found at Attachment "D".

- Coos County Cartographer, Jorene Smith's comments were not available at the time of this notice of decision. As a condition of approval any requirements must be adhered to.
- Coos County Surveyor, Mike Dado commented "I have no issues with this proposed Land Partition. All monuments will either have to be found or set".
- Roadmaster, John Rowe commented that the "Vine Avenue needs to meet standards of CCZLDO Table 7.2A, roadways serving a maximum of 3 dwelling units, 12' All-Weather Travel Surface (min 4 inches of aggregate base)".
- Coos Health and Wellness, Richard Hallmark Environmental Health Program Manager commented "The EH Office has no prohibition regarding the proposed property division, but will advise apart from a public water system there is health importance in testing a water source supplying a residence for at least the following three contaminants (with the values in

parenthesis representing levels of concern): Total Coliforms (any present), Nitrates (10mg/L) and Arsenic (.010 mg/L). Testing can provide some confidence of water safety or information to motivate treatment for safe water.”

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 February 22, 2022 and was deemed complete within the required framework. Additional time was necessary to complete the review due to workload.

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: The subject property is zoned Rural Residential-2 (RR-2). The minimum street frontage of 30 feet, and minimum lot width and depth of 50 feet has been met for all parcels. The minimum lot size is 2 acres, all parcels will exceed these minimum lot sizes, the tentative partition shows the smaller parcel will be 2.05 acres and the larger parcel size will be 4.65 acres in size. A Traffic Plan was not submitted with this application and is required pursuant to Section 7.1.250. As a Condition of approval, a Traffic Plan must be submitted and meet standards prior to staff signing the final plat. 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: Both parcels will access the existing Vine Road, which is publicly dedicated County maintained right-of-way. The applicant must adhere to comments made by the Coos County Roadmaster regarding modification of the road right of way.

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 August 1, 2022 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.*

FINDING: The access for all parcels will be through the existing Vine Road, which is publicly dedicated County maintained right-of-way. This local access road was created and open to public use prior to January 1, 1986.

- **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: The proposed access to all parcels is through the existing Vine Road, which is public dedicated privately maintained right-of-way.

There is no proposed pedestrian or bicycle path as part of this request and the county does not find it is necessary for convenience, safety or and this area is not adopted as part of the State recreational or transportations system plan for these types of improvements.

Therefore, based on staff’s review 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: This property is zoned Rural Residential-2 (RR-2) and contains approximately 6.70 acres according to the assessment information. The tentative partition shows the smaller parcel will be 2.05 acres and the larger parcel size will be 4.65 acres in size. The minimum lot size within the RR-2 zone is 2 acres in size. All Parcels will exceed the minimum lot size for the zoning district; according to the tentative plan all parcels will retain at least 2 acres in size.

Both properties will be required to remain over 2 acres in size.

The property is not within the Urban Growth Boundary; and does not require any lot area, yard, off street parking, loading or any other type of open space for this partition.

There are no developed sidewalks, bike lanes or storm water drains developed in this area.

The General Siting Standards listed in Coos County Zoning and Land Development Ordinance Section 4.3.225(4) states that new lots or parcels must meet the street frontage, lot width, lot depth and lot size. The minimum lot width and depth of 50 feet has been met for all parcels. All parcels meet the minimum street frontage of 30 feet.

- **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: Proof of an adequate supply of potable water for Parcel 2 was not submitted with the application. The applicant submitted well logs as a request for waiver from Parcel 1, and adjacent parcels,. The well log for Parcel 1 (Coos 56655) produced an average of 15 gallons per minute sustainably for minimum period of 1 hr. There are 1440 minutes in the day, so 15 gal/min multiply 1,440 minutes is 21,600 which is sufficient for the area. As a condition of approval, the following statement that “a statement that no domestic water supply facility will be provided to the purchaser of any lot or parcel depicted in the proposed land division, even though a domestic water supply source may exist” must be include on the final plat.

Proof that the septic system meets the requirements of state law was submitted. There was an approved septic site evaluation (#246-22-000097-EVAL) issued by Oregon Department of Environmental Quality. The final partition must include the location of the approved septic drain field for Parcel 2, which is a septic easement placed on Parcel 1.

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

Sidewalks are not required as part of this partition.

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

iii. TRANSPORTATION, ACCESS AND PARKING

• SECTION 7.1.225 authority & Responsibility for Determining Compliance with this Chapter:
The Coos County Roadmaster has the authority to impose any conditions on any permit required by Chapter VII that is deemed necessary to meet the standards of the American Association of State Highway and Transportation Officials (AASHTO standards) or make the road safe for travel. The Coos County Roadmaster may modify the minimum standards if it is found that the lesser standard is compatible with the area.

The Coos County Roadmaster shall be responsible for determining compliance with the provisions of this chapter. When road and driveway improvements are required by this ordinance, the Roadmaster shall provide the Planning Director with written notice when the provisions of this chapter have been satisfied with respect to an application and/or any other matter under review.

If discretion is used to determine a standard or modification of a standard, then a notice of administrative approval will be mailed and is appealable.

Finding: The Coos County Roadmaster commented that Vine Avenue needs to meet the standards of CCZLDO Table 7.2A Roadways serving a maximum of 3 dwelling units, 12” All Weather Travel Surface (min. 4-inches of aggregate base).

REQUIREMENTS:

A notice of decision will be provided to property owners within 250 feet of the subject properties and the following agencies, special district, or parties: Bandon School District, Southern Coos Hospital and Bandon Rural Fire Department.

The following will receive the decision and all attachments: Property Owners and Applicant; Applicant’s Surveyor; Board of Commissioners; Planning Commission; Department of Land Conservation and Development; County Road Department; County Surveyor; County Assessor; and Oregon Department of Transportation.

Exhibit "D"
Comments

Crystal Orr

From: Richard Hallmark
Sent: Friday, June 24, 2022 1:10 PM
To: Crystal Orr
Subject: RE: P-22-002 TRC Notice

Crystal,

The EH office has no prohibition regarding the proposed property division, but will advise apart from a public water system there is health importance in testing a water source supplying a residence for at least the following three contaminants (with the values in parenthesis representing levels of concern): **Total Coliforms** (any present), **Nitrates** (10 mg/L) and **Arsenic** (0.010 mg/L). Testing can provide some confidence of water safety or information to motivate treatment for safe water.

Numerous on-line resources are available relating to acceptable levels for contaminants, health effects of contaminants, mitigation strategies and how to contribute sample results to a statewide effort to assess the status of Oregon's groundwater (such as googling "**Oregon.gov Domestic Well Safety**").

Rick Hallmark, EHS
Environmental Health Program Manager

Coos Health & Wellness

Together, inspiring healthier communities

281 LaClair St.

Coos Bay, OR 97420

p. 541-266-6744

f. 541-888-8726

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From: Crystal Orr

Sent: Thursday, June 23, 2022 4:48 PM

To: Charter <steven.manning@charter.com>; Coos Soil & Water <info@coosswcd.org>; Dezeri Royce <droyce@co.coos.or.us>; DLCD <hui.rodomsky@state.or.us>; Greg Alton <greg.alton@state.or.us>; John Rowe <jrowe@co.coos.or.us>; Jorene J. Smith <jsmith@co.coos.or.us>; Larry Scarborough <larrysathome@aol.com>; Mike Dado <mdado@co.coos.or.us>; Nathaniel Greenhalgh-Johnson <njohnson@co.coos.or.us>; ODOT <Micah.HOROWITZ@odot.state.or.us>; Pacific Power <lucas.mcgriff@pacificorp.com>; Richard Hallmark <Richard.Hallmark@chw.coos.or.us>

Subject: P-22-002 TRC Notice

Please find attached TRC Memo and Tentative Map for P-22-002.

