



# NOTICE OF LAND USE DECISION

**You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.**

Coos County Planning  
 60 E. Second St.  
 Coquille, OR 97423  
<http://www.co.coos.or.us/>  
 Phone: 541-396-7770  
[planning@co.coos.or.us](mailto:planning@co.coos.or.us)

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

Date of Notice: **Thursday, November 10, 2022**  
 File No(s): D-22-005/PLA-22-026

Proposal: Request for a land use determination and approval for a Lawfully Created Unit of Land Application and one (1) Property Line Adjustment between two lawfully created parcels.

Applicant(s): Harry & Linda Agner

Surveyor(s): Douglas McMahan  
 PO Box 118  
 Coos Bay, OR 97420

Staff Planner: Crystal Orr, Planner I

**Decision: Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Tuesday, November 22, 2022**. Pursuant to Section 5.8.100 Lawfully Created Unit of Land Applications and Property Line Adjustments are appealable within twelve (12) days the written notice is mailed. Appeals are based on the applicable land use criteria. Lawfully Created Unit of Land applications are subject to Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with *Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions, CCZLDO Article 6.1 Lawfully Created Lots and Parcels. Property line adjustments pursuant to CCZLDO Article 6.3 Property Line Adjustments. Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information, please contact the staff planner listed in this notice.*

### Property Information

File Numbers	Map Number(s)	Account Number	Zoning	Total Property Acreage
D-22-005	25S1436AC-01800	402014	C-1	.41 acres
Lawfully Created Parcel				
PLA-22-026 Property Line Adjustment	25S1436AC-01800 Between Parcel 2 and 3		C-1	

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

This notice shall be posted from November 10, 2022 to November 22, 2022

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance. NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

The application, staff report and any conditions may be found at the following link:

<https://www.co.coos.or.us/community-dev>

The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 60 E. Second St., Coquille, Oregon; however, an appointment is required to be setup for viewing purposes. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Planner I and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: \_\_\_\_\_  
Crystal Orr, Planner I

Date: Thursday, November 10, 2022 .

**This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, Application and all evidence associated as listed in the exhibits.**

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

Exhibit C: Lawfully Created Parcel Map/Adjustment Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit D: Lawfully Created Parcel Deeds

Exhibit E: D-22-005/ PLA-22-026 Staff Report - **Findings of Fact and Conclusions**

Exhibit F: Application

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**

The applicant (applicant includes property owner and any successor) shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff. This is a tentative decision and will become final if the conditions of approval are completed correctly and any required survey maps and/or deeds are completed.

**A. File Number D-22-005 is subject to the following:**

1. Once the appeal period has expired and no appeal have been filed, the applicant shall record the deed descriptions for the units of land within 90 days of the final decision, which is calculated in Section 5.0.250. These properties shall be placed on separate deeds within ninety days of the date of the final decision which is calculated in Section 5.0.250. Once lawful parcels or lots have been established pursuant to LDO Section 6.1.125 those lots or parcels shall remain lawfully created or discrete lots or parcels unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. If a parcel or lot is reconfigured by a property line adjustment that becomes the new discrete lot or parcel and the official date of creation.
2. The lawfully created deeds shall be recorded prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed.
3. Shall comply with any requirements from Coos County Surveyor and/or Assessor's Office for both D-22-005 & PLA-22-026.

**B. File Number PLA-22-026 is subject to the following:**

Map and Monuments Required:

- a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared; and
  - b. The survey map shall show all structures within ten (10) feet of the adjusted line; and
  - c. The survey shall establish monuments to mark the adjusted line; and
  - d. If a survey is required, the deed shall be recorded, and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Coos County Planning Director shall be submitted to the County Surveyor along with the required filing fee. The survey map will be given a filing number which will be added to the Property Line Adjustment deed. The deed will then be recorded whereupon the recording number for said deed will be added to the face of the survey map. Said map will then be filed with the County Surveyor, completing the process.
1. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required.
  2. **Final approval** - The applicant shall submit proof that the requirements of the tentative approval have been met. Upon submittal by the applicant that all conditions of approval have been met along with the deed and map, if required, have been provided along with the recording fee to the Planning Director a final determination will be made. the Director shall advise the applicant in writing if the documents submitted are sufficient or if amendments are required.
    - a. **The following items shall be submitted to the Coos County Planning Department prior to one year of the tentative decision:**
      - i. A supplemental document explaining how all conditions of approval have been completed and the applicant is ready for a final determination; and
      - ii. The applicant or applicant's surveyor shall prepare and submit to the Planning Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required as explained under the Surveyor's comments; and
      - iii. A deed following the exact format found in Figure 1 of Section 6.3.175.

