

City of Coos Bay

Public Works and Development Department

500 Central Avenue, Coos Bay, Oregon 97420 • Phone 541-269-8918

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SUBDIVISION / PARTITION II NOTICE OF CITY COUNCIL DECISION AND ORDER

APPLICATION: SUBDIVISION (ZON2007-00086)

APPLICANT: Jan Sirchuk, PO Box 2767, Harbor, OR 97415
OWNER: Charleston View, LLC, PO Box 2767, Harbor, OR 97415

LOCATION: T. 25, R. 13, S. 29AB, Tax Lot 100
Lot 43, Replat of Lots 11-16 Pacific Crest Planned Community;
located south and west of Pacific Crest Planned Community.

ORDER: Tuesday, December 18, 2007 City Council conditionally approved
the 15-lot subdivision.
City Council Final Vote:
Yea: Mayor McKeown, Councilors Roger Gould, Jon Eck,
Mark Daily, Stephanie Kramer and Michele Burnette
Nay: None **Abstain:** None

APPEAL PROVISIONS: Page 4.
**DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT, CONCLUSIONS, AND
CONDITIONS:** Pages 5 - 15.

FINAL DECISION

Based on the findings and conclusions, as set forth at Exhibit A, and the applicant's submitted evidence at Attachment A, the City Council approved the 15-lot subdivision with the following conditions:

1. Utilities must be extended so as to be provided to each proposed lot. Extension of utilities for Lots 13-15, with the exception of the utilities necessary to operate the pump station at the south end of the development, may be delayed until one, all, or a portion of Lots 13-15 are proposed for development. At that time the developer/landowner of the proposed development of one, all, or a portion of Lots 13-15 shall be responsible for the provision of the main line of utilities to the furthest boundary (from the source of the utility) of the lot(s) being developed.
2. The pump station must be built to DEQ and City standards and sized, or phased, to serve the entire development (Lots 1-15) as it occurs.

If the pump station is to be operated and maintained by the City, a paved access and turnaround must be provided to the City to access the pump station. An easement must be granted to the City for the access, and an area adequate in size for the maintenance and operation of the pump station must be dedicated to the City.

The dedication and easement must appear on the final plat.

3. The City does not maintain sewer lines on private property unless adequate access is in place and easements are granted.
4. Proposed Lots 4, 5 and 6 must be served by a minimum 20-foot-wide paved travel surface (private road), with curb/gutters on both sides and a sidewalk on the south side, built to City standards. No on-street parking is permitted. The turn-around at the east end of the private road must meet Uniform Fire Code standards. Maintenance of the private road must be reflected in a written document referenced on the final plat.
5. Road signage, per City standards, is the responsibility of the developer. The sign plan must accompany the construction plans.
6. Because Lots 13-15 are proposed to be discrete lots, legal access must be provided to each lot. This may be in the form of a reciprocal, nonexclusive, access and utility easement between Lots 13, 14 and 15. The private road/easement must be paved a minimum of 20-feet in width and monumented from the eastern boundary of Lot 15 to the western boundary of Lot 13, when one, all or a portion of Lots 13-15 are proposed for development. This will insure emergency access to the gate at the west end of the lots.

This condition is waived if a planned unit development (PUD) is developed on Lots 13-15, whereby street standards for the PUD, per Land Development Ordinance Chapter 4.6, will apply.

This requirement must appear on the final plat.

7. Development of Lots 13-15 is limited to the generation of 986 cumulative daily trips on Radar Road. Based on the traffic generation information presented by the applicant, each of Lots 1-12 is limited to one (1) single-family dwelling. Further development must be reviewed and documented by the developer for traffic impacts.

These requirements must appear on the final plat.

8. All changes/corrections/additions to the preliminary plat addressed in the County Surveyor's August 19, 2007 letter and the County Assessor's letter dated August 19, 2007, must be reflected in the final plat prior to approval of the City Council.
9. The cover sheet of the final plat must show Lots 1-15.
10. Approval of an additional slope and access easement from the northeast corner of the subject property through City and Coos Bay North Bend Water Board property, if necessary, must be granted prior to final plat and referenced on the final plat.

