



NOTICE OF LAND USE DECISION BY THE COOS COUNTY PLANNING DIRECTOR

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

Date of Notice: September 26, 2019

File No: P-19-010

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

Applicant(s): WILLIAM H. HITNER, JR. REVOCABLE; ET AL
HITNER, WILLIAM H., JR, TRUSTEE; ET AL
PO BOX 635
MYRTLE POINT, OR 97458-0635

Surveyor: Dylan Hitner
54270 Old Hwy 42
Myrtle Point, OR 97458

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

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

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

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

Subject Property Information

File Number: P-19-010

Applicant: William & Pamela Hitner

Account Number: 1114000
Map Number: 29S120800-00100

Property Owner: WILLIAM H. HITNER, JR. REVOCABLE; ET AL
HITNER, WILLIAM H., JR, TRUSTEE; ET AL
PO BOX 635
MYRTLE POINT, OR 97458-0635

Situs Address: 93952 LAMPA LN MYRTLE POINT, OR 97458

Notice shall be posted from September 26, 2019 until 5 pm on October 11, 2019

Acreage: 101.02 Acres
 Zoning: COQUILLE RIVER ESTUARY MGT PLN (CREMP)
 CREMP AQUATIC D21 CONSERVATION (CRA21C)
 CREMP EXCLUSIVE FARM USE (CR-EFU)
 CREMP SHORELAND SEGMENT 56 (CRS56)
 FOREST (F)
 Special Considerations: ARCHAEOLOGICAL SITES (ARC)
 FLOODPLAIN (FP)
 FOREST MIXED USE (MU)
 NATIONAL WETLAND INVENTORY SITE (NWI)
 NATURAL HAZARD - LANDSLIDE (NHLND)
 NATURAL HAZARD - WILDFIRE (NHWF)

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 § 6.2.375(5)&(6) Review of Tentative Plan, Criteria for Approval, Conditional Approval; § 6.2.400 Access in Conjunction with a Land Division; § 6.2.475 Access; § 6.2.500 Easements; § 6.2.525 Lots and Parcels; § 6.2.550 Improvement Specifications; §6.2.800.3.p through q and s Final Plat Regulations; § 7.2, Table 7.2A Minimum Standards for New Roads and Driveways in Rural.

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

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

This decision will become final at 5 P.M. on October 11, 2019 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Coos County Planning Department.

Prepared by: _____ **Date:** September 26, 2019
 Crystal Orr, Planning Specialist

Authorized by: _____ **Date:** September 26, 2019
 Jill Rolfe, Planning Director

EXHIBITS

Exhibit A: Conditions of Approval
Exhibit B: Vicinity Map & Tentative Plat

Exhibit C: Staff Report
Exhibit D: Comments Received

The Exhibits below are mailed to the Applicant only. Copies are available upon request or at the following website: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment--Applications2019.aspx> or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.

EXHIBIT "A"

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

CONDITIONS OF APPROVAL

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

1. All necessary federal, state, and local permits must be obtained.
2. Shall comply with all comments received and found as Exhibit "D" to this report.
3. The very high Landslide Special Consideration area must be
4. All Final Plat shall meet the requirements SECTION 6.2.800 FINAL PLAT REGULATION AND REQUIREMENTS. Planning staff shall check of the requirements at the time of submittal and if not found to comply corrections shall be made prior to moving on to the Surveyor, Roadmaster and Assessor's Office for appropriate signatures.

