

**CITY OF COOS BAY**

Public Works & Community Development Department  
 500 Central Avenue, Coos Bay, Oregon 97420  
 Phone 541-269-8918 Fax 541-269-8916

Permit No. **187-** \_\_\_\_\_

Date Received: \_\_\_\_\_

**LAND USE APPLICATION****<sup>1</sup>Type of Review** (Please check all that apply):

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Annexation – <i>Type IV</i>                   | <input type="checkbox"/> Home Occupation/Non-Retail Sales – <i>Type I</i>      | <input type="checkbox"/> Subdivision – <i>Type III</i>    |
| <input type="checkbox"/> Appeal and Review – <i>Type III</i>           | <input type="checkbox"/> Home Occupation/Retail Sales – <i>Type III</i>        | <input type="checkbox"/> Temporary Use – <i>Type I</i>    |
| <input type="checkbox"/> Architectural Design Review - <i>Type III</i> | <input type="checkbox"/> Legislative/Text Amendment – <i>Type IV</i>           | <input type="checkbox"/> Vacation Rental – <i>Type II</i> |
| <input type="checkbox"/> Accessory Dwelling Unit – <i>Type II</i>      | <input type="checkbox"/> Lot Line Adjustment – <i>Type I or Type III</i>       | <input type="checkbox"/> Variance – <i>Type Varies</i>    |
| <input type="checkbox"/> Conditional Use – <i>Type III</i>             | <input type="checkbox"/> Partition – <i>Type II</i>                            | <input type="checkbox"/> Zone Change – <i>Type IV</i>     |
| <input type="checkbox"/> Cultural Resources – <i>Type III</i>          | <input type="checkbox"/> Planned Unit Development – <i>Type II or Type III</i> | <input type="checkbox"/> Other _____                      |
| <input type="checkbox"/> Estuarine Use/Activities – <i>Type Varies</i> | <input type="checkbox"/> Site Plan Review – <i>Type Varies</i>                 |   |

- |    |  |  |
|----|--|--|
| 1. | Near: West of Intersection of Roosevelt St<br>& Connecticut Ave          | 25S13W08/200 & 25S13W17AA/4000<br>(Acct #s 331150 & 311300)  |
|    | Site Location/Address  | Assessor's Map No./Tax Lot(s)                                |
|    | LDR-6 Overlay  | Approx. 11 Acres   |
|    | Zoning   | Total Land Area  |
| 2. | Red Moon Development & Construction Inc                                  | 6589 S Kings Ranch Rd, Ste 103J, Box 6, Gold Canyon AZ 85118 |
|    | Applicant/Owner Name   | Address  |
|    |  | bwoodruff01@gmail.com; cc: redmoonaz@aol.com                 |
|    | Phone  | Email  |
| 3. | Hailey Sheldon   | 444 N 4th Street, Coos Bay OR 97420                          |
|    | Applicant's Representative Name  | Address  |
|    | (541) 968-4686   | hailey@sheldonplanning.com                                   |
|    | Phone  | Email  |
| 4. | Detailed Description of Proposal; attach additional sheets as necessary: |  |
|    | See attached.  |  |

**You must also provide:**

- Evidence of ownership or written statement from the owner that you are authorized to represent him/her.
- Copy of the deed for the subject property.
- Description that addresses the Decision Criteria or Goals/Standards (can be provided by City staff) outlined in the Coos Bay Municipal Code chapter(s) related to your request.
- Additional information, including but not limited to: date construction is expected to begin; estimated completion date of the total project and of individual segments; and anticipated future development.
- Type II and Type IV applications require: **three (3) complete single-sided hard-copy sets** of application and submitted documents and a digital file with all application materials; text sections of the application must be in Word format. Additional hard-copy sets may be required.
- Type III applications require: **ten (10) complete single-sided hard-copy sets** of application and submitted documents; text sections of the application must be in Word format. Additional hard-copy sets may be required.
- Fees related to application as required by the City. This information can be provided by City staff.

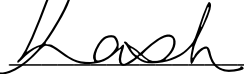
<sup>1</sup> **Pre-Application and Appeal applications require a different application form, inquire of staff**

I hereby certify that I have read and examined this application and know the same to be true and correct. I am the property owner of the site subject to this application. I hereby authorize the filing of this application. Acceptance of this application does not infer a complete submittal. I certify that the information and exhibits herewith submitted are true and correct. I understand that the processing of this application, and the filing fee paid, in no way obligates the City or its representatives to grant or otherwise authorize my request. I agree to pay the fees required for the land use permits associated with this application and any additional expenses for professional services incurred by the City in processing this application should such services be required due to staffing limitations. I also guarantee City access onto and through the project site for purposes of processing this application.

