



Coos County Community Development
Mailing Address: 250 N. Baxter, Coquille, Oregon
Office Location: 60 E. Second St., Coquille OR 97423
Planning, Building and Enforcement
Phone: 541-396-7770

NOTICE OF LAND USE DECISION

You have received this notice because you are an adjacent property owner or an interested party, and this notice is required to be provided pursuant to ORS 215.416. The proposal identified in this decision will be located on the subject property. Notice to Mortgagee, Lienholder, Vendor, or Seller: ORS Chapter 215 (ORS 215.513) requires that if you receive this notice, you must promptly forward it to the purchaser.

Monday, August 19, 2024

Dear Recipient: This land use notice is being sent to property owner(s), applicant(s), adjacent property owners (with notice distances from the subject property determined by zone area: Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, interested agencies, and any person who has requested notice. It informs any interested party about a decision or proposed action related to the use or development of land within the specified area, as identified under the subject property information.

The purpose of this notice is to inform you about the proposal and decision, provide information on where you can obtain further details, and outline the requirements if you wish to appeal the Director's decision to the Coos County Hearings Body. Any person who is adversely affected, aggrieved, or entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period 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.

Please read all information carefully as this decision is important. (See the attached vicinity map for the location of the subject property.) This notice ensures that all affected or interested parties are aware of the decision and have an opportunity to review the details and provide any input or appeal as necessary.

File No: P-24-002

Proposal: Request for a land use authorization for a two-parcel partition.

Applicant(s): Ronald and Cheryl Gonzales

Surveyor: James Terrel, Property Line Surveying LLC

Staff Planner: Jill Rolfe, Planning Director

Decision: Approved with Conditions. All decisions are based on the record. This decision is based on the existing record and will become final and effective at the close of the appeal period unless a complete application, along with the required fee, is submitted to the Planning Department by 5 p.m. on **Tuesday, September 03, 2024**. Appeals are based on the applicable land use criteria.

Subject Property Information:

Account Number: 767400

Map Number: 27S142800-01200

Property Owner: GONZALES, RONALD & CHERYL L
231 E ALESSANDRO BLVD A 129
RIVERSIDE, CA 92508-6039

This notice shall be posted from August 19, 2024 to September 3, 2024

Situs Address: 88924 BROWN LN BANDON, OR 97411
88922 BROWN LN BANDON, OR 97411

Acreage: 19.70 Acres

Zoning: FOREST (F)

Special Considerations: FOREST MIXED USE (MU)

Criteria

This decision complies with the Coos County Zoning and Land Development Ordinance (CCZLDO), specifically:

- **General Compliance:** Section 1.1.300 - Compliance with Comprehensive Plan and Ordinance Provisions, and Article 6.1 - Lawfully Created Lots or Parcels.
- **Development Standards:** Chapter IV, Article 4.6 Forest Mixed Use Zoning
- **Land Division Review:** Chapter VI Lots and Parcels (Survey Standards Chapter VIII)
- **Road Standards:** Chapter VII Transportation, Access and Parking
- **Special Development Considerations:** Properties within Special Development Considerations and/or overlays must comply with the applicable review process outlined in Article 4.11.

Please note that civil matters, including property disputes that fall outside the criteria listed in this notice, will not be considered. The 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. 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.

The application, staff report, and any conditions can be found at the following link: <https://www.co.coos.or.us/community-dev>. The application and all documents and evidence in the record, including the staff report and applicable criteria, are available for inspection at no cost in the Planning Department, located at 60 E. Second, Coquille, Oregon. Copies may be purchased for 50 cents per page. The decision is based on the application submittal and information on record.

For more information, please contact Staff at (541) 396-7770.

Reviewed by: *Jill Rolfe*
Jill Rolfe, Planning Director

Date: Monday, August 19, 2024

This decision is authorized by the Coos County Planning Director based on the staff's analysis of the record.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

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

Exhibit C: Staff Report

EXHIBIT "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. Prior to submittal of the Final Plat the following conditions as discussed by the TRC shall be completed:
 - a. The easement off of Brown Lane needs to be updated to 40 feet to meet the requirements within Table 7.2A Minimum Standards for New Roads and Driveways in Rural.
 - b. The Township, Range, and Section information on the tentative map need to be corrected on the final plat. Specifically, the header currently lists the map numbers as 28-14-28C, and the parcels below Brown Road are listed as 27-14-28C. The correct designation should be Township 27S, Range 14W, and Section 28.
 - c. If the tax statements have not been mailed by the time the final plat is submitted for approval, then pre-payment of taxes will still be required before the Assessor can sign the plat. There is a potential for additional tax on this property. Additionally, a processing fee of \$200.00 will be required before the Assessor signs the final plat.
 - d. The property owners will need to contact the Assessor's Office to correct the assessment records to reflect two dwellings and not three dwellings.
 - e. A deed document restricting the landowner and land owner's successors in interest from further dividing the parcel shall be recorded with the county clerk's office and copy supplied to the Planning Department. This shall be completed prior to signature of the Planning Director on the plat.
 - f. Adequate water supply may be achieved through the use of storage tanks, and all lots must be served by an established public or private water system, or a private source, with water available at each lot prior to recording the plat. The water quality must meet the standards set by the Oregon Health Division, the Oregon Water Resources Department, and the Oregon Department of Environmental Quality. If a waiver is granted regarding the provision of a domestic water supply, the following statement must be included on the final plat: a declaration that no domestic water supply facility will be provided to the purchaser of any lot or parcel depicted in the proposed land division, even if a domestic water supply source exists. This statement is required to be clearly shown on the face of the final plat.
3. 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. All landowners' signatures shall be on the final plat.