Crystal Orr

Planner I

Coos County Planning

60 E Second St, Coquille, OR 97423 (Physical address)

225 N Adams St, Coquille, OR 97423 (Mailing Address)

541-396-7770



PUBLIC WORKS

ROAD - SOLID WASTE

250 N Baxter Street, Coquille, Oregon 97423

(541) 396-7665

FAX (541) 396-1023

JOHN ROWE

Director / Roadmaster

July 7, 2022

Jill Rolfe
Planning Director

Re: Tentative Plat Review – Partition P-22-002
T28S, R14W, Section 31CB TL 800
Applicant: David and Priscilla Weston

Comments

Vine Avenue needs to meet the standards of CCZLDO Table 7.2A Roadways serving a maximum of 3 dwelling units, 12' All-Weather Travel Surface (min. 4-inches of aggregate base).

Thank you

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

July 6, 2022

To: Crystal Orr

Re: Land Partition P-22-002
David & Priscilla Weston
28-14- 31CB, TL 800

Crystal,

I have no issues with this proposed Land Partition. All the monuments will either have to be found or set.

I have no further comments at this time.

Thank you

Very truly yours

Michael L. Dado

Crystal Orr

From: ALTON Greg * DEQ <Greg.ALTON@deq.oregon.gov>
Sent: Friday, June 24, 2022 10:09 AM
To: Crystal Orr
Cc: Mike Dado
Subject: RE: P-22-002 TRC Notice
Attachments: 20220624101123355.pdf

This Message originated outside your organization.

Hi Crystal,

I have completed the site evaluation and identified an approved area for the new parcel's septic needs. However, it's not clear to me that the shown easement on the tentative map adequately captures the approved area. Please have the surveyor locate and show the evaluated test holes on the map. It's a tight area so we definitely want the easement to reflect the approval. I've attached the approved site plan for reference. The remaining septic records for existing residence and the site evaluation can be found at the link below. If this isn't captured properly it will be an issue in the future. I recommend they work with a certified installer to properly capture the needed area to fit the initial and repair septic areas as well as required setbacks to ensure the new parcel will be able to be developed with an SFR. Take Care, Greg

[Content Manager WebDrawer - DEOP/18/119123 \(synergydcs.com\)](#)

Gregory H Alton
Regional Onsite Wastewater Specialist
465 Elrod Avenue
Coos Bay, OR 97420
541-972-5530
541-972-5518
Email: greg.alton@deq.oregon.gov
Website: <https://www.oregon.gov/deq/Residential/Pages/Onsite.aspx>



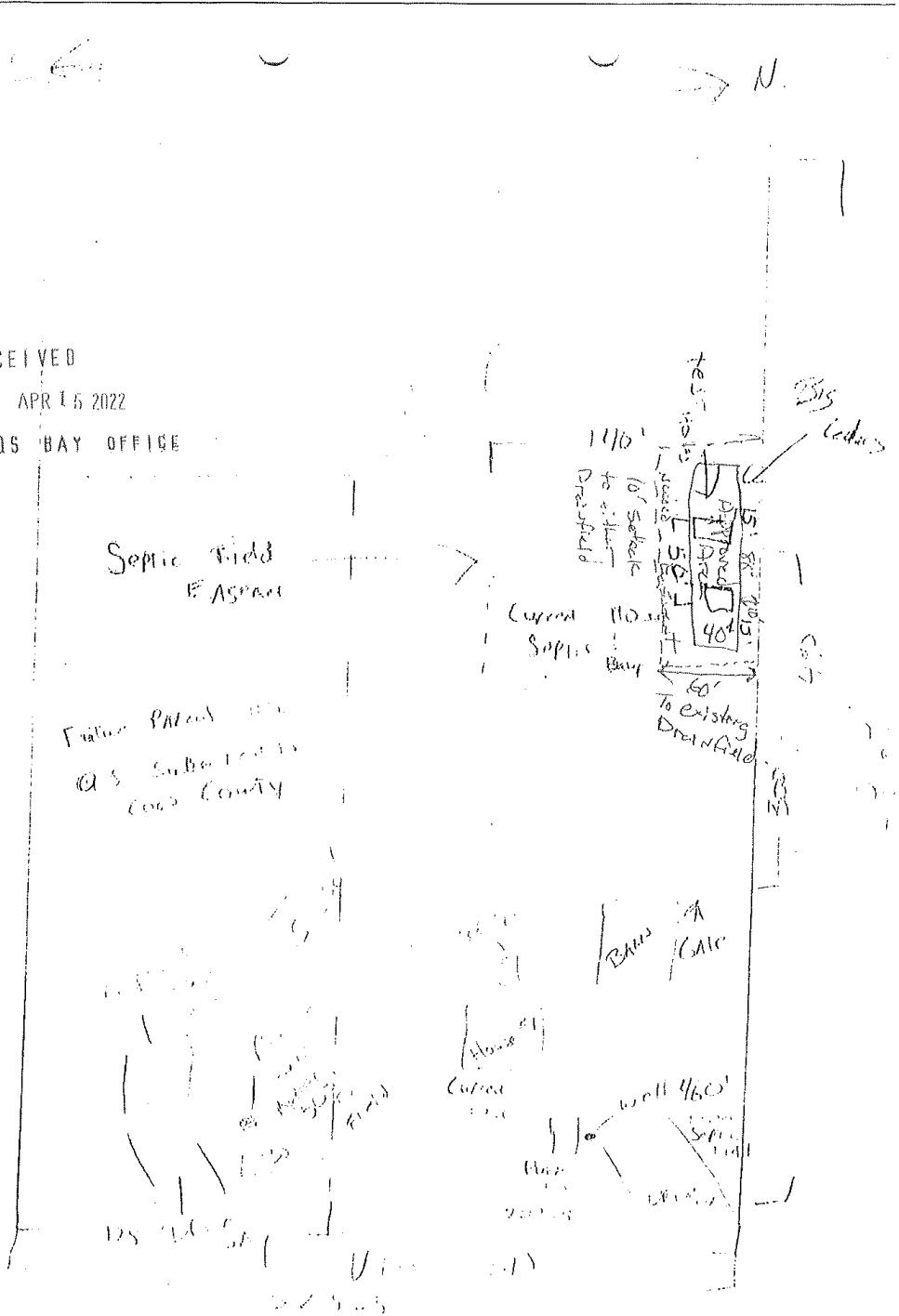
From: Crystal Orr <corr@co.coos.or.us>
Sent: Thursday, June 23, 2022 4:48 PM
To: Charter <steven.manning@charter.com>; Coos Soil & Water <info@coosswcd.org>; Dezeri Royce <droyce@co.coos.or.us>; RODOMSKY Hui * DLCD <Hui.RODOMSKY@dlcd.oregon.gov>; Greg Alton <greg.alton@state.or.us>; John Rowe <jrowe@co.coos.or.us>; Jorene J. Smith <jsmith@co.coos.or.us>; Larry Scarborough <larrysathome@aol.com>; Mike Dado <mdado@co.coos.or.us>; Nathaniel Greenhalgh-Johnson <njohnson@co.coos.or.us>; HOROWITZ Micah <Micah.HOROWITZ@odot.oregon.gov>; Pacific Power <lucas.mcgriff@pacificorp.com>; Richard Hallmark <Richard.Hallmark@chw.coos.or.us>
Subject: P-22-002 TRC Notice

Please find attached TRC Memo and Tentative Map for P-22-002.

Crystal Orr

Oives 411

RECEIVED
APR 15 2022
COOS BAY OFFICE



Crystal Orr

From: HOROWITZ Micah <Micah.HOROWITZ@odot.oregon.gov> on behalf of ODOT Region 3 Development Review <R3DevRev@odot.oregon.gov>
Sent: Tuesday, June 28, 2022 5:00 PM
To: Crystal Orr
Cc: WANG Wei; BROOKS Aaron G; RUBLE Juliana; EPPS Mark
Subject: RE: P-22-002 TRC Notice - 87768 Vine Lane, Bandon, OR 97411

This Message originated outside your organization.