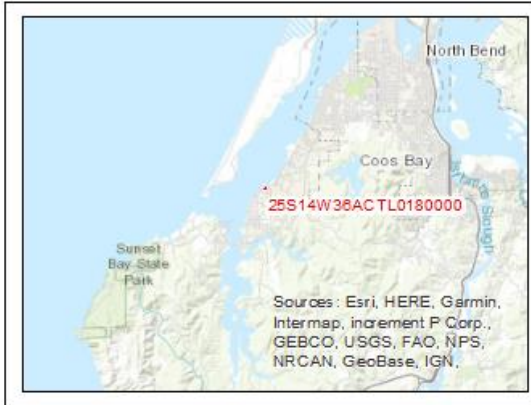
4. Once the required documents are received by the County Planning Department, they will be forwarded to the County Surveyor and Cartographer for final comments. If revisions are required, the applicant and/or representative will be notified as soon as the revisions are identified. If there are no revisions required Staff will sign the map and route the map and deed on the Surveyor's Office for completion and recording along with the recording fee. If there is no Survey Map required, Planning Staff will submit the deed to the County Clerk's Office with the fee to be recorded. A copy of that deed needs to be provided to the Planning Department showing the process has been completed.

**Exhibit "B"**  
**Vicinity Map**

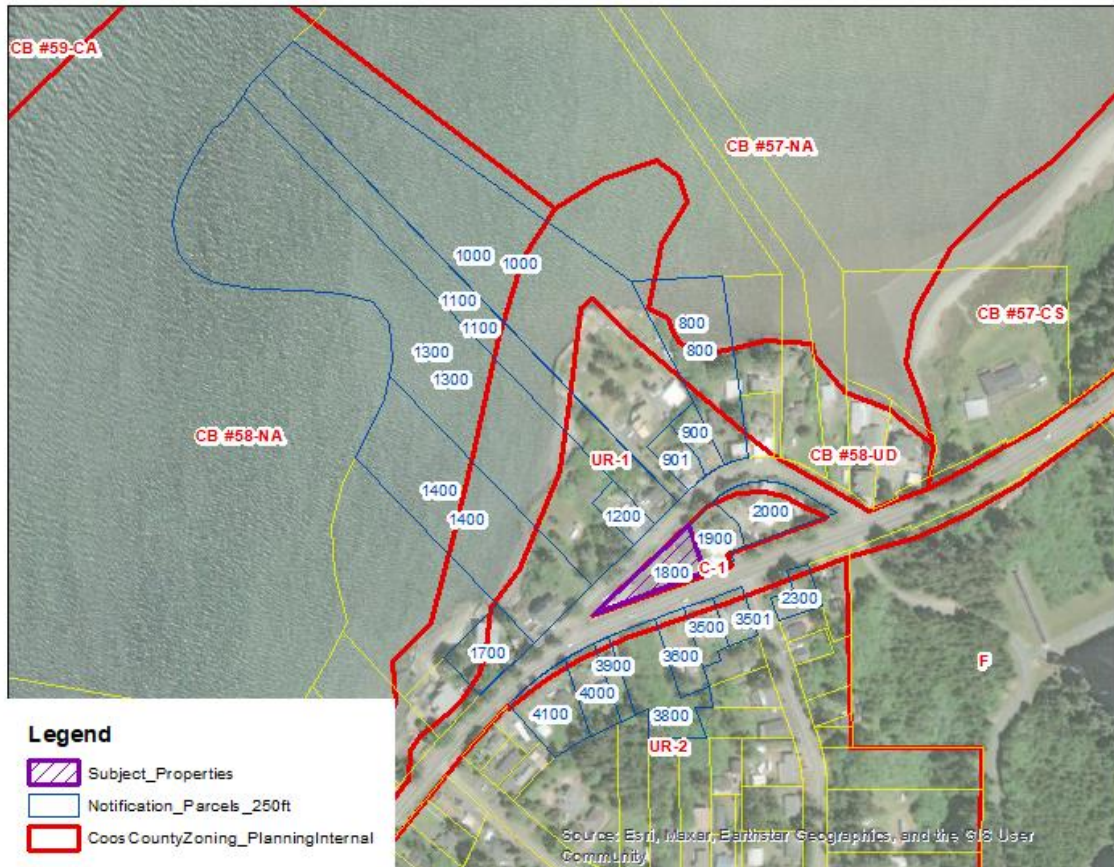


**COOS COUNTY PLANNING DEPARTMENT**

Mailing Address: 225 N. Adams, Coquille, Oregon 97423  
Physical Address: 60 E. Second, Coquille Oregon  
Phone: (541) 396-7770  
TDD (800) 735-2900



