

City of Bandon

PLANNING COMMISSION AGENDA DOCUMENTATION

DATE: December 16, 2021

HEARING: **Partition with Flag lot for 0 8th Street (28S-15W-25DB/TL 10201) – Request to partition a 0.48-acre parcel into three lots, with one of those lots as a proposed flag lot, in the Residential 1 (“R-1”) Zone - #21-125** Marcia Kruse & Sheri McGrath

ITEM NO: 5.1

SUBMITTED BY:



Dana Nichols, Planning Manager

**STAFF REPORT
OF THE PLANNING DEPARTMENT
FOR THE CITY OF BANDON, OREGON**



FILE NUMBER: 21-125

LOCATION: 0 8th Street SW
Map Number: 28S-15W-25BD/TL 10201

APPLICANT: Sheri McGrath, Coos Curry Consulting Group
PROPERTY OWNER: Novotny & Conway Kruse Revocable Trust

REQUEST: Approval of a Variance to Partition a property into three parcels, once of which will be a flag lot, in the Residential 1 (R-1) zone.

LEAD CITY STAFF: Dana Nichols, Planning Manager

REVIEW INFORMATION: Planning Commission Regular Meeting, December 16th, 2021 at 7:00 PM

RELEVANT DATES: Application Received: October 26, 2021
Deemed Complete: November 15, 2021
Notice of Public Hearing mailed: November 24, 2021
120 Day Expiration: March 15, 2021

APPLICABLE CRITERIA: BMC (Bandon Municipal Code) Chapters:

- 16.04 Administration and Enforcement
- 16.08 Land Divisions & Property Line Adjustments
- 16.36 Adjustments & Variances
- 17.02 Definitions

Purpose of Staff Report:

Staff reports provide the reviewing body and community members with information regarding current land use requests and staff's analysis of the application. The staff report provides preliminary information and recommendations. The reviewing body will consider the staff report as well as public testimony and other materials submitted to the City in writing, when making decisions on the application.

I. Procedural – Required Burden of Proof

The applicable approval criteria for this application have been include below. The applicant has provided Findings for each of these criteria and the staff report will evaluate and analyze this information to provide the Commission with a recommendation. Bandon Code language will appear in italics.

Chapter 16.04 – ADMINISTRATION AND ENFORCEMENT

16.04.070 Type III Procedure

Type III decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council.

A. Application Requirements.

1. *Application forms. Applications requiring Quasi-Judicial review shall be made on forms provided by the Planning Department.*
2. *Submittal Information. The Planning Department shall advise the applicant on application submittal requirements. At a minimum, the application shall include all of the following information:*
 - a. *The information requested on the application form;*
 - b. *Plans and exhibits required for the specific approval(s) being sought;*
 - c. *A written statement or letter explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail;*
 - d. *Information demonstrating compliance with prior decision(s) and conditions of approval fir the subject site, as applicable; and*
 - e. *The required fee.*

FINDING: The applicant submitted all required materials and fees sufficient to process the application. Staff finds these criteria have been met,

Chapter 16.08 – LAND DIVISIONS & PROPERTY LINE ADJUSTMENTS

16.08.020 General Requirements

- A. *Subdivision and Partition Approval Through Two-Step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:*
 1. *The preliminary plat must be approved before the final plat can be submitted for approval consideration; and*
 2. *The final plat must demonstrate compliance with all conditions of approval of the preliminary plat.*
- B. *Compliance with Oregon Revised Statutes (ORS) Chapter 92. All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92 Subdivisions and Partitions.*

- D. Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as streets, water, sewer, gas, and electrical systems, pursuant to Titles 12 & 13. These systems shall be located and constructed underground where feasible.
- E. Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required, pursuant to Chapter Title 13.
- F. Adequate Access. All lots created or reconfigured shall have adequate vehicle access and parking, as may be required, pursuant to Titles 16 and 17.

Finding: The applicant has applied for a partition of a 0.48-acre property into three lots. The applicant submitted a tentative plat for review by the Planning Commission. A final plat will be required as a condition of approval. The lot is served by adequate utilities, drainage, and access. Staff finds these criteria have been met.

16.08.050 Flag Lots

A. Flag Lot Standards.

1. A deep lot may be split into a front and rear lot, creating a maximum of one flag lot, if the original lot cannot be otherwise divided separately or in conjunction with adjoining lots.
2. Flag lots which would take access on an identified future or existing collector street shall not be allowed.
3. Flag lots which would take access on a local street shall only be allowed through the granting of a variance by the planning commission in conformance with Chapter 16.36. If granted, the divider shall recognize that the subject lots have no further division potential. In addition to variance approval and the requirements of this chapter, any flag lot shall meet the following standards:
 - a. The length, width and yard dimensions of each resulting lot must be at least the minimum required in the zoning district, with the front lot retaining a minimum lot depth of ninety (90) feet.
 - b. The rear lot must have an access to the street that is at least twenty-five (25) feet wide with twenty-five (25) feet of street frontage. The “flagpole” access must be conveyed with ownership of the rear lot and be an integral part of the rear lot;
 - c. The driveway access shall be improved to a permanent surface of asphaltic concrete, Portland cement, or gravel acceptable to the public works department with a minimum width of twelve (12) feet. Shared access agreements benefitting two adjacent parcels may be allowed where two accesses are less than fifty (50) feet apart or the resulting configuration of the lots permits shared access.

Finding: The applicant’s preliminary plat shows a 0.48-acre parcel partitioned into three lots. Only one of those lots is a flag lot. 8th Street is a considered a local street, per the City of Bandon Transportation System Plan. The application has been processed as a Type III, with review before the Planning

Commission. The variance criteria listed in Chapter 16.36 are discussed later in this Staff Report. Each proposed parcel has a lot depth of at least 90 feet, and the flag lot has 25 feet of physically accessible street frontage. The driveway standards will be included as a condition of approval on this application.

16.08.060 Preliminary Plat Submission Requirements

Applications for Preliminary Plat approval shall contain all of the following information:

A. General Submission Requirements.

- 1. Information required for a Type II review (see Section 16.04.070); and*
- 2. Public Facilities and Services Impact Study. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall determine the scope of the study, which shall address, at a minimum, the transportation system, including required improvements for vehicles and pedestrians; the drainage system; the parks system (for subdivisions and planned unit developments of 20 or more dwelling units); water system; and sewer system. For each system and type of impact, the study shall propose improvements necessary to meet City standards under adopted ordinances and facility master plans. The City may require a Traffic Impact Analysis.*

B. Preliminary Plat Information. In addition to the general information described in subsection A, above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities determined by Reviewing Body:

1. General information:

- a. Name of subdivision (partitions are named by year and file number), which shall not duplicate the name of another land division in Coos County (check with County Surveyor);*
- b. Date, north arrow, and scale of drawing;*
- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;*
- d. Zoning of parcel to be divided, including any overlay zones;*
- e. A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and*
- f. Identification of the drawing as a “preliminary plat.”*

2. Existing Conditions. Except where the Reviewing Body deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on existing conditions of the site:

- a. Streets: Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site;*

- b. *Easements: Width, location and purpose of all existing easements of record on and abutting the site;*
 - c. *Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;*
 - d. *Ground elevations shown by contour lines at two-foot vertical intervals. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor; the Reviewing Body may waive this standard for partitions when grades, on average, are less than 6 percent;*
 - e. *The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);*
 - f. *The Base Flood Elevation, per FEMA Flood Insurance Rate Maps, as applicable;*
 - g. *North arrow and scale; and*
 - h. *Other information, as deemed necessary by the Reviewing Body for review of the application. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.*
3. *Proposed Development.* *Except where the Reviewing Body deems certain information is not relevant, applications for Preliminary Plat approval shall contain all of the following information on the proposed development:*
- a. *Proposed lots, streets, tracts, open space, and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;*
 - b. *Easements: location, width and purpose of all proposed easements;*
 - c. *Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;*
 - d. *Proposed uses of the property, including all areas proposed to be dedicated as public right-of-way or reserved as open space for the purpose of surface water management, recreation, or other uses;*
 - e. *Proposed public street improvements, pursuant to Chapter 16.40;*
 - f. *On slopes exceeding an average grade of 10 percent, as determined by the City Engineer, the preliminary location of development on lots (e.g., building envelopes), demonstrating that future development can meet minimum required setbacks and applicable engineering design standards;*
 - g. *Preliminary design for extending City water and sewer service to each lot, per Chapter 16.40;*
 - h. *Proposed method of storm water drainage and treatment, if required, pursuant to Chapter 16.40;*

- i. *The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;*
- j. *Evidence of compliance with applicable overlay zones, including but not limited to City of Bandon Flood Plain Overlay and Hazards Overlay; and*
- k. *Evidence of contact with the applicable road authority for proposed new street connections.*

Findings: The applicant submitted a preliminary plat showing general information, existing conditions, and proposed development relevant to the request. The property is not located in a floodplain and does not contain wetlands or hazards, as defined by the Bandon Municipal Code. Staff finds these criteria have been met.

