

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

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

➤ **BASIC APPLICATION REQUIREMENTS**

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

SECTION 5.0.150 APPLICATION REQUIREMENTS:

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

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

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

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

➤ **ALL TENTATIVE PLATS:**

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

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

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

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

➤ **DEVELOPMENT PHASING**

- a. Subdivisions shall:
 - i. provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
 - ii. Time limitations for the various phases must meet the following requirements:
 - 1. Phase 1 final plat shall be approved within twenty-four (24) months of preliminary approval.
 - 2. Phase 2 final plat shall be approved within thirty-six (36) months of preliminary approval.
 - 3. Phase 3 final plat shall be approved within forty-eight (48) months of preliminary approval.

- b. Partitions shall:
 - i. Provide all phasing for partitions. If phasing is proposed then road standards for subdivisions shall apply.
 - ii. If a land division is proposed on a property that has been partitioned in the prior three years then the partition shall be reviewed pursuant to subdivision criteria.

➤ **ACCESS AND EASEMENTS FOR LAND DIVISIONS**

SECTION 6.2.475 ACCESS:

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

- 1. Local Access Road: A unit of land created by subdivision or partitioning may have access by way of an existing local access road provided:
 - a. The local access road was open to public use on January 1, 1986.
 - b. Use of the local access road is not restricted by adopted policies of the Comprehensive Plan.
 - c. The local access road is constructed to the private road standard contained in Article VII. However, if the road will, or could in the future, provide service to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the finished top surface width shall be a minimum of 18 feet and turnouts shall not be required.
 - d. If the Approving Authority determines that the existing development pattern, topography, physical characteristics of the land, applicable land use regulations, or other circumstances affecting the area served by the local access road prevent the road from being used to provide access to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the Approving Authority may allow the local access road to be constructed to the same standards that are required for private roads, pursuant to Article VII.
 - e. Additional right-of-way is provided along the frontage of the subject property when such is required to meet the minimum right-of-way requirements for a County road.
 - f. The applicant agrees to participate in a private maintenance program for the local access road and executes any documents required by the Approving Authority to insure such participation.
 - g. The applicant agrees to participate in any local improvement district which may be formed under ORS 371.605 to 371.660 or the Coos County Local Assessment

- Ordinance to improve the local access road to County Road standards. The applicant shall execute any documents required by the Approving Authority, including a waiver of remonstrance, to insure such participation.
2. In addition to the requirements above, approval of a subdivision served by a local access road shall require:
 - a. All interior streets in the subdivision that require dedication shall be built to the County standard such that they may be incorporated into the County road maintenance system.
 - b. The subdivision shall be subject to adequate restrictive covenants or other similar device which require interior streets to be maintained by lot owners in accordance with County standards. Such restrictive covenants shall be enforceable by the County.
 3. Any access approval request under this section shall be reviewed to assure that no development occurs in known natural hazard areas without appropriate safeguards. The Planning Director or designee may condition its approval of a request on the provision of such safeguards, or otherwise condition approval of such requests to insure compatibility with the objectives of this ordinance, and the Coos County Comprehensive Plan.

SECTION 6.2.500 EASEMENTS:

Easements may include but are not limited to the following:

1. Private Road Access information is found in Chapter VII (Roads or Streets).
2. Utility Easements. Easements including but not limited to sewers, water mains and electrical lines shall be at least fifteen (15) feet wide, except for utility pole tieback easements which may be reduced to six (6) feet in width.
3. Pedestrian and Bicycle Ways. When necessary for public convenience, safety or if designated on an adopted County or State recreation or transportation system plan, the County Planning Director will require a developer of a subdivision, PUD, and office park complex to dedicate to the public, public access easements ten (10) feet in width. Said easements may be deemed necessary to provide access:
 - a. through unusually long or oddly shaped lots or parcels;
 - b. to schools, parks, or other public areas;
 - c. for pedestrian travel adjacent to streets;
 - d. to water bodies or other natural amenities;
 - e. between streets or cul-de-sacs; or
 - f. between office structures and through parking facilities.
4. Slope Easements. Necessary when right-of-way slope construction extends outside of the normal right-of-way.

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

SECTION 6.2.600 PLANNED UNIT DEVELOPMENTS (PUD):

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

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

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

SECTION 6.2.650 PUD USES:

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

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

SECTION 6.2.675 LAND COVERAGE FOR PUD:

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

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

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

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

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

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

➤ **CRITERIA AND QUESTIONS**

Within an Urban Growth Boundary no lot area, yard, offstreet parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use, such as utility easements, access easements, road and street right-of-ways or septic drain fields.

Outside of the urban growth boundary no lot area, yard, offstreet parking and loading area or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use. This does not include utility easements, private road access easements or septic drainfields; but does include all public road and street right-of-ways.

Panhandle lots or parcels shall be an acceptable method of land division. More than two contiguous panhandles (as opposed to the panhandle “lots” themselves) shall not be permitted. Where two panhandles are contiguous, the County may require easements and construction of an access road. Panhandles are also referred to flag lots.

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

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

APPLICANTS REPLY: BOTH PARCELS WILL COMPLY WITH THE MINIMUM SIZES AND DIMENSIONS. A 40' EASEMENT WILL BE CREATED TO ACCESS THE PROPOSED PARCEL 1.

2. Provide proof of an adequate supply of potable water. Water supply systems, both public and private, shall conform to the requirements of state law. Adequate water supply may be accomplished with storage tanks.

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

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

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

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

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

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

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

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

How will this application comply with the water requirements?

APPLICANTS REPLY: PARCEL 2 HAS AN EXISTING WELL. THE LANDOWNER PLANS ON DRILLING A NEW WELL ON THE PROPOSED PARCEL 1.

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

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

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

APPLICANTS REPLY: THE LANDOWNER IS CURRENTLY GETTING A SITE EVALUATION FROM DEQ. BEING THE PROPOSED PARCEL IS 5 ACRES IN SIZE, AN APPROVAL SHOULD NOT BE AN ISSUE.

4. Grading and erosion. Grading shall be performed and drainage facilities installed (i.e. French drains, catch basins, etc.) as is necessary to provide proper drainage within the

partitioned area. The installation of storm sewers may be required where necessary to insure proper drainage, to conform to an established or proposed drainage system or to eliminate threat to the public health and safety. Erosion prevention. When necessary to prevent erosion all cuts and fills and other graded areas shall be protected from erosion by appropriate seeding or planting of grass shrubs, trees or other soil stabilizing vegetation. (OR 98-12-009PL)

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

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

APPLICANTS REPLY: DUE TO THE TOPOGRAPHY AND EXISTING DRAINAGE ON THE SUBJECT PROPERTY A DRAINAGE PLAN IS NOT NECESSARY.

5. Streets or roads shall conform to the improvement standards stated in Chapter VII of this Ordinance. The county may deny, approve or approve with conditions a development proposal in order to minimize impacts to and protect transportation facilities. Any application that is expected to impact the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management and mobility standards. Sidewalks of an all-weather material not less than five (5) feet in width, nor more than eight (8) feet in width shall be constructed as close to the center of pedestrian and bicycle ways as practical, when required.

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

APPLICANTS REPLY: THE PROPERTY IS ACCESSED OFF TOM SMITH ROAD VIA RECORDED EASEMENTS. THERE ARE NO SIDEWALKS OR PEDESTRIAN WAYS WITHIN SEVERAL MILES OF THE SUBJECT PROPERTY.

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

APPLICANTS REPLY: THE SUBJECT PROPERTY IS NOT LOCATED IN A HAZARD ZONE.