\_\_\_\_\_  
SIGNATURE of APPLICANT/OWNER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
PRINT NAME



\_\_\_\_\_  
SIGNATURE of APPLICANT'S REPRESENTATIVE

\_\_\_\_\_  
09/11/2020

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Hailey Sheldon

\_\_\_\_\_  
PRINT NAME



CITY OF COOS BAY  
Community Development Department

500 Central Avenue Coos Bay, OR 97420

541.269.8918  
www.coosbay.org

## PRE-APPLICATION CONFERENCE NOTES

July 30, 2020

**APPLICATION #:** 187-20-000032-PLNG

**SUBJECT PROPERTY:** Maxwell Road (25-13-08-200)  
Project Name: The Bluffs

**TYPE OF REQUEST:** **Proposed Subdivision**  
Proposed 13 single family residences, with proposed sanitary sewer, drainage and access through City of North Bend. Nearest utilities are located at intersection of Roosevelt and Connecticut in City of North Bend. Low impact Development (LID) and Best Management Practices (BMP) will be utilized to mitigate water quality runoff and provide effective temporary/permanent Erosion and Sediment Control. Vegetated detention swales with check dams for treatment and controlled outflow. Proposal includes Public or Private roadway development, utility extension, approximately 8,300 CY of cut and 11,300 CY of fill, for a net balance of approximately 3,000 CY fill for this single-family development.

**ATTENDEES:** **City Staff:** Debbie Erler and Jessica Spann.  
Carolyn Johnson (Via Microsoft Teams)  
**Applicant Representatives:** Justin Wilson and Dan Kyleberg

**DATE:** Monday, July 27, 2020 at 2:00 Via Microsoft Teams and in Person at the Coos Bay City Hall conference room.

---

All Coos Bay code chapters referenced in this report are available on the City's website at <https://www.codepublishing.com/OR/CoosBay/>

**APPLICANT UPDATES/CLARIFICATIONS:** The applicant's representatives provided the following additional information/clarifications at the time of the conference:

- They intent is to development a gated single-family dwelling community, with private roads and utilities. The lots will be developed by the owner/contractor one at a time, to allow flexibility adjust with the market.
- They are preparing a possible alternate subdivision design that would replace the proposed Cul-de-sac with a hammerhead turn-a-round.
- There may be single-family dwelling in excess of 3,500 square feet (including the attached garages).

- They would like to construct rolled curbs.
- They propose pressure sanitary sewer for each property, connecting to the City of North Bend's sanitary and storm drain system.
- They intend to access gain access from easements and platted streets in the City of North Bend.
- They would like to propose the vacation of Maxwell Road abutting their property at Tax Lot #400.
- The proposed retaining walls will range in height from 4-feet to about 10-feet (Lots 1 & 2).
- They plan to submit the complete application by the end of August.
- Before submitting the application, the applicants will participate in a joint meeting with the City of Coos Bay and North Bend to help determine order of application's and approvals.

## 1. **TYPE OF APPLICATION AND/OR APPLICABLE DEVELOPMENT CODE STANDARDS**

The applicant must address all the applicable development standards and applicable criteria found in the Coos Bay Municipal Code; These include, but may not be limited to the following:

- Building and Fire Code (CBMC Title 15)
- Engineering Design Standards (CBMC Title 18), including 18.15.010 City street and private standards.
- Procedures (CBMC 17.130)
- Low-Density Residential (LDR-6 Overlay), including the Property development requirements (CBMC 17.220)
- Accessory Dwelling Units (CBMC 17.312)
- Off-Street Parking and Loading Requirements (CBMC 17.330)
- Public Right of Ways – Streets, Sidewalks & Public Places (CBMC Title 12)
- Public Utilities and Service (CBMC Title 13)
- Site Plan Review CBMC Chapter 17.365, including criteria for site plan approval.
- Supplementary Development Standards (CBMC 17.335)
- Zero Lot Line Development (CBMC 17.340)
- Planned Unit Development (CBMC 17.362)
- Subdivisions (CBMC 17.367)
- Variance (CBMC 17.372)

## 2. **PROCESS SUMMARY/ TIME FRAME FOR REVIEW PROCESS**

The applicant will submit land use application for a Type III "Subdivision" before the Planning Commission. The standards noted in this checklist are those which staff believes may be applicable to your proposal. Additional standards/applications may also be determined applicable at the time of a development submittal. The burden is upon the applicant to review all applicable City documents and address all the relevant standards.

Review Process:

- Pre-application conference (completed).
- Application submittal.
- Staff review for completeness (allowed up to 30 days).
- If the application is determined to be incomplete, the applicant will have 180 days from the date of incomplete letter to submit additional information. If complete, the review shall not exceed 120-days for a final decision, including appeals to the City Council. Appeals to LUBA fall outside the 120-day review process.
- When application is determined to be technically complete, the applicant is vested.
- The hearing date is set before the Planning Commission.
- Public notices are mailed twenty (20) days prior to the hearing date.