16.08.070 Preliminary Plat Approval Criteria

- A. *Approval Criteria. The Reviewing Body may approve, approve with conditions, or deny a preliminary plat. The Reviewing Body decision shall be based on findings of compliance with all of the following approval criteria:*
 - 1. *The land division application shall conform to the requirements of Chapter 16.08;*
 - 2. *All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of Title 17 (Zoning);*
 - 3. *Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, sewer, and streets, shall conform to Title 17;*
 - 4. *The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;*
 - 5. *The proposed streets, utilities, and surface water drainage facilities conform to City of Bandon adopted master plans and applicable engineering standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;*
 - 6. *All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through appropriate legal instrument;*
 - 7. *Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and*
 - 8. *Evidence that improvements or conditions required by the City, road authority, Coos County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.*

- B. *Conditions of Approval. The Reviewing Body may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations.*

Finding: The submitted preliminary plat conforms to the requirements of Chapter 16.08, and Title 17, pending approval of the Variance criteria listed in Chapter 16.36. All lots will have access from a public

open street and have sufficient drainage and utilities to serve them. Staff finds these criteria have been met.

Chapter 16.36 – ADJUSTMENTS & VARIANCES

16.36.010 Purpose

Chapter 16.36 provides standards and procedures for adjustments and variances, which are modifications to development standards that are not otherwise permitted elsewhere in this Code.

Finding: The application requires filing for a concurrent variance, per the requirements of Chapter 16.08 for a proposed Flag Lot.

16.36.040 Variances

- B. Approval Criteria. The Reviewing Body through a Type III procedure may approve a Variance upon finding that it meets all of the following criteria:*
- 1. The Variance is necessary because the subject Code provision does not account for special or unique physical circumstances of the subject site, existing development patterns, or adjacent land uses. A legal lot determination may be sufficient evidence of a hardship for purposes of approving a variance;*
 - 2. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site;*
 - 3. The need for the Variance is not self-imposed by the applicant or property owner. (For example, the Variance request does not arise as a result of a property line adjustment or land division approval previously granted to the applicant);*
 - 4. The Variance does not conflict with other applicable City policies or other applicable regulations;*
 - 5. The Variance will result in no foreseeable harm to adjacent property owners or the public; and*
 - 6. All applicable building code requirements and engineering design standards shall be met.*

Findings: The site is 0.48-acres in size, with 150 feet of street width and 235 feet of depth. Without a flag lot, the lots would be very narrow, and not very appealing for development. The applicant is only requesting one flag lot to accommodate the request to better utilize the property and this request is not self-imposed. The Variance request is not in conflict with any other City policies and will not result in any foreseeable harm to adjacent properties. The proposed land division will not affect building code requirements or engineering design standards. Therefore, Staff finds these criteria have been met.

Chapter 17.12 – RESIDENTIAL 1 (R-1) ZONE

17.12.060 Lot Size

In the R-1 zone, except as provided in Section 17.104.050, minimum lot size shall be as follows:

- A. *For a single-family dwelling, lot area shall be five thousand four hundred (5,400) square feet; for a two-family dwelling, lot area shall be nine thousand (9,000) square feet; for a three-family dwelling, lot area shall be ten thousand five hundred (10,500) square feet; for additional units, lot area shall increase by one thousand (1,000) square feet per unit.*
- B. *Lots shall have a minimum of forty (40) feet of physically accessible street frontage.*
- C. *Lot depth shall be at least ninety (90) feet.*

Finding: The preliminary plat shows that all proposed parcels will be at least 5,400 square feet. All parcels also have 90 feet of depth and 40 feet of street frontage, except for Parcel 3, which is a proposed Flag Lot.

II. Discussion

Staff finds that the applicant's request for a partition to include a flag lot meets all requirements of the related Bandon Municipal Code chapters. While flag lots are discouraged on parcels where an alternative solution may be possible, an even partition of the lot into three parcels would have yielded lots 50 feet x 235 feet. While development would certainly be possible on lots that size, the proposed configuration allows for more efficient, and perhaps aesthetically pleasing, housing construction.

III. Recommendations

Based on the information provided by the applicant and the requirements of the Bandon Municipal Code, Staff recommends approval with the following conditions added:

1. All proposals of the applicant shall become conditions of approval unless otherwise modified by the reviewing body.
2. A final plat shall be submitted to the City of Bandon within two years of the approval of the preliminary plat. The format of that plat shall conform to ORS 92 and Chapter 16.08.090 of the Bandon Municipal Code.
3. The final plat shall demonstrate compliance with all conditions of approval listed on the preliminary plat.
4. The driveway access on the flag lot shall be improved to a permanent surface of asphaltic concrete, Portland cement, or gravel acceptable to the public works department with a minimum width of twelve (12) feet.
5. The final plat shall show the proposed shared access easements on Parcel 1 & 2. A copy of the easement shall be provided to the City upon recording

Dana Nichols

From: Sheri McGrath <cooscurry@gmail.com> on behalf of Sheri McGrath
Sent: Thursday, December 9, 2021 9:34 AM
To: Dana Nichols
Cc: Sheri McGrath
Subject: Re: Kruse Staff Report for Review

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for speaking with me today regarding the conditions of approval. Please add that we are proposing a shared driveway and utility easement. The exact location can be shown on the final plat.

If you need anything else from me please let me know,
Sheri

On Thu, Dec 9, 2021 at 8:46 AM Dana Nichols <dnichols@ci.bandon.or.us> wrote:

I'll call at 9. Thanks!

From: Sheri McGrath <cooscurry@gmail.com>
Sent: Thursday, December 9, 2021 8:40 AM
To: Dana Nichols <dnichols@ci.bandon.or.us>
Subject: Re: Kruse Staff Report for Review

Let's talk early if possible, so that I can get you findings for the packet. I'm available except for a scheduled call at 10am.

Sheri

On Thu, Dec 9, 2021 at 8:28 AM Dana Nichols <dnichols@ci.bandon.or.us> wrote:

Yes – I have a call from 11-12, but free other than that. What time works best for you?

From: Sheri McGrath <cooscurry@gmail.com>
Sent: Thursday, December 9, 2021 7:51 AM
To: Dana Nichols <dnichols@ci.bandon.or.us>
Subject: Re: Kruse Staff Report for Review

Do you have time for a call today? Im sorry I overlooked this requirement, and I can draft findings as needed. I will have my phone on if you want to call me. 541-982-9531.

Sheri

On Wed, Dec 8, 2021 at 4:28 PM Dana Nichols <dnichols@ci.bandon.or.us> wrote:

Sheri,

Please find attached a draft Staff Report for the Kruse Partition/Flag Lot application. I realized (a bit too late) that this required Findings for the Variance criteria. I made my own very basic findings, but feel free to submit an addendum to support if you feel like these aren't adequate. If you have any questions or recommended changes, let me know. The agenda packet will go out tomorrow afternoon.

Thanks!

-Dana

Dana Nichols

Planning Manager

She/her/hers ([Why these pronouns?](#))

City of Bandon
P.O. Box 67
Bandon, OR 97411

(541) 347-7922

dnichols@cityofbandon.org

Public Office Hours:

Monday through Thursday 9:00 AM - 3:00 PM

Please note: We are closed to the public on Fridays.

PUBLIC RECORDS LAW DISCLOSURE:

This is a public document. This email is subject to the State Retention Schedule and may be made available to the public upon request.

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Sheri McGrath
Coos Curry Consulting

P.O. Box 1548
Bandon, OR 97411
541-982-9531

cooscurry@gmail.com



NOTICE OF PUBLIC HEARING CITY OF BANDON PLANNING COMMISSION

Notice is hereby given that a Public Hearing has been set before the Planning Commission of the City of Bandon, regarding application #21-125, request for a variance to partition a property into three parcels with one flag lot. You have received this notice because your property is located within 250 feet of the subject property.