File: D-22-005/PLA-22-026  
Applicant/ Owner: Linda K Agner  
Date: October 19, 2022  
Location: Township 29S Range 14W Section 36AC TL 1800  
Proposal: Lawfully Crested Unit of Land Determination/Property Line Adjustment







**PLA-22-005  
Before Adjustment:**



**After Adjustment:**





VOL 207 PAGE 362

STATE OF OREGON,

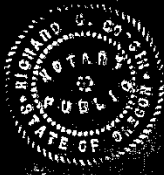
County of COOS } ss.

BE IT REMEMBERED, That on this 22nd day of September, 1950 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named I. M. ROBERTSON,

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Richard S. Gagnier  
Notary Public for Oregon  
My Commission expires 12/11/53



59286  
WARRANTY DEED  
(Form No. 1)

I, M. Robertson,  
Empire, Oregon,  
TO

Elmer L. & Mary Estor, Issued

STATE OF OREGON  
County of Coos

I certify that the within instrument was received by me on the 22nd day of September, 1950, at 12:00 o'clock P.M., and recorded in book 207 on page 362. Record of Deeds of said County.

Witness my hand and seal of County affixed.  
GEORGINA VAUGHAN

By *Richard S. Gagnier*  
Notary Public for Oregon

Record & return to  
Elmer Estor / 52  
715 S. Bixby  
Coos Bay, Oreg.

(1960) EAST PARKER OF  
TAX LOT 30

FORM No. 5 - WARRANTY DEED.

51436

KNOW ALL MEN BY THESE PRESENTS, That Elmer I. Newton and Mary Esther Newton, Husband and Wife

in consideration of Ten and no/100 (\$10.00) Dollars,  
and other valuable consideration  
to us paid by W.B. Mc Donald and Margaret A. Mc Donald

do hereby grant, bargain, sell and convey unto said W. B. Mc Donald and Margaret A. Mc Donald, Husband and Wife, as tenants by the entirety,  
their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Good and State of Oregon, bounded and described as follows, to-wit:

Beginning at a point on the northwesterly boundary of the right of way of the re-location of the Cape Arago Section of the Oregon State Highway through Lot 2 of Section 36, Township 25 South, Range 14 West of Willamette Meridian, from which point the iron pipe at the center of the said Section 36 bears S. 54° 15.9' W. a distance of 688.28 feet; the said point being on a spiral curve; and running thence N. 16° 16.6' W. for a distance of 90.02 feet to a point on the southeasterly boundary of the right of way of the original location of the said State Highway; thence N. 44° 50.1' E. along the said right of way boundary for a distance of 85.0 feet; thence S. 21° 01' E. for a distance of 124.41 feet to a point in the said northwesterly boundary of the re-location of the State Highway right of way; thence S. 68° 59' W. along the said right of way boundary for a distance of 39.92 feet to the point of beginning of a spiral curve; to the left; thence along the said spiral curve, the long chord of which bears S. 68° 56' W. 45.08 feet for a distance of 45.08 feet to the point of beginning.

Containing 0.198 acres, more or less, and being a portion of lot 2 of section 36, Township 25 South, Range 14 West of Willamette Meridian.

To Have and to Hold the above described and granted premises unto the said W. B. Mc Donald and Margaret A. Mc Donald, Husband and Wife,  
as tenants by the entirety,  
their heirs and assigns forever.

And Elmer I. Newton and Mary Esther Newton, Husband and Wife the grantor(s)  
above named do covenant to and with the above named grantee(s) their heirs and assigns that they are lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seal this 24th day of Feb, 1960

Executed in the Presence of

Elmer I. Newton (SEAL)  
Mary Esther Newton (SEAL)  
(SEAL)  
(SEAL)

Vol. 306 p. 151

STATE OF OREGON,

County of Jackson

BE IT REMEMBERED, That on this 9th day of February 1969

before me, the undersigned, a

in and for said County and State, personally appeared the within named Elmer J. Newton

and Mary Esther Newton, husband and wife

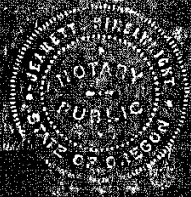
who are known to me to be the identical individual as described in and who executed the within instrument and acknowledged

to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Jeanette Thackerwright  
Notary Public for Oregon.