11. Land Development Ordinance (LDO) Chapter 5.16(5)(B) requires the tentative plan to show cut and fill areas of the property and the location of proposed retaining walls or slope protection. Cut and fill areas, proposed finished grades, and retaining walls must be shown with the plans for the Excavation/Fill Permit Application.
12. Compaction tests must be completed, documented and provided to the Public Works and Development Department prior to the final approval of the City Excavation/Fill Permit.
13. Stormwater detention facilities shall be designed to retain the excess volume of runoff that occurs under the developed condition while allowing release of water at a rate less than or equal to the maximum rate of runoff that occurs under the predeveloped condition.
14. A fire hydrant must be located no more than 400 feet from a dwelling as measured on the path of vehicular access. The hydrant must have a minimum flow of 1,000 gallons per minute; alternative fire protection may be approved by the Coos Bay Fire Chief.
15. The gates, which limit access to Lots 13-15, the PUD, must be able to be opened electronically from the interior of emergency fire apparatus.
16. The final plat must contain a written explanation of the purpose of the area for recreational spaces, commonly owned or held for common use, a description of any improvements to be made and a description of the manner in which the area will be perpetuated, maintained and administered.

The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents must be filed with the Public Works and Development Department before occupancy of any dwelling.

The deed reference number of the document creating the homeowner's association must be referenced on the final plat.

17. The final plat must contain a reference to any deed restrictions that will pertain to development of the subdivision (Conditions, Covenants and Restrictions).
18. As stated in the feasibility level geotechnical report by PBS Engineering and Environmental, detailed geotechnical studies along with appropriate recommendations for the construction will need to be completed prior to finalizing the design work on the project.
19. The impoundment pond (dam) must be engineered and designed to handle traffic and peak flows of stormwater into First Creek.
20. The outfall of the existing storm sewer must be connected to the downstream detention basins to eliminate discharge onto the Tribe's property.

21. To the maximum extent practicable, waste water must be gravity fed to the proposed pump station on the south end of the development rather than using grinder pumps which lead directly to the forced main. Justification showing the need to use a grinder pump must be presented and approved by the City. The City will not be responsible for the maintenance of a grinder pump. The developer/home owners association must have a service provider for the grinder pumps (station(s)) and appurtenances.
22. The "General Comments" and "Pacific Crest Phase II Subdivision Plan Review Comments" in the letter from HBH Consulting Engineers, dated October 31, 2007 (Attachment E) must be addressed at the time of final engineering and final plat.
23. The reconstruction and/or reconfiguration of the roundabout at the intersection of Prefontaine Drive and Nautical Lane, with City approval, must be completed prior to approval of the final plat.

The decision may be appealed to the Land Use Board of Appeals no later than 21 days from the date this letter is mailed. Therefore, the decision will become final at **5:00 p.m. on January 11, 2008.**

Approval or conditional approval by the Council shall indicate the City's approval of the final plat or map provided there are no major changes in the preliminary plan, and there is full compliance with all provisions of all ordinances in effect at the time of preliminary approval.

DECISION PROCESS - EFFECTIVE DATE

The Planning Commission makes a recommendation to the City Council after hearing public testimony and addressing the applicable decision criteria from Chapter 5.16, of the LDO. Based on their conclusions, the Commission will make a recommendation to approve, approve with conditions, or deny the application. Conditions may be used by the Commission in order to address concerns about the proposed request.

The Council shall review the record and affirm, amend, or reverse the Commission recommendation, or remand the matter back for further consideration.

APPEAL PROVISION

Any person with standing has the right to request review of this land use decision by filing a Notice of Intent to Appeal with:

Oregon Land Use Board of Appeals
Public Utility Commission Bldg.
550 Capitol St.
Salem, OR 97310

Notice of intent to appeal must be filed no later than 15 days from the date of mailing of this decision. Therefore, **appeals must be filed no later than January 11, 2008.** Notice of Intent to Appeal must be filed and served in accordance with the Land Use Board of Appeals Rules of Procedure.

EXHIBIT A

DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT CONCLUSIONS AND CONDITIONS

The following is a list of decision criteria applicable to the request. Each of the criteria is followed by findings or justification statements that were adopted by the Planning Commission to support their conclusions. Although each of the findings or justification statements specifically apply to at least one of the decision criteria, any of the statements may be used to support the Council's final decision.