EXHIBIT “B”
Vicinity Map and Tentative Partition Map
(not to scale)



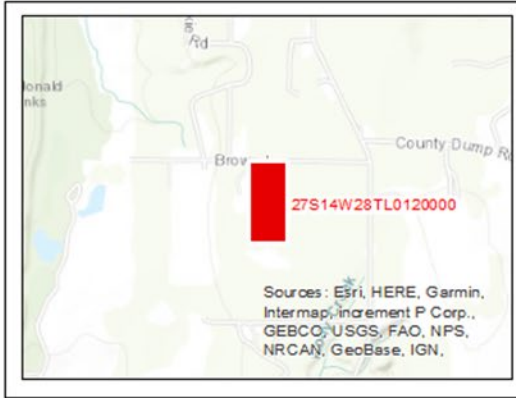
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



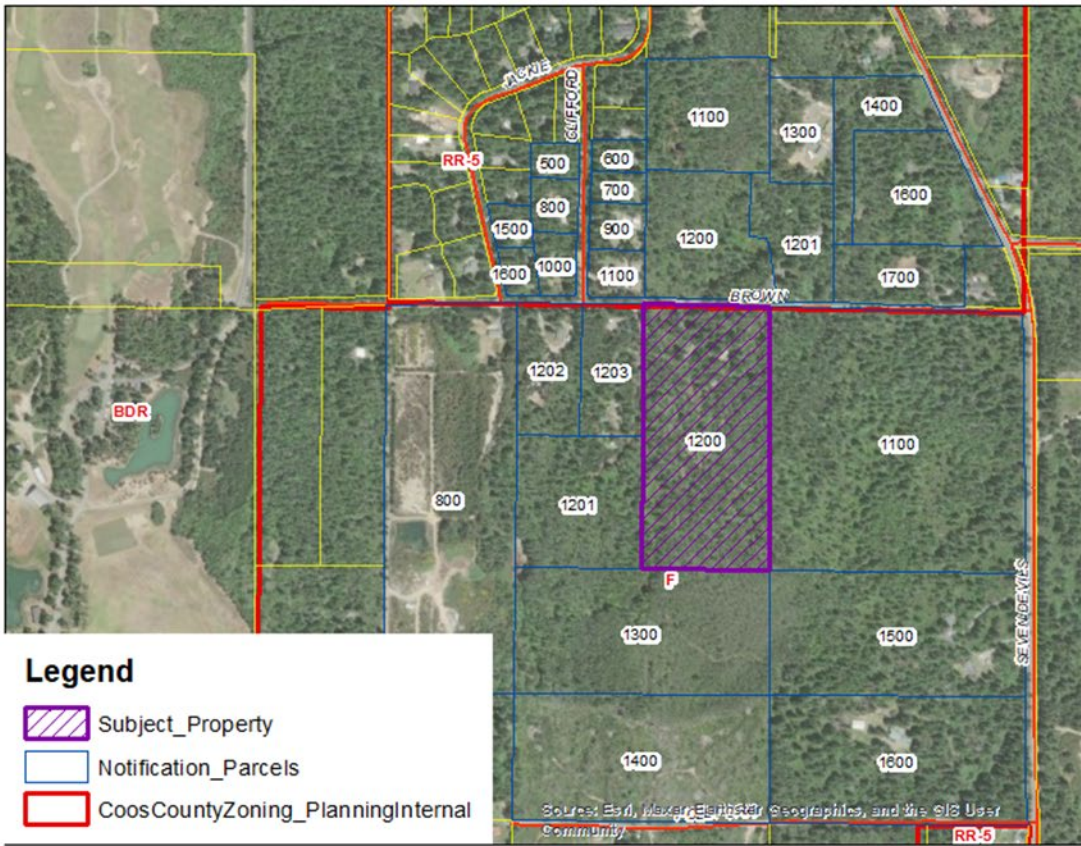
File: P-24-002

Owner/
Surveyor: Ronald & Cheryl Gonzales
James Terrel

Date: 7/1/2024

Location: Township 27S Range 14W
Section 28 TL 1200

Proposal: Land Division



Legend

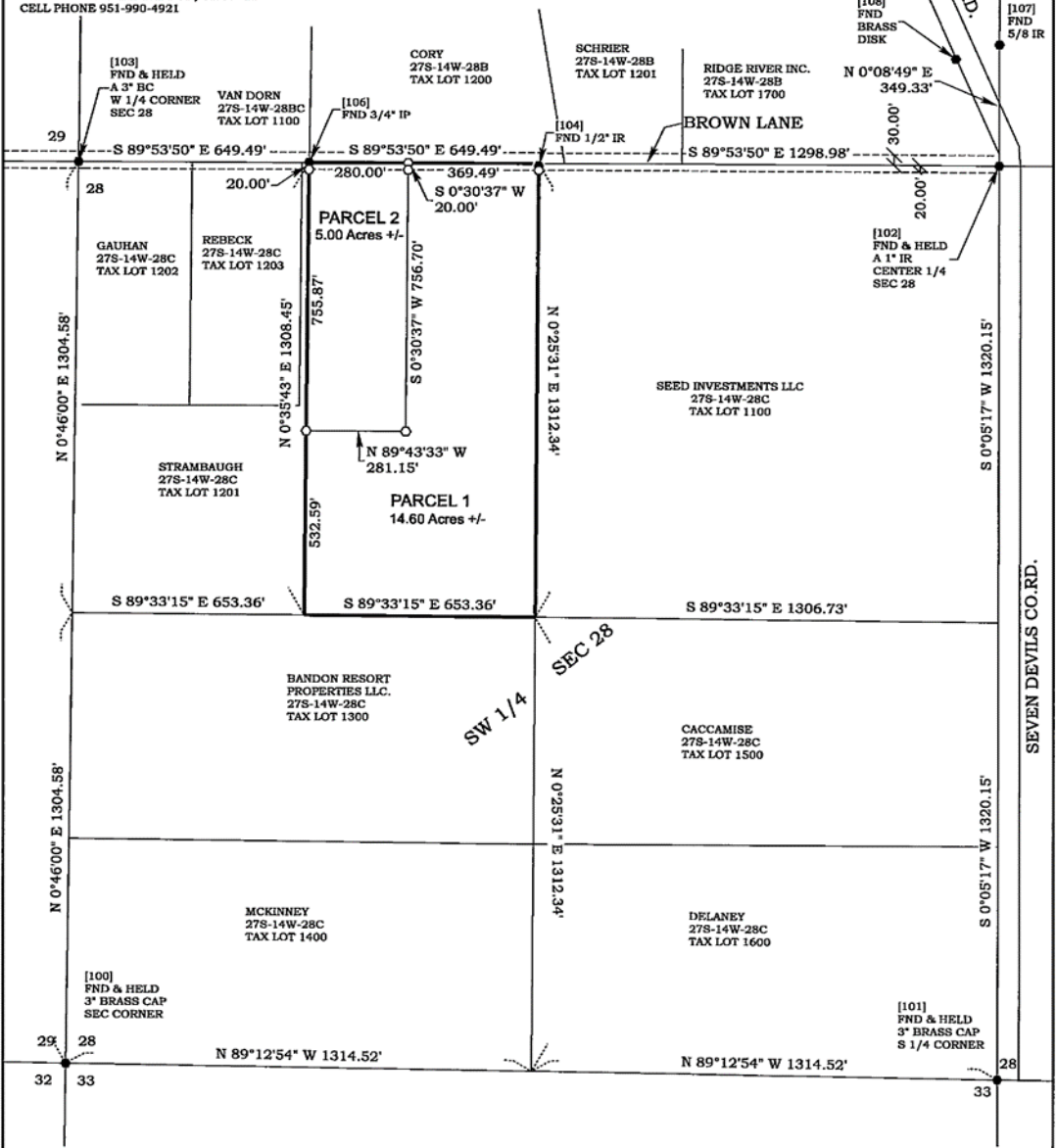
-  Subject_Property
-  Notification_Parcels
-  CoosCountyZoning_PlanningInternal

TENTATIVE LAND PARTITION GONZALES PARCEL

SW 1/4 OF SECTION 28, TOWNSHIP 27
SOUTH, RANGE 14 WEST, W.M.
COOS COUNTY, OREGON.
28S14W28C TAX LOT 1200
HIGH AND BEST USE FOREST LAND
PLAN ZONE: F

LAND OWNERS:
RONALD & CHERYL GONZALES
88922 BROWN LANE BANDON, OR 97411
CELL PHONE 951-990-4921

NW 1/4 SEC 28

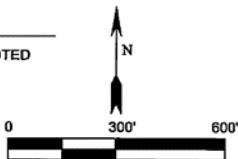


PROPERTY LINE SURVEYING LLC.
3460 DOERNER CUTOFF RD. ROSEBURG OR. 97471
OFFICE PHONE: 541-670-0745
CELL PHONE: 503-750-9787

EQUIPMENT USED:
TRIMBLE S7 TOTAL STATION
TRIMBLE R8 OPS RECEIVER
TRIMBLE TSC3 DATA COLLECTOR
WORK PERFORMED BY JAMES & JEANNIE TERREL