Hi Crystal,

ODOT does not have comments on this proposal based on our evaluation criteria. Thank you for keeping us in the loop!

Best regards,
Micah

Micah Horowitz, AICP | Senior Transportation Planner
ODOT Region 3 | Southwest Oregon (Coos, Curry, Douglas, Jackson & Josephine Counties)
p: 541.774.6331 | c: 541.603.8431 | e: micah.horowitz@odot.oregon.gov

From: Crystal Orr <corr@co.coos.or.us>
Sent: Thursday, June 23, 2022 4:48 PM
To: Charter <steven.manning@charter.com>; Coos Soil & Water <info@coosswcd.org>; Dezeri Royce <droyce@co.coos.or.us>; RODOMSKY Hui * DLCDC <Hui.RODOMSKY@dlcd.oregon.gov>; ALTON Greg <Greg.ALTON@state.or.us>; John Rowe <jrowe@co.coos.or.us>; Jorene J. Smith <jjsmith@co.coos.or.us>; Larry Scarborough <larrysathome@aol.com>; Mike Dado <mdado@co.coos.or.us>; Nathaniel Greenhalgh-Johnson <njohnson@co.coos.or.us>; HOROWITZ Micah <Micah.HOROWITZ@odot.oregon.gov>; Pacific Power <lucas.mcgriff@pacificcorp.com>; Richard Hallmark <Richard.Hallmark@chw.coos.or.us>
Subject: P-22-002 TRC Notice

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Please find attached TRC Memo and Tentative Map for P-22-002.

Crystal Orr

Planner I
Coos County Planning
60 E Second St, Coquille, OR 97423 (Physical address)
225 N Adams St, Coquille, OR 97423 (Mailing Address)
541-396-7770

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Crystal Orr

From: Richard Hallmark
Sent: Friday, June 24, 2022 1:10 PM
To: Crystal Orr
Subject: RE: P-22-002 TRC Notice

Crystal,

The EH office has no prohibition regarding the proposed property division, but will advise apart from a public water system there is health importance in testing a water source supplying a residence for at least the following three contaminants (with the values in parenthesis representing levels of concern): **Total Coliforms** (any present), **Nitrates** (10 mg/L) and **Arsenic** (0.010 mg/L). Testing can provide some confidence of water safety or information to motivate treatment for safe water.

Numerous on-line resources are available relating to acceptable levels for contaminants, health effects of contaminants, mitigation strategies and how to contribute sample results to a statewide effort to assess the status of Oregon's groundwater (such as googling "**Oregon.gov Domestic Well Safety**").

Rick Hallmark, EHS

Environmental Health Program Manager

Coos Health & Wellness

Together, inspiring healthier communities

281 LaClair St.

Coos Bay, OR 97420

p. 541-266-6744

f. 541-888-8726

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From: Crystal Orr

Sent: Thursday, June 23, 2022 4:48 PM

To: Charter <steven.manning@charter.com>; Coos Soil & Water <info@coosswcd.org>; Dezeri Royce <droyce@co.coos.or.us>; DLCD <hui.rodinsky@state.or.us>; Greg Alton <greg.alton@state.or.us>; John Rowe <jrowe@co.coos.or.us>; Jorene J. Smith <jsmith@co.coos.or.us>; Larry Scarborough <larrysathome@aol.com>; Mike Dado <mdado@co.coos.or.us>; Nathaniel Greenhalgh-Johnson <njohnson@co.coos.or.us>; ODOT <Micah.HOROWITZ@odot.state.or.us>; Pacific Power <lucas.mcgriff@pacificcorp.com>; Richard Hallmark <Richard.Hallmark@chw.coos.or.us>

Subject: P-22-002 TRC Notice

Please find attached TRC Memo and Tentative Map for P-22-002.

Crystal Orr

Planner I

Coos County Planning

60 E Second St, Coquille, OR 97423 (Physical address)

225 N Adams St, Coquille, OR 97423 (Mailing Address)

541-396-7770

Exhibit "E"
Application



Coos County Land Use Permit Application

SUBMIT TO COOS COUNTY PLANNING DEPT. AT 60 E. SECOND STREET OR MAIL
TO: COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

FILE NUMBER:

Date Received: _____ Receipt #: _____ Received by: _____

This application shall be filled out electronically. If you need assistance please contact staff.

If the fee is not included the application will not be processed.

(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

A. Land Owner(s) David and Priscilla Weston

Mailing address: 87768 Vine Lane, Bandon, OR 97411

Phone: 541-290-0689

Email: westondave21@gmail.com

Township: 28S Range: 14W Section: 31 ¼ Section: C 1/16 Section: B Tax lots: 800

Select Select Select Select Select

Tax Account Number(s): 2350400

Zone: Select Zone Rural Residential-2 (RR-2)

Tax Account Number(s) _____

Please Select

B. Applicant(s) Stephan Stys

Mailing address: 306 N 8th Street, Coos Bay, OR 97420

Phone: 541-294-6915

estabrooksurveying@gmail.com

C. Consultant or Agent: Estabrook Land Surveying

Mailing Address 306 N 8th Street, Coos Bay, OR 97420

Phone #: 541-294-6915

Email: estabrooksurveying@gmail

Type of Application Requested

- Comp Plan Amendment
 Text Amendment
 Map - Rezone

- Administrative Conditional Use Review - ACU
 Hearings Body Conditional Use Review - HBCU
 Variance - V

- Land Division - P, SUB or PUD
 Family/Medical Hardship Dwelling
 Home Occupation/Cottage Industry

Special Districts and Services

Water Service Type: On-Site (Well or Spring)

Sewage Disposal Type: On-Site Septic

School District: Bandon

Fire District: Bandon RFPD

Please include the supplement application with request. If you need assistance with the application or supplemental application please contact staff. Staff is not able to provide legal advice. If you need help with findings please contact a land use attorney or consultant.

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)

- D. ATTACHED WRITTEN STATEMENT. With all land use applications, the “burden of proof” is on the applicant. It is important that you provide information that clearly describes the nature of the request and indicates how the proposal complies with all of the applicable criteria within the Coos County Zoning and Land Development Ordinance (CCZLDO). You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete. A planner will explain which sections of the Ordinance pertain to your specific request. The information described below is required at the time you submit your application. The processing of your application does not begin until the application is determined to be complete. An incomplete application will postpone the decision, or may result in denial of the request. Please mark the items below to ensure your submittal is complete.

Application Check List: Please make off all steps as you complete them.

- I. A written statement of intent, attached to this application, with necessary supporting evidence which fully and factually describes the following:
1. A complete explanation of how the request complies with the applicable provisions and criteria in the Zoning Ordinance. A planner will explain which sections of the Ordinance pertain to your specific request. You must address each of the Ordinance criteria on a point-by-point basis in order for this application to be deemed complete.
 2. A description of the property in question, including, but not limited to the following: size, vegetation, crops grown, access, existing buildings, topography, etc.
 3. A complete description of the request, including any new structures proposed.
 4. If applicable, documentation from sewer and water district showing availability for connection.
- II. A plot plan (map) of the property. Please indicate the following on your plot plan:
1. Location of all existing and proposed buildings and structures
 2. Existing County Road, public right-of-way or other means of legal access
 3. Location of any existing septic systems and designated repair areas
 4. Limits of 100-year floodplain elevation (if applicable) **NA**
 5. Vegetation on the property
 6. Location of any outstanding physical features
 7. Location and description (paved, gravel, etc.) of vehicular access to the dwelling location
- III. A copy of the current deed, including the legal description, of the subject property. Copies may be obtained at the Coos County Clerk's Office.

I certify that this application and its related documents are accurate to the best of my knowledge. I am aware that there is an appeal period following the date of the Planning Director’s decision on this land use action. I understand that the signature on this application authorizes representatives of the Coos County Planning Department to enter upon the subject property to gather information pertinent to this request. If the application is signed by an agent, the owner's written authorization must be attached.