DECISION CRITERIA #1: Development of any remainder of property under the same ownership can be accomplished in accordance with this ordinance.

STATEMENTS OF FACT AND FINDINGS:

- 1a.** The proposed 15-lot subdivision will include the entire Lot 43, Replat of Lots 11-16, Pacific Crest Planned Community, which is vacant and zoned R-2.
- 1b.** Pacific Crest Planned Community, a 36-lot subdivision, was created in 2004 with the subject property identified as remainder property. Subsequently, Lots 11-16 of the subdivision along with the remainder property were replatted. Thus, the remainder property became Lot 43 of "Replat of Lots 11-16 Pacific Crest Planned Community." To date, not all of the original subdivision lots have been developed or sold.
- 1c.** An unnamed stream bisects the subject property in a northeast to southwest direction. Another small drainage exists in the south central portion of the project site. Based on the Wetland Delineation Report (Attachment B of the applicant's submittal) conducted by Stuntzner Engineering & Forestry, LLC in September 2005, these unnamed streams have intermittent combined peak flows of less than .2 cubic feet per second.

Based on the study by Stuntzner Engineering, there are two (2) wetlands in the project site. These wetlands are located in the south central areas of the site (not part of the area encompassing the 12 single-family lots), comprise approximately .55 acres, and are classified as "isolated and jurisdictional" wetlands.

An existing pond is in the southwest portion of the project site. This pond is the result of one of the unimproved roadways damming the intermittent stream.

- 1d.** The low elevations of the project site exist along the stream corridor. The stream corridor creates a small ravine that bisects the project site. The elevations increase away from the stream corridor. The highest part of the project site is in the northeast corner. It is approximately 70 to 75 feet higher than the lowest part of the site which exists in the southwest corner along the stream corridor.

- 1e. The applicant states in the submitted information all of the infrastructure for the eastern three lots will be proposed under the PUD application through the Site Plan & Architectural Review process.
- 1f. The three (3) eastern-most lots, Lots 13-15 are proposed for the purpose of completing a planned unit development that has already been approved by Conditional Use ZON2004-00062. The planned unit development (PUD) process is established to encourage the development of single tracts of land as one project. It is the intent of the PUD to maximize development potential of a building site constrained by special features such as topography, shape, or size while minimizing the potential for hazardous conditions.
- 1g. Access and utilities must be installed as part of the subdivision requirements prior to final plat. It is proposed that Lots 13-15 will be accessed via a private easement near the northeast corner of the property through property belonging to the Confederated Tribes. It appears that the private easement will need to be developed to the eastern boundary of Lot 13 in order to meet the subdivision requirement.
- 1h. Existing utilities are available from the adjacent Pacific Crest subdivision. For Lots 13-15, utilities may be extended from the proposed public road, or from Fulton Avenue via the private easement through the Tribe's property. Required public improvements for a subdivision include the construction or provision of utilities to each individual lot.
- 1i. The proposed pump station at the south end of the development will be sized to serve the entire development (Lots 1-15).
- 1j. The City does not maintain sewer lines on private property unless adequate access is in place and easements are granted.

CONCLUSION: Development of lots in the Pacific Crest Planned Community Subdivision or replat can be accomplished. Access and public infrastructure is in place for these lots, as required by the LDO. No other remainder of property under the same ownership exists. The decision criterion has been adequately addressed and approval of the proposal can be supported with the following conditions:

CONDITIONS:

- 1. Utilities must be extended so as to be provided to each proposed lot. Extension of utilities for Lots 13-15, with the exception of the utilities necessary to operate the pump station at the south end of the development, may be delayed until one, all, or a portion of Lots 13-15 are proposed for development. At that time the developer/landowner of the proposed development of one, all, or a portion of Lots 13-15 shall be responsible for the provision of the main line of utilities to the furthest boundary (from the source of the utility) of the lot(s) being developed.

2. The pump station must be built to DEQ and City standards and sized, or phased, to serve the entire development (Lots 1-15) as it occurs.

If the pump station is to be operated and maintained by the City, a paved access and turnaround must be provided to the City to access the pump station. An easement must be granted to the City for the access, and an area adequate in size for the maintenance and operation of the pump station must be dedicated to the City.