EXHIBIT "B"
Vicinity Map & Tentative Plat

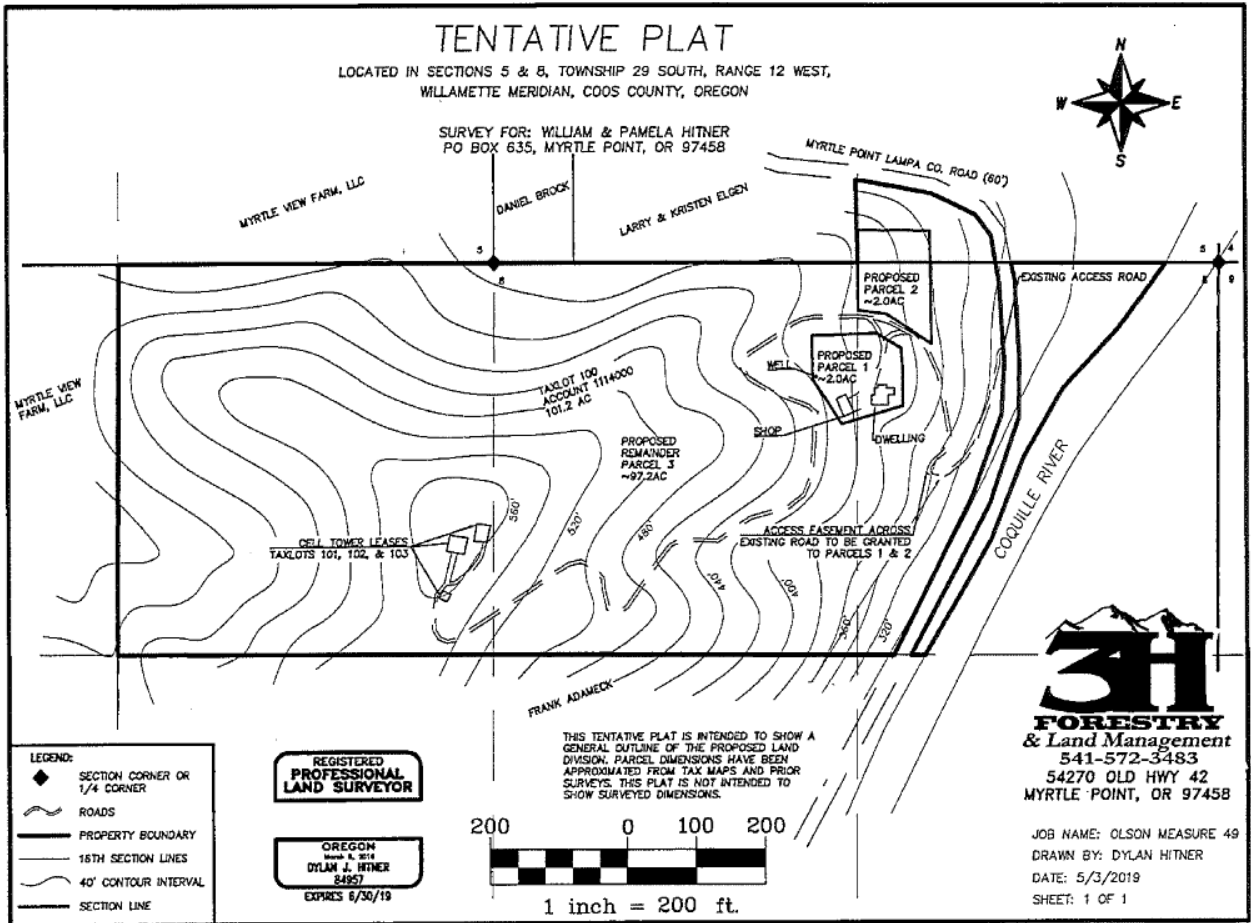


EXHIBIT "C"
Staff Report

File Number: P-19-010
Surveyor: Dylan Hitner
Account Number 1114000
Map Number 29S120800-00100

Property Owner WILLIAM H. HITNER, JR. REVOCABLE; ET AL
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Special Considerations ARCHAEOLOGICAL SITES (ARC)
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NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - LANDSLIDE (NHLND)
NATURAL HAZARD - WILDFIRE (NHWF)

Reviewing Staff: Crystal Orr, Planning Specialist
Date of Report September 26, 2019

I. PROPOSAL

The applicants' proposal is a request for Planning Director Approval for a three (3) parcel partition as provided by the Coos County Zoning and Land Development Ordinance (CCZLDO).

III. PROPERTY DESCRIPTION AND PROPOSAL

LAWFULLY CREATED: This property is acknowledged as a lawfully created pursuant to CCZLDO § 6.1.125.1.e as it was lawfully created by deed or land sales contract prior to any applicable planning, zoning or subdivision ordinances or regulations that prohibited the creation (deed document number 67-20067).

LOCATION: The subject property is located southeast of the City of Myrtle Point. The property is accessed via Lampa Lane through a privately owned and maintained road.

SITE DESCRIPTION AND SURROUNDING USES:

- a. **SITE DESCRIPTION AND SURROUNDING USES:** This property is located southeast of the City of Myrtle Point. The property is zoned Forest Mixed Use and contains 101.36 acres. Assessment records state 101.02 acres because there are four (4) lease sites that make up the .32 acres to total 101.36. The four (4) lease sites are not actual

legal divisions of the parent parcel and are only given a parcel number for assessment purposes. The parcels surrounding are like sized and similarly zoned.