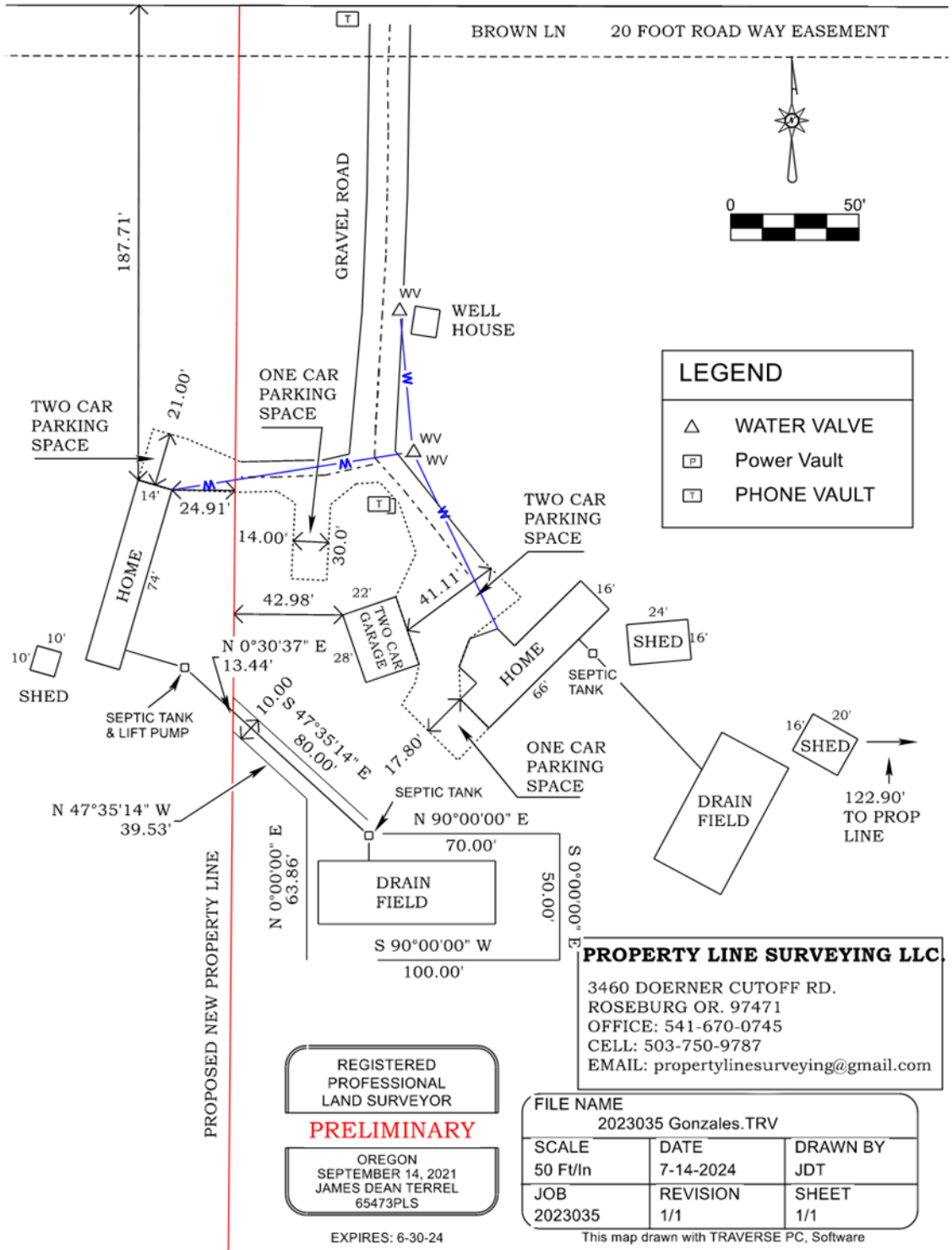
REGISTERED
PROFESSIONAL
LAND SURVEYOR
James Terrel
OREGON
SEPTEMBER 14, 2021
JAMES DEAN TERREL
65473PLS
EXPIRES: 6-30-24

LEGEND
● FOUND MONUMENT AS NOTED
○ SET 5/8" IR W/YPC MARKED "TERREL PLS 65473"



FILE NAME 2023035 Gonzales.TRV		DRAWING PP EXHIBIT	
SCALE 300 F/In	DATE 3-13-2024	DRAWN BY JDT	
JOB 2023035	REVISION 1/1	SHEET 1/1	

This map was drawn with TRAVERSE PC Software



LEGEND

- △ WATER VALVE
- ☐ P Power Vault
- ☐ T PHONE VAULT

PROPERTY LINE SURVEYING LLC.
 3460 DOERNER CUTOFF RD.
 ROSEBURG OR. 97471
 OFFICE: 541-670-0745
 CELL: 503-750-9787
 EMAIL: propertylinesurveying@gmail.com

