



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

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 60 E Second 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, Associate Planner 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: Tuesday, March 28, 2023 .  
Crystal Orr, Associate Planner

**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 & Template 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 "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.

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

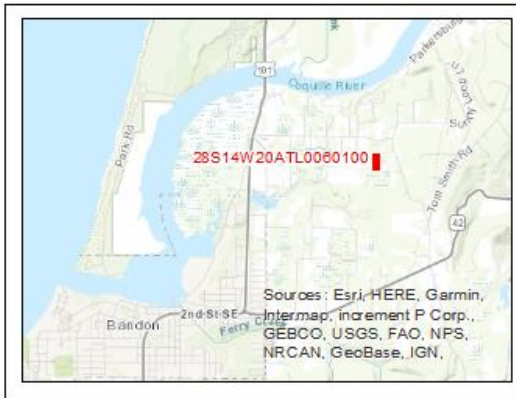
1. All necessary federal, state, and local permits shall be obtained.
2. Shall comply with all comments received and found as Exhibit "D" to this report.
3. Prior to submittal of the Final Plat the following conditions shall be completed:
  - a. Must comply with all comments within Exhibit D.
  - b. 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 "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.
7. A Traffic Plan must be submitted and meet standards prior to staff signing the final plat.
8. Any requirements of the Coos County Assessor's Office, Coos County Road Department and Coos County Surveyors Office must be met.
9. Shall submit proof that the parcels were given septic evaluation approval from Department of Environmental Quality.