- Staff report is prepared and made available to the applicant at least seven (7) days before the date of the Planning Commission public hearing for approval or denial based upon the staff recommendation and the criteria found in the CBMC.
- A Final Order is provided within seven (7) days of the decision.
- A mandatory 15-day appeal period follows the Final Order and if no appeal is filed the decision becomes final.
- Coos Bay City Council must approve any public improvement prior to the subdivision plat being recorded.

### 3. **DOCUMENTATION REQUIRED FOR A COMPLETE APPLICATION**

The required land use application form is attached. Use one application for all review types. Mark each check-box that apply.

One copy of the proof of ownership and authorization by the owner allowing the given representative to act as the owner's agent in the land use and/or development process (if applicable).

The following items are required to be submitted in ten collated sets in addition to one digital copy:

- Application form signed by the owner or applicant.,
- Subdivision plans/Details (CBMC 17.367). This includes the following:

*(1) Written authorization to file the application signed by the owner of the property that is the subject of the application, if the applicant is not the same as the owner as listed by the Coos County assessor.*

*(2) Proof of ownership document, such as copies of deeds and/or a policy or satisfactory commitment for title insurance.*

*(3) A legal description of the property proposed to be divided.*

*(4) A copy of the pre-application conference summary, if the application was subject to pre-application review, and all information required to address issues, comments and concerns in the summary.*

*(5) A written description of how the proposed preliminary plat does or can comply with each applicable approval criterion for the preliminary plat, and basic facts and other substantial evidence that supports the description (Example provided to applicant's representative).*

*(6) Applications necessarily associated with the preliminary plat, such as applications for exceptions, adjustments or variances to dimensional requirements of the base or overlay zones or for modifications to the adopted Coos Bay road standards that are required to approve the preliminary plat application as proposed.*

*(7) Evidence that potable water will be provided to each lot from a public water system, and that each lot will be connected to public sewer.*

*(8) A plan showing proposed phasing if the applicant proposes to develop the subdivision in phases. Reports such as drainage and traffic impact analysis, if required.*

### 4. **LAND USE APPLICATION FEES\***

Subdivision	\$1,956 + \$27 per lot
Variance (to maximum lot size)	\$280
Noticing/Mailing	\$100
Technology Fee	5 percent of total fees
Review from outside professional (if needed)	As authorized/billed

\*Note: Please verify the required fees prior to application submittal.

## 5. **CONFERENCE NOTES/COMMENTS**

The following are items that were submitted by department or agencies or were discussed during the conference or are items that may apply to the proposed development. Comments provided below are based on preliminary information provided by applicant and/or applicant's representative. Comments are subject to change as City staff is presented with more detailed information.

### **City of North Bend**

- Comments received July 13, 2020 from Ralph Dunham, City of North Bend, Director of Public Works (541-756-8586 or [rdunham@northbendcity.org](mailto:rdunham@northbendcity.org)).

*The applicant proposes to connect to City of North Bend street system, sanitary sewer system & likely storm drainage system. It is likely all utilities will be routed off the end of Roosevelt, on to the proposed Connecticut Ave. extension to access the property. The City of North Bend has reviewed the ability to connect, and has authorized connection contingent upon meeting City of North Bend development standards for the utilities and street improvements which are within our City limits. Attached are City council meeting agenda item and approval documentation (approval to connect and to open the right of way based upon City Standards). Note the approval includes an \$1,100/year street maintenance fee (total for all units as Coos Bay will be collecting State & Federal gas tax funds for the development – with 90% or more of the street use being in North Bend), along with paying normal City connection fees and user fees on storm & sanitary sewer services.*

*Applicable sections of the City of North Bend Code are provided below for review related to design and operation are as follows:*

*10.12 Transportation Facilities & Improvements (specifically 12.12.120-160)  
<https://northbendor.municipal.codes/NBCC/10.12.120>.*

*12.16 related to street grade requirements.  
<https://northbendor.municipal.codes/NBCC/12.16.010>*

*Article IV. Streets*

- *10.12.120 General.*
- *10.12.130 Minimum right-of-way and roadway widths.*

*Article V. Pedestrian Access and Circulation*

- *10.12.140 Pedestrian pathways.*

*Article VI. Improvements*

- *10.12.150 Improvement standards.*
- *10.12.160 Improvement requirements.*

*Street acceptance guidelines (<https://northbendor.municipal.codes/NBCC/17.16.010>),  
Street improvement guidelines (<https://northbendor.municipal.codes/NBCC/17.28.010>)*

*Any sanitary sewer public improvement will be required to be submitted and approved by DEQ, Water main extension by CB-NB Water Board and shall comply with the applicable sections of Title 13 of the NBMC.*

*Note a couple of possible issues. First, The City of North Bend has the capacity to connect to our storm system which parallels the property on the east side of the subject property. It is however on Airport property which we have an easement for the main – and is located approximately 30 feet east of the subject property east line. Any connection to the system outside of the Connecticut St. right of way (high side in elevation) would require an easement from the Airport District.*

*No detention would be required if connected to the City of North Bend system, however the City of Coos Bay will require water quality improvements.*

*A street light may be required depending upon existing spacing (one exists at Chinook & Roosevelt) however maximum spacing is 250 feet and it will be close – although would likely make more sense at the intersection of Connecticut and Roosevelt.*

*The City of North Bend will not require a traffic study, as the proposal only generates roughly 138 trips per day.*

- Comments received July 16, 2020 from Chelsea Schnabel, City of North Bend, City Planner (541-756-8535 or cschanbel@northbendcity.org).