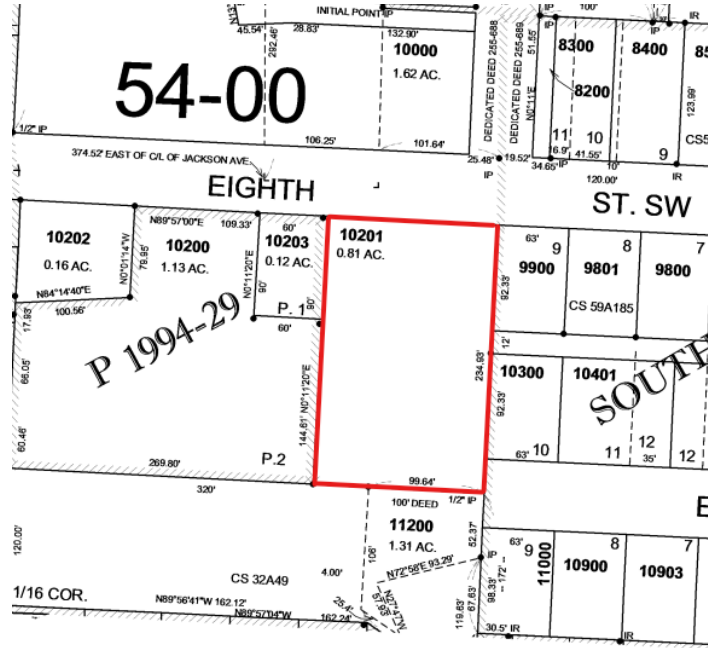
Property Owner:	Marcia Conway Kruse
Applicant(s):	Coos Curry Consulting Group
Property Location:	28S-15W-25DB / TL 10201
Lead Staff:	Dana Nichols, Planning Manager
Meeting Date:	Thursday, December 16, 2021 at 7:00 PM
Proposal:	Partition of property, in a Residential 1 Zone, into three parcels with one flag lot.
Applicable Criteria List: (Bandon Municipal Code)	16.04 Administration and Enforcement 16.08 Land Divisions and Property Line Adjustments 16.36 Adjustments and Variances 17.02 Definitions 17.12 Residential 1 (R-1) Zone

The hearing has been set for **Thursday, December 16 at 7:00 p.m.** and will be conducted in-person and through Zoom Webinar.

Register in advance for this webinar: <https://us02web.zoom.us/j/83761667843>. After registering, you will receive a confirmation email containing information about joining the webinar. Application materials and supporting documents can be viewed on the Planning Department's webpage, through www.cityofbandon.org.

Time will be allowed for your verbal testimony at the hearing. It is recommended that testimony also be presented in written form. Testimony may be submitted in person, by mail, or may be electronically submitted to planning@cityofbandon.org. Please note the deadlines below for submitting testimony:

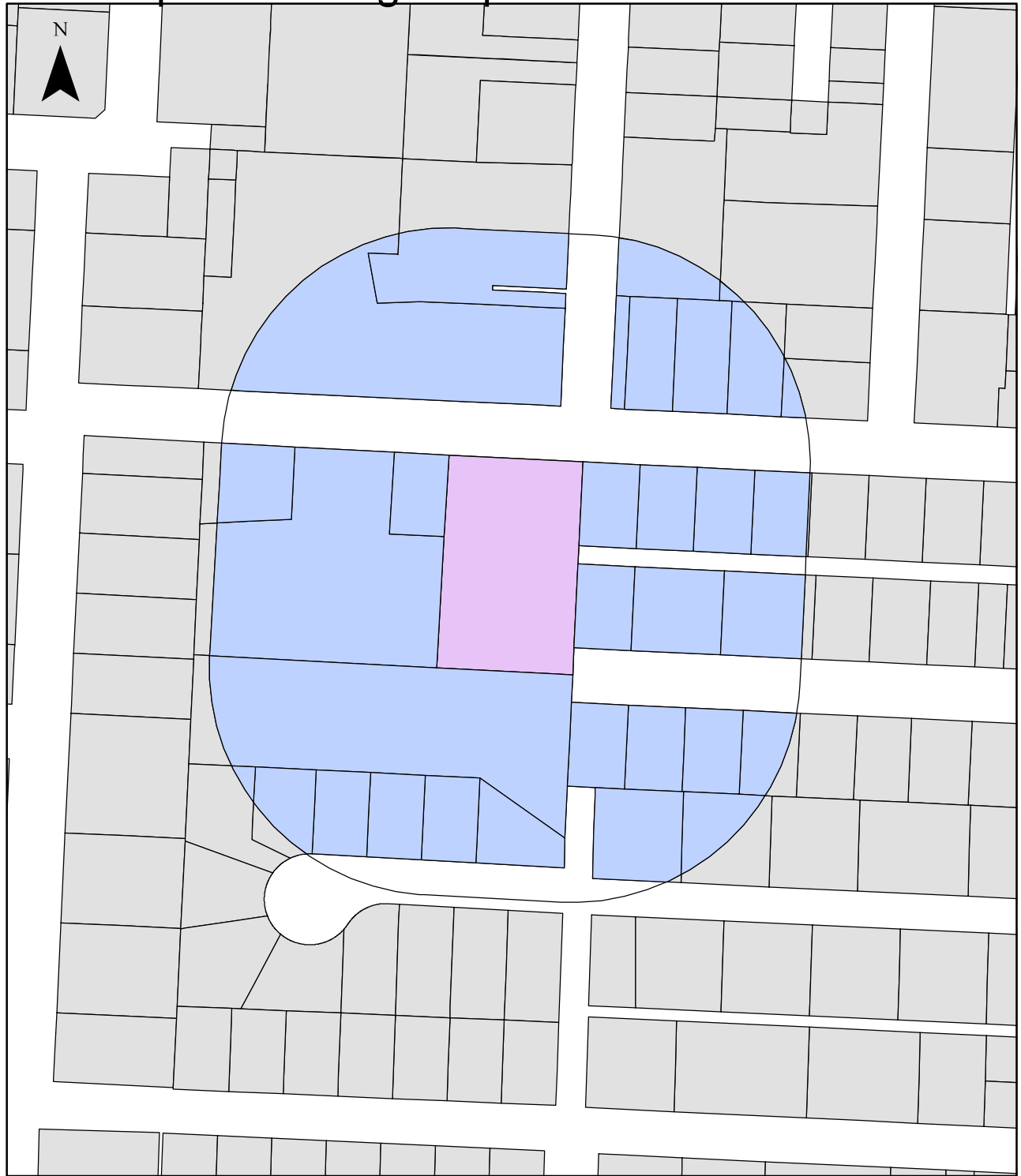
- **5:00 pm, December 8, 2021: Deadline for inclusion of testimony in meeting packet.**
- **5:00 pm, December 15, 2021: Deadline for receipt of hand delivered, mailed and/or electronic testimony.**
- **After 5:00 pm on December 15, 2021: Testimony must be presented verbally at the public hearing.**



The ordinance criteria applicable to this application is available to review in the Bandon Municipal Code, which can be found online in the Bandon Municipal Code at www.cityofbandon.org. Oregon law states that failure to raise an objection concerning this application, either in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue, precludes your right of appeal to the Land Use Board of Appeals (LUBA) on that issue. Failure to specify which ordinance criterion the objection is based on also precludes your right of appeal to LUBA on that criterion. A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria will be available for review on the City's website www.cityofbandon.org, and will be provided at cost, if requested. A copy of the Staff Report will be available for inspection ten days prior to the hearing and will be provided at cost, if requested. All materials are available online and at the Bandon Planning Department, 555 Hwy 101, and Bandon, Oregon 97411. During the Public Hearing, the Chair shall allow testimony from the applicant and those in attendance concerning this request. The Chair shall have the right to limit the length of testimony and require that comments be restricted to the applicable criteria.




If you have questions concerning this request, please contact the Planning Department at Planning@cityofbandon.org or (541) 347-7922.

Map of Noticing Properties: Kruse Partition



0 125 250 500 Feet

Legend

-  Kruse Property
-  250' Buffer
-  Noticing Properties

**PRELIMINARY PARTITION PLAT MAP FOR:
MARCIA J. CONWAY KRUSE**

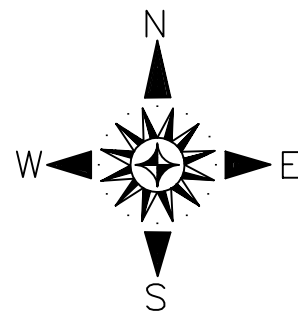
LOCATED IN THE NW 1/4 OF THE SE 1/4 OF SECTION 25,
TOWNSHIP 28 SOUTH, RANGE 15 WEST W.M.,
CITY OF BANDON, COOS COUNTY, OR.
APN DESIGNATION: TAX LOT 10201, MAP 28S-15W-25DB
DEED REFERENCE # 2020-03144
ZONING DESIGNATION: RESIDENTIAL 1 (R-1)

SURVEY FOR:
MARCIA CONWAY KRUSE
P.O. BOX 1270
BANDON, OR 97411
541-347-5468

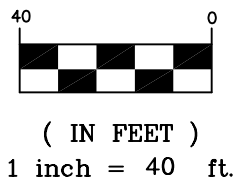
SURVEY BY:
TERENCE CAMPBELL LAND SURVEYING
5530 PALMER DRIVE
WEED, CA 96094
530-408-9013