The dedication and easement **must appear on the final plat.**

3. The City does not maintain sewer lines on private property unless adequate access is in place and easements are granted.

DECISION CRITERIA #2: Adjoining land can be developed or is provided with public access that will allow its development in accordance with this ordinance and state statute.

STATEMENTS OF FACT AND FINDINGS:

- 2a. The proposed access to Lots 1-12 will be the extension of Nautical Lane from the existing Pacific Crest subdivision. The roadway right of way is 50 feet in width. This width is adequate to construct the proposed 36-foot-wide public roadway with sidewalks on both sides of the street.

Curb and gutter will also be required as set forth by city standards for street improvements.

- 2b. At the south end of the project site, the public roadway will terminate in a cul de sac. A road stub to the west will be provided at the cul de sac for future connectivity. Another stub to the east will be provided for connection into the future PUD. At the end of the stub, a gate will be installed to direct any future PUD traffic toward Fulton Avenue.

The tentative plan (Sheet 2 of 10) shows the general alignment of the future private access road serving the PUD portion of the site (Lots 13-15) which eventually connects to Fulton Avenue through City of Coos Bay, Coos Bay-North Bend Water Board and Confederated Tribes properties. A gate will be provided south of Fulton Avenue along the future private access road to limit access to residents and guests.

The access through the Confederated Tribes property is a private easement.

- 2c. Proposed Lots 4, 5 and 6 will be served via an 18-foot-wide private east-west roadway connecting to Nautical Lane. An hammerhead turn-around will be provided at the eastern terminus.

- 2d.** South: Property lying to the south of the subject property is owned by the Coos Bay-North Bend Water Board and is used for watershed purposes.

West: The property to the west is owned by the Coquille Tribe and is currently undeveloped.

North: The property to the north is the 36-lot subdivision, Pacific Crest Planned Community. Although the R-2 zoned subdivision is not fully developed, the infrastructure is built.

East: The property to the east is undeveloped and owned by the City of Coos Bay, zoned R-2, and the Coos Bay-North Bend Water Board, zoned QP-2 (Watershed).

- 2e.** The 2004 traffic study provided by H. Lee & Associates, established the traffic volume along Prefontaine Drive at 408 daily trips. The previously approved Pacific Crest subdivision added 344 daily trips to Prefontaine at full build out. The proposed 12 single-family lots is projected to generate an additional 115 daily trips along Prefontaine Drive and would bring the total daily trip count to 867 daily trips. Prefontaine Drive is a residential street and allowed to have 1,000 cumulative daily trips per the Coos Bay Transportation System Plan.

Likewise, Radar Road, a collector which allows cumulative traffic of 3,000 trips per day, will have a total daily trip count of 2,032 daily trips with Lots 1-12 of the proposed subdivision. That is, 1,618 daily trips were established in 2004; Pacific Crest subdivision adds 310 daily trips at full buildout; the proposed 12 single-family dwelling lots are projected to generate an additional 104 daily trips along Radar and would bring the total daily trip count along Radar Road to 2,032 daily trips.

The applicant states the impacts to Radar Road for the 3 PUD lots (Lots 13-15) will be determined in the Site Plan and Architectural Review (SPAR) application process for that portion of development.

- 2f.** The Coos Bay Transportation System Plan, Chapter 3, discusses the need for several roadway connections within neighborhood areas to reduce out of direction travel for vehicles, pedestrians and bicyclists. This is most important where there is a significant amount of undeveloped land. The connector alignments, shown in the Plan, are not specific and are aimed at reducing potential neighborhood traffic impacts by better balancing traffic flows on neighborhood routes.

Most notably for this proposal, connectivity is shown as needed between Ocean Boulevard, around the K-Mart site, and the subject property.

Topography and environmental conditions limit the level of connectivity in Coos Bay. Stub end streets in the City's road network may become cul-de-sacs, extended cul-de-sacs or provide local connections. Connections from these stub end streets could be deemed appropriate and beneficial to the public, as future development occurs.