My Commission expires July 26, 1963



WARRANTY DEED  
(FORM No. 3)

TO

No. 51436

State of Oregon  
County of Clatsop  
Know all men by these presents that the within instrument was filed for record



By Muriel Pallen  
Notary Public for Oregon

Return to Elmer J. Newton  
Feb. 25 1969

Elmer J. Newton  
Mary Esther Newton  
Law, P. O., Clatsop

1250 CENTER PARCEL TAYLOR 1300

FORM No. 3—WARRANTY DEED.

202 686

KNOW ALL MEN BY THESE PRESENTS, That I. M. Robertson, a single person

in consideration of Ten and no/100 Dollars,

to her, paid by Lee Staley and Evelyn Staley, husband and wife

do hereby grant, bargain, sell and convey unto said Lee Staley and Evelyn Staley, husband and wife, or the survivor of either, as joint tenants by the entirety, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Clatsop and State of Oregon, bounded and described as follows, to-wit:

Beginning at a point on the northwesterly boundary of the right of way of the re-location of the Cape Arago Section of the Oregon State Highway through Lot 2 of Section 36, Township 25 South, Range 14 West of Willamette Meridian, from which point the iron pipe at the center of the said Section 36 bears S. 62° 33' W. a distance of 615.65 feet; the said point being on a spiral curve; and running thence N. 7° 51' W. for a distance of 61.39 feet to a point on the southeasterly boundary of the right of way of the original location of the State Highway; thence N. 44° 50' E. along the said right of way boundary for a distance of 75.0 feet; thence S. 16° 16.6' E. for a distance of 90.02 feet to a point on the said spiral curve along the northwesterly boundary of the re-location of the State Highway; thence along the said spiral curve to the left; the long chord of which bears S. 62° 25 1/3' W. 75.0 feet, for a distance of 75.0 feet to the point of beginning.

Containing 0.122 acres, more or less, and being a portion of Lot 2 of Section 36, Township 25 South, Range 14 West of Willamette Meridian.



To Have and to Hold the above described and granted premises unto the said Lee Staley and Evelyn Staley, husband and wife, or the survivor of either, as joint tenants by the entirety, their heirs and assigns forever.

And I. M. Robertson, a single person the grantor

above named do hereby covenant to and with the above named grantees, their heirs and assigns that said S&S lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all encumbrances,

and that she will and her heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever,

Witness my hand and seal, this 22nd day of September, 1950

Executed in the Presence of

[Signature]

[Signature]

(SEAL)

(SEAL)

(SEAL)

(SEAL)

202 687

STATE OF OREGON,

County of COOS } ss.

BE IT REMEMBERED, That on this 22nd day of September, 19 50, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named I. ROBERTSON

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have herunto set my hand and affixed my official seal the day and year last above written.

*Richard B. Leavitt*  
Notary Public for Oregon  
My Commission expires 12/31/53



**WARRANTY DEED**  
(FORM No. 3)

I, I. ROBERTSON

TO

Lee Staley and Evelyn Staley

STATE OF OREGON,

County of Coos

I certify that the within instrument was received, for record on the 22nd day of September, 19 50, at 10:30 o'clock P.M. and recorded in book 302 on page 686 Record of Deeds of said County.

Witness my hand and seal of County affixed.

L. W. ODEY  
County Clerk - Deputy  
By [Signature] Deputy

*Blw*  
*123 Bl 620*  
*Kent Papp*

304 Carter Street Astoria 1930

37813

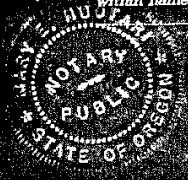
KNOW ALL MEN BY THESE PRESENTS, That C. P. James and Buelah E. James, husband and wife, grantor in consideration of Ten and no/100 Dollars, to them paid by W.B. McDonald and Margaret A. McDonald, husband and wife, grantees,