*The subject property is immediately adjacent City of North Bend city limits, land zoned for single-family dwelling use (R-7) and for airport uses including residential uses when outside of a noise impact area (A-Z). That portion of the A-Z zoned parcel immediately adjacent to the North of what is now unimproved Connecticut Avenue could be developed with low or high-intensity residential use.*

*Connecticut Avenue and Roosevelt Street are both currently classified in the City's adopted TSP as local streets.*

*There is an existing off-street path (part of our adopted Parks & Rec Master Plan) located immediately adjacent the site on the Airport property that connects the Airport Heights neighborhood to the Empire Lakes area.*

## **Engineering**

Updated Engineering comments received July 30, 2020 from Jessica Spann, (541.269.8918) as follows:

*Project comments are preliminary based on information provided with the Land Use Pre-Application. All comments provided by the preparer should not be construed as a final finding. Final findings of the engineering staff shall be provided during the Land Use Process.*

*Site Development (Grading/Cut/Fill) Project narrative states that approximately 8,300 CY of cut and 11,300 CY of fill, for a net balance of approximately 3,000 CY fill for this single-family development. Based on the project narrative a grading permit will be required. The submission of the grading permit can run concurrently with your Land Use application; however, you do so at your own risk. It will be the applicant's responsibility to comply with Coos Bay Municipal Code (CBMC) 18.30 Site Grading and Erosion Control for cut and fill requirements.*

1. *Cut slopes shall be no steeper than two feet horizontal to one-foot vertical (2:1) unless a geological study prepared by an Oregon licensed geotechnical engineer or (depending upon the nature of the project) a certified engineering geologist is submitted which justifies that a steeper slope can be safely constructed and will not create a hazard to adjoining public or private property. The top of cut slopes shall not be made nearer to a site boundary line than one-fifth the height of cut, with a minimum of two feet and a maximum of 10 feet. Based on site plan it does not appear that setbacks comply with this requirement. Applicant shall confirm whether or not cut slopes exceed 2:1.*

*The top of cut slopes shall not be made nearer to a site boundary line than one-fifth the height of cut, with a minimum of two feet and a maximum of 10 feet. Based on site plan it does not appear that setbacks comply with this requirement. Applicant shall confirm whether or not cut slopes exceed 2:1.*

2. *Fill slopes shall not exceed two feet horizontal to one-foot vertical (2:1) unless approved by a qualified Oregon licensed geotechnical engineer or (depending upon the nature of the project) a certified engineering geologist. The toe of fill slopes shall be setback from exterior property boundaries at least one-half the height of the fill with a minimum of two (2) feet and a maximum of 20 feet. Where a fill slope is to be located near the property boundary, precautions shall be taken to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:*
  - a. *Additional setbacks.*
  - b. *Provision for retaining or slough walls.*
  - c. *Mechanical or chemical treatment of the fill slope surface to minimize erosion.*
  - d. *Provisions for the control of runoff*
3. *On the provided conceptual lot layout it appears the majority of the proposed work is to excavate (cut) the existing ground; however, If applicant is proposing to fill in excess of 12" then: A report prepared by an Oregon licensed geotechnical engineer, or (depending upon the nature of the project) a certified engineering geologist is required when fills in excess of 12 inches are planned within future building areas. The specified fill material shall be placed and compacted in accordance with the recommendations of the report. Any required testing shall be as recommended in the report.*

*Based on topography at the southern portion it appears that there is significant cut and there may need to be in place a retaining wall. Retaining walls may be required to be engineered, and calculations provided to support the design and installation thereof. Once more information such as location, height etc. can be provided, a determination on whether or not it is a permitted structure can be provided. However, if permits are required and thus engineering this will not be required at the Land Use phase.*

*Drainage During the pre-application meeting it was stated that the vegetated detention swales with check dams for water quality treatment and controlled outflow will be changing. Once more information can be provided Engineering will provide further comments.*