LEGEND

- FOUND MONUMENT AS NOTED
- TO SET PROPERTY CORNER
- RECORD DIMENSION PER CS 32A104
- MANHOLE
- SEWER LINE PER INFRASTRUCTURE MAP
- OVERHEAD POWER
- POWER POLE
- UTILITY PEDISTAL CLUSTER
- PROPERTY LINE
- FENCELINE
- EDGE OF PAVED ROAD
- WATER LINE PER INFRASTRUCTURE MAP
- FIRE HYDRANT
- DRAINAGE DIRECTION
- 5/8" IRON ROD WITH RED PLASTIC CAP
- ELEVATION PER GOOGLE EARTH

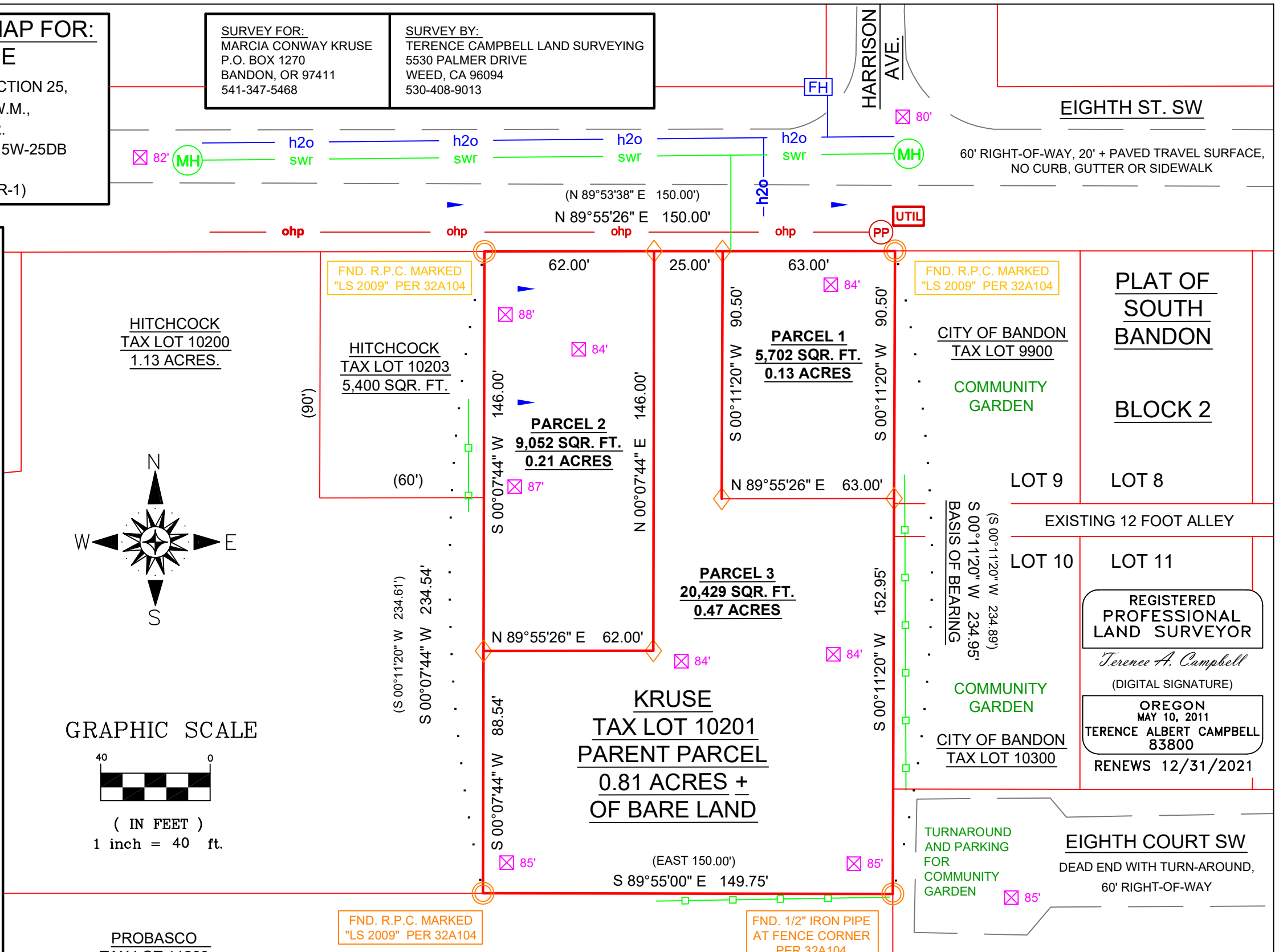


GRAPHIC SCALE



PROBASCO
TAX LOT 11200
1.31 ACRES.

FIELD SURVEY OCCURRED IN AUGUST 2013.
DRAWING CREATED IN OCTOBER 2021



REGISTERED PROFESSIONAL LAND SURVEYOR
Terence A. Campbell
(DIGITAL SIGNATURE)
OREGON
MAY 10, 2011
TERENCE ALBERT CAMPBELL
83800
RENEWS 12/31/2021





Planning Permit Application

CITY OF BANDON PLANNING
 P.O. BOX 67
 555 HWY 101
 BANDON, OR 97411
 P:(541) 347-2437
 F:(541)347-1415

Permit Number:

APPLICATION TYPE (select all that apply)		
<input type="checkbox"/> Annexation*	<input type="checkbox"/> Land Use Review*	<input type="checkbox"/> Subdivision*
<input type="checkbox"/> Certificate of Appropriateness (CoA)*	<input checked="" type="checkbox"/> Partition*	<input type="checkbox"/> Vacation*
<input type="checkbox"/> Comprehensive Plan or Zone Amendment*	<input type="checkbox"/> Plan Review (PR)	<input type="checkbox"/> Variance*
<input type="checkbox"/> Conditional Use Permit (CUP)*	<input type="checkbox"/> Planned Unit Development (PUD)*	<input type="checkbox"/> Zoning Compliance (ZC)
<input type="checkbox"/> Floodplain Development*	<input type="checkbox"/> Property Line Adjustment (PLA)*	<input type="checkbox"/> Other _____*
* Pre-application required		Total Fees: \$

I. PROJECT LOCATION			
Street Address:			
Map Number / Tax Lot(s): 28-15-25DB	/ 10201	Zone: R-1	Floodplain: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

II. APPLICANT'S INFORMATION (applicant is the primary party responsible for development)	
Applicant's Name: Coos Curry Consulting Group	Phone: 541-982-9531
	E-Mail: cooscurry@gmail.com
Applicant's Mailing Address: P.O. Box 1548, Bandon, OR 97411	

III. PROPERTY OWNER'S INFORMATION	
Property Owner's Name: Marcia Conway Kruse	Phone:
	E-mail:
Mailing Address: P.O. Box 1270, Bandon, OR 97411	

IV. OTHER INFORMATION (APPLICANT'S REP, SURVEYOR, ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT, ETC)	
Title: Surveyor	Name: Terence Campbell
Email: tcampbellsurveying@gmail.com	Phone: 530-408-9013
Title:	Name:
Email:	Phone:
Title:	Name:
Email:	Phone:

V. PROJECT DESCRIPTION
Use: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Other _____
*Please <u>attach</u> a short narrative that describes your proposed project and indicates the proposed use. Partition property into three parcels for residential development

VI. SITE PLAN: Please see our "How to Create a Site Plan" and sample site plan document for requirements and tips on how to create your site plan. Plans must be drawn to scale and may be submitted electronically; printed copies must be submitted on 11x17, ledger size paper (larger or smaller paper sizes will not be accepted).

VII. PROPERTY OWNER SIGNATURE/AUTHORIZATION

- I have read the application and the attached documentation and I understand that my application may be delayed or deemed incomplete if I have provided insufficient information and documentation to allow for approval.
- I certify that the information provided in this application, including all submittals and attachments, is true and correct to the best of my knowledge.
- I understand and agree that all required inspections will be requested 2 business days in advance, and it is the applicant's responsibility to ensure required inspections have been requested, completed, and approved.
- I authorize the City of Bandon or its acting agent, to enter onto the subject property, as described in section "I. Project location".
- I authorize the following party(s) to act as applicant in regard to the attached application for the subject property described above.

X Applicant's Signature: 

Date: 10-21-21

Property owner's signature required if applicant is not the property owner

X Property Owner's Signature: 

Date: 10-21-21

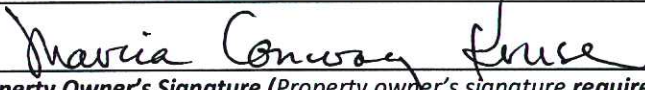
Development Disclosure

The City of Bandon is obligated to report all ground disturbances within the City of Bandon to the Coquille Indian Tribe. Property owners and applicants must adhere to all conditions and requirements set out by the Coquille Indian Tribe, State Historic Preservation Office (SHPO) or both if required. Please be aware that state statutes and federal law govern how archaeological sites are to be managed. ORS 97.745 prohibits the willful removal, mutilation, defacing, injury, or destruction of any cairn, burial, human remains, funerary objects, or objects of cultural patrimony of a Native Indian. ORS 358.920 prohibits excavation, injury, destruction, or alteration of an archaeological site or object, or removal of an archaeological object from public or private lands.