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

PRELIMINARY

OREGON
 SEPTEMBER 14, 2021
 JAMES DEAN TERREL
 65473PLS

EXPIRES: 6-30-24

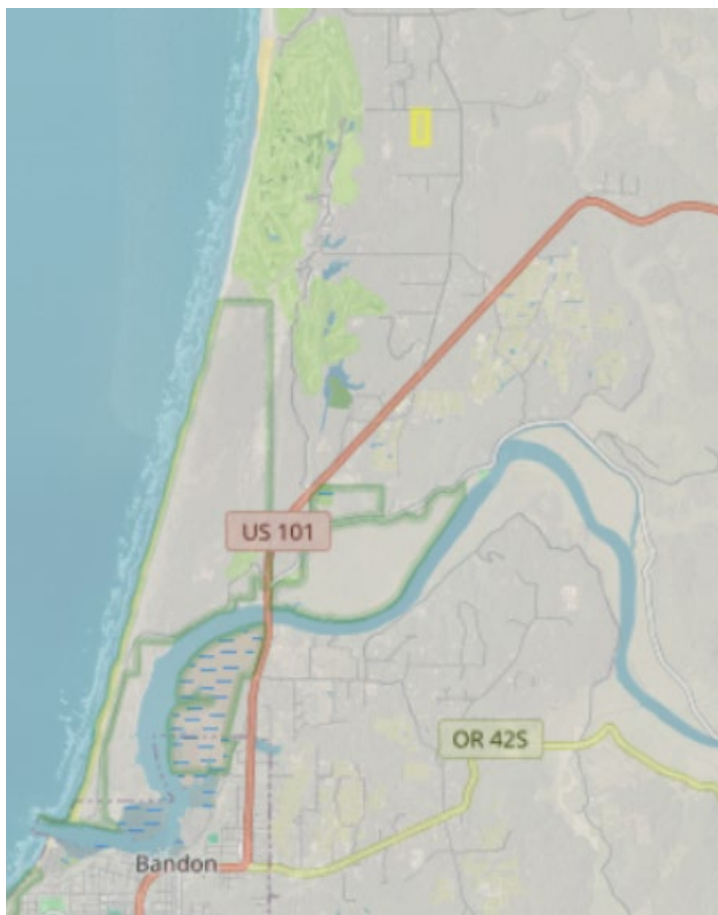
FILE NAME		
2023035 Gonzales.TRV		
SCALE	DATE	DRAWN BY
50 Ft/In	7-14-2024	JDT
JOB	REVISION	SHEET
2023035	1/1	1/1

This map drawn with TRAVERSE PC, Software

**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-parcel partition, as provided by the Coos County Zoning and Land Development Ordinance (CCZLDO).
- B. LOCATION:** The property in question is accessible via Brown Lane off of Seven Devils Road, northeast of the City of Bandon, just east of the Bandon Dunes Golf Resort. The highlighted yellow area is the subject property.



- C. ZONING:** The property is zoned Forest Mixed Use (FMU).

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.

Forest Mixed Use (FMU)

The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these “mixed use” areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

D. SITE DESCRIPTION AND SURROUNDING USES: The subject property encompasses a total area of 19.59 acres according to the survey provided by James Terrel and is located southeast of the City of Bandon. The parcel is accessed via Brown Lane. The property currently has two (2) Single Family Mobile Homes, three (3) sheds and a garage. The surrounding properties appear to be used for residential uses and timber growth.

E. 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:** No comments were required at this time as this is a division of property and not ground disbursing activities.

II. STAFF RESPONSE TO COMPLIANCE TO THE APPLICABLE CRITERIA:

- **General Compliance: Section 1.1.300 - Compliance with Comprehensive Plan and Ordinance Provisions, and Article 6.1 - Lawfully Created Lots or Parcels.**

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.

STAFF RESPONSE TO GENERAL COMPLIANCE:

The property currently has two (2) Single Family Mobile Homes, three (3) sheds and a garage. On September 7, 1977, a Zoning Verification Letter was issued to allow a site evaluation for two (2) septic systems. Subsequently, on September 6, 1979, another Zoning Verification Letter was issued, permitting a site evaluation and noting the presence of two (2) mobile homes and two (2) septic systems as existing improvements.

The initial application for the current project was received on March 14, 2024, and deemed complete on April 12, 2024. The "deemed complete" process primarily involves a preliminary review to ensure that all the necessary materials have been submitted, as described in the application instructions. It's important to note that this step doesn't encompass a comprehensive assessment of the criteria. The responsibility for providing sufficient evidence lies with the applicant, and the specifics outlined in the application are examined during the official review period.

During the staff review of the permit history, it was observed that accessory structures depicted in the plans do not appear to have been properly permitted. This issue will need to be addressed, and if these structures cannot be demonstrated as exempt from land use requirements, after-the-fact permitting may be necessary to bring them into compliance. Therefore, at this time the property cannot be determined to be compliant.

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.*

STAFF RESPONSE TO LAWFULLY CREATED LOTS AND PARCELS: This property has been lawfully established in accordance with CCZLDO §6.1.125.1. e, by deed prior to applicable deed or land sales contract prior to applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation (Deed Document 77-1017864).