*CBMC 18.25 Stormwater Management Systems states that all projects disturbing 1,000 square feet or more shall incorporate permanent storm water management controls. Overall, the construction will be increasing the impervious area and site must maintain historic drainage conditions. Project will be required to submit a stormwater analysis for review and approval prior to issuance of Building Permits. Site must mitigate for any adverse impacts, and post project flows shall not exceed pre-project levels. Drainage from the site cannot adversely impact adjacent property's, right of ways or downstream systems.*

*The permanent storm water management controls must be installed onsite and maintained into perpetuity. Applicant must submit for review and approval an inspection and maintenance procedure manual for the permanent water quality features prior to Building Permit issuance. Once approved, these procedures will be recorded with a Declaration. The City will prepare the Declaration and the owner will be responsible for recording fees.*

*Sanitary Sewer Project narrative states the proposed sanitary sewer shall be connected to the City of North Bend's system. The applicant will be responsible to obtain the necessary approvals/permits from the City of North Bend for connecting to their system.*

*In the pre-application meeting it was discussed that all sanitary sewer utilities will be private. It was determined that a sanitary sewer permit through the City would not be required for the connection of private laterals to the private sanitary sewer system.*

*In the event that the applicant decides to connect to the City of Coos Bay sanitary sewer system the applicant will be required to provide additional information for further evaluation. In CBMC 18.20 Sanitary Sewers provides information for the design of public sanitary sewers. The following sanitary sewer design standards have been developed with the goals of proper sizing for current and future flows, correct installation for long life, ease of access for maintenance and repair while taking into account construction cost.*

*Private sanitary sewers constructed on private property must be designed according to the Oregon Plumbing Specialty Code.*

*Storm Sewer Project narrative does not reference any new storm drain connections associated with this project. Submitted conceptual lot layout does not portray any storm water improvements. If project does intend to add any new storm sewer infrastructure, this clarification must be submitted along with information as to how this discharge will not affect adjacent properties and/or right of ways with the Land Use Application.*

*The conceptual lot layout did not show outfall locations. Drainage from the site cannot adversely impact adjacent property's, right of ways or downstream systems. Once more information can be provided Engineering will provide further comments.*

*Transportation Project narrative states that 13 single family residences are being proposed. Chapter 18.40 Traffic Impact Analysis Requirements: Applicants for development and redevelopment projects expected to create 20 or more residential units (e.g., single family residential lots, apartment/condo units) or 20,000 square feet or more of commercial/industrial space shall evaluate the project's transportation system impacts in a transportation impact analysis (TIA). Therefore, a Traffic Impact Analysis will not be required*

Road access Based on the pre-application meeting the applicant stated that the road would be Private. It was discussed to have rolled curbs versus City standard curbs. In the Coos Bay Municipal Codes Chapter 18.10.060 design exceptions it states the following: "A documented design exception is required for any design or construction deviation from the City design standards. Exceptions may be granted by public works upon evidence that such adjustments are in the public interest. Requirements for safety, function, fire protection, transit needs, appearance and maintainability based upon sound engineering and technical judgment must be fully met."

The City will not construct or add to its existing inventory of city-maintained streets or access roads unless they meet all standards provided in CBMC 18.15.010. However, in cases where public street standards cannot be met, the developer may elect, with concurrence by public works, to construct a privately maintained access road to serve an infill development. Said privately maintained access road shall be constructed on private property.

Privately maintained streets and access roads may be developed exclusively within private property and the following conditions shall apply: 1) The maximum number of dwelling units potentially served by the access road shall be three. Streets having the potential to serve more than three dwelling units must meet the requirements in CBMC 18.15.010 and the City of Coos Bay Transportation System Plan.

The applicant must adhere to the: "City of Coos Bay Transportation System Plan" prepared for the City of Coos Bay by DKS Associates, and adopted in January 2004 & CBMC 18.15 Transportation Facilities. However, work has been underway to update the City's TSP from 2004. A draft 2020 TSP document has been prepared and goes to council August 18<sup>th</sup>. It will then be adopted sometime in August or September. Depending on when your Land Use applications are deemed technically complete will depend on which TSP you are required to adhere to.

Demolition: There are no buildings currently on the property therefore, project does not need a demolition permit.

Offsite Improvements Project narrative states access through the City of North Bend. Permissions to perform the offsite work for properties (tax lot 400) not owned by the applicant must be obtained prior to Building Permit issuance. It is the applicant's responsibility to obtain all approvals from the City of North Bend prior to submitting building permits.

The following permits, permissions and information are not required at the time of the Land Use Application but will be required when building permits are submitted:

- A right of way use permit will be required for all work in the City right of way (Maxwell Road).
- The applicant is responsible to obtain all necessary permissions to construct the 13 single family residences on subject property (Tax Lot 100) and to construct on adjacent Tax Lot 400, as marked in the plans.
- The easement for purposes of ingress and egress, street improvements, curbs, all underground and overhead utilities that was provided with the pre-application does not appear to transfer to a new owner of the property. This will need to be further vetted out providing documentation that this does transfer to the new owner. In the event this does not transfer to the new property owner it is the applicant's responsibility to acquire appropriate easements for purposes of ingress and egress on affected lots.