do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Coos and State of Oregon, bounded and described as follows, to-wit: Beginning at a point on the northwesterly boundary of the right of way of the re-location of the Cape Argo Section of the Oregon State Highway through Lot 2 of Section 36, Township 25 South, Range 14 West of Willamette Meridian, Coos County, Oregon, from which point the iron pipe at the center of the said Section 36 bears S. 52° 33 1/2' W, a distance of 615.85 feet; the said point being on a spiral curve; and running thence N. 7° 51' W, for a distance of 61.39 feet to a point on the southeasterly boundary of the right of way of the original location of the State Highway; thence N. 44° 50 1/2' E, along the said right of way boundary for a distance of 75.0 feet; thence S. 16° 16.6' E, for a distance of 90.02 feet to a point on the said spiral curve along the northwesterly boundary of the re-location of the State Highway; thence along the said spiral curve to the left; the long chord of which bears S. 68° 25 1/3' W, 75 feet, for a distance of 75.0 feet to the point of beginning. Containing 0.122 acres, more or less, and being a portion of Lot 2, of Section 36, Township 25 South, Range 14 West of Willamette Meridian, Coos County, Oregon.

To Have and to Hold the above described and granted premises unto the said grantees as tenants by the entirety, their heirs and assigns forever. And they, the grantors, covenant that they are lawfully seized in fee simple of the above granted premises free from all incumbrances.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever. Witness our hand and seals, this 17th day of January, 1962.

STATE OF OREGON, County of Coos. On this 17th day of January, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named C.P. James and Buelah E. James who are



known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Mary C. Hartman, Notary Public for Oregon. My Commission expires March 23, 1964.

WARRANTY DEED 37813 STATE OF OREGON, County of Coos

TO: AFTER RECORDING RETURN TO: WEST COAST TITLE CO. P. O. BOX 365 COQUILLE OREGON

I certify that the within instrument was received by me on the day of JAN 22 1962, at 10:00 A.M., and recorded in the Public Records of said County, in Book 290 on page 354. Witness my hand and seal of County affixed. GEORGIANNA VAUGHAN County Clerk-Recorder

(955) WEST PARCEL TAXED 1955

VOL 246 PAGE 460 95367

KNOW ALL MEN BY THESE PRESENTS, That Martin Lander and Rena Lander, husband and wife,

in consideration of Ten and no/100 Dollars, and other valuable considerations, to them paid by W. B. McDonald and Margurite A. McDonald, husband and wife, grantees,

do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Coos and State of Oregon, bounded and described as follows, to-wit:

That certain parcel of real property located in the County of Coos, sometimes described as "The Southerly portion of Lot Thirteen (13), Pigeon Point Tracts".

Beginning at a point on the Northwesterly boundary of the right of way of the relocation of the Cape Arago Section of the Oregon State Highway through Lot Two (2) of Section Thirty-six (36), Township Twenty-five (25) South, Range Fourteen (14) West of Willamette Meridia; from which point the iron pipe at the center of the said Section Thirty-six (36) bears South 52° 33' West a distance of 615.95 feet; the said point being on a spiral curve a distance of 120.00 feet from the beginning thereof; and running thence along the said spiral curve to the left (the long chord of which bears South 56° 30' West 133.09 feet) for a distance of 134.01 feet to an intersection with the Southeasterly boundary of the right of way of the original location of the said State Highway; thence N. 04° 50' East along the said State Highway right of way boundary for a distance of 161.61 feet; thence South 7° 51' East for a distance of 61.02 ft. to pt. of beginning. Portion Lot 2 Sec. 36 TWS 25 S.R. 14W.11.

To Have and to Hold the above described and granted premises unto the said grantees as tenants by the entirety, their heirs and assigns forever.

And the grantors, covenant that they were lawfully seized in fee simple of the above granted premises free from all incumbrances.

and that they will and their heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness their hands and seals, this 15th day of November, 1955.

Martin Lander (SEAL) Rena Lander (SEAL)

STATE OF OREGON, ss. On this 15th day of November, 1955, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Martin Lander and Rena Lander, husband and wife,

known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Notary Public for Oregon. My Commission expires...



WARRANTY DEED

Martin Lander and Rena Lander TO W B McDonald and Margurite A. McDonald AFTER RECORDING RETURN TO

95367

(DON'T USE THIS SPACE RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.)

STATE OF OREGON, County of Coos ss.

I certify that the within instrument was received for record on the day of NOV 21 1955 at 1:30 o'clock P.M. and recorded in book 246 on page 460 Record of Deeds of said County.

Witness my hand and seal of County affixed.