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

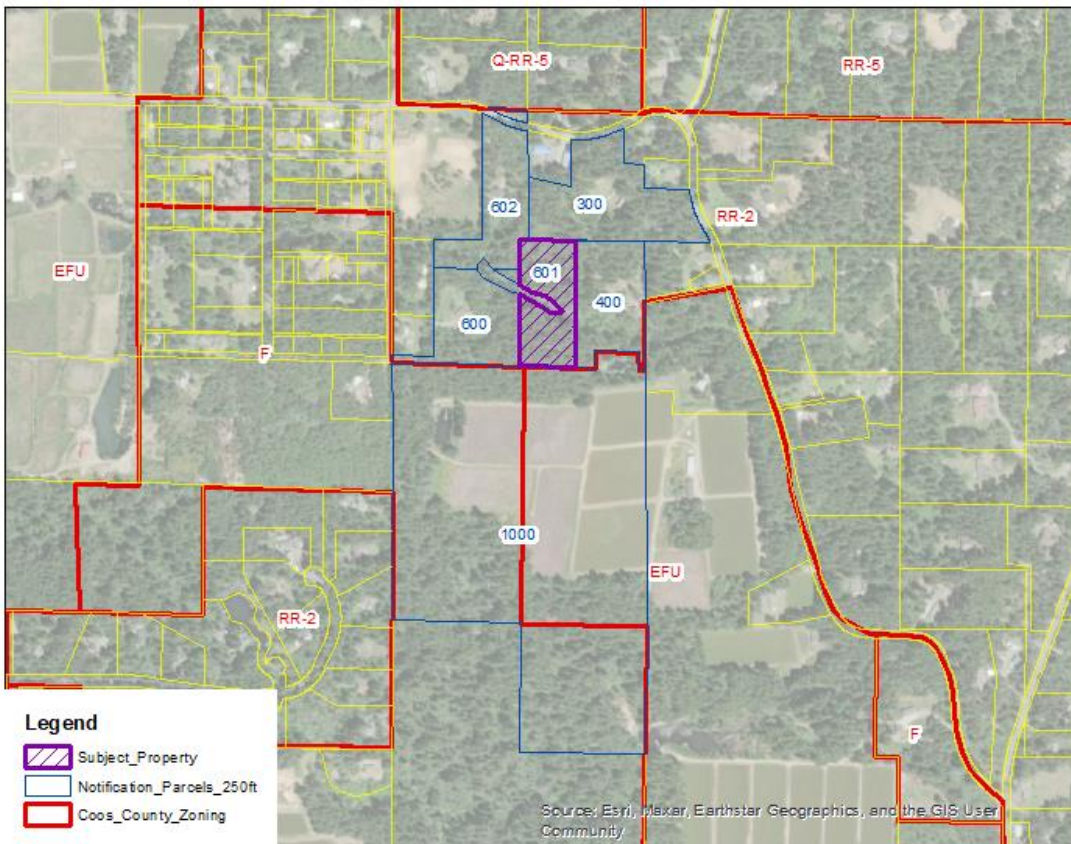


**COOS COUNTY PLANNING DEPARTMENT**

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-22-011  
 Applicant/ Owner: Larry Cox  
 Date: March 21, 2023  
 Location: Township 28S Range 14W  
 Section 20ATL 601  
 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 no development. A Zoning Clearance Letter (ZCL-22-421) was issued to allow septic site evaluations on Parcel 1 and 2 of the tentative land division.

The current application was received on October 17, 2022 and deemed incomplete on November 16, 2022, as the application requirements were not met. The required information was received and the application was deemed complete on December 28, 2022. 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 east of the City of Bandon off of Fishtale Road via Prosper Junction Road and Oregon State Highway 101.
- D. ZONING:** The property is zoned Rural Residential-2 (RR-2).

*Section 4.2.100 Residential*

*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 east of the City of Bandon off of Fishtale Road via Prosper Junction Road and Oregon State Highway 101. The surrounding parcels are zoned Rural Residential-2 (RR-2) other than the parcels to the south, which are resource zoned (EFU & F).

Most of the properties within this overall area are lightly developed for rural residential uses and generally covered with timber. The property to the south appears to be using the property for cranberry farming.

**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.b, through a prior land use decision (P-05-25).

**III. STAFF FINDINGS AND CONCLUSIONS:**

**A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

The proposal is for a land partition creating three (3) 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 7.2A Minimum Standards for New Roads and Driveways in Rural..

**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 has Bandon Area of Mutual Interest, National Wetland Inventory Site and Natural Hazard Wildfire listed within the Special Considerations. The only consideration that applies to a land division is the Bandon Area of Mutual Interest, which is not necessarily a development consideration, this requires that staff notify the City of Bandon when applications are submitted within this area. A notice of decision will be supplied to them.**

**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 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 October 17, 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 February 2, 2023. Therefore, the proposal is following the schedule.**

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 did not provide comments, as a condition of approval any requirements from the Coos County Assessor's Office must be adhered to.**
- **Coos County Surveyor, Mike Dado commented:**
  - 1 You need to add the found corner references to your plat
  - 2 You need to show both measured and record bearings and distances between monuments
  - 3 I want you to set offset reference monuments both North and South of the West end of the Spring Creek Reservoir line
  - 4 You have the wrong Township on your plat.
- **Roadmaster, Paul Slater did not provide comments, as a condition of approval any requirements from the Coos County Road Department must be adhered to.**
- **Coos Health and Wellness, Richard Hallmark Environmental Health Program Manager commented:**

With the proposal for a two parcel land division “wells are proposed” for potable water.

**The EH office has no prohibitive comment regarding the application**, but will advise any party with interest:

There is health importance in testing a potable water source supplying a residence for at least the following three contaminants (with the values in parenthesis representing levels of high concern): **Total Coliforms** (any present), **Nitrates** (6 mg/L) and **Arsenic** (0.010 mg/L). Testing can provide some confidence of water safety or information to motivate treatment to assure 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. Find meaningful information by googling: **“Oregon.gov Domestic Well Safety.”**

Call 541-266-6720 for any related discussion.