- *It does not appear that there are any trees that will be removed from the right of way (Maxwell Road). If trees in the right of way are to be removed a Tree Removal request is required and will be processed through the tree board.*
- *In the pre-application meeting it was discussed a potential vacation of Maxwell. The applicant will be required to go through the vacation process.*

#### COORDINATION WITH OTHER AGENCIES

- Applicant will be responsible to obtain plumbing and electrical permits through the state.
- Applicant will be responsible to obtain utility approvals from the appropriate utility (Coos Bay North Bend Water Board, NW Natural, Pacific Power, etc.)
- Applicant is responsible to obtain all required regulatory approvals from the appropriate entity including but not limited to Department of Environmental Quality, Army Corps of Engineers, Fish and Wildlife, State Historic Preservation Office, Department of State Lands, local tribes, etc.

GENERAL NOTE The North arrow on the conceptual lot layout appears to be incorrect.

#### **Building Codes**

Comments received on July 15, 2020 from Building Official Mike Smith (541.269.8918) indicated the following:

- Site work for permanent cut and/or fill slopes shall not be steeper than one-unit vertical in two-units horizontal. (50% slope) \*Note: Deviation from this requirement may be permitted only upon presentation of an approved soil investigation report. (OSSC 3304 & 1803).
- Excavation, grading and fill soils supporting footings, foundations or surcharges shall be designed, installed and tested per ORSC R401.2 & R403, and OSSC 1804, 3304 & 1705.6. (Geo-technical report, along with compaction tests.)
- Provide and maintain approved erosion control measures.

#### **Fire Protection and Access**

Comments received July 27, 2020 from Fire Chief Mark Anderson (541.269.1191) indicated the following: *All references are from the 2019 Oregon Fire Code:*

- *Gated access must provide fire department access. Oregon Fire Code D103.5 items 1-8 addresses access gates. The best, and most common practice would be to install with the key pad (for the occupants) a Knox key override. Knox is a private company that provides locking systems with a single key for the local fire department use. It allows us to not need a special code or keep dozens of keys to different locations. Of note, per OFC, a single gate shall have an opening width of not less than 20 feet or, if the roadway is split into an entrance and exit with a gate for each, the gate width shall be at least 12 feet.*
- *The proposed access road width of 28 feet is acceptable. (Table D103.4)*
- *The access road is not to exceed 10 percent grade. (Appendix D103.2)*
- *The road surface must be paved with asphalt or concrete to provide an all-weather surface and constructed to support a load of 75,000 lbs. (Appendix D102.1)*
- *The cul-de-sac must have a minimum diameter of 96 feet. (Table D103.4)*
- *Hammerhead dimensions are also covered in OFC Appendix D. The sides of the hammerhead are to be 120 feet in total length (60 feet per side from center). The hammerhead must comply with the design (width and construction) as previously identified in the roadway standard.*

- *A hydrant able to produce at least 1000 gallons per minute (provided structures are less than 3600 square feet) must be installed within 250 feet of each building lot. (Table B105.1 and Table C102.1). If structures exceed 3600 square feet, the required fire flow increases. Up to 4,800 square feet would require 1,750 gallons per minute. If the structure is equipped with an automatic fire sprinkler system meeting NFPA 14R or 14D, the flow requirement stays at 1000 GPM regardless of the size of the structure.*

## **Operations**

Operations will review the possibility of vacating the portion of Maxwell Road abutting the applicant's property at Tax Lot #400. Upon consideration staff will advise the applicant, and they can decide if they wish to proceed. At that time staff will provide the application and related information on the process and application fees.

## **Planning**

While not required, planning staff encourage applicant examination of the City's Accessory Dwelling unit, Zero Lot Line Development and Planned Unit Development regulations. These regulatory tools provide layout, design and composition options for the proposed subdivision. These regulatory tools can be beneficial in doubling housing potential and affording creative and functional subdivision design. A hard copy of each is attached. Planning Staff is available to discuss in further detail.

- The proposed 13 lot subdivision indicates a proposed flag lot, which must meet the following standard.

*17.367.040 Approval criteria for a preliminary plat.*

*(3) Flag lots are discouraged. When allowed, flag lots shall comply with the following standards:*

*(a) The flag pole shall provide an all-weather surface with an unobstructed vertical clearance of at least 13 feet six inches. The improved surface shall be at least 20 feet wide and be marked and signed as a fire lane.*

*(b) The pole portion of the flag lot does not count toward the minimum lot size.*

*(c) If the length of the flagpole is more than 150 feet, the applicant shall provide a turn-around at the end of the driveway in conformance with the current adopted edition of the International Fire Code, and structures on the lot shall incorporate a fire-hazard warning, including a hard-wired, back-up smoke detector, and a sprinkler system.*

*(d) Where flag lots are not provided but access easements across abutting properties to public or private rights-of-way are provided, the applicable city engineering standards shall apply.*

Lot, flag – A lot the developable portion of which is located behind another lot that has normal street frontage. A flag lot includes a strip of land that goes out to the public right-of-way street for public access. As shown on the Lot, Flag Exhibit below, there are two distinct parts to a flag lot: the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot generally results from the division of a large lot that does not have sufficient width for division into two lots that would both have normal frontage onto the street. Creation of a flag lot is subject to additional standards in this code.