If this application is refereed directly to a hearings officer or hearings body I understand that I am obligated to pay the additional fees incurred as part of the conditions of approval. I understand that I/we are not acting on the county’s behalf and any fee that is a result of complying with any conditions of approval is the applicants/property owner responsibility. I understand that conditions of approval are required to be complied with at all time and an violation of such conditions may result in a revocation of this permit. Signatures required below for application processing.

ACCESS INFORMATION

The Coos County Road Department will be reviewing your proposal for safe access, driveway, road, and parking standards. There is a fee for this service. If you have questions about these services please contact the Road Department at 541-396-7660.

Property Address: 87768 Vine Lane, Bandon, OR 97411

Type of Access: County Road Name of Access: Vine Lane

Is this property in the Urban Growth Boundary? No

Is a new road created as part of this request? Yes

Required parking spaces are based on the use of the property. If this is for a residential use two spaces are required. Any other use will require a separate parking plan submitted that is required to have the following items:

- Current utilities and proposed utilities;
- Roadmaster may require drawings and specs from the Oregon Standards Specification Manual (OSSC) (current edition).
- The location and design of bicycle and pedestrian facilities shall be indicated on the site plan if this is a parking plan;
- Location of existing and proposed access point(s) on both sides of the road where applicable;
- Pedestrian access and circulation will be required if applicable. Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of walkways, landscaping, accessways, or similar techniques;
- All plans (industrial and commercial) shall clearly show how the internal pedestrian and bicycle facilities of the site connect with external existing or planned facilities or systems;
- Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
- Number and direction of lanes to be constructed on the road plus striping plans;
- All planned transportation features (such as sidewalks, bikeways, auxiliary lanes, signals, etc.); and
- Parking and internal circulation plans including walkways and bikeways, in UGB's and UUC's.

Additional requirements that may apply depending on size of proposed development.

- a. Traffic Study completed by a registered traffic engineer.
- b. Access Analysis completed by a registered traffic engineer
- c. Sight Distance Certification from a registered traffic engineer.

Regulations regarding roads, driveways, access and parking standards can be found in Coos County Zoning and Land Development Ordinance ([CCZLDO](#)) Article 7.

By signing the application I am authorizing Coos County Roadmaster or designee to enter the property to determine compliance with Access, Parking, driveway and Road Standards. Inspections should be made by calling the Road Department at 541-396-7660

Coos County Road Department Use Only

Roadmaster or designee: _____

Driveway Parking Access Bonded Date: Receipt # _____

File Number: DR-21-

ADDRESS OF DRIVEWAY #1 CLOSEST TO YOUR NEW DRIVEWAY: _____

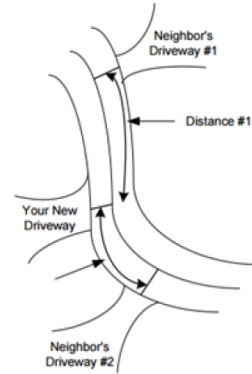
DISTANCE FROM DRIVEWAY #1 TO YOUR NEW DRIVEWAY: _____

Is this driveway on the same side of the road as your Driveway: Select

ADDRESS OF DRIVEWAY #2 CLOSEST TO YOUR NEW DRIVEWAY: _____

DISTANCE FROM DRIVEWAY #2 TO YOUR NEW DRIVEWAY: _____

Is this driveway on the same side of the road as your Driveway: Select



The distance information is important from your new driveway to the closest driveways on either side of you (doesn't matter which side of the road) and what the addresses are to those two driveways. This information is important to include in the formula used to calculate the correct address.

Staff from the County Road Department will place the stake and once the driveway stake has been placed, it must not be moved. If your stake is removed or damaged you may purchase replacements.

Additional Notes or directions:

This application is not required.

SANITATION INFORMATION

If this is a request for a recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering Coos Health and Wellness, Environmental Health Staff will be reviewing the proposal to ensure the use meets environmental health standards for sanitation and water requirements to serve the facility. If the proposal indicates that you are using a community water system a review may be required. A fee is charged for this service and shall be submitted with the application \$83.00. If you have questions about regulations regarding environmental health services please call 541-266-6720. This form is required to be signed off for any type of subdivision, recreational, commercial, industrial, vacation rental, manufactured home park, mass or small gathering.

Water Service Type: On-site Well

Sewage Disposal Type: On-site septic

Please check if this request is for industrial, commercial, recreational or home base business use and complete the following questions:

- How many employees/vendors/patrons, total, will be on site?
- Will food be offered as part of the an on-site business?
- Will overnight accommodations be offered as part of an on-site business?
- What will be the hours of operation of the business?

Please check if the request is for a land division.

Coos County Environmental Health Use Only:

Staff Reviewing Application: _____

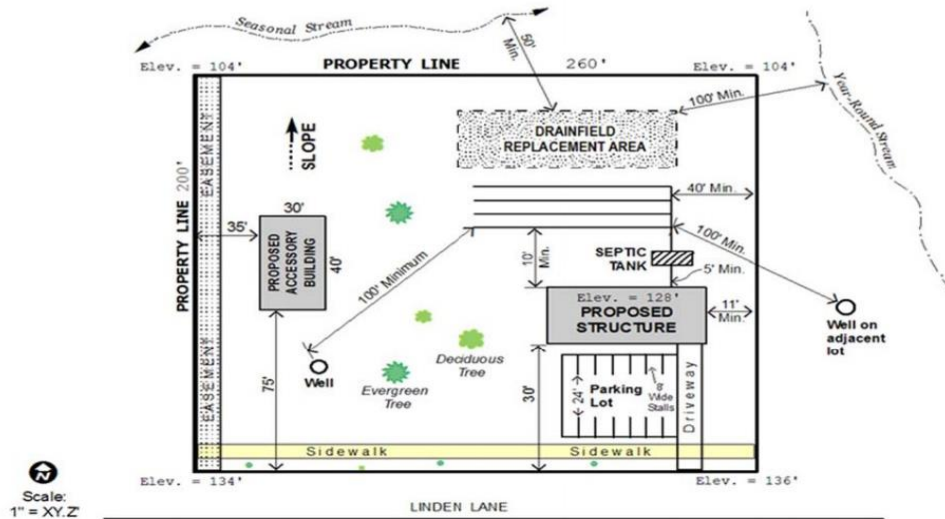
Staff Signature: _____

- This application is found to be in compliance and will require no additional inspections
- This application is found to be in compliance but will require future inspections
- This application will require inspection prior to determining initial compliance. The applicant shall contact Coos Health and Wellness, Environmental Heath Division to make an appointment.

Additional Comments:

Plot Plan
The grid for the plot plan is found on the next page

SAMPLE PLOT PLAN



ITEMS THAT MUST BE ON THE PLOT PLAN:

At a minimum, the site plan should provide information on the following items:

- Existing and proposed lot lines, lot or parcel numbers, and acreage/square footage of lots.
- Dimensions of all illustrated features (i.e. all structures, septic systems, driveways, roads, etc.)
- Significant natural features (slopes greater than 20%, geologic hazards, wetlands, drainage ways, rivers, streams, and the general location of existing trees, etc.).
- Existing easements (access, storm drainage, utility, etc.).
- Existing and proposed (structures, outbuildings, septic, etc.) on site and on adjoining properties.
- Existing and proposed road locations including widths, curbs, and sidewalks.
- Existing and proposed driveway approach locations on site, existing driveway approaches on adjoining properties on the same side of the street, and existing driveway approaches across the street from the site.
- Contiguous properties under the same ownership.
- General predevelopment topographical information (minimum 10' contour intervals).
- Location of utilities.
- If redevelopment is viable in the future, a redevelopment plan should be included.
- Preliminary site utility plan.
- Please add any additional Road or parking items from the parking form.