- **Development Standards: Chapter IV, Article 4.6.145 Land Divisions in the Forest Zone**

SECTION 4.6.145 LAND DIVISION

1. NEW LAND DIVISION REQUIREMENTS IN AGRICULTURE/FOREST ZONES ***

- (2) New land divisions less than the parcel size in section (1) of this rule may be approved for any of the following circumstances:***
 - (d) To allow a division of a lot or parcel zoned for forest use if:
 - (A) At least two dwellings lawfully existed on the lot or parcel prior to November 4, 1993;

- (B) Each dwelling complies with the criteria for a replacement dwelling under ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993)(1) or 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties)(1);
 - (C) Except for one lot or parcel, each lot or parcel created under this paragraph is between two and five acres in size;
 - (D) At least one dwelling is located on each lot or parcel created under this paragraph; and
 - (E) The landowner of a lot or parcel created under this paragraph provides evidence that a restriction prohibiting the landowner and the landowner's successors in interest from further dividing the lot or parcel has been recorded with the county clerk of the county in which the lot or parcel is located. A restriction imposed under this paragraph shall be irrevocable unless a statement of release is signed by the county planning director of the county in which the lot or parcel is located indicating that the comprehensive plan or land use regulations applicable to the lot or parcel have been changed so that the lot or parcel is no longer subject to statewide planning goals protecting forestland or unless the land division is subsequently authorized by law or by a change in a statewide planning goal for land zoned for forest use.
- (3) A county planning director shall maintain a record of lots and parcels that do not qualify for division under the restrictions imposed by OAR 660-006-0026 (New Land Division Requirements in Forest Zones)(2)(d) and (4). The record shall be available to the public.
 - (4) A lot or parcel may not be divided under OAR 660-006-0026 (New Land Division Requirements in Forest Zones)(2)(d) if an existing dwelling on the lot or parcel was approved under:
 - (a) A statute, an administrative rule or a land use regulation as defined in ORS 197.015 (Definitions for ORS chapters 195, 196, 197 and ORS 197A.300 to 197A.325) that required removal of the dwelling or that prohibited subsequent division of the lot or parcel; or
 - (b) A farm use zone provision that allowed both farm and forest uses in a mixed farm and forest use zone under statewide goal 4 (Forest Lands).
 - (5) ***
 - (6) A landowner allowed a land division under section (2) of this rule shall sign a statement that shall be recorded with the county clerk of the county in which the property is located, declaring that the landowner will not in the future complain about accepted farming or forest practices on nearby lands devoted to farm or forest use.

STAFF RESPONSE TO CRITERIA FOR PURPOSE: At least two (2) dwellings lawfully existed on the parcel prior to November 4, 1993. Staff reviewed County files and found that a "Coos County Planning Department Verification Letter" was issued on September 6, 1979 that states there were two (2) mobile homes, two (2) septic systems and one (1) well located on the property. Therefore, the dwellings were sited prior to 1993.

The applicant supplied documentation from Oregon Department of Environmental Quality as well as photographic evidence that each dwelling meets replacement criteria. The dwellings meet the replacement criteria.

The new parcel will contain five acres and the residual parcel will contain the remaining 14.60 acres. A dwelling will be located on each lot.

This approval has been conditioned to require a deed document restricting the landowner and landowner's successors in interest from further dividing the parcel with the county clerk's office.

Therefore, this criterion has been addressed and the property owner is permitted to divide the property upon addresses the land division criteria.

- **Land Division Review: Chapter VI Lots and Parcels**

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 6.2.375 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.*
 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.*
 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.*
 - b. *The preliminary plan shall be approved if the Approving Authority finds the following:*
 - i. *The information required by this Article has been provided;*
 - ii. *The design and development standards 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.*

- 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.*
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.*
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]*
8. *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.*

9. *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.*

STAFF RESPONSE TO CRITERIA: The Planning Staff distributed copies of the tentative plan to all relevant special districts and cities that have a coordination agreement with Coos County as required. This ensures that all affected bodies are informed and have the opportunity to review the plan.

The Planning Department only received written statements from the County Departments within the stipulated 20-day period. These statements included necessary information, recommendations, and any other pertinent matters for the applicants.

Planning Staff provided copies of all received written statements at the Technical Review Committee meeting on July 9, 2024.

The Planning Director reviewed the tentative plan and all submitted comments, conditionally approving within 45 days for the Technical Review Committee Meeting.

The Director, acting as the Approving Authority, did not find that all necessary information was provided, the design and development standards were met, applicable transportation standards were complied with, and the minimum parcel/lot sizes were adhered to, but has approved with conditions. Special conditions were imposed where necessary to protect health, safety, and welfare, including modifications to roadway and plat design, utility design, and other safeguards against geologic hazards. These conditions aligned with the objectives of the Comprehensive Plan. All issued were raised with the applicant's Surveyor at the Technically Review Committee Meeting.

The action of the Planning Director became effective upon the expiration of the appeal period, defined in the notice of decision, unless an appeal has been filed. Following approval, the applicant proceeded with the preparation of required construction drawings and the development process as based on the tentative plan.