It is the property owner and applicant's responsibility to determine if additional permits from other agencies will be required, including but not limited to: Oregon State Building Codes, Oregon State Department of Environmental Quality, FEMA, Oregon State Fish and Wildlife and U.S. Fish and Wildlife. If additional permits are required, it is the responsibility of the property owner/applicant to obtain such permits and comply with their conditions of approval.

It is the property owner/applicant's responsibility to provide the City of Bandon all necessary legal documentation related to the property, including but not limited to: proof of ownership, receipts, deed restrictions, vacation records, easement records, etc.

I acknowledge, understand, and agree, that all relevant documentation will be provided to the City of Bandon, and that all required permits and consent will be obtained prior to the start of construction, with all conditions of approval adhered to.

X 

10-21-21

Property Owner's Signature (Property owner's signature required if applicant is not the property owner)

Date

X 

10-21-21

Applicant's Signature

Date

Staff's Signature of Intake: _____ Date: _____

Staff's Signature of Completeness: _____ Date: _____

Staff's Signature of Approval: _____ Date: _____



Land Division Request, Completeness Review Form

Application File Name (#):		Date:	10-25-21
Applicant's Name:	Lois Lurry Consulting on behalf of a client	Zoning:	R-1
Representative's Name:	Sheri McEachern on behalf of Monica Knise		
Reviewed by:	Dana Nichols	Phone:	541-347-7922
Email:	dnichols@cityofbandon.org		

General Comments:	
-------------------	--

Preliminary Plat requirements				
Submitted	Missing	Incomplete	N/A	
X				Site plan is on 11 x 17 paper
X				Drawing is to-scale
X				North arrow is included
X				Date of drawing
X				Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site
X				Zoning of the parcel to be divided, including any overlay zones
X				A title block including the names, addresses, and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey
X				Identification of the drawing as "preliminary plat", or similar
Comments:				

Existing Conditions Requirements				
Submitted	Missing	Incomplete	N/A	
X				Streets: Location, name, and present width of all streets, alleys, and rights-of-way on and abutting the site
X				Easements: Width, location, and purpose of all existing easements of record on and abutting the site
X				Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards
				Ground elevations shown by contour lines at two-foot



Spot Elevations Referenced to Google Earth			Grade less than 6%	intervals. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor (can be waived by Staff when grade is, on average, less than 6%)
⊗			N/A	The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes)
X			Not in Floodplain	The Base Flood Elevation, per FEMA Flood Insurance Rate Maps, as applicable
X				North arrow and scale
Deed				Other information deemed necessary by Staff for review of the application (determined during pre-application)
Comments:				

Land Division Requirements				
Submitted	Missing	Incomplete	N/A	
				Completed Planning Permit Application
				\$1,000 + \$100/lot deposit paid
				Detailed written responses to approval standards (BMC 16.08.070)
				Conversion Plan
⊗				Adequate utilities, drainage, and access shown
			⊗	A copy of all existing and proposed restrictions or covenants
				Other plans required by Planning:
Comments:				

Wetland Information				
Submitted	Missing	Incomplete	N/A	
⊗			Not in a wetland	If application requires notification to Oregon Division of State Lands concerning potential wetland permit requirements (Shown on Bandon Local Wetlands Inventory), notification has been prepared and attached.
Comments:				



APPROVED WETLANDS INVENTORY
Oregon Department of State Lands
Map No. 22
Date: 11/87 Approved by: [Signature]



THIS MAP IS FOR PLANNING PURPOSES ONLY
WETLAND BOUNDARIES ARE APPROXIMATE
AND SUBJECT TO CHANGE

This map has NOT been approved by the wetland regulatory agencies for permitting purposes. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions. There may be additional wetlands within the study area that have not been identified. All wetlands, whether mapped or not, are subject to Federal and State permit requirements. There may also be areas of non-wetland within areas identified as wetlands on this map. In all cases, Federal and State agencies will use actual field conditions, rather than this map, to determine wetland boundaries.

Watershed Boundary	—	Potentially Jurisdictional Wetland (not Field Verified)	□
Project Boundary/Title	- - - - -	Potentially Jurisdictional Wetland (Field Verified)	□
Potentially Jurisdictional Creeks/Streams	- - - - -	Potentially Jurisdictional Other Waters	□
Sample Point	●	Probable Wetland	□
Wetland Code	TUP-1	1240	PW

Funding for this project was provided by a grant from the Oregon Division of State Lands Wetlands Planning Assistance grant program. This grant program is supported by a grant from the U.S. Environmental Protection Agency under authority of the Clean Water Act.

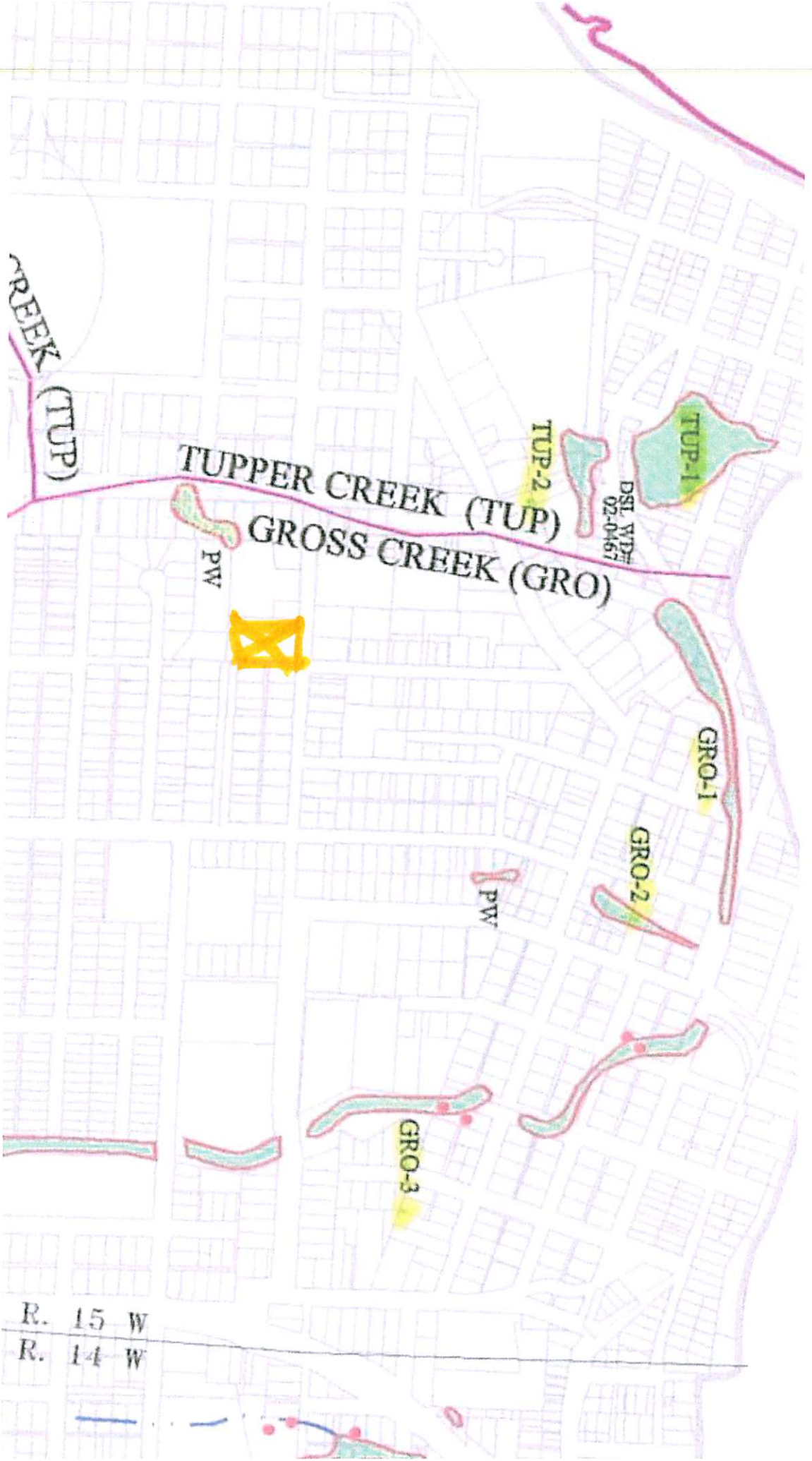
BY: [Signature]	DATE: 11/87
MAP NO. 22	APPROVED BY: [Signature]
DATE: 11/87	SCALE: 2:000

Bandon Local Wetlands Inventory

Pacific Habitat Services, Inc.
2124 SW Commercial Circle, Suite 100
Bandon, Oregon 97001
Phone: (503) 726-0000

Reference
Sheet:

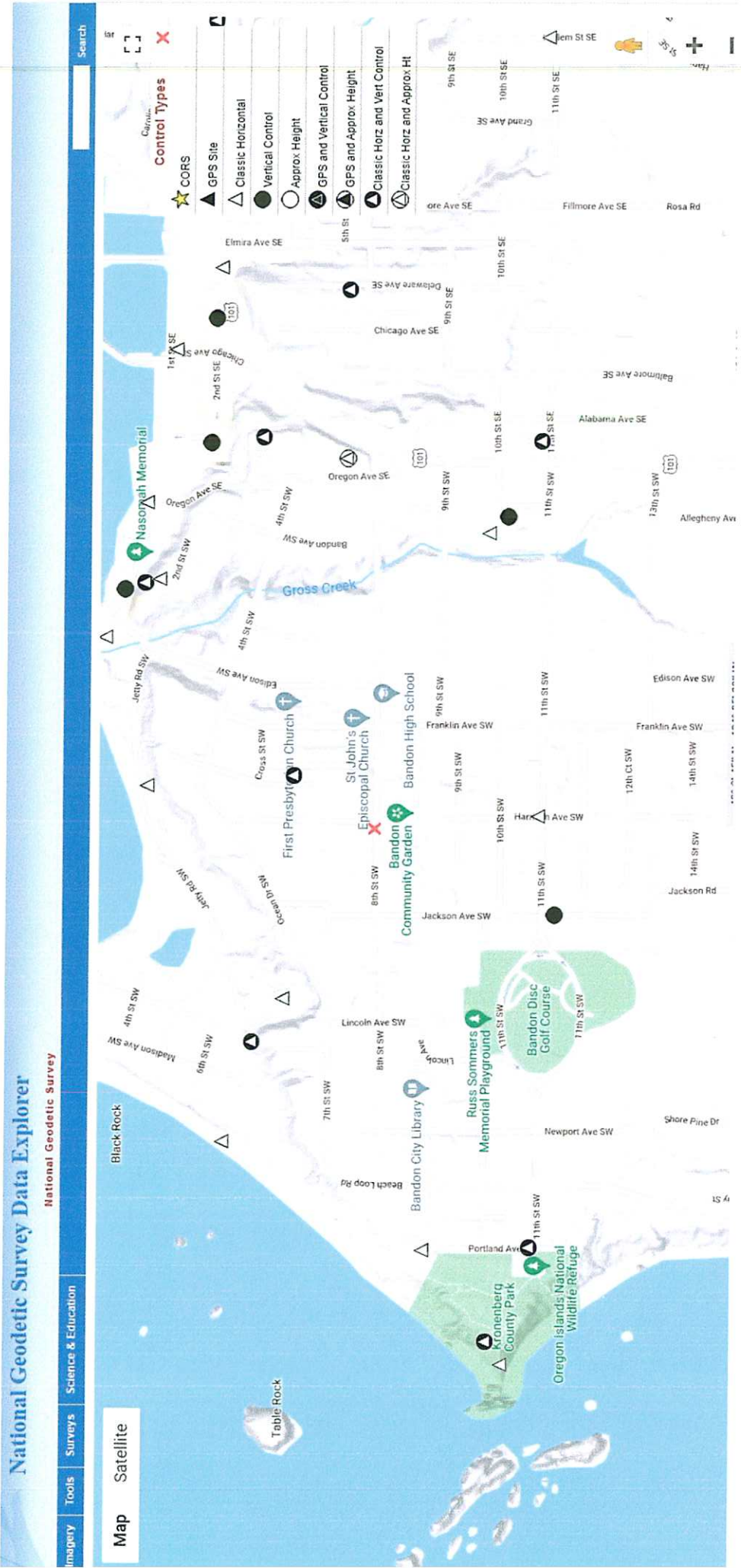
Brandon Local Wetland Inventory Blowup



= Subject Parcel



Benchmark locations



National Flood Hazard Layer FIRMette



124°25'42"W 43°07'12"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, ABS
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levees. See Notes. Zone X
- Area with Flood Risk due to Levee Zone D

OTHER AREAS

- NO SCREEN
- Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone I

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

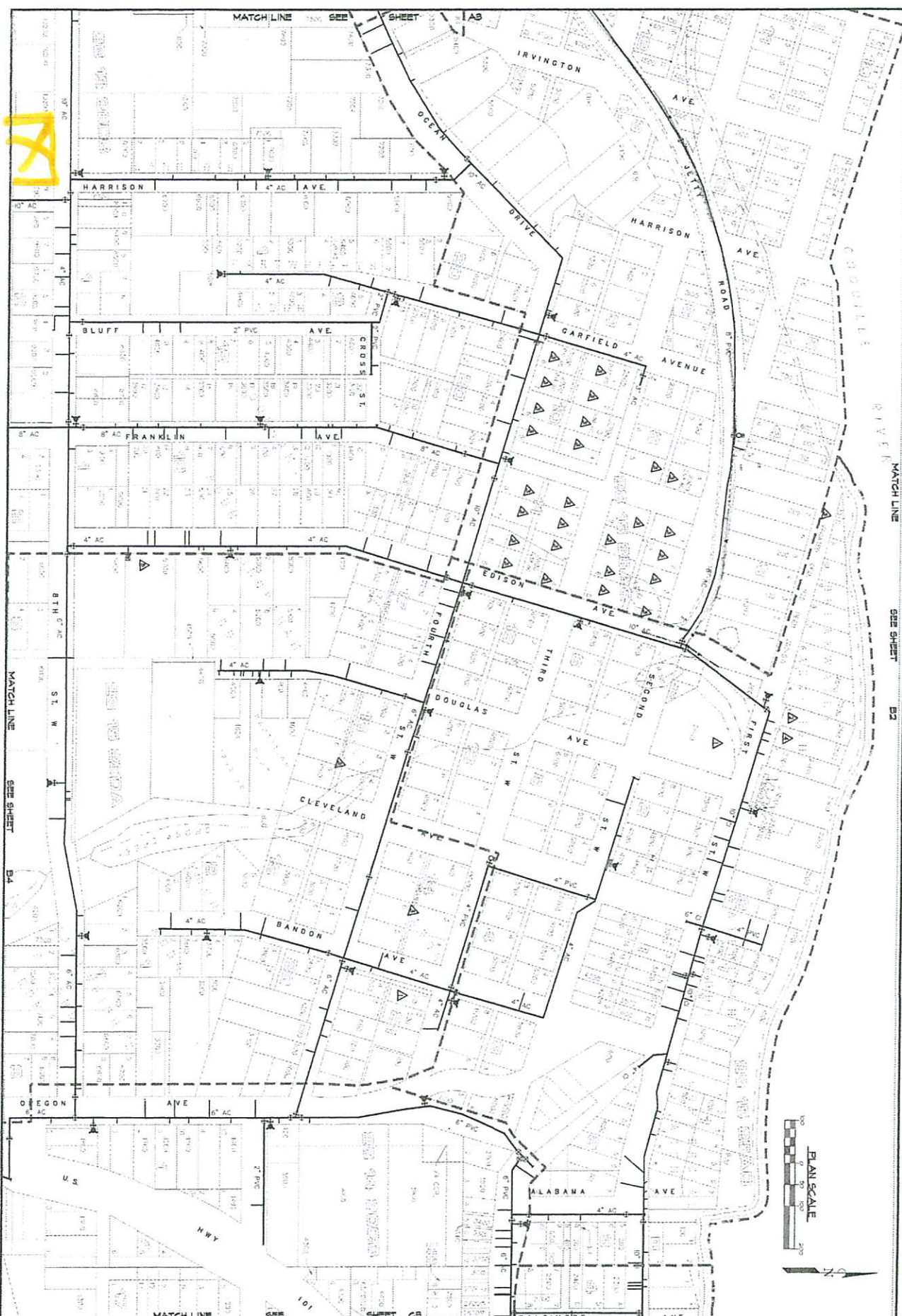
- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 10/13/2024 at 2:56 PM, and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