- As noted in CBMC Subdivisions (CBMC 17.367.060) Any construction proposed prior to final plat approval, required bonding as follows:

(1) In lieu of the completion of any required public improvements prior to approval of a final plat, the city may accept a bond, in an amount of at least 125 percent of the estimated cost of construction of the public improvements in question, as certified by a professional engineer and accepted by the public works and community development director, or their designee, and with surety and conditions satisfactory to the engineer, or other secure method as the engineer may require, providing for and securing to the city the actual construction and installation of such improvements within a period specified by the engineer, and specified in the bond or other agreement; and to be enforced by the engineer by appropriate legal and equitable remedies.

(2) Construction shall not start prior to the public works department signing and approving both the construction plans and the final plat survey computations; except that rough grading operations may proceed before the plans are approved by the engineer under the following conditions:

- (a) The grading plan is submitted separately, along with an application for the grading permit.
- (b) The grading plan is in conformance with the approved preliminary plat.
- (c) The grading plan, if applicable, will not be in substantial conflict with the street profiles and drainage structure plans.
- (d) The grading permit, if applicable, is issued.

### **Coordination outside agencies**

Applicant is responsible to obtain plumbing and electrical permits through the state. Applicant will be responsible to obtain utility approvals from the appropriate utility (Coos Bay North Bend Water Board, NW Natural, Pacific Power, etc.).

- Comments on July 23, 2020 via email, from Matt Whitty, Engineering Manager, Coos Bay-North Bend Water Board (541.267.3128 Ext 232 or email at [matt\\_whitt@cbnbh2o.com](mailto:matt_whitt@cbnbh2o.com))

*The applicant's engineer has contacted the Water Board. They were informed that water is available for the proposed development and to make a determination on line sizing and connection to the Waterboard system, they need a fire flow requirement from Chief Anderson for the large residential structures proposed for the development.*

- Pacific Power, indicated if the site owner is requesting that Pacific Power give input/comment on this proposed rebuild, please have their designer/engineering group or site owner call our business center to get a request started with Pacific Power (Ph.# 888-221-7070).

The applicant will be contacted after they have called in a request through our business center. Also, their designer can utilize our online ESR manual, available at: <http://www.pacifipower.net/esr>.

- Applicant is responsible to obtain all required regulatory approvals from the appropriate entity including but not limited to Department of Environmental Quality, Army Corps of Engineers, Fish and Wildlife, Department of State Lands, local tribes, ODOT, etc.
- Comments received via email on July 9, 2020 from Micah Horowitz, AICP ODOT Region 3 | Senior Transportation Planner.

*The proposal is about a mile from the nearest ODOT managed roadway and should not significantly affect our facilities.*

- State permits include plumbing and electrical. State Building Codes Office is located at 1155 S 5<sup>th</sup> Street, Coos Bay (DMV building) #541-266-1098.

### **General Standards**

- Noise: The noise level shall not exceed permitted levels measured at the appropriate measuring points established by the Oregon Department of Environmental Quality. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about the level of noise, the owner or agent may be required to show written compliance with state regulations. Construction noise is also regulated by CBMC Chapter 9.20 Unreasonable noise.
- Byproducts: There shall be no emissions, odor, gas, mist, vapor, pollen, soot, carbon, acid, smoke, fume, dust, particulate matter, or other air, water, or land pollution which exceeds permitted levels of local, state, or federal regulations. If there is doubt that the proposed use will violate these standards or if a valid complaint has been registered about possible pollution, the owner or agent may be required to show written compliance with state regulations.

If there are questions, please do not hesitate to contact me.

Respectfully submitted,

Debbie Erler, Planner II  
City of Coos Bay  
Community Development  
Ph. 541-269-1181 Ext 2259



September 11, 2020

To whom it may concern:

Hailey Sheldon with Sheldon Planning has authorization to file applications on behalf of Red Moon Development & Construction Inc.

Thank you,

A handwritten signature in black ink, appearing to read "B Woodruff". The signature is fluid and cursive, with a large initial "B" and a stylized "W" and "D".

