

ORDINANCE NO. 215

AN ORDINANCE AMENDING ORDINANCE NO. 93, THE LAND DEVELOPMENT ORDINANCE, ENACTED JUNE 8, 1987, MAKING CHANGES IN THE LAND DIVISION REGULATIONS.

The City of Coos Bay ordains as follows:

SECTION 1. Chapter 5.2, Table 9 shall be amended to read as follows:

**TABLE 9
TYPE OF SPECIAL DEVELOPMENT PERMITS
SUBJECT TO STAFF REVIEW**

PERMIT	ORDINANCE CHAPTER
Classification of a Use	5.6
Land Clearing, Erosion Control, and Steep Slope Areas	5.7
Land Division - Partition I	5.9
Estuarine and Coastal Shoreland Uses and Activities	5.10

SECTION 2. Chapter 5.2, Table 11 shall be amended to read as follows:

**TABLE 11
TYPE OF SPECIAL DEVELOPMENT PERMITS
SUBJECT TO CITY COUNCIL REVIEW**

PERMIT	ORDINANCE CHAPTER
Land Division - Partition II, Subdivision	5.16
Dedication of Right of Way or Other Public Property	5.17
Vacation	5.18

Ordinance Amendment	5.19
Annexation	5.20

SECTION 3. Chapter 5.8, shall be amended to read as follows:

CHAPTER 5.8 (RESERVED)

SECTION 4. Chapter 5.9, Section 1 shall be amended to read as follows:

CHAPTER 5.9 LAND DIVISION - PARTITION I

Section 1. GENERAL

When a unit of land is being divided, it is necessary to verify the newly created parcels will conform to the requirements of this ordinance and new private and existing public streets meet City standards.

An application for a Partition I shall only apply to land if:

1. Required access to each parcel can be accommodated without the need of creating a public street. The applicant may utilize existing public streets, new or existing private streets or easements in order to access the new parcels; and,
2. There are no more than three parcels created from the original unit of land.

SECTION 5. Chapter 5.9, Section 2 shall be amended to read as follows:

Section 2. INITIATION

A partition may be initiated by the property owner or authorized agent by filing an application with the Department of Community Services. The partition map submittal must be completed by an Oregon licensed land surveyor.

SECTION 6. Chapter 5.9, Section 4 shall be amended to read as follows:

Section 4. APPLICATION

An application shall include the current deed for the property and a typed list with the names and addresses of all property owners within 100 feet of the parent parcel according to the most recent property tax assessment roll. The applicant must also provide one mylar and three copies of the tentative partition map with the following information. The monumentation may be shown on a separate sheet from the base map information; however, a separate base map may be required

to maintain the clarity of the tentative plan.

SECTION 7. Chapter 5.9, Section 4 (2) shall be amended to read as follows:

2. Boundaries: Legal description; written description and dimensions of the parent unit of land. Each subsequent parcel shall be numbered in consecutive order with the parcel boundaries clearly shown.

SECTION 8. Chapter 5.9, Section 4 (8) shall be amended to read as follows:

8. Survey Data: Provide bearings in degrees, minutes and seconds of a degree and distances in feet and hundredths of a foot. Curve information shall also be shown on the face of the map or in a separate table indicating arc length, chord length, radius, and central angle. All information must be in accordance with the degree of accuracy specified by the county surveyor.

SECTION 9. Chapter 5.9, Section 4 (9) shall be amended to read as follows:

9. Monumentation: All exterior boundaries and subsequent parcel corners of the partition must be monumented in accordance with the County surveyor's standards and accuracy requirements. The County Surveyor and City Planner may together waive the monumentation and survey requirements for proposed parcels that exceed 10 acres.

SECTION 10. Chapter 5.9, Section 4 (11) shall be amended to read as follows:

11. Evidence of Approval. Provisions for the signatures of the surveyor preparing the map, the City Planner, and City Engineer.

SECTION 11. Chapter 5.9, Section 5 shall be amended to read as follows:

Section 5. NOTICE AND DECISION.