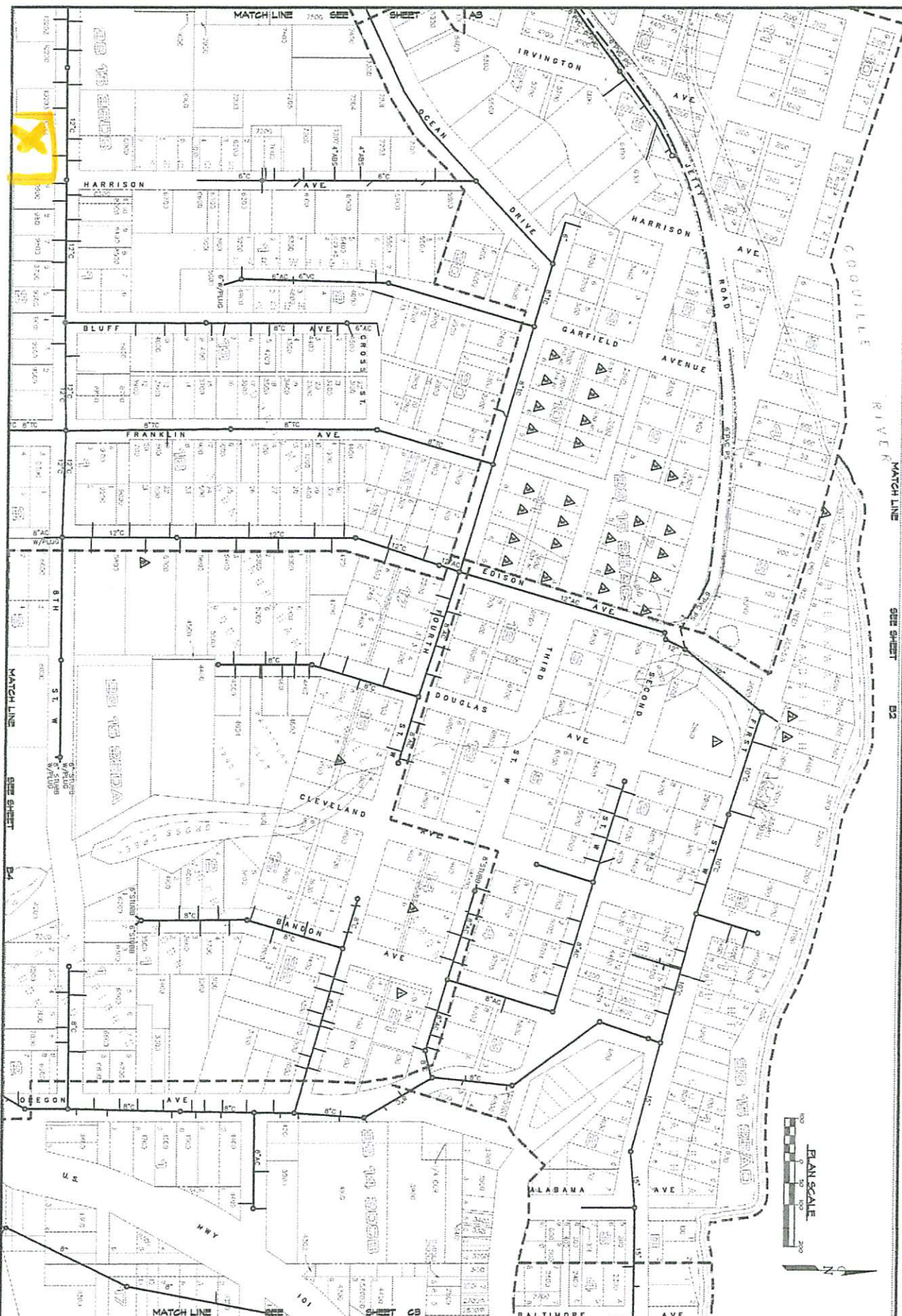
This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.






	DRAWN: DFS DATE: 10/20/98 PROJECT No.: 4501.11	REVISED: ASSESSOR MAP UPDATE 11/99 JCW REVISED: ASSESSOR MAP UPDATE 11/99 JCW
	WATER MAP	
	SHEET 09	

**CITY OF BANDON
 INFRASTRUCTURE MAPPING**

THE DYER PARTNERSHIP
 ENGINEERS & PLANNERS, INC.
 275 MARKET AVE.
 COOS BAY, OREGON 97423
 TELEPHONE: (541) 269-0732

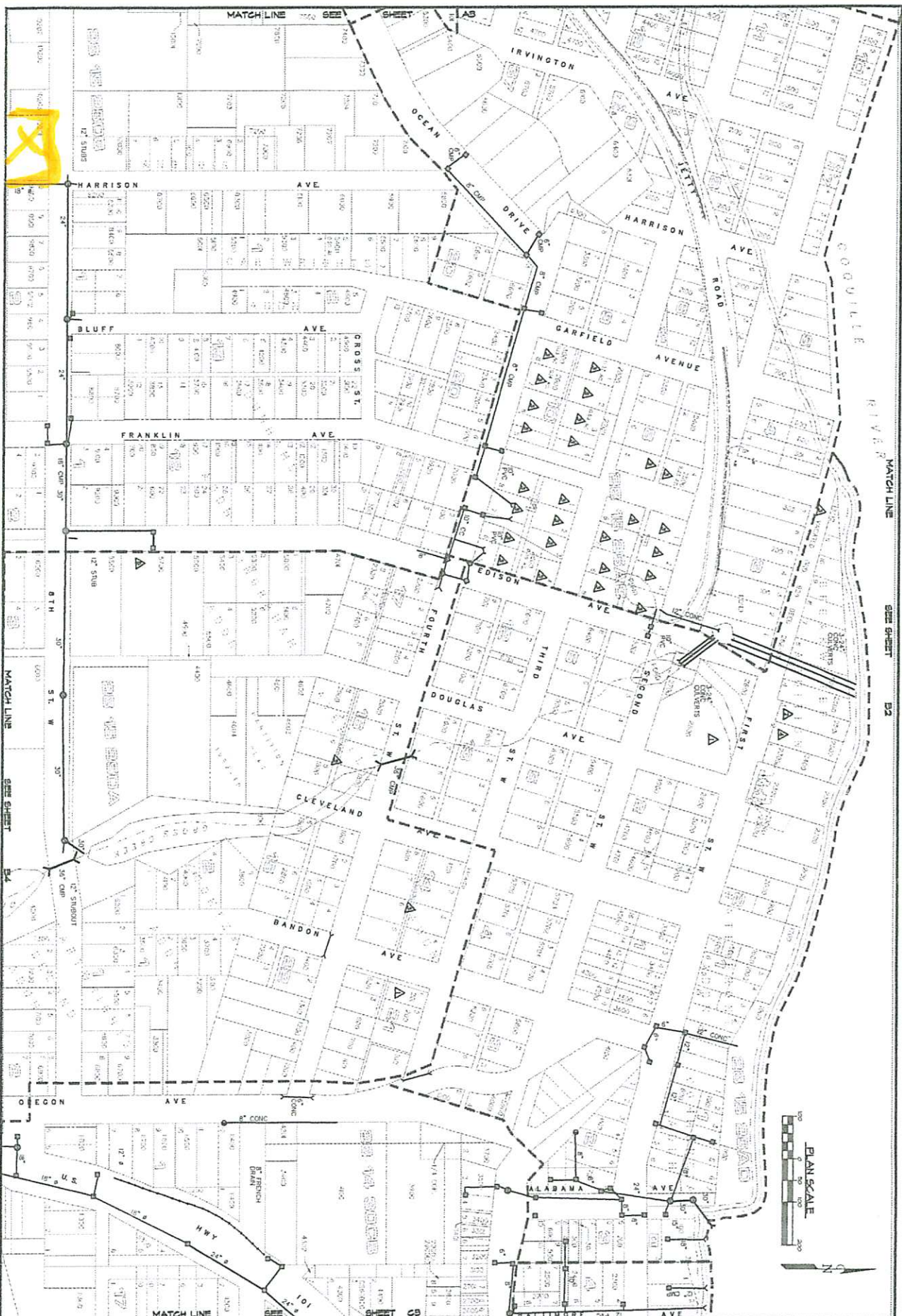




 DRAWN: DFS
 DATE: 10/20/98
 PROJECT No.: 4501.11



REVISED: 	ASSESSOR MAP UPDATE	11/99	JCW
REVISED: 	ASSESSOR MAP UPDATE	11/99	JCW

CITY OF BANDON
INFRASTRUCTURE MAPPING


THE DYER PARTNERSHIP
ENGINEERS & PLANNERS, INC.
 275 MARKET AVE.
 COOS BAY, OREGON 97420
 TELEPHONE: (541) 269-0732



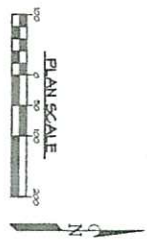

 DRAWN: DFS
 DATE: 10/20/98
 PROJECT No.: 4501.11

REVISED: 	ASSESSOR MAP UPDATE	11/99	JOW
REVISED: 	ASSESSOR MAP UPDATE	11/99	JOW

STORM DRAIN MAP

CITY OF BANDON
INFRASTRUCTURE MAPPING


THE DYER PARTNERSHIP
ENGINEERS & PLANNERS, INC.
 275 MARKET AVE.
 COOS BAY, OREGON 97420
 TELEPHONE: (541) 269-0732



COOS County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2021

NOT OFFICIAL VALUE

March 23, 2021 8:05:23 am

Account # 1040801
 Map # 28S1525DB10201
 Code - Tax # 5400-1040801

Tax Status ASSESSABLE
 Acct Status ACTIVE
 Subtype NORMAL

Legal Descr See Record

Mailing Name NOVOTNY & CONWAY KRUSE REVOCABLE TRUST

Deed Reference # 2020-3144

Agent

Sales Date/Price 03-24-2020 / \$160,000.00

In Care Of KRUSE, MARCIA J. CONWAY TTEE

Appraiser

Mailing Address PO BOX 1270
 BANDON, OR 97411-1270

Prop Class 100 MA SA NH Unit
 RMV Class 100 06 25 CBN 18588-1

Situs Address(s)	Situs City
------------------	------------

Code Area	RMV	MAV	Value Summary		MSAV	RMV Exception	CPR %
			AV	SAV			
5400 Land	95,940					Land	0
Impr.	0					Impr.	0
Code Area Total	95,940	93,310	93,310	0	0		0
Grand Total	95,940	93,310	93,310	0	0		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	Land Breakdown			LUC	Trended RMV	
						TD%	LS	Size			
5400	10	<input checked="" type="checkbox"/>		R-1	Market	100	A	0.81	MV	001	95,940
Grand Total								0.81			95,940