- b. **PROPOSAL:** The applicant proposes a land division to divide the parent parcel into three (3) parcels through a measure 49 claim.

Forest (F)

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

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

- **SECTION 6.2.350 TENTATIVE PLAT REQUIRMENTS**

Finding: This section was reviewed prior to deeming the application complete. The application was found to be complete on July 18, 2019. An application for a land division shall meet the requirements of the tentative plan prior to setting up the Technical Review Committee to allow for comments and review.

- **Section 6.2.375 Review of Tentative Plan:**

1. *Distribution to Affected Bodies. The Planning Department shall furnish a copy of the tentative plan to all affected special districts and cities which have a coordination agreement with Coos County; and*
2. *Within twenty (20) days of postmark, each city, special district and County Department receiving a copy of the tentative plan should submit a written statement to the Planning Department with respect to any matter, information, or recommendation deemed necessary for the applicant's or public's benefit.*
3. *The Planning Department shall make copies of all written statements available to the applicant and others interested.*

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

- **Coos County Cartographer, Jorene Smith commented that the ownership appears to be in 2 trusts, and that the correct ownership will need to be reflected on the final plat. Any easements/access will need to be shown on the final plat. The parcels being divided will need to be surveyed and dimensions shown on the final plat.**
- **Coos County Surveyor, Mike Dado commented that parcels 1 and 2 must be completely monumented. The access easement over the existing road must be 50' in width and must be designed with curves and it should closely fit the existing roadway. The centerline must also be monumented. He further commented that the north line of parcel 1 and the south line of parcel 2 shall follow the edges of said easement.**
- **Coos County Roadmaster, John Rowe had no comments at this time. The owner representative did not attend the TRC meeting to answer questions.**

- **John McDonald, Development Review Planner for Oregon Department of Transportation (ODOT) did not provide comments.**
- **Coos Health and Wellness, Richard Hallmark Environmental Health Program Manager did not provide comments.**

4. *Planning Director Review. The Planning Director, after reviewing the tentative plan and comments, may approve, conditionally approve, or disapprove any application. The Planning Director shall take action within forty-five (45) days of the date the application was accepted as complete, unless additional time is deemed necessary to complete the review.*

FINDING: The application was received June 18, 2019 and deemed complete July 18, 2019. This report is past the forty-five (45) days time for review. Due to application volume additional time was necessary to complete the review.

5. *Criteria for Approval of tentative land division plan*
 a. *A decision on the tentative land division plan application shall be made and notices shall be processed as required in Chapter 5.0 of this ordinance.*

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

- b. *The preliminary subdivision plan shall be approved if the Approving Authority finds the following:*
- i. *The information required by this Article has been provided;*
 - ii. *The design and development standards this chapter have been met; and*
 - iii. *Applicable transportation standards in chapter VII have been or will be complied with;*
 - iv. *Minimum parcel/lot sizes and requirements have been complied with for the zoning district.*
 - v. *If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.*

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

- c. *In granting tentative approval, the Approving Authority may impose conditions of approval deemed necessary to carry out the Comprehensive Plan and the provisions of this ordinance. Such conditions may include the construction of offsite public improvements, or money equivalent, deemed necessary, either immediately or in the future, as a result of the proposed development and shall be reasonably conceived to fulfill public needs emanating from the proposed development in the following respects:*
- i. *Protection of the public from the potentially deleterious effects of the proposed development;*
or
 - ii. *Fulfillment of the need for public service demands created by the proposed development.*

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

6. *Conditional Approval. The Planning Director may impose special conditions upon the approval of a tentative plan when it is established that such conditions are necessary to protect health, safety or welfare. Conditions may include but are not limited to the following:*
 - a. *roadway and plat design modifications;*
 - b. *utility design modifications;*
 - c. *conditions deemed necessary to provide safeguards against documented geologic hazards;*
 - d. *other conditions deemed necessary to implement the objectives of the Comprehensive Plan.*

Finding: The access to all parcels is through an existing privately maintained road off of Lampa Lane. Lampa Lane is a Coos County maintained public road.

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 October 11, 2019 unless an appeal is received.