A private road which is created to provide ingress or egress in conjunction with the use of land for forestry, mining or agricultural purposes shall not be required to meet minimum road, bridge or driveway standards set forth in this ordinance, nor are such resource-related roads, bridges or driveways reviewable by the County. However, all new and re-opened forestry, mining or agricultural roads shall meet the access standards listed in this section.

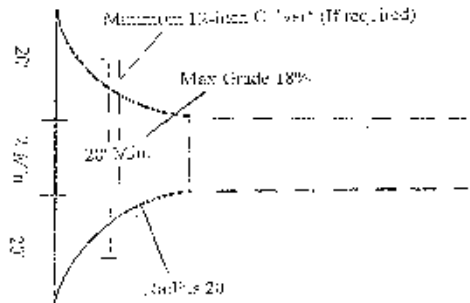
Forestry, Mining or Agricultural Access Standard drawing

Sight Distance Requirements (at the approach entrance)

- Speed less than 35 mph – 100’ both directions
- Speed greater than 35 mph – 150’ both directions

All Weather Surfaces – minimum aggregate base as required by the Roadmaster
The access will be developed from the edge of the developed road.

Figure 7.1.430

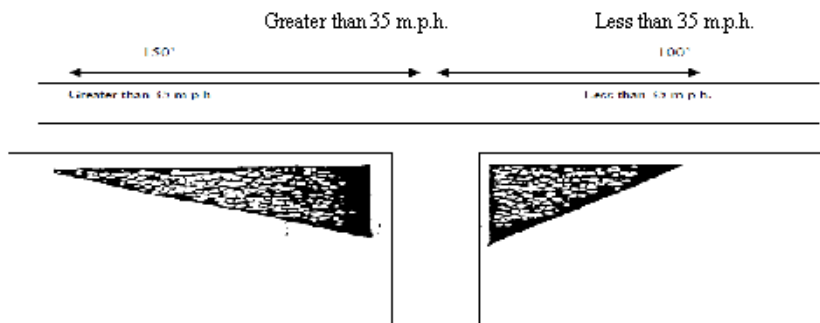


Construct appropriate ditches to prevent water runoff from discharging from the land onto a road under county jurisdiction. Pursuant to ORS 368.256 creation of a road hazard is prohibited.

VISION CLEARANCE TRIANGLE:

The following regulations shall apply to all intersections of streets and roads within all districts in order to provide adequate visibility for vehicular traffic. There shall be no visual obstructions over thirty-six (36) inches in height within the clear vision area established herein. In addition to street or road intersections, the provisions of this section shall also apply to mobile home park, recreational vehicle park, and campground accesses (entrances or exists).

The clear vision area shall extend along the right-of-way of the street for a minimum of 100 feet where the speed limit is less than 35 M.P.H.; and not less than 150 feet where the speed limit is greater than 35 m.p.h. The clear vision area shall be effective from a point in the center of the access not less than 25 feet back from the street right-of-wayline.



PARKING STANDARDS

USE	STANDARD
Retail store and general commercial except as provided in subsection b. of this section.	1 space per 200 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Retail store handling bulky merchandise (furniture, appliances, automobiles, machinery, etc.)	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Bank, general office, (except medical and dental).	1 space per 600 square feet of floor area, plus 1 space per employee. 1 Bicycle space
Medical or dental clinic or office.	1 ½ space per examination room plus 1 space per employee. 1 Bicycle space
Eating or drinking establishment.	1 space per 200 square feet of floor area, plus 1 space for every 4 seats. 1 Bicycle space
Bowling Alley	5 spaces per alley plus 1 space per 2 employees. 1 Bicycle space
Dance hall, skating rink, lodge hall.	1 space per 100 square feet of floor area plus 1 space per 2 employees. 1 Bicycle space
Stadium, arena, theater, race track	1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided. 1 Bicycle space
Storage warehouse, manufacturing establishment, or trucking freight terminal	1 space per employee. 1 Bicycle space
Wholesale establishment.	1 space per employee plus 1 space per 700 square feet of patron serving area. 1 Bicycle space
Welfare or correctional institution	1 space per 5 beds for patients or inmates, plus 1 space per employee. 1 Bicycle space
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged.	1 space per 5 beds for patients or residents, plus 1 space per employee. 1 Bicycle space
Church, mortuary, sports arena, theater.	1 space for 4 seats or every 8 feet of bench length in the main auditorium. 1 Bicycle space
Library, reading room.	1 space per 400 square feet of floor area plus 1 space per employee. 1 Bicycle space
Preschool nursery, kindergarten.	2 spaces per teacher; plus off-street loading and unloading facility. 1 Bicycle space per 20 students
Elementary or junior high school.	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater. 1 Bicycle space per 10 students
High school	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space per 4 seats or 8 feet of bench length in the main Auditorium, whichever is greater. 1 Bicycle space per 20 students

Other auditorium, meeting room.	1 space per 4 seats or every 8 feet of bench length. 1 Bicycle space
Single-family dwelling.	2 spaces per dwelling unit.
Two-family or multi- family dwellings.	1 ½ spaces per dwelling unit. 1 bicycle space per unit for buildings with 4 or more units.
Motel, hotel, rooming or boarding house.	1 space per guest accommodation plus 1 space per employee.
Mobile home or RV park.	1 ½ spaces per mobile home or RV site.

Parking lot standards – Use the table above along with the area available to calculate the number of spaces required and determine the type of parking lot that needs to be created. The table below explains the spacing and dimensions to be used.

Minimum Horizontal Parking Widths for Standard Automobiles					
	One-way Parallel	30 deg	45 deg	60 deg	90 deg
Figures	A	B	C	D	E
Single row of Parking					
Parking Aisle	9'	20'	22'	23'	20'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	21'	36'	39'	43'	44'
Figures #'s					
Two Rows of Parking					
Parking Aisle	18'	40'	44'	46'	40'
Driving Aisle	12'	16'	17'	20'	24'
Minimum width of module (row and aisle)	30'	56'	61'	66'	64'

For figures please see Coos County Zoning and Land Development Ordinance (CCZLDO) § 7.5.175.

Please note: If you are developing in any wetlands or floodplain please contact Department of State Lands to ensure you are not required to obtain a state permit.

**LAND DIVISION
SUPPLEMENTAL APPLICATION**

Coos County Planning
Land Division Supplemental Application

VI. Additional Information Required –

1. Lien holder(s) name: Agora Lending, a division of Ethos Lending, LLC
2. List of Easements and type: Septic and septic repair area easement
3. Covenants or Deed Restrictions that apply: None.
4. Legal Access and maintenance agreements: None.
5. Is the subject property part of an existing plat (partition or subdivision) Yes, answer the following:
 - a. What year was the plat recorded; and 1913
 - b. Was it part of a partition or subdivision? Remember if property that has been partitioned or was part of a partition within the prior three years then the partition shall be reviewed pursuant to subdivision criteria.
6. Does the property current have water, sewer or on-site septic, Development?
7. Is the applicant requesting the Planning Director to waive the water requirements yes no, and if yes please explain why. Parcel 2 does not have a well, but the intention is to have one on that parcel, but if they are unsuccessful, Parcel 2 can use the well on Parcel 1.
8. Are there natural hazards that apply to this property? Yes Severe EQ shaking, moderate liquefaction potential and 3,500 ft to active fault
9. Is any portion of this property located within the Coastal Shoreland Boundary or Estuary? If so this shall be indicated on the plat. If within a CSB there will be additional site development criteria that apply. No
10. Is this property with the Beaches and Dunes? If so, this feature shall be identified and a noted that additional criteria may apply. No

- VII. General Outline of process – If there is missing information the application will be deemed incomplete. The following is a general outline of the process for the review of land divisions in Coos County:
- a. Application is filed and reviewed for completeness pursuant to §5.0.200;
 - b. Technical Review Committee (TRC) reviews tentative plans within 30 days from the date the application has been deemed complete. The Planning Director may extend this timeline if needed;