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown			Total Sq. Ft.	Ex% MS Acct #	Trended RMV
					TD%					
Grand Total							0			0

RECORDING REQUESTED BY:



1010 1st Street, Ste 215
Bandon, OR 97411

GRANTOR'S NAME:
Keith Magnuson and Lynn Magnuson

GRANTEE'S NAME:
Marcia J. Conway Kruse, Trustee, The Bruce J. Novotny and
Marcia J. Conway Kruse Revocable Living Trust uad May 6, 2010

AFTER RECORDING RETURN TO:
Order No.: 360620030255-KD
Marcia J. Conway Kruse
Marcia J. Conway Kruse, Trustee, The Bruce J. Novotny and
Marcia J. Conway Kruse Revocable Living Trust uad May 6, 2010
P.O. Box 1270
Bandon, OR 97411

SEND TAX STATEMENTS TO:
Marcia J. Conway Kruse, Trustee, The Bruce J. Novotny and
Marcia J. Conway Kruse Revocable Living Trust uad May 6, 2010
P.O. Box 1270
Bandon, OR 97411

APN: 1040801
Map: 28-15-25DB TL10201
0 8th Street SW, 28-15-25DB TL10201, Bandon, OR 97411

Coos County, Oregon **2020-03144**
\$91.00 Pgs=2 03/27/2020 11:10 AM
eRecorded by: TICOR TITLE BANDON
Debbie Heller, CCC, Coos County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Keith Magnuson and Lynn Magnuson, as tenants by the entirety, Grantor, conveys and warrants to Marcia J. Conway Kruse, Trustee, The Bruce J. Novotny and Marcia J. Conway Kruse Revocable Living Trust uad May 6, 2010, 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:

THE EAST 150.0 FEET OF THE FOLLOWING DESCRIBED PROPERTY:

Beginning at a 3/4 inch pipe post which is 120.0 feet North of the Southwest corner of the NW 1/4 of the SE 1/4 of Section 25, Township 28 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence East 420.0 feet to a 1/2 inch pipe post; thence North 234.93 feet to the South Boundary of Seventh Street (Eighth Street); thence along said South boundary West 420.0 feet; thence South 234.93 feet to the place of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE HUNDRED SIXTY THOUSAND AND NO/100 DOLLARS (\$160,000.00). (See ORS 93.030).

Subject to:

- 1. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

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: MARCH 24-2020

Keith Magnuson
Keith Magnuson

Lynn Magnuson
Lynn Magnuson

State of Oregon
County of BAXER

This instrument was acknowledged before me on MARCH 24-2020 by Keith Magnuson and Lynn Magnuson.

D. Daggett
Notary Public - State of Oregon

My Commission Expires: AUG 16 - 2021



Unofficial Copy



3-308

Planning Fee Assessment Form

Planning Action:	
Address:	28-15-25DB, TL 10201
Last Name:	McGrath/Kruse

CITY OF BANDON PLANNING
 P.O. BOX 67
 555 HWY 101
 BANDON, OR 97411
 P:(541) 347-2437
 F:(541)347-1415

APPLICATION TYPE	DEPOSIT OR BASE FEE	FEE ASSESSED
General		
<input type="checkbox"/> Records Request	Hourly Rate + Cost of materials	
<input type="checkbox"/> Research Request (greater than 5 minutes)	Hourly Rate + Cost of materials	
<input type="checkbox"/> Pre-Application Meeting	\$250	
<input type="checkbox"/> GIS Maps	\$25	
<input type="checkbox"/> Public Hearing Notices and Publication	Actual Cost	
<input type="checkbox"/> Third Party Review (Engineering, geotechnical or soils report, etc.)	Actual Cost	
<input type="checkbox"/> Permit Extension (Administrative Approval)	\$200	
<input type="checkbox"/> Re-Submittal Review Fee	30% of original application fee	
<input type="checkbox"/> Re-inspection Fee	\$50	
<input type="checkbox"/> After-the-fact Permit	\$500	
<input type="checkbox"/> Outside City Water Service Request	\$95	
<input type="checkbox"/> Vacation*	\$500	
<input type="checkbox"/> Street Opening*	\$500	
TYPE I		
Residential Zoning Compliance Review		
<input type="checkbox"/> Temporary Structure + Other Type I Review	\$50	
<input type="checkbox"/> Minor Decision -Type I	\$200	
<input type="checkbox"/> Residential Structure Under 1500 square feet	\$500	
<input type="checkbox"/> Residential Structure 1501 - 2500 square feet	\$750	
<input type="checkbox"/> Residential Structure 2501 - 3499	\$1,250	
<input type="checkbox"/> Residential Structure 3500 square feet and up	\$2,500	
Commercial Zoning Compliance Review		
<input type="checkbox"/> Temporary Structure + Other Type I Review	\$75	
<input type="checkbox"/> Accessory Structure/Remodel Under 200 square feet	\$300	
<input type="checkbox"/> Accessory Structure/Remodel Over 200 square feet – or new connections	\$500	
<input type="checkbox"/> Commercial Structure Up to 3500 square feet	\$2,000	
<input type="checkbox"/> Commercial Structure 3501 – 10,000 square feet	\$2,500	
<input type="checkbox"/> Commercial Structure 10,001 or more	\$3,000	
<input type="checkbox"/> Home Occupation Permit	\$300	
<input type="checkbox"/> Sign Permit	\$100	

<input type="checkbox"/> Certificate of Appropriateness	\$100	
<input type="checkbox"/> Property Line Adjustment*	\$350 per adjustment	
<input type="checkbox"/> Final Plat Review	Actual Cost	
TYPE II		
Plan Review		
<input type="checkbox"/> Residential	Actual Cost + \$500 Deposit	
<input type="checkbox"/> Commercial	Actual Cost + \$1,000 Deposit	
<input type="checkbox"/> Subdivision Tentative Plan*	Actual Cost + \$1,600 and \$200/lot Deposit	
<input checked="" type="checkbox"/> Partition*	Actual Cost + \$1,000 and \$100/lot Deposit	\$1,300 (Type III)
<input type="checkbox"/> Appeal of a Type II Decision	\$250	
TYPE III		
<input type="checkbox"/> Planned Unit Development (PUD)	Actual Cost + \$2,750 and \$200/unit Deposit	
<input type="checkbox"/> Variance	Actual Cost + \$500 Deposit	
<input type="checkbox"/> Conditional Use Permit*	Actual Cost + \$1,000 Deposit	
<input type="checkbox"/> RV/Manufactured Dwelling Park	Actual Cost + \$500 and \$100/unit Deposit	
<input type="checkbox"/> Appeals	Actual Cost + \$250 or half of original fee, up to \$1,000 Deposit	
TYPE IV		
<input type="checkbox"/> Annexation*	\$3,750	
<input type="checkbox"/> Zoning Code Amendment (text/map)*	\$3,000	
<input type="checkbox"/> Comprehensive Plan Amendment*	\$3,500	
<input type="checkbox"/> Combined Map/Plan Amendment*	\$3,700	

Planning Staff Contact: Dana Nichols Date Assessed: 09/14/2021

Finance Staff Contact: Linda Eichhoff Date Paid: 10-25-21

Receipt Number: 9.120117

CITY OF BANDON
PO BOX 67
555 HIGHWAY 101
BANDON OR 97411

541-347-2437

Receipt No: 9.120117

Oct 25, 2021

28-15-25db/t1 10201 MCGRATH/KRUSE

Previous Balance: .00
LICENSES AND PERMITS
PARTITION 1,300.00
100-413-09
PLANNING PERMIT FEES

Total: 1,300.00

CHECK
Check No: 1224 1,300.00
Payor:
MCGRATH, SHERI
Total Applied: 1,300.00

Change Tendered: .00

10/25/2021 12:18 PM