The approval of the preliminary subdivision plan was valid for 24 months, with specific timelines adhered to for phased developments. Any phase that exceeded the time limitation was subject to new Administrative Action as required. If a final plat cannot be completed and filed as required an extension may be granted as needed, for up to 12 months, when

applicants provided valid reasons for delays beyond their control. An extension would be granted in accordance with the stipulated procedures.

The Planning Staff has adhered to all requirements of Section 6.2.375 in the review and approval process of the tentative plan. All steps were conducted in compliance with the ordinance, ensuring a thorough and lawful process.

- *SECTION 6.2.575 Land Division Technical Review Committee:*
 1. *Establishment. The land division Technical Review Committee (TRC) is established to act in a technical review capacity for the Board of Commissioners, and is authorized to perform such functions as provided for in this Ordinance. The TRC shall meet within 30 days of the application being deemed complete. The TRC shall consist of the following members or their duly authorized representatives:*
 - a. *Director or Planning Staff Member, who shall serve as Chair;*
 - b. *Director – County Public Works (i.e., Roadmaster);*
 - c. *County Surveyor;*
 - d. *County Assessor;*
 - e. *County Counsel;*
 - f. *Health Department Staff (water and sanitation issues);*
 - g. *County Planning Commission Chairman;*
 - h. *Department of Environmental Quality (DEQ);*
 - i. *Oregon Department of Transportation (if access is proposed from a state facility)*
 - j. *Representative of Affected City (if located in an urban growth area); and*
 - k. *Representative of Affected Special District.*
 2. *Responsibility of TRC. The TRC shall examine all tentative (preliminary) partition plats, subdivision plats, and planned unit development plats, and assist the Planning Director in rendering a decision relating to the approval, conditional approval, or disapproval of said applications. In case of a variance request, the TRC shall form a committee recommendation to the Planning Director. The applicant shall be given notice of any TRC meeting pertaining to his or her request. In the event a committee member is unable to attend the meeting written comments should be made prior the meeting.*

STAFF RESPONSE TO CRITERIA: Members of the Technical Review Committee (TRC) met on July 9, 2024, to review Sections 6.2.400 through 6.2.550. The purpose of this review was to evaluate the relevant sections in relation to the specific applications under consideration. The members present were Planning Staff, Roadmaster, County Surveyor and County Assessor’s Staff.

The TRC is responsible for examining all tentative (preliminary) partition plats, subdivision plats, and planned unit development plats. The committee assists the Planning Director in making decisions regarding the approval, conditional approval, or disapproval of these applications. In cases involving a variance request, the TRC forms a recommendation for the Planning Director.

The Planning Director has the ability to 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.

During the TRC meeting all conditions are discussed which will result in conditions of approval. Applicants are given notice of any TRC meeting that pertains to their request to ensure they have the opportunity to be informed and involved in the process. If a TRC member is unable to attend a scheduled meeting, they are encouraged to submit written comments prior to the meeting to ensure their input is considered.

Through the TRC review the plat in the following format.

1. Roadway and Utility design modification required.
 - a. Access required. Each unit of land proposed to be created shall have access by way of a county road with the exceptions. The reviewed should be back to the nearest public road (public dedicated road or highway). The exception provided is to allow for a local¹ access road to provide access only if the local access road was open to the public use on January 1, 1986 and as long as the access road is not restricted. 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. 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.
 - i. If access is to state highway then ODOT will be requested to participate.
 - ii. If access is from a city street then City will be requested to participate.
 - iii. Panhandles may be allowed
 - b. Road standards in Chapter VII shall be met
 - i. Grading shall be performed and drainage facilities installed (i.e. French drains, catch basins, etc.)
 - ii. Street and road standards shall conform to the improvements of Chapter VII
 - iii. Sidewalks, pedestrian and bicycle ways when required
 - iv. Slope easements – Necessary when right-of way slope constructed extends outside of eth normal right-of-way
 - c. Utility easements reviewed

¹ “Local access road” means a public road that is not a county road, state highway or federal road. ORS 368.001

d. Road naming if required

The Technical Review Committee (TRC) has reviewed the access and legal status of Brown Lane and Brown Road in relation to the proposed development. The property is accessed via Brown Lane, which was partially created through platting (Pacific Rivera) and private easements designated for public use, thereby meeting the definition of a local access road. However, there is an unclear portion of Brown Road that involves a series of easements with varying widths. Upon further research, it was found that tax lots 1200, 201, 1202, and 1203 were originally one property, with the original deed providing for a twenty-foot road for public use. Subsequent subdivisions, including a minor partition (MP-84-55), raised questions about the legal status of Brown Lane, although County Counsel at the time advised that it could be treated as an open public road to meet land division standards. Despite this, uncertainty remains regarding whether the easements provide public access to the east. To move forward, Brown Road must be established with a width of 40 feet, and a traffic plan must be provided to address traffic circulation, parking, turnaround, and road improvements. The applicant is required to submit the necessary documentation to confirm the road's width by providing the easements and provide a comprehensive traffic plan to ensure the proposed development meets current standards for access and infrastructure. Resolving these issues will allow the development to proceed in compliance with established regulations. There were no grading, sides walks, pedestrian and bicycle ways or slope easements required.