Brad Woodruff  
President

6589 S Kings Ranch Road #103J Box 6  
Gold Canyon, AZ 85118  
Phone 480-947-9253 \* Fax 480-947-0774  
Email [redmoonaz@aol.com](mailto:redmoonaz@aol.com)

ATTACHMENT 3

RECORDING REQUESTED BY:



300 W Anderson, PO Box 1075  
Coos Bay, OR 97420

AFTER RECORDING RETURN TO:

Order No.: 360619027710-DM  
Red Moon Development & Construction Inc.  
6589 South Kings Ranch Road, Suite 103J, Box 6  
Gold Canyon, AZ 85118

SEND TAX STATEMENTS TO:

Red Moon Development & Construction Inc.  
6589 South Kings Ranch Road, Suite 103J, Box 6  
Gold Canyon, AZ 85118

APN: 311300  
Map: 25-13-8 TL 200

Coos County, Oregon	<b>2019-11613</b>
<b>\$91.00</b>	<b>Pgs=2 12/20/2019 10:00 AM</b>
eRecorded by: TICOR TITLE COOS BAY	
Debbie Heller, CCC, Coos County Clerk	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

**Jeffrey Marineau and Steven Plinski**, Grantor, conveys and warrants to **Red Moon Development & Construction Inc.**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

Government Lot 4 of Section 8, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon, TOGETHER WITH the tidelands fronting and abutting thereon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS SEVEN HUNDRED THOUSAND AND NO/100 DOLLARS (\$700,000.00). (See ORS 93.030).

**Subject to:**

Any adverse claim based upon the assertion that:

- a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Coos Bay, in the event the boundary of said Coos Bay has been artificially raised or is now or at any time has been below the high watermark, if said Coos Bay is in its natural state.
- b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
- c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Coos Bay, or has been formed by accretion to any such portion.

The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the Coos Bay.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Coos Bay.

Terms, provisions and conditions, including, but not limited to, maintenance provisions, and a covenant to share the costs of maintenance, contained in Deed

Recording Date: August 26, 1938  
Recording No.: Book 132, Page 192

Easement(s) and rights incidental thereto, as granted in a document:

Granted to: Coos County Airport District  
Recording Date: July 30, 2013  
Recording No: 2013-7500

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.**



STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 12/19/2019

[Signature]  
Jeffrey Marineau

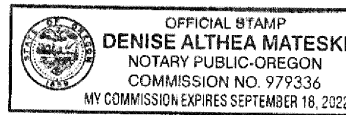
[Signature]  
Steven Plinski

State of Oregon  
County of Coos

This instrument was acknowledged before me on 12-19-19 by Jeffrey Marineau.

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 9-18-22

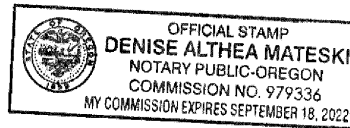


State of Oregon  
County of Coos

This instrument was acknowledged before me on 12-19-19 by Steven Plinski.

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 9-18-22



RECORDING REQUESTED BY:



300 Anderson Ave  
Coos Bay, OR 97420

Coos County, Oregon

2020-05641

\$86.00 Pgs=1

06/16/2020 11:50 AM

eRecorded by: TICOR TITLE COOS BAY

Debbie Heller, CCC, Coos County Clerk

AFTER RECORDING RETURN TO:

Order No.: 360620031233-DM

Red Moon Development & Construction Inc.  
6589 South Kings Ranch road, Suite 103J, Box 6  
Gold Canyon, AZ 85118

SEND TAX STATEMENTS TO:

Red Moon Development & Construction Inc.  
6589 South Kings Ranch road, Suite 103J, Box 6  
Gold Canyon, AZ 85118

APN: 331150

Map: 25-13-17AA TL4000

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

**Yesi Guirado**, Grantor, conveys and warrants to **Red Moon Development & Construction Inc.**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

A tract of land located within the Northeast quarter of the Northeast quarter of Section 17, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon and being more particularly described as follows:

Beginning at the Northeast corner of Section 17, Township 25 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; thence South 89° 19' West along the North line of Section 17 a distance of 50 feet to the True Point of Beginning; thence continuing along the North line of Section 17 South 89° 19' West a distance of 239.12 feet; thence South 34° 33' West a distance of 36.73 feet; thence North 89° 19' East a distance of 190.69 feet; thence South 1° 25' East a distance of 230.81 feet to the North right of way line of Maxwell Road; thence Northeasterly along said right of way, through a curve to the left having a radius of 266.50 feet, for an arc distance of 153.40 feet; thence continuing along said right of way North 1° 34' West a distance of 128.33 feet to the True Point of Beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THIRTY-FIVE THOUSAND AND NO/100 DOLLARS (\$35,000.00). (See ORS 93.030).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 6-9-2020

Yesi Guirado  
Yesi Guirado

State of Oregon  
County of Coos

This instrument was acknowledged before me on June 9, 2020 by Yesi Guirado.

Sandi L Brown  
Notary Public - State of Oregon

My Commission Expires: 7.11.22