- c. Planning Director makes a decision unless subject to limited land use notice. If subject to limited land use notice pursuant to Article 5.0 a notice of decision will be mailed out within seven days of the expiration of the limited land use notice;
- d. Applicant submits construction drawings for any new public roads or access easements to the Roadmaster. The County Roadmaster reviews construction drawings and applicable specifications for public roads and access easements;
- e. Applicant constructs or bonds for required improvements;
- f. County Roadmaster inspects construction unless improvements are bonded;
- g. Applicant submits final plat after all conditions of approval have been completed;
- h. Planning Department coordinates review of final plat by affected County Departments;
- i. Board of Commissioners reviews final plats for subdivisions and for partitions proposing public dedications;
- j. Planning Director reviews final plats for partitions not proposing public dedications; and
- k. If the final plat is approved, the applicant shall comply with Section 6.2.825 and file the plat with the County Clerk. (OR 92-07-012PL)

VIII. SECTION 6.2.350 TENTATIVE PLAT REQUIREMENTS (Tentative Plan):

- 1. Application Requirements
 - a. An application and a tentative plat for approval shall be initiated as provided in Section 5.0.150 of this ordinance.
 - b. The applicant shall file with the Director the original and four (4) additional copies of the tentative map on 11" X 17" paper for partitions and 18" x 24" paper for subdivisions.
 - c. The tentative plat shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale shall use a typical engineer scale (example 1" = 50').
 - d. If the tentative plat requirements have not been met the application will be deemed incomplete until the maps have been correct and at that time the Technical Review Committee meeting will be scheduled.
- 2. Information required for tentative plat.
 - a. All Land Divisions
 - North arrow, scale and date of the drawing.
 - Appropriate identification clearly stating the map is a tentative plat.
 - Names and addresses of the landowners, subdivider/partitioner and the engineer, surveyor, land planner or landscape architect responsible for designing.
 - The tract designation or other description according to the real estate records of Coos County [Township, Range, Section, Tax Lot Number(s), and Assessor's Tax Account Number(s)].
 - The boundary line (accurate in scale) of the tract to be divided and approximate acreage of the property.
 - Contours with intervals of forty (40) feet or less referred to United States Geological Survey (or mean sea level) datum.
 - The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
 - The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.

- Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.
 - Location, acreage and dimensions of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed land division, together with the purpose of conditions or limitations of such reservations, if any.
 - Easements, together with their dimensions, purpose and restrictions on use.
 - Zoning classification of the land and Comprehensive Plan map designation.
 - Draft of proposed restrictions and covenants affecting the plat if applicable. If not applicable indicate that on the form.
 - Predominant natural features such as water courses and their flows, marshes, rock outcropping, and areas subject to flooding, sliding or other natural hazards. Applicable natural hazards may be verified with planning staff.
 - A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable.
- b. Subdivisions – Shall include the following additional information:
- The proposed name of the subdivision must be on the plat.
 - The proposed street pattern or layout showing the name and widths of proposed streets and alleys.
 - Private streets and all restrictions or reservations relating to such private streets.
 - Proposed Subdivision proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.
 - Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.
 - The location of existing or proposed bicycle and/or pedestrian facilities if required under Article VII of this Ordinance.
 - Proposed means and location of sewage disposal and water supply systems.
3. Development Phasing
- a. Subdivisions shall:
- i. provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
 - ii. Time limitations for the various phases must meet the following requirements:
 1. Phase 1 final plat shall be approved within twenty-four (24) months of preliminary approval.
 2. Phase 2 final plat shall be approved within thirty-six (36) months of preliminary approval.
 3. Phase 3 final plat shall be approved within forty-eight (48) months of preliminary approval.
- b. Partitions shall:
- i. Provide all phasing for partitions. If phasing is proposed then road standards for subdivisions shall apply.
 - ii. If a land division is proposed on a property that has been partitioned in the prior three years then the partition shall be reviewed pursuant to subdivision criteria.

IX. Criteria: The following criteria will need to be addressed:

- 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.
- b. The preliminary 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 of Chapter 6 have been met;
 - 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, then 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.
 - vi. 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.
- c. 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:
 - i. roadway and plat design modifications;
 - ii. utility design modifications;
 - iii. conditions deemed necessary to provide safeguards against documented geologic hazards; and/or
 - iv. Other conditions deemed necessary to implement the objectives of the Comprehensive Plan.

LAND DIVISION REQUIRED MATERIAL

➤ **ALL APPLICATIONS SHALL INCLUDE THE FOLLOWING MATERIALS:**

All applications for land divisions shall be submitted to the Planning Department as required by this Article.

➤ **BASIC APPLICATION REQUIREMENTS**

- a. An application and a tentative plat for approval shall be initiated as provided in Section 5.0.150 of this ordinance.

SECTION 5.0.150 APPLICATION REQUIREMENTS:

Applications for development or land use action shall be filed on forms prescribed by the County and shall include sufficient information and evidence necessary to demonstrate compliance with the applicable criteria and standards of this Ordinance and be accompanied by the appropriate fee. An application shall not be considered to have been filed until all application fees have been paid. All applications shall include the following:

1. Applications shall be submitted by the property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign.
2. An application for a variance to the requirements of the Airport Surfaces Overlay zone may not be considered unless a copy of the application has been furnished to the airport owner for advice as to the aeronautical effects of the variance. If the airport owner does not respond to the application within twenty (20) days after receipt, the Planning Director may act to grant or deny said application.
3. One original and one exact unbound copy of the application or an electronic copy shall be provided at the time of submittal for all applications.

An application may be deemed incomplete for failure to comply with this section. The burden of proof in showing that an application complies with all applicable criteria and standards lies with the applicant.

- b. The applicant shall file with the Director the original and four (4) additional copies of the tentative map on 11" X 17" paper for partitions and 18" x 24" paper for subdivisions.
- c. The tentative plat shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale shall use a typical engineer scale (example 1" = 50').

➤ **ALL TENTATIVE PLATS:**

- i. North arrow, scale and date of the drawing.
- ii. Appropriate identification clearly stating the map is a tentative plat.

- iii. Names and addresses of the landowners, subdivider/partitioner and the engineer, surveyor, land planner or landscape architect responsible for designing.
- iv. The tract designation or other description according to the real estate records of Coos County [Township, Range, Section, Tax Lot Number(s), and Assessor's Tax Account Number(s)].
- v. The boundary line (accurate in scale) of the tract to be divided and approximate acreage of the property.
- vi. Contours with intervals of forty (40) feet or less referred to United States Geological Survey (or mean sea level) datum.
- vii. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
- viii. The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.
- ix. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.
 - x. Location, acreage and dimensions of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed land division, together with the purpose of conditions or limitations of such reservations, if any.
 - xi. Easements, together with their dimensions, purpose and restrictions on use.
 - xii. Zoning classification of the land and Comprehensive Plan map designation.
 - xiii. Draft of proposed restrictions and covenants affecting the plat.
 - xiv. Predominant natural features such as water courses and their flows, marshes, rock outcropping, and areas subject to flooding, sliding or other natural hazards.
 - xv. A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable.

➤ **SUBDIVISIONS – IN ADDITION TO REQUIREMENTS ABOVE THE FOLLOWING SHALL BE INCLUDED:**

- xvi. The proposed name of the subdivision must be on the plat.
- xvii. The proposed street pattern or layout showing the name and widths of proposed streets and alleys.
- xviii. Private streets and all restrictions or reservations relating to such private streets.
- xix. Proposed Subdivision proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.
- xx. Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.
- xxi. The location of existing or proposed bicycle and/or pedestrian facilities if required under Article VII of this Ordinance.
- xxii. Proposed means and location of sewage disposal and water supply systems.