GEORGIANNA VAUGHAN, County Clerk-Recorder. By H. L. ... Deputy.

TITLE GUARANTEE & ABSTRACT CO. COQUILLE, ORE.

716

(1949) WEST PARCEL TIL 9

190

FORM No. 341 - WARRANTY DEED  
VOL 189 PAGE 588

45112

KNOW ALL MEN BY THESE PRESENTS, That  
I. M. Robertson, a single person

in consideration of Ten and no/100 Dollars,  
to her paid by Don Rowland and Ruby Rowland, husband and wife,

do hereby grant, bargain, sell and convey unto said  
Don Rowland and Ruby Rowland, husband and wife, or the survivor of  
either, their heirs and assigns, all the following real property, with the ten-  
ements, hereditaments and appurtenances situated in the County of Coos  
and State of Oregon, bounded and described as follows, to-wit:

The Southerly portion of Lot 13, Pigeon Point Tracts.  
Beginning at a point on the northwesterly boundary of the right of  
way of the relocation of the Cape Arago section of the Oregon State  
Highway through Lot 2 of Section 36, Township 25 South, Range 14 West  
of Willamette Meridian; from which point the iron pipe at the center  
of the said Section 36 bears S. 52° 53' W. a distance of 615.65 feet;  
the said point being on a spiral curve a distance of 120.08 feet from  
the beginning thereof; and running thence along the said spiral curve  
to the left (the long chord of which bears S. 85° 39' W. 133.39 feet) for  
a distance of 134.01 feet to an intersection with the southeasterly  
boundary of the right of way of the original location of the said State  
Highway; thence N. 44° 50' E. along the said State Highway right of  
way boundary for a distance of 161.61 feet; thence S. 7° 51' E. for a  
distance of 61.39 feet to the point of beginning;  
Containing 0.09 acres, more or less, and being a portion of Lot 2 of  
Section 36, Township 25 South, Range 14 West of Willamette Meridian.

To Have and to Hold, the above described and granted premises unto the said  
Don Rowland and Ruby Rowland, husband and wife, or the survivor of  
either;

their heirs and assigns forever.

And I. M. Robertson, a single person

the grantor  
above named do hereby covenant to and with the above named grantees, their heirs and assigns  
that she is lawfully seized in fee simple of the above granted premises; that the above  
granted premises are free from all encumbrances.

and that she will and her heirs, executors and administrators, shall warrant and forever  
defend the above granted premises, and every part and parcel thereof, against the lawful claims and  
demands of all persons whatsoever.

Witness my hand and seal this 4th day of April, 19 49  
Executed in the Presence of

*[Signature]* *[Signature]* (SEAL)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(SEAL)  
(SEAL)  
(SEAL)  
(SEAL)

STATE OF OREGON,

VOL 189 PAGE 589

County of Coos } ss.

BE IT REMEMBERED, That on this 4th day of April A. D. 1949 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named I. M. Robertson who is known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Richard H. Keegan  
Notary Public for Oregon.  
My Commission expires 12/16/49



45112  
WARRANTY DEED  
(ORROR 100, 100)

I. M. Robertson.  
TO  
Don Rowland & Ruby Rowland

STATE OF OREGON  
County of Coos

I certify that the within instrument was received for record on this day of APR 13 1949 at 10:10 AM, and recorded in Book 189, page 589, Record of Deeds of said County.

WITNESS my hand and seal of County of Coos.

L. W. ODDY  
County Clerk for Coos County, Oregon  
Deputy

1949  
L. W. Oddy

## EXHIBIT “D”

### STAFF REPORT FINDINGS OF FACT AND CONCLUSIONS

#### I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. **Proposal:** The proposal is a request for Planning Director Approval of three (3) Lawfully Created Units of Land and one (1) Property Line Adjustment.

#### B. BACKGROUND INFORMATION:

Tax lot 1800 is listed within assessment information as having the following improvements: 1967 Fast Food Restaurant, 1978 Manufactured Dwelling and 1982 Accessory Structure. Staff reviewed county files and found that all structures were lawfully sited.