6. *Duration of Preliminary Subdivision Plan Approval*
 - a. *Approval of a preliminary subdivision plan shall be valid for twenty-four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase. Each phase shall be valid for an additional twenty-four (24) months from the date of approval of the preliminary plan. For example if there were three phases each phase has 24 months from the date of the decision of the prior phase (decision of the first phase was on 10/11/13 then phase two has until 10/11/15 and phase three would have until 10/11/17 to be completed). An applicant may choose to set a lesser time limit but this represents the maximum time allowed for phasing.*
 - b. *If any time limitation is exceeded, approval of the tentative plan, or of the phase of the preliminary tentative plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require new Administrative Action.*
7. *Granting of Extensions.*
 - a. *An applicant may request an extension of the validity of a tentative land division plan approval or, if the preliminary plan provides for phased development, an extension of the validity of a tentative approval with respect to the phase the applicant is then developing. Such request shall be considered a Ministerial Action and shall be submitted to the Director, in writing, prior to expiration of such approval, stating the reason why an extension should be granted.*
 - b. *The Director may grant an extension of up to twelve (12) months in the validity of a tentative plan approval or, if the tentative plan provides for phased development, an extension of up to twelve (12) months in the validity of a tentative plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.*

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

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

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

- **Section 6.2.475 Access:**

Each unit of land proposed to be created shall have access by way of a County road except as provided below:

- 1. Local Access Road: A unit of land created by subdivision or partitioning may have access by way of an existing local access road provided:*
 - a. The local access road was open to public use on January 1, 1986.*
 - b. Use of the local access road is not restricted by adopted policies of the Comprehensive Plan.*
 - c. The local access road is constructed to the private road standard contained in Article VII. However, if the road will, or could in the future, provide service to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the finished top surface width shall be a minimum of 18 feet and turnouts shall not be required.*
 - d. If the Approving Authority determines that the existing development pattern, topography, physical characteristics of the land, applicable land use regulations, or other circumstances affecting the area served by the local access road prevent the road from being used to provide access to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the Approving Authority may allow the local access road to be constructed to the same standards that are required for private roads, pursuant to Article VII.*
 - e. Additional right-of-way is provided along the frontage of the subject property when such is required to meet the minimum right-of-way requirements for a County road.*
 - f. The applicant agrees to participate in a private maintenance program for the local access road and executes any documents required by the Approving Authority to insure such participation.*
 - g. The applicant agrees to participate in any local improvement district which may be formed under ORS 371.605 to 371.660 or the Coos County Local Assessment Ordinance to improve the local access road to County Road standards. The applicant shall execute any documents required by the Approving Authority, including a waiver of remonstrance, to insure such participation.*
- 2. In addition to the requirements above, approval of a subdivision served by a local access road shall require:*
 - a. All interior streets in the subdivision that require dedication shall be built to the County standard such that they may be incorporated into the County road maintenance system.*
 - b. The subdivision shall be subject to adequate restrictive covenants or other similar device which require interior streets to be maintained by lot owners in accordance with County standards. Such restrictive covenants shall be enforceable by the County.*
- 3. Any access approval request under this section shall be reviewed to assure that no development occurs in known natural hazard areas without appropriate safeguards. The Planning Director or designee may condition its approval of a request on the provision of such safeguards, or otherwise condition approval of such requests to insure compatibility with the objectives of this ordinance, and the Coos County Comprehensive Plan.*

- **Section 6.2.500 Easements:**

Easements may include but are not limited to the following:

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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: Both Parcels will have access through Welch Road, which is a paved Coos County Maintained public road.

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

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

- ***Section 6.2.525 Lots and Parcels:***

1. *Lot and parcel sizes shall meet the minimum lot sizes as established by the applicable zoning district.*
2. *Within an Urban Growth Boundary no lot area, yard, offstreet parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use, such as utility easements, access easements, road and street right-of-ways or septic drain fields.*
3. *Outside of the urban growth boundary no lot area, yard, offstreet parking and loading area or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use. This does not include utility easements, private road access easements or septic drainfields; but does include all public road and street right-of-ways.*
4. *Panhandle lots or parcels shall be an acceptable method of land division. More than two contiguous panhandles (as opposed to the panhandle "lots" themselves) shall not be permitted. Where two panhandles are contiguous, the County may require easements and construction of an access road. Panhandles are also referred to flag lots.*
5. *Dimensional Standards. The property will comply with development standards set out in the applicable zoning districts.*

Finding: Section 6.2.550 Improvement Specifications:

Improvements shall conform to the following standards:

1. *Proof of an adequate supply of potable water. Water supply systems, both public and private, shall conform to the requirements of state law. Adequate water supply may be accomplished with storage tanks. Water requirement of Section 6.2.800(3).*
2. *Sewage disposal systems, both public and private, shall conform to the requirements of state law.*
3. *Grading shall be performed and drainage facilities installed (i.e. French drains, catch basins, etc.) as is necessary to provide proper drainage within the partitioned area.*
4. *The installation of storm sewers may be required where necessary to insure proper drainage, to conform to an established or proposed drainage system or to eliminate threat to the public health and safety.*
5. *Streets or roads shall conform to the improvement standards stated in Chapter VII of this Ordinance. The county may deny, approve or approve with conditions a development proposal in order to minimize impacts to and protect transportation facilities. Any application that is expected to impact the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management and mobility standards.*
6. *Sidewalks of an all-weather material not less than five (5) feet in width, nor more than eight (8) feet in width shall be constructed as close to the center of pedestrian and bicycle ways as practical, when required.*
7. *Erosion prevention. When necessary to prevent erosion all cuts and fills and other graded areas shall be protected from erosion by appropriate seeding or planting of grass shrubs, trees or other soil stabilizing vegetation. (OR 98-12-009PL)*

Finding: This property zoned Forest and Coquille River Estuary Management Plan. The land division is not within the Coquille River Estuary portion of the property. The minimum lot size within the Forest zone is 80 acres. This partition is exempt from meeting the required minimum lot size due to a measure 49 claim approval.

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

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

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

- **Chapter VII Transportation, Access and Parking**

SECTION 7.1.125 Rural and Urban Street and Road Provisions:

Article 7.1 covers general provisions for public and private roads, as well as driveways serving a single family residence, and access standards. Detailed road standards are covered in Article 7.2.

SECTION 7.1.150 Public and Private Roads:

For the purpose of this ordinance, streets and road shall be divided into two major types:

1. Private roads (e.g. private access easements);
2. Public roads (created by public dedication or easement, or by fee title transfer to the public);

NOTE: New public roads created pursuant to this ordinance will not become part of the Coos County road maintenance system without specific action by the Board of Commissioners adopting such new roads into the maintenance system, review by the Oregon Department of Transportation if the action may affect a state transportation facility, and verification the new public road will be consistent with all applicable Coos County Zoning and Land Development Ordinance Standards and the TSP specifically, the Roadway System Plan portion of the TSP.

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.

SECTION 7.1.325 PROVISIONS FOR NEW PRIVATE ROADS in conjunction with a land division:

Access to proposed land divisions in urban or rural areas shall be required to conform to all of the following:

1. The proposed private road shall be clearly designated as a private road and must be mapped along with any reservations or restrictions relating to its use. The private road (serving three or more residences) shall be named and all lots/parcels shall be addressed by the developer as required by Coos County Code § 04.08;
2. All new lots and parcels proposed to be served by any new private road shall have a non-exclusive easement covering the entire private road to be created, and this easement shall be made a part of the legal description for the new lots or parcels at the time of title transfer;

3. If an existing private road is to be used as access to the proposed land division, then the property to be divided must also enjoy a non-exclusive easement covering the entire existing private road being used to access the property being divided;
4. Road maintenance agreements are required for new private roads;
5. The following notice shall appear in legible print on the face of any proposed final plat containing a lot or parcel to be served by a private road:

"Coos County hereby gives notice to all developers, purchasers, potential purchasers and all third parties that the County disclaims any liability whatsoever for any damage which may occur as a result of the failure of the developer to construct, improve or maintain roads in this proposed land division."

In addition, and for all partitions approved after January 1, 1996, the following shall also appear on the face of any proposed final plat containing a lot or parcel to be served by a private road:

"Confirmation is required from the County Roadmaster that all road, access management and driveway requirements of the Coos County Zoning and Land Development Ordinance have been met prior to the issuance of a Zoning Compliance Letter."

The developer is required to post and provide for the maintenance of signs on the road stating that the County does not maintain the facility. Such signs shall say "Road privately maintained by property owners".

The sign shall be placed on a 4x4 wood post or a perforated square steel tube up to 2 ½ inches. The sign shall be 36 inches wide and 30 inches tall with four inch lettering and one inch spaces. The bottom of the sign to the travel surface shall be seven feet. The edge of the sign should be six feet from the edge of the shoulder of the road. Should a lesser clearance be needed, a variance may be granted. Always call for an underground utility locate before you dig. The material should be white on green background and be High Intensity Prismatic retro reflective.