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 deemed complete on December 28, 2022. 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 required minimum lot size is 2 acres, all parcels will exceed these minimum lot sizes, the tentative partition shows Parcel 1 will contain 2.60 acres, and Parcel 2 will contain 2.41 acres. 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: Parcels 1 will have access through an easement to Prosper Junction Road per instrument number 2006-4517. Parcel 2 will have access through an easement to Fishtale Lane through instrument number 2006-4517. The roadways in question do not meet the requirements, as the requirement for a roadway serving four or more dwellings is required to be 60'. Prosper Junction Road and Fishtale Lane were in place at the adoption of the road standard ordinance, but are nonconforming, this land division will not increase trip generation by 50% or more so at this point the access does not have to be brought into compliance. The criteria for nonconforming access have been added to the end of this report.**

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 April 12, 2023 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: Parcel 1 will have access through a private easement to Prosper Junction Road per instrument number 2006-4517. Parcel 2 will have access through a private easement to Fishtale Lane through instrument number 2006-4517. Both private easement accesses meet the requirements. The roadways (Prosper Junction Road/ Fishtale Lane) in question do not meet the requirements, as the requirement for a roadway serving four or more dwellings is required to be 60'. Prosper Junction Road and Fishtale Lane were in place at the adoption of the road standard ordinance, and are therefore nonconforming, this land division will not increase trip generation by 50% or more so at this point the access does not have to be brought into compliance.**

- **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 private easement roads are off of Prosper Junction Road and Fishtale Road. The private easement roads are mapped as being a 50 foot right of ways, which does not meet the requirements for “minimum standards for new roads and driveways in Rural Table 7.2A”. This has been addressed in prior criteria above within the staff report.**

**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 5.01 acres according to the assessment information. The tentative partition shows Parcel 1 with 2.60 acres, and Parcel 2 with 2.41 acres. 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.**

**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 was submitted in the form of well logs as a waiver of water supply requirements. 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.**

**Shall submit proof that the parcels were given septic evaluation approval from Department of Environmental Quality.**

**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 did not provide comments, all Road Department requirements must be met.**

- **SECTION 7.1.275 Access Management**
- **Subsection 6 Non-conforming Access Features:** *Legal access connections that are already in place as of the date of adoption of this ordinance that do not conform with the standards herein are considered non-conforming features and shall be brought into compliance with applicable standards under following conditions:*
  1. *When new access connection permits are requested;*
  2. *A change in use or enlargements or improvements that will increase trip generation by 50% or more; or*
  3. *When trips increase or the character of traffic changes on ODOT facilities.*

**Finding:** The roadways (Prosper Junction Road/ Fishtale Lane) in question do not meet the requirements, as the requirement for a roadway serving four or more dwellings is required to be 60'. Prosper Junction Road and Fishtale Lane were in place at the adoption of the road standard ordinance, and are therefore nonconforming, this land division will not increase trip generation by 50% or more so at this point the access does not have to be brought into compliance.

**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: Southern Coos General Health and Bandon Rural Fire Department and City of Bandon.

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



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

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

February 2, 2023

To: Troy Rambo

Re: Land Partition P-22-011  
Larry Cox  
28-14- 20A, TL 601

Troy,

I have reviewed your Final Partition Plat and have found the following:

- 1 You need to add the found corner references to your plat
- 2 You need to show both measured and record bearings and distances between monuments
- 3 I want you to set offset reference monuments both North and South of the West end of the Spring Creek Reservoir line
- 4 You have the wrong Township on your plat.

I have no further comments at this time.  
Thank you

Very truly yours

Michael L. Dado

# Coos Health & Wellness

Together, Inspiring Healthier Communities



January 26, 2023

Coos County Planning Department  
Crystal Orr, Planning Specialist  
60 E Second St  
Coquille, OR 97423

Re: EH Comment on Cox Land Use Permit Application, File # P-22-011

Crystal,

This letter is comment from the Environmental Health (EH) office on the application noted above in reference to potable water as per TRC.

With the proposal for a two parcel land division “wells are proposed” for potable water.

**The EH office has no prohibitive comment regarding the application**, but will advise any party with interest:

There is health importance in testing a potable water source supplying a residence for at least the following three contaminants (with the values in parenthesis representing levels of high concern): **Total Coliforms** (any present), **Nitrates** (6 mg/L) and **Arsenic** (0.010 mg/L). Testing can provide some confidence of water safety or information to motivate treatment to assure 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. Find meaningful information by googling: “**Oregon.gov Domestic Well Safety**.”

Call 541-266-6720 for any related discussion.

*Rick Hallmark, Environmental Health Program Manager*

281 LaClair St, Coos Bay, OR 97420  
541-266-6744