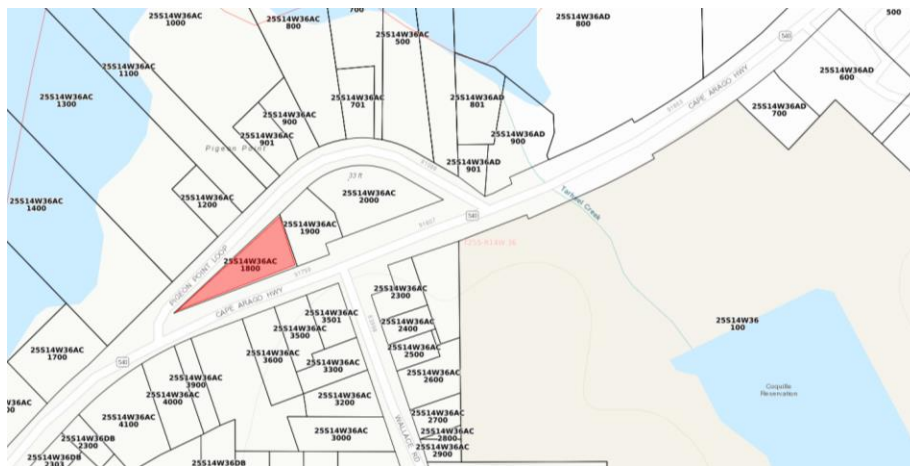
B. **COMPLIANCE PURSUANT TO SECTION 1.1.300:** *It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance.*

**FINDING:** Staff has reviewed the property history and the county files to determine at the time of this report, this property is in compliance.

#### II. BASIC FINDINGS:

#### A. LOCATION:

These units of land are located southwest of the City of Coos Bay within the Urban Unincorporated Community of Barview. The map below shows a general location of the properties.



B. **ZONING:** The parcel is zoned Commercial (C-1).

#### C.

#### ARTICLE 4.2 – ZONING PURPOSE AND INTENT

*Section 4.2.300 Commercial and Industrial*

#### *Commercial (C-1)*

*The intent of the Commercial designation is primarily for urban growth areas, but it is also appropriate for application in rural areas where commercial uses are already established (i.e., "committed" to commercial development). Limited infilling is allowed.*

*The purpose of the “C-1” district is:  
To provide for needed commercial retail and service opportunities within urban growth  
Boundaries.  
To recognize existing commercial uses outside Urban Growth Boundaries.*

*For the purpose of this ordinance small-scale, low impact commercial use is one which takes  
place in an urban unincorporated community in a building or buildings not exceeding 8,000  
square feet of floor space, or in any other type of unincorporated community in a building or  
buildings not exceeding 4, 000 square feet of floor space.*

*Only the following new Commercial Uses in unincorporated communities:  
(a) Uses authorized under Oregon Statewide Planning Goals 3 and 4;  
(b) Small-scale, low impact uses; and  
(c) Uses intended to serve the community and surrounding rural area or the travel needs of  
people passing through the area.  
OAR-660-022-0030(4)*

**D. SPEICAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:**

*SECTION 4.11.125 Special Development Considerations: The considerations are map overlays  
that show areas of concern such as hazards or protected sites. Each development consideration  
may further restrict a use. Development considerations play a very important role in determining  
where development should be allowed In the Balance of County zoning. The adopted plan maps  
and overlay maps have to be examined in order to determine how the inventory applies to the  
specific site*

*SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning  
district and will either add further requirements or replace certain requirements of the  
underlying zoning district. The requirements of an overlay zone are fully described in the text of  
the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning  
Districts and any zoning districts located within the Coos Bay Estuary Management Plans when  
the Estuary Policies directly reference this section.*

These properties do not list any Special Development Consideration and/or Overlay Zones. The  
proposal does not include any type of earth moving or structural development; therefore, even if  
the property was in a Special Development Consideration and/or Overlay Zone it would not be  
required to be addressed.

**E. SITE DESCRIPTION AND SURROUNDING USES:**

Tax lot 1800 currently consists of .41 acres. The parcel currently consists of a Manufactured  
Dwelling and a Fast-Food Restaurant, Dairy Queen. The parcels in this area are used for  
residential, there are a number of Vacation Rentals in the area, which are considered to be a  
Commercial use.

**F. COMMENTS:**

- a. **PUBLIC AGENCY:** As part of the Property Line Adjustment process the only comments  
requested were from the County Surveyor and Assessor’s Office. At the time of this notice  
no comments were received.
- b. **PUBLIC COMMENTS:** This application request did not require any request for  
comments prior to the release of the decision pursuant to notice of decision requirements  
found in Chapter V of the CCZLDO.

**F. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

*“Lawfully established unit of land