6. In UGB areas the Planning Department shall consult with the affected city; and
7. The Planning Director's decision to allow or not allow creation of a private road to access proposed development is a land use action that shall be supported by written findings and subject to the notice provisions of Article 5.7. Notice of the decision shall be provided at the same time

that notice is given for approval or denial of an application. If the proposed action may affect a state transportation facility, notice shall be given to the Oregon Department of Transportation to provide conditions of approval, if necessary, to account for any impacts to the state transportation system. The decision maker shall incorporate ODOT conditions of approval into the permit conditions of approval, and notify ODOT if the conditions of approval are modified.

SECTION 7.1.375 PROVISIONS for improvements to existing transportation facilities:

If there is an increase in development the County Roadmaster in consultation with the Planning Director, will review existing transportation data to determine whether the proposed development will have impacts on the transportation system. It is the responsibility of the applicant to provide enough detailed information for the County to make a determination. If the County cannot properly evaluate a proposed development's impacts without a more detailed study, a transportation impact study (TIS) will be required to evaluate the adequacy of the transportation system to serve the proposed development and determine proportionate mitigation of impacts. If a TIS is required, the County will provide the applicant with a checklist to be used when preparing the TIS.

1. If the County finds that the development proposal impacts the transportation facilities, then the County may deny, approve, or approve with appropriate conditions development proposals in order to minimize impacts and protect transportation facilities in the following circumstances:
 - a. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use;
 - b. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, traffic channelization, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use may be required; or
 - c. The County may require the development to grant a cross-over access easement(s) to adjacent parcel(s) to address access spacing standards on arterials and collector roadways or site-specific safety concerns. Construction of shared access may be required at the time of development if feasible, given existing adjacent land use. The access easement must be established by deed.
2. Rough Proportionality Determination. Improvements to mitigate impacts identified in the TIS shall be provided in rough proportion to the transportation impacts of the proposed development.
 - a. Net new trips - The estimated number of new trips that will be created by the proposed development within the study area.
 - b. Planning period trips - The estimated number of total trips within the study area within the planning period identified in the TSP.
 - c. Existing trips - The estimated number of existing trips within the study area at the time of TIS preparation.
 - d. Estimated construction cost - The estimated total cost of construction of identified improvements in the TSP.
 - e. The TIS shall include information regarding how the proportional share of improvements was calculated, using the ratio of development trips to growth trips and the anticipated cost of the full Coos County Transportation System Plan. The calculation is provided below:

$$\text{Proportionate Share Contribution} = \frac{[\text{Net New Trips}/(\text{Planning Period Trips}-\text{Existing Trips})]}{\text{x Estimated Construction Cost}}$$

SECTION 7.1.400 Bridge Standards:

Bridges in conjunction with required road improvements shall conform to the following design standards and requirements:

1. The travel surface width of the bridge deck shall not be less than the required travel surface width of the roadway;
2. The bridge and its support components shall be designed to meet or exceed H-20 AASHTO loading requirements;
3. A registered professional engineer shall certify that the bridge is safe and that it meets or exceeds H-20 AASHTO loading requirements. The engineer's stamp shall be placed on all designs. Design specifications for prefabricated bridges shall be presented with an engineer's stamp attached; and
4. Notwithstanding the above, other bridge designs, including railroad flatcars, may be approved by the Coos County Roadmaster when such alternative designs are found to be safe and adequate to accomplish their purpose.

SECTION 7.1.425 Access Connection and Driveway Design:

Requirements in this section shall apply to new driveway and access connections intersections with a County Road. When access is needed to a lot or parcel, if the legal status of a lot or parcel has not been determined, the spacing standards in this section shall apply to all contiguous land in an ownership. Any access connection and driveways that involves access to the State Transportation System shall be reviewed by the Oregon Department of Transportation for conformance with state access management standards and other applicable state standards, before the application is accepted by the County. All access measures ODOT deems necessary shall be made a condition of approval.

1. Shared access connections will be provided for adjacent properties whenever possible.
2. Driveway access will be established to minor collector or local roadways where possible rather than to arterials or major collectors.
3. Driveway approaches must be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
4. Driveway and access connections on County Roads shall be located where they do not create undue interference or hazard to the free movement of highway and pedestrian traffic. Locations on sharp curves, steep grades, areas of restricted sight distance or at points that interfere with the placement and proper functioning of signs, lighting, guardrail, or other traffic control devices shall not be permitted.
5. Tables 7.2A and 7.2B shall be used in determining spacing between approaches onto County Roads.
6. The application and use of traffic signals shall be guided by the principles, methods and warrants outlined in the Uniform Traffic Control Devices Manual.

- 7. Sight distance standards shall follow the standards set forth in the AASHTO Geometric Design for Streets and Highways.