- 2g. Lots 13-15 are proposed to be developed as a PUD. The proposed gates at each end of the development indicate it is proposed to be a private, gated development. Topography provided on the tentative maps (Sheet 5 of 10), illustrate the difficulty involved with crossing the subject property, including drainage ways, from east to west.
- 2h. Lots 13-15 will be three discrete lots after final plat approval; each lot may be sold off separately. Therefore, each lot must have legal access. Even though the lots have approval to be developed into a PUD, it does not eliminate the possibility that the lots may be developed into multiple single-family dwellings.

CONCLUSION: A stub for future access is proposed to the west at the south end of the subject property. Future access, linking the area east of the subdivision to the area west of the subdivision, through the subject property, is very limited due to topographical difficulties.

The decision criterion has been adequately addressed and approval of the proposal can be supported with the following conditions:

CONDITIONS:

1. Proposed Lots 4, 5 and 6 must be served by a minimum 20-foot-wide paved travel surface, with curb/gutters on both sides and a sidewalk on the south side, built to City standards. No on-street parking is permitted. The turn-around at the east end of the private road must meet Uniform Fire Code standards. Maintenance of the private road must be reflected in a written document referenced on the final plat.
2. Road signage, per City standards, is the responsibility of the developer. The sign plan must accompany the construction plans.
3. Because Lots 13-15 are proposed to be discrete lots, legal access must be provided to each lot. This may be in the form of a reciprocal, nonexclusive, access and utility easement between Lots 13, 14 and 15. The private road/easement must be paved 20-feet in width and monumented from the eastern boundary of Lot 15 to the western boundary of Lot 13, when one, all or a portion of Lots 13-15 are proposed for development. This will insure emergency access to the gate at the west end of the lots.

This condition is waived if a planned unit development (PUD) is developed on Lots 13-15, whereby street standards for the PUD, per Land Development Ordinance Chapter 4.6, will apply.

This requirement must appear on the final plat.

4. Development of Lots 13-15 is limited to the generation of 986 cumulative daily trips on Radar Road.

Based on the traffic generation information presented by the applicant, each of Lots 1-12 is limited to one (1) single-family dwelling. Further development must be reviewed and documented by the developer for traffic impacts.

These requirements must appear on the final plat.

DECISION CRITERIA #3: The plan complies with the requirements for its submittal, and with the policies and objectives of the comprehensive plan and other City ordinances.

STATEMENTS OF FACT AND FINDINGS:

- 3a. All changes/corrections/additions to the preliminary plat addressed in the County Surveyor's September 19, 2007 letter must be reflected on the final plat prior to approval by the City Council.

Likewise, all changes/corrections/additions to the preliminary plat addressed in the County Assessor's letter of September 19, 2007 must be reflected on the final plat prior to approval by the City Council.

- 3b. The easement which provides access at the northeast corner of Lot 15 appears to be wider than the easement granted in 2005 by the City. It appears that additional property may be necessary to overcome topographical problems.
- 3c. A wastewater pump station is proposed at the south end of the subject property. The sanitary sewer force main is shown; however, the sanitary sewer line is not shown.
- 3d. Detention ponds are proposed at the south end of the property on Lots 13 and the open space south of Lot 7.
- 3e. Page 6 of 10 of the submitted tentative plan shows a storm water outfall near the northern boundary to Lot 12.
- 3f. The LDO Chapter 3.13(3), Conventional Subdivision Requirements, requires the developer dedicate to the City or reserve for the residents of the development land usable for recreational area. This regulation applies to developments of at least six (6) acres or greater. Three thousand square feet must be set aside for the first six acres plus 500 square feet for every additional acre in the development. Any fraction greater than ½ acre shall be counted as a full acre. The recreational area shall have a length-to-width ratio of not greater than 3:1.

Recreational areas may be either or a combination of expanses of lawn, or places of active/passive recreation, i.e., ballfields, picnic areas, community buildings, swimming pools, tennis courts, etc.

The grade of the area calculated for recreational areas shall not exceed 10% slope.

Therefore, the recreational area for 32 acres must be a minimum of 16,000 square feet.