➤ **DEVELOPMENT PHASING**

- a. Subdivisions shall:
 - i. provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
 - ii. Time limitations for the various phases must meet the following requirements:
 - 1. Phase 1 final plat shall be approved within twenty-four (24) months of preliminary approval.
 - 2. Phase 2 final plat shall be approved within thirty-six (36) months of preliminary approval.
 - 3. Phase 3 final plat shall be approved within forty-eight (48) months of preliminary approval.
- b. Partitions shall:
 - i. Provide all phasing for partitions. If phasing is proposed then road standards for subdivisions shall apply.
 - ii. If a land division is proposed on a property that has been partitioned in the prior three years then the partition shall be reviewed pursuant to subdivision criteria.

➤ **ACCESS AND EASEMENTS FOR LAND DIVISIONS**

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.

➤ **Planned Unit Developments – All platting requirements under partitions and subdivisions apply along with the following:**

SECTION 6.2.600 PLANNED UNIT DEVELOPMENTS (PUD):

The provisions of this Article shall be known as the Planned Unit Development requirements and procedures. Its purpose is to set forth the objectives, principles, standards, and procedures to be used in developing a Planned Unit Development (PUD). The Planned Unit Development Article is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individualized site planning. It is intended to provide flexibility in the application of certain regulations in a manner consistent with the general intent and provisions of the Comprehensive Plan for Coos County and this Ordinance,

thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility of surrounding areas and the creation of attractive, healthful, efficient and stable environments for living, shopping, recreation, or working.

Planned Unit Development, for purposes of this Article, is described as: an optional approach to community development which allows modification of more or less rigid setback, lot size specifications, and land use provisions of Chapter IV (Zoning) of this Ordinance, and instead establishes broad standards and goals to be followed, thus enabling and encouraging flexibility of design and development. Often based on the concept of cluster planning, it allows single-family houses and multiple-family dwellings of varying sizes, and appropriate institutional, and commercial uses to be built in the same development, thus inviting considerable variety in both tract and building design and uses, the possible retention of natural settings or community recreational areas, and reduced street and utility installation cost. Although the density of the total area remains consistent with that of conventional development, emphasis is placed on the relationship between buildings, uses, and open space, and the most efficient use of both natural and development resources, rather than planning on a lot-by-lot or building-by-building basis. All PUD proposals shall comply with ORS 94 and meet platting requirements set forth in this Article. If there are four or more dwelling units then the subdivision requirements apply.

SECTION 6.2.650 PUD USES:

The buildings and uses permitted in a Planned Unit Development shall be governed by the parent district, pertinent floating zones, and special considerations map restrictions. In addition to the uses permitted by the parent district, the following uses shall also be permitted:

1. Multiple-family dwelling
2. Two-family dwelling (Duplex)
3. Low intensity recreation
4. High intensity recreation
5. Recreational Planned Unit Developments shall contain at least 25% primary owner occupancy or long term rental dwellings (more than 30 days).
6. Retail and service establishments that provide a convenience designed to primarily serve the residents of the PUD with goods and services, and not intended to serve a larger trade or service area.
7. Accessory structures and uses to the extent necessary and normal to the uses permitted in this Section.

SECTION 6.2.675 LAND COVERAGE FOR PUD:

1. In a Planned Unit Development at least 40% of the gross land area, excluding existing and proposed parking and roads shall be devoted to open space and shall be designated as common property.
2. The overall density of a Planned Unit Development shall not exceed the density of the parent zoning district, floating zone, or special consideration restrictions.
3. The minimum lot area, width, depth, height and setback requirements of Chapter IV applicable to the zoning district in which the Planned Unit Development is proposed shall not dictate the strict guidelines for development within the Planned Unit Development and may therefore be waived. Individual buildings and accessory buildings, shall maintain the required parent district's setback from all exterior plat boundary lines, so as to provide the minimum buffering deemed necessary to protect the integrity of adjacent properties.

4. When Coos County determines that topographical or other existing barriers, or the design of the Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the Planned Unit Development, Coos County shall require that:
 - a. structures located near the perimeter of a Planned Unit Development are designed and located so as to protect the privacy and amenity of adjacent existing uses; and/or
 - b. a permanent screening be established either by appropriate structure or vegetation or both, along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses.

5. The location, shape, size and character of required open space shall be consistent with the standards set forth below, and shall be maintained only for those uses so specified:
 - a. Open space may be maintained for scenic, landscaping, outdoor recreational purposes, sound, solar availability or buffering;
 - b. Open spaces shall be developed and improved to the extent that it will serve the purpose for which it is designated. Outdoor areas containing natural features, existing trees, and groundcover worthy of preservation may be left unimproved; and
 - c. Open space shall be reserved for common facilities and open to the residents or occupants of the PUD.
 - d. In a Recreational PUD the Open Space Standards requires open space not be developed except for active and passive recreational activities, non-motorized vehicle or pedestrian trails, hazard control structures, and vegetative alteration such as golf courses and landscaped grounds. Clustering of intensive or build-up uses shall be encouraged to provide maximum retention of open space and to provide sufficient access to the recreational resource.

6. Maintenance of Common Open Space and Facilities. Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, Coos County shall require that an association of owners or tenants be created into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of Coos County. Said association shall be formed and continued for the purpose of maintaining such common open space and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended.

7. Dedication. Coos County may, as a condition of approval for any development, require that portions of the Planned Unit Development be set aside, improved, conveyed, or dedicated for the following uses:
 - a. easements necessary to the orderly extension of public utilities;
 - b. streets and pedestrian ways necessary to the proper development of either the Planned Unit Development and/or adjacent properties;
 - c. recreational areas or open spaces suitable for the owners, residents, employees, or patrons of the Planned Unit Development of the general public.

8. Construction Standards. Except as expressly provided by this Article, the provisions of this Ordinance and all other County Ordinances and codes shall apply to and control all design and construction of improvements within a Planned Unit Development.
9. Perimeter Standards for Recreational Planned Unit. When Coos County determines that topographical or other existing barriers, or the design of the Recreational Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the R-PUD, Coos County shall require that:
 - a. Structures located near the perimeter of a R-PUD are designed and located so as to protect the privacy and amenity of adjacent existing uses; or
 - b. Permanent screening be established either by appropriate structure or vegetation or both, along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses.

➤ **CRITERIA AND QUESTIONS**

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.

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.

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.

Dimensional Standards. The property will comply with development standards set out in the applicable zoning districts.

1. Will all your parcels or lots meet the minimum lots sizes and dimensions. Describe how the lots and parcels will comply.

APPLICANTS REPLY:

Yes. The smallest parcel will be 2.05 Acres. RR-2 required that units of land be no smaller than 2 acres.

2. Provide 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.

All lots shall be served from an established public or private water system or private source with the water available at each lot prior to recording the plat. The water quality shall be in accordance with the requirements of the Oregon Health Division, the Oregon Water Resources Department, and the Oregon Department of Environmental Quality.

If this is not a serial partition then the Planning Director, Planning Commission or Board of Commissioners can waive this requirement. In the case of a waiver proof needs to be provided that water could be provided in the future. Acceptable information may be well logs for the area.

When the water supply is distributed through a community system the proposed method of assuring the continued maintenance of the water system shall be provided.

If a waiver is granted the following statement shall be shown on the plat: a statement that no domestic water supply facility will be provided to the purchaser of any lot or parcel depicted in the proposed land division, even though a domestic water supply source may exist. This statement must be shown on the face of the final plat.

It is the responsibility of the applicant to deliver a copy of the statement to each prospective purchaser of a lot or parcel depicted in the land division pursuant to ORS 92.090(4)(c).

If the waiver is not being applied for then an applicant shall submit and comply with one of the following options:

- i. A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system that water will be available to the lot line of each and every lot or parcel depicted in the proposed land division;
- ii. Where the proposed source of water is by individual or community wells, proof of an adequate supply of potable water for all anticipated needs of the platted area shall be presented. Proof of an adequate supply of potable water may consist of:
 1. Test wells, must have at least one well per five lots or parcels, or, in the case of lots or parcels averaging less than two acres, one well per ten acres. The test wells shall produce at least 1,000 gallons per day for two consecutive days for each proposed single-family residential site; and
 2. A hydrology report documenting the availability of potable water by describing the average depth, yield and quality and by giving a general history of wells in the area.