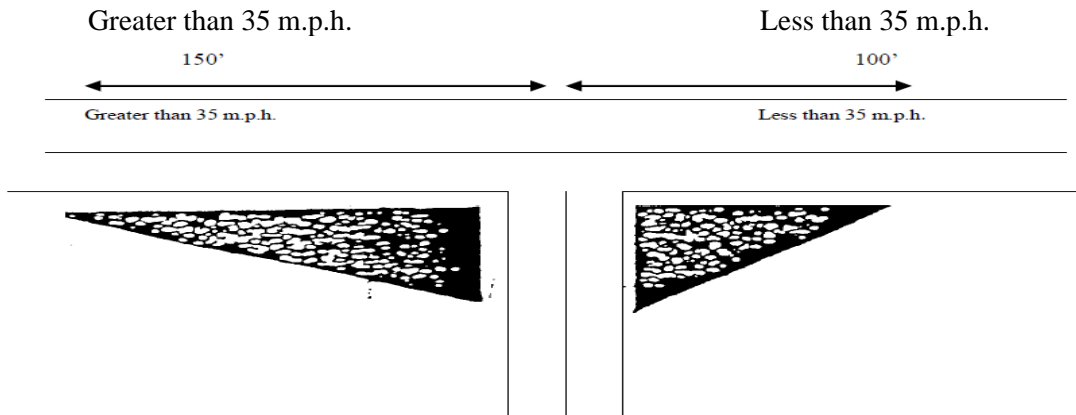
All new development is required to have a driveway confirmation completed. Driveways for the purpose of serving a single family residence shall comply with figure 7.1.425. An application must be completed prior to obtaining a zoning compliance letter from the Coos County Planning Department.

In the event that a driveway cannot be constructed prior to applying for development permits, a bond may be issued using the requirements of Article 7.6.100(2).

SECTION 7.1.525 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-way line.



SECTION 7.1.550 Maintenance of Minimum Requirements:

1. Within Urban Area: No lot area, yard, off-street 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.
2. Outside Urban Area: No lot area, yard, off-street 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 drain fields; but does include all public road and street right-of-ways.

MINIMUM STANDARDS FOR NEW ROADS AND DRIVEWAYS IN URBAN TABLE 7.2B

MINIMUM STANDARDS FOR NEW ROADS AND DRIVEWAYS IN URBAN TABLE 7.2B

Classification of Roadway	Figure # Typical Cross-section	Minimum Right-of-Way Width	Minimum Sub-grade Width	All-Weather Travel Surface	Intersections			Maximum Grade	Sidewalks Min Width	Curb Width	Min Access Spacing	Construction	
					Min Acute Angle	Min Tangent Adjacent	Min Centerline Offset					Base Aggregate	Paving Asphalt Concrete Depth
Driveways (Figure shown in rural standards)	1	-	14'	12' (20' apron if intersects major collector or arterial)	-	-	-	18% Max	-	-	-	4"	2" Optional
Roadways serving 2 to 3 dwellings	6	40'	16'	12'	60 Deg	50'	150'	18% Max	-	-	500'	4"	2" Optional
Local Residential serving four or more dwelling	7	40'	32'	28'	60 Deg	50'	150'	18% Max	6' both sides Optional	6" Optional	500'	10"	2"
Cul-de-Sac (Not to exceed 400' in length)	-	40' with 50' radius turn-around	32'	28'	60 Deg	50'	150'	18% Max	6' both sides	6"	-	10"	2"
Minor Collectors	8	60'	32'	37' including two, 6' bike lanes	60 Deg	50'	150'	12%	6' both sides	6"	500'	12"	3"
Major Collector/Arterial (2 one-way lanes)	9	60'	40'	36' including two, 6' bike lanes	60 Deg	50'	150'	12%	6' both sides	6"	500' State Standard	12"	4" (two lifts)
Local Commercial/Industrial	10	60'	40'	36'	60 Deg	50'	150'	12%	6' both sides	6"	500'	12"	3"
Major Collector/Arterial (four-lane)	11	80'	66'	62' including two, 6' bike lanes	60 deg	50'	150'	12%	6' both sides	6"	500' State Standard	12"	4" (two lifts)

Optional - at the discretion of the Roadmaster or to follow the current access/driveway/traffic/sidewalk patterns. If sidewalks are not built on connecting streets or roads the requirement may be waived by the Roadmaster.]