- 3g. Recreational areas dedicated to the City must be accepted by the City; or, the preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purposes(s), and maintenance assurances. Copies of these legal documents shall be filed with the Public Works and Development Department before occupancy of any dwelling.
- 3h. A "Geotechnical Investigation Report – Revised," dated August 14, 2007, by PBS Engineering and Environmental, is included with the applicant's submitted information. The feasibility level geotechnical study provides feasibility level recommendations for residential development as necessary for the initial land use planning approval. The report states that detailed geotechnical studies along with appropriate recommendations for the construction will need to be completed prior to finalizing the design work on the project. Due to the sandy nature of the soils, surface and storm water needs to be carefully controlled.
- 3i. In a letter (Attachment D) dated October 18, 2007, the Coquille Indian Tribe expresses its concerns regarding stormwater runoff from the subject property onto tribal property to the south. First Creek, which runs through the subject property and continues onto the Tribe's land, is culturally significant to the Tribe.

The Tribe requests help in protecting the stream by requiring the following measures in any permits issued for this project:

1. The Department of Environmental Quality 1200-C permit must be strictly followed and monitored;
2. An erosion and sediment control plan must be strictly monitored to prevent sediment from leaving the construction project;
3. The developer must protect the Tribe's boundaries with properly installed and maintained silt fences;
4. Stormwater outfalls must be designed to mitigate erosion;
5. The impoundment pond (dam) must be engineered and designed to handle traffic and peak flows of stormwater into First Creek. The Tribe believes this is an illegal fill created by the previous owner, and is a danger to any downstream areas; and,
6. The outfall of the existing storm sewer must be connected to the downstream detention basins to eliminate discharge on to the Tribe's property.

The City finds the Tribe's requests 1-4, above, to be the responsibility of the Oregon Department of Environmental Quality. Items 5 and 6 will be reviewed for compliance by the City and the City's Engineer of Record at the time engineered plans for the infrastructure are presented to the City and prior to any development.

Items 5 and 6 are added to the conditions of approval.

- 3j. The applicant states in the submitted information Lots 1-12 will be served with private grinder pumps that discharge to the 4-inch pressure main located in Nautical Lane.

The City finds that the City will not maintain the private grinder pumps. It appears from the maps provided by the applicant, wastewater can be gravity fed to the pump station proposed on the southern portion of the development rather than having individual grinder pumps leading directly to the forced main. It appears that an easement on the backside of Lots 4 and 5 could provide gravity flow to the proposed pump station.

- 3k. A letter from Darin Nicholson, HBH Consulting Engineers, dated October 31, 2007, is at Attachment E. At the request of the City, HBH has reviewed the Preliminary Plans submitted for the proposal and provided their comments.

The comments are added to the list of conditions applicable to the proposal.

CONCLUSION: The decision criterion has been adequately addressed and approval of the proposal can be supported subject to the following conditions:

CONDITIONS:

1. All changes/corrections/additions to the preliminary plat addressed in the County Surveyor's August 19, 2007 letter and the County Assessor's letter dated August 19, 2007, must be reflected in the final plat prior to approval of the City Council.
2. The cover sheet of the final plat must show Lots 1-15.
3. Approval of an additional slope and access easement from the northeast corner of the subject property through City and Coos Bay North Bend Water Board property, if necessary, must be granted prior to final plat and referenced on the final plat.
4. Land Development Ordinance (LDO) Chapter 5.16(5)(B) requires the tentative plan to show cut and fill areas of the property and the location of proposed retaining walls or slope protection. Cut and fill areas, proposed finished grades, and retaining walls must be shown with the plans for the Excavation/Fill Permit Application.
5. Compaction tests must be completed, documented and provided to the Public Works and Development Department prior to the final approval of the City Excavation/Fill Permit.

6. Stormwater detention facilities shall be designed to retain the excess volume of runoff that occurs under the developed condition while allowing release of water at a rate less than or equal to the maximum rate of runoff that occurs under the predeveloped condition.
7. A fire hydrant must be located no more than 400 feet from a dwelling as measured on the path of vehicular access. The hydrant must have a minimum flow of 1,000 gallons per minute; alternative fire protection may be approved by the Coos Bay Fire Chief.
8. The gates, which limit access to Lots 13-15, the PUD, must be able to be opened electronically from the interior of emergency fire apparatus.
10. The final plat must contain a written explanation of the purpose of the area for recreational spaces, commonly owned or held for common use, a description of any improvements to be made and a description of the manner in which the area will be perpetuated, maintained and administered.