1. Notice of an application for a Partition I shall be mailed to all property owners within 100 feet of the parent parcel and to any neighborhood or community organization recognized by the City governing body whose boundaries include the parent parcel. Notice and copies of the proposed partition shall also be mailed to the County Tax Assessor, County Surveyor, and the local public utilities. Notice shall be mailed not less than 15 days prior to the decision and must include the following information:

- A. A summary of the proposed request and the file number of the application;
- B. The street address or other geographical reference to the subject property;
- C. The date the notice was mailed and the place, date, and time that comments are due;

D. A statement that prior to a decision by the City Planner, a 14 day comment period will be provided for the submission of written comments concerning the proposed partition;

E. A statement that issues which may provide the basis for an appeal must be raised prior to the expiration date of the comment period and must be specific enough to enable the decision maker to respond to the issue;

F. A list of the decision criteria that will be used as a basis for making a decision.

G. A statement that copies of the applicant's submitted evidence is available for review and that copies of the information can be obtained at cost.

H. The name, address, and phone number of the City Planner and a statement that questions and comments concerning the partition must be directed to this individual.

I. A summary of the decision making process and a provision that notice of the decision will be sent to the owner and any person who submits comments within the appropriate period of time.

2. The Department of Community Services shall review the partition plan, written material supplied by the applicant, and comments received during the 14 day comment period before making a decision. The decision to approve, conditionally approve, or deny the application must be made in writing and shall consider the following decision criteria:

A. The development conforms to the requirements of the ordinance and other City policies.

B. The development conforms to the comprehensive plan.

C. If applicable, the proposed public improvements satisfy City requirements.

Final approval shall be indicated on the map by the signature of the City Planner.

3. Written notice of the final decision, including an explanation of appeal rights, must be mailed to the owner and any person that submitted comments during the comment period.

SECTION 12. Chapter 5.9, Section 7 shall be amended to read as follows:

Section 7. ACCEPTANCE OF IMPROVEMENTS AND MONUMENTATION.

Approval of the final map shall not constitute and offer by the applicant or 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 Department of

Community Services.

1. One copy of plan profiles for any new private street or sanitary/storm sewer.
2. Two permanent mylars of the post-monumentation plan, certified by an Oregon licensed land surveyor, which substantially conforms to the original map approved by staff. This map must also include appropriate signature blocks for the owner(s), the City Planner, City Engineer, County Surveyor, County Tax Assessor and County Clerk.

The City Planner and City Engineer shall review the material and indicate approval of the final maps and the post monumentation by signing the appropriate affidavits. When it is necessary, the City Engineer shall recommend to the City Council that a resolution be passed confirming final acceptance of any public improvements.

SECTION 13. Chapter 5.16, Section 1 shall be amended to read as follows:

CHAPTER 5.16 LAND DIVISION: PARTITION II AND SUBDIVISION

Section 1. GENERAL

The following general rules, guidelines and specific requirements, where applicable, shall govern the development of all partitions II and subdivisions. The goals of these regulations are:

1. Provide for a uniform process for partition II and subdivisions.
2. Ensure the appropriate size of building lots within the density requirements of the district.
3. Ensure economical, efficient, and safe circulation systems for vehicles and pedestrians.
4. Provide for the orderly extension of public facilities and services, such as water, drainage, sewerage, and streets.
5. Assure the health, safety, and welfare of the general public.

An application for a Partition II and Subdivision shall be made in either of the following circumstances:

- A. The division includes the creation of a public dedicated street; or,
- B. There are more than three lots that will be created from the parent parcel.

SECTION 14. Chapter 1.8, the following definitions shall be deleted:

Major Partition; **Partition Minor**; and **Partition Major**.

SECTION 15. Chapter 1.8, the following definitions shall be added to read as follows:

Partition I: A division which does not include the creation of a public road or street.

Partition II: A division which includes the creation of a public road or street.

Recognized neighborhood or community organization: Any group which has provided the City, prior to an application for a partition I, with a written request for notice stating the name and address of the individual to receive such notice; and, a map reasonably identifying the territorial boundary of the organization.

The foregoing ordinance was enacted by the City Council of the City of Coos Bay this 15th day of August, 1995, by the following vote:

YES: Mayor Verger, Councilors Benetti, Combs, Miller, Weeks, Williams, and Spangler

NO: None

ABSENT: None

Joanne Verger
Mayor of the City of Coos Bay
Coos County, Oregon

ATTEST:

Joyce Jansen
City Clerk for the City of Coos Bay
Coos County, Oregon