Finding: The Roadmaster has the responsibility for determining compliance with Chapter VII (Section 7.1.225). He attended the Technical Review Committee meeting and made written comments. The Coos County Roadmaster may modify the minimum standards if it is found that the lesser standard is compatible with the area. In this case the Roadmaster is allowing the new private road easement to be constructed to a 30 foot width and not a 40 foot width. All other requirements of this chapter remain in effect.

The applicant shall not count the new private road in the minimum size calculation. This will need to be corrected on the final plat (Section 7.1.550.1).

All new lots and parcels proposed to be served by any new private road shall have a non-exclusive easement covering the entire private road to be created, and this easement shall be made a part of the legal description for the new lots or parcels at the time of title transfer;

Road maintenance agreements are required for new private roads;

The following notice shall appear in legible print on the face of any proposed final plat containing a lot or parcel to be served by a private road:

"Coos County hereby gives notice to all developers, purchasers, potential purchasers and all third parties that the County disclaims any liability whatsoever for any damage which may occur as a result of the failure of the developer to construct, improve or maintain roads in this proposed land division."

In addition, and for all partitions approved after January 1, 1996, the following shall also appear on the face of any proposed final plat containing a lot or parcel to be served by a private road:

"Confirmation is required from the County Roadmaster that all road, access management and driveway requirements of the Coos County Zoning and Land Development Ordinance have been met prior to the issuance of a Zoning Compliance Letter."

The developer is required to post and provide for the maintenance of signs on the road stating that the County does not maintain the facility. Such signs shall say "Road privately maintained by property owners". The sign shall be placed on a 4x4 wood post or a perforated square steel tube up to 2 ½ inches. The sign shall be 36 inches wide and 30 inches tall with four inch lettering and one inch spaces. The bottom of the sign to the travel surface shall be seven feet. The edge of the sign should be six feet from the edge of the shoulder of the road. Should a lesser clearance be needed, a variance may be granted. Always call for an underground utility locate before you dig. The material should be white on green background and be High Intensity Prismatic retro reflective.

VIII. NOTICE REQUIREMENTS:

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

Exhibit "D"
Comments Received



COOS COUNTY ASSESSOR'S OFFICE

250 North Baxter Street, Coquille, Oregon 97423

(541) 396-7901

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

STEVE JANSEN
ASSESSOR

April 29, 2019

Planning Department
Crystal Orr

Re: Tentative Partition Plat (P-19-010)
Account # - 372971 Hitner.
Map # - 29-12-08 TL 100

Dear Crystal,

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

1. The ownership appears to be in 2 Trusts (the correct ownership will need to be reflected on the final)
2. Any easements/access will need to be shown on the final.
3. The Parcels being divided will need to be surveyed and dimensions shown on the final.
4. Please be advised that there is a potential for additional tax on this property.
5. If the tax statements are not mailed by the time the final plat is submitted a pre-payment of taxes must be collected before the Assessor will sign the plat.
6. The pre-payment amount will be disclosed on a separate statement.
7. We assume the initial point, legal description and signature block will be shown on the final plat.
8. Please be advised that a processing fee of \$225.00 will be required before the Assessor signs the final plat.

Sincerely,

Jorene Smith
Cadastral Cartographer

CC: Mike Dado, County Surveyor
Dylan Hitner, Surveyor
File

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



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

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

August 20, 2019

To: Crystal Orr

Re: Land Partition P-19-010
William & Pamela Hitner Revocable Trust
29-12-08, TL 100

Crystal,

I have no objections to this proposed Land Partition. I do have the following comments.

1. Parcels 1 and 2 must be completely monumented.
2. The access easement over the existing road must be 50' in width and it must be designed with curves and it should closely fit the existing roadway. The centerline must also be monumented. I will be happy to assist in laying out this easement and discussing an acceptable method of monumentation.
3. I would recommend that the North line of Parcel 1 and the South line of Parcel 2, follow the edges of said access easement.

I have no further comments at this time.

Very truly yours

Michael L. Dado



PUBLIC WORKS

ROAD - SOLID WASTE

250 N Baxter Street, Coquille, Oregon 97423

(541) 396-7665

FAX (541) 396-1023

JOHN ROWE

Director / Roadmaster

August 28, 2019

Jill Rolfe
Planning Director

Re: Tentative Plat Review – Partition P-19-010
T29S, R12W, Section 08 TL 100
Applicant: William and Pamela Hitner

Comments

No comment at this time. Owner representative did not attend the TRC meeting to answer questions.

Thank you,

John L. Rowe
John Rowe
Roadmaster

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