The preservation and continued maintenance of property and/or structures commonly owned and/or held for common use shall be guaranteed by a restrictive covenant running with the land specifying the description of the area, its designated purpose(s), and maintenance assurances. Copies of these legal documents must be filed with the Public Works and Development Department before occupancy of any dwelling.

The deed reference number of the document creating the homeowner's association must be referenced on the final plat.

11. The final plat must contain a reference to any deed restrictions that will pertain to development of the subdivision (Conditions, Covenants and Restrictions).
12. As stated in the feasibility level geotechnical report by PBS Engineering and Environmental, detailed geotechnical studies along with appropriate recommendations for the construction will need to be completed prior to finalizing the design work on the project.
13. The impoundment pond (dam) must be engineered and designed to handle traffic and peak flows of stormwater into First Creek.
14. The outfall of the existing storm sewer must be connected to the downstream detention basins to eliminate discharge on to the Tribe's property.

15. To the maximum extent practicable, waste water must be gravity fed to the proposed pump station at the south end of the development rather than using grinder pumps which lead directly to the forced main. Justification showing the need to use a grinder pump must be presented and approved by the City. The City will not be responsible for the maintenance of a grinder pump. The developer/home owners association must have a service provider for the grinder pumps (station(s)) and appurtenances.
16. The "General Comments" and "Pacific Crest Phase II Subdivision Plan Review Comments" in the letter from HBH Consulting Engineers, dated October 31, 2007 (Attachment E) must be addressed at the time of final engineering and final plat.
17. The reconstruction and/or reconfiguration of the roundabout at the intersection of Prefontaine Drive and Nautical Lane, with City approval, must be completed prior to approval of the final plat.

BONDING REQUIREMENTS

Assurances for completion of public improvements and/or proper monumentation must be filed with the City in the form of a bond, surety, cash or security deposit according to Land Development Ordinance 5.16(6)(6).

After the completion of the public improvements a warranty bond guaranteeing the improvements must be submitted to the City for a period of two (2) years.

FINAL PLAT OR MAP

After approval of the preliminary plat or partition map, the applicant shall submit to the Department construction plans, profile and cross-section drawings, and specifications for the required public utilities and streets. After approval of the plans and specifications, and within forty-eight (48) months of the preliminary approval, the applicant shall be required to enter into an agreement to construct and/or improve public facilities to serve the development within twenty-four (24) months.

A final plat or map, conforming to the approved preliminary plat or map shall be filed with the Department of Community Services within twelve (12) months after the improvement contract is executed.

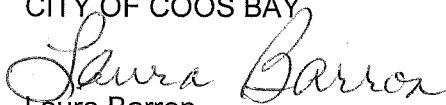
ACCEPTANCE OF IMPROVEMENTS

Approval of the final plat shall not constitute an offer by the applicant of acceptance by the City of any public improvements or monumentation. Upon completion of the improvements and post-monumentation, the applicant shall submit the following record drawings to the Public Works and Development Department:

1. One copy of street and sanitary/storm sewer plan profiles.
2. One mylar of the certified post-monumentation plan.

Public Works shall review the material, indicate approval of the post-monumentation by signing the affidavit on the final plat or map, and recommend to the City Council that a resolution be passed confirming final acceptance of all public improvements.

Sincerely,
CITY OF COOS BAY


Laura Barron
Planning Administrator

Date: December 21, 2007

Attachments: *(previously supplied)*
A – Applicant's submitted information

c: Jan Sirchuk
Charleston View, LLC
Hann Lee & Associates
Coos Bay Fire Chief Stan Gibson
Ron Hoffine, Coos Bay-North Bend Water Board
Edward Metcalf, Coquille Indian Tribe
Todd Tripp, Coquille Indian Tribe
Tom Younker, Coquille Indian Tribe
Vicki Sieber-Benson, Confederated Tribes
OR Department of Environmental Quality, Coos Bay
Kristy Sewell, OR Department of Environmental Quality, Eugene
John Gibson
Nicole Katsikis
Nadine Marasti
Viola Babcock
Christopher Rainey
Robert Everetts
Robert Winokur
Dave Perry, DLCD

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