2. Plat and Design modifications needed.

- a. Survey Standards (Chapter VIII)
- b. Map Numbers and Easements shown
- c. Lots and parcels shown to meet minimum lot standards
- d. Street frontage requirements (panhandle may be allowed)
- e. Urban Growth Boundary requirements
- f. Dimensional Standards
- g. Any legal description concerns
- h. Other design and plat modifications not covered above.

The Technical Review Committee (TRC) has completed its review of the plat and design for the proposed development and identified several necessary corrections and actions. The Township, Range, and Section information on the tentative map need to be corrected on the final plat. Specifically, the header currently lists the map numbers as 28-14-28C, and the parcels below Brown Road are listed as 27-14-28C. The correct designation should be Township 27S, Range 14W, and Section 28. Additionally, the easements related to Brown Road must be clearly shown on the final plat.

Before the Roadmaster can sign the plat, the road and access standards for land divisions need to be fully addressed. The TRC also noted that the initial point, legal description, and signature block are required to be accurately located on the final plat. During the review, a discrepancy was identified in the assessment records, which indicate the presence of three home structures on the property, while only two are shown on the plot plan. This discrepancy was discussed, and Mr. Terrel confirmed that only two dwellings are actually present. The property owners will need to contact the Assessor's Office to correct the assessment records.

The subject property falls under the Forest (F) zoning classification. The tentative partition outlines that Parcel 1 will encompass 14.60 acres, while Parcel 2 will span 5.00 acres. This Forest zoning allows for a land division with a lot size smaller than the minimum requirement based on Section 4.6.145 Land Division. Additionally, there are no requirements for lot depth, lot width, or street frontage under this zoning classification.

The final plat will need to be drawn to meet the standards of Section 6.2.800.

3. Geologic hazards that need to be considered.
 - a. Natural Hazards platted and considered during development
 - b. Erosion prevention when necessary (cuts and fills for roads)

The Technical Review Committee (TRC) has completed its review for geological hazards and found there were none to consider. There are no new cuts or fills proposed. Therefore, this criteria has been addressed.

4. Other conditions
 - a. Taxes
 - b. Health and safety (water and sewer)
 - i. Required to provide proof of adequate supply of potable water (6.2.550)
 - ii. Sewage disposal system information provided and complies with state law.
 - c. Other items necessary for approval

The Technical Review Committee (TRC) has completed its review for other conditions and found if the tax statements have not been mailed by the time the final plat is submitted for approval, then pre-payment of taxes will still be required before the Assessor can sign the plat. There is a potential for additional tax on this property. Additionally, a processing fee of \$200.00 will be required before the Assessor signs the final plat.

Under the health and safety requirements, the applicant must demonstrate that potable water and the sewage disposal system comply with state law. While the applicant has provided information confirming that the sewage system is conforming, the issue of potable water has not yet been addressed. This must be resolved as part of the conditions of approval. Adequate water supply may be achieved through the use of storage tanks, and all lots must be served by an established public or private water system, or a private source, with water available at each lot prior to recording the plat. The water quality must meet the standards set by the Oregon Health Division, the Oregon Water Resources Department, and the Oregon Department of Environmental Quality. If a waiver is granted regarding the provision of a domestic water supply, the following statement must be included on the final plat: a declaration that no domestic water supply facility will be provided to the purchaser of any lot or parcel depicted in the proposed land division, even if a domestic water supply source exists. This statement is required to be clearly shown on the face of the final plat.

Due to the fact this is Forestland, a deed document restricting the landowner and land owner's successors in interest from further dividing the parcel shall be recorded with the

county clerk's office and copy supplied to the Planning Department. This shall be completed prior to signature of the Planning Director on the plat.

Therefore, the TRC did not find any other issue that needed to be addressed. All final plats shall be completed in accordance with Section 6.2.800 Final Plat Regulations.

III. CONCLUSION:

After a thorough review, the land division request has been found to comply with all applicable zoning and land development standards as outlined in the Coos County Comprehensive Plan and Implementing Ordinance. The proposal meets the criteria for density, lot area, and dimensional standards, while maintaining consistency with the Master Plan and Exception Statement. The internal reconfiguration of property lines does not introduce any new roads or access, and as such, the requirements of Chapter VII are not triggered. All special development considerations and overlays have been properly identified, with no additional requirements necessary.

The application was deemed complete following a detailed evaluation by the Technical Review Committee (TRC), and the staff has worked diligently to ensure that the process remains within statutory timelines. The final decision will be rendered by August 11, 2024, in accordance with the 150-day deadline. Following the completion of the appeal period, the applicant will be required to submit a final partition plat in compliance with Section 6.2.800.

Overall, the proposed land division aligns with county development policies and objectives subject to the conditions outlined in this report.