- iii. Where the proposed source of water is by a spring, creek, stream, pond, lake or other natural or man-made surface water impoundment, the following information shall be provided:
 - 1. Certificate of the water as potable by the County Health Department, appropriate state agency or by an approved private laboratory.
 - 2. Whether the source will be distributed through a community water system or through individual delivery systems;
 - 3. Whether water rights exist to the supply and, if so, the names of persons holding such rights and amounts allotted to each;
 - 4. The location of the sources of water supply;
 - 5. The year-round or seasonal nature of the water supply;
 - 6. Proof of an adequate water supply for all anticipated needs of the proposed development.
- iv. Storage tanks can be used to serve individual lots or parcels if needed. The tank needs to be a minimum of 1200 gallons to serve one single family dwelling.

How will this application comply with the water requirements?

APPLICANTS REPLY:

We are requesting a waiver. We know that Parcel 1 has a good source of water, so we anticipate that a water supply for Parcel 2 will be readily available.

- 3. Sewage disposal systems, both public and private, shall conform to the requirements of state law.

Provide written evidence that an on-site septic system(s) that is intended to remain in use after final approval was authorized by an approving authority; or, if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system(s) to be properly functioning and meets the requirements in OAR 340-071-0000. In any case, it must be shown that the existing septic system(s) is either located entirely on the same lot containing an existing dwelling, or that proper easements are provided to allow the continued use and maintenance of the system(s).

How will this application comply with the water requirements? Please supply a site evaluation from DEQ with your application.

APPLICANTS REPLY:

This will be provided by the owner.

- 4. Grading and erosion. 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. 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. 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)

The Roadmaster will review plans and findings. A grading and erosion plan for drainage shall be provided to address or an analysis that drainage is not required.

Have you provided a grading plan showing drainage facility? Explain in detailed how this application complies with the criteria or why the criteria does not apply.

APPLICANTS REPLY:

A grading plan has not yet been completed. This will occur once the property has been partitioned and a contractor is selected.

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. 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.

What road system does the property access from? Does the property have sidewalks already or pedestrian ways?

APPLICANTS REPLY:

The property is accessed from Vine Avenue. There are no sidewalks on adjacent to the property.

6. Hazard Zones – If this property is within a hazard or development overlay other requirements may apply. If you have Tsunami hazards signage and pathways may be required. Have you consulted with Planning Staff to understand what hazards may be applicable?

APPLICANTS REPLY:

The following hazards apply to this site: severe EQ shaking, moderate liquefaction potential and 3,500 ft to active fault.

PARTITION PLAT

STATEMENT OF INTENT

Statement of Intent

The intention of this application is to partition the subject property into two parcels. The property is approximately 6.70 acres and generally level with multiple areas which appear to be suitable for development. There is currently a house and shop on the northeast corner of the property which is accessed off of Vine Lane. The NRCS soil survey describes the property as being 68% blacklock fine sandy loam with 0 to 3 percent slopes and 32% bullards sandy loam with 0 to 7 percent slopes. The property is moderately wooded with heavy underbrush.

This partition complies with all RR-2 requirements.

There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreage. The zoning ordinance will specify permitted uses and minimum lot sizes.

The purpose of the "RR-2" and "RR-5" districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.

The "RR-2" district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

The long-term goal for the properties is to construct a home on each property.

SECTION 4.3.230 ADDITIONAL SITING STANDARDS

This section has specific siting standards and criteria set by the zoning district for USES, ACTIVITIES and DEVELOPMENT:

(2) Rural Residential (RR) – The following siting standards apply to all USES, activities and development in the RR zoning districts:

(a) Minimum Lot/Parcel Size:

- i. 5 acres in the RR-5 district **NA**
- ii. 2 acres in the RR-2 district **The parcels will be a minimum of 2 acres.**
- iii. Exception to minimum lot sizes in Rural Residential:
 1. Smaller parcels may be permitted in an approved residential planned unit development, provided the allowable density of the parent parcel is not exceeded.
 2. Any lawfully created parcel or lot created prior to January 1, 1986 that is equal to or greater than one acre. Multiple parcels or lots may be combined to equal one acre but then a restriction shall be placed on the deed and parcels and/or lots shall be combined into one tax lot.

3. Any lawfully created parcel or lot created prior to January 1, 1986 that does not equal one acre and not served by a public sewer then Department of Environmental Quality, State Building Codes and Oregon Department of Water Resources should be consulted by the developer prior to seeking a land use authorization to construct a dwelling as there may be development limitations.

4. Creation of parcels less than the minimum lot size of the zoning district shall be permitted provided the following circumstances exist:

- a) The subject property is not zoned for resource use;
- b) An existing dwelling (lawfully established, but not for temporary purposes) was sited prior to January 1, 1986, and will remain sited on each proposed parcel; and
- c) A land division is submitted and approved by Coos County pursuant to the current standards with the exception on the minimum parcels size.

(b) Setbacks – No additional setback requirements. **General Siting Standards will be met.**

(c) Building Height – No additional Requirements. **General Siting Standards will be met.**

(d) Density or Size limits -

i. Dwelling density shall be no more than one dwelling per lawfully created parcel unless otherwise provided for by this ordinance. **This is the intent.**

ii. If lawfully created parcels are less than one acre in size and not served by a public sewer then Department of Environmental Quality, State Building Codes and Oregon Department of Water Resources should be consulted by the developer prior to seeking a land use authorization to construct a dwelling as there may be development limitations. **NA – The parcels will be 2 acres at minimum.**

TITLE REPORT



**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION
OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF THE FOLLOWING CUSTOMER:

Dave Weston
Phone No.: (541)290-0689

Date Prepared: December 17, 2021
Effective Date: December 15, 2021 / 08:00 AM
Charge: \$0.00
Order No.: 360621038596
Reference:

The information contained in this report is furnished to the Customer by Ticor Title Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report ("the Report"). Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Coos, State of Oregon, and is described as follows:
As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.
- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:
As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.
- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:
As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.
- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:
As fully set forth on Exhibit "D" attached hereto and by this reference made a part hereof.

Ticor Title Company of Oregon
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EXHIBIT "A"
(Land Description)

Lot 5, Beale-McDonald Subdivision, Coos County, Oregon.

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EXHIBIT "B"
(Tax Account and Map)

APN/Parcel ID(s) 2350400 as well as Tax/Map ID(s) 28S1431CB00800

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EXHIBIT "C"
(Vesting)

David A. Weston and Priscilla R. Weston, as tenants by the entirety

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EXHIBIT "D"
(Liens and Encumbrances)

1. Rights of the public to any portion of the Land lying within the area commonly known as public streets, roads, alleys highways.
2. A deed of trust to secure an indebtedness in the amount shown below,

Amount: \$200,000.00
Dated: May 3, 2018
Trustor/Grantor: David A Weston and Priscilla R Weston, husband and wife
Trustee: First American Title Insurance Company, a California Corporation
Beneficiary: Mortgage Electronic Registration Systems, Inc., as nominee for Agora Lending,
a division of Ethos Lending LLC
Recording Date: June 1, 2018
Recording No.: 2018-05104

END OF EXCEPTIONS

Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2021-2022
Amount: \$2,816.30
Levy Code: 5401
Account No.: 2350400
Map No.: 28S1431CB00800

Please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. **Definitions.** The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.
2. **Liability of Company.**
 - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
 - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
 - (c) No costs (including without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.
3. **Report Entire Contract.** Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.
4. **Charge.** The charge for this report does not include supplemental reports, updates or other additional services of the Company.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

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IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

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(Ver. 20161024)