

**BEFORE THE PLANNING COMMISSION
CITY OF BANDON, OREGON
May 27th, 2021**

IN THE MATTER OF PLANNING ACTION #20-060,
A REQUEST FOR THE APPROVAL OF A TENTATIVE
LAND PARTITION OF ONE EXISTING LOT INTO TWO
PARCELS ON PROPERTY LOCATED AT 2746 OREGON
AVE ZONED GENERAL COMMERCIAL IN BANDON, OREGON
OWNER/APPLICANT: LARRY & TOMMI COX

) **FINDINGS,**
) **CONCLUSIONS**
) **& ORDERS**
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)
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RECITALS:

- 1) Tax lot #100 of Map 28S-15W-36DD is located at 2764 Oregon Avenue and is zoned C-2 (General Commercial).
- 2) The applicant is requesting approval of a tentative land partition of one existing lot into two parcels. Bandon Municipal Code 16.32.080 requires that a commercial land partition be processed as a quasi-judicial action requiring discretionary decision-making by the Planning Commission.
- 3) The applicant is proposing to partition an existing 2.26 acres lot into two parcels: Parcel 1 will be 1.66 acres and Parcel 2 will be 0.64 acres.
- 4) The applicant submitted a pre-application for a partition in 2019 that was reviewed by City staff and sent to ODOT for development review in December 2019. The applicant then submitted a Planning Permit Application for a Land Partition on July 9th, 2020 and the application was deemed incomplete on September 10th, 2021. Delays in reviewing the application occurred due to COVID-19 but were allowed as part of the City's Emergency Declaration. The applicant signed and returned the incomplete land use application form on December 9th, 2021 and finished submitting supplementary materials on March 25th, 2021.
- 5) The criteria for approval of a Land Partition are described in Bandon Municipal Code (BMC) 16.32.200 as follows:

The application must meet all of the following objective criteria:

- A. *The submission contains all of the information asked for in the application.*

B. The application does not violate any city or state regulations, including but not limited to lot configuration requirements, unimpeded drainage, accessibility by public utilities and vehicular/foot traffic and zoning requirements.

C. The project is compatible and suitable within the context of its surroundings. This shall include, but not be limited to, consideration of human scale, street scape, landscaping, and any view shed, noise and lighting impacts.

D. The development will be compatible with the use or character of any adjacent resource land.

E. Development conforms to or minimally alters existing topographic features and seeks to preserve natural features. Development in areas adjacent to streams and those characterized by steep slopes has been limited to the extent necessary to minimize risk to acceptable levels as determined by the Bandon Comprehensive Plan, or where objective levels are not available, as determined by the planning commission.

F. Natural wildlife habitats and wetlands have been identified, preserved and protected.

G. Adjoining land under the same or separate ownership can either be developed or be provided access that will allow its development in accordance with the Bandon Comprehensive Plan and this code, and with the Coos County Comprehensive Plan and code, where applicable.

H. The drawing is technically correct and the final partition plat conforms with the approved site plan.

- 6) The Planning Commission, following proper public notice, held a public hearing on April 29th, 2021 at which time testimony was received and exhibits were presented. Subsequent to the closing of the hearing, the Planning Commission unanimously approved the request for a Land Partition of a 2.26 acre parcel located at 2764 Oregon Avenue (tax lot 100 of Map 28S-15W-36DD) in the General Commercial (C-2) Zone.

Now, therefore, the Planning Commission of the City of Bandon finds and concludes as follows:

SECTION 1. EXHIBITS

For the purposes of reference to these Findings, the attached index of exhibits, data, and testimony will be used.

- Pre-Application and Report
- Application 20-060
- Noticing affidavits
- Tentative Partition Staff Report dated April 29th, 2021
- Supplemental Staff Report dated April 29th, 2021
- Minutes from the April 29th, 2021 meeting of the Planning Commission

SECTION 2. CONCLUSORY FINDINGS

2.1 The Planning Commission finds that it has received all information necessary to make a decision based on the staff reports, public hearing testimony and the exhibits contained within the whole record.

2.2 The Planning Commission finds that the proposal for a Land Partition in the C-2, General Commercial Zone has met all applicable criteria as described in BMC 16.32 and 17.44.

SECTION 3. DECISION

3.1 With regard to Application 20-060, a request for a Tentative Land Partition in the General Commercial (C-2) Zone, the Planning Commission finds that the application meets all the criteria as found in BMC 16.32.200 and for the General Commercial Zone as found in BMC 17.44.

The Planning Commission voted to approve the request for a Tentative Land Partition with the following conditions:

1. Approval of the plans is based on information submitted by the applicant. No other approvals are expressed or implied.
2. All proposals of the applicant shall become conditions of approval unless otherwise modified by the Planning Commission.
3. Prior to approval of the Final Plat, the applicant shall separate utilities for each property and present approval from the Public Works Department that this condition has been satisfied.
4. Prior to approval of the Final Plat, the applicant shall incorporate all requirements from the Oregon Department of Transportation, Coos County Surveyor, and Coos County Cartographer.

5. Any future development resulting in new impervious surface on either Parcel 1 or Parcel 2 shall require on-site mitigation of drainage or easements for drainage on properties to the north and south.
6. Pursuant to BMC 16.32.240 and 16.32.260, the Final Partition Plat shall be prepared within 180 days of the approval of this application by a licensed professional land surveyor. The plat must conform to all applicable provisions of ORS Chapter 92 and ORS Chapter 209. Failure to prepare and submit the required Final Partition Plat within 180 days will invalidate the approved partition.

Based on the record of the Public Hearing on this matter, the Planning Commission concludes that the decision to **APPROVE** the Tentative Land Partition for a parcel in the General Commercial (C-2) zone, is supported by evidence contained within the whole record.



Paul Fischer, *Chair*
City of Bandon

5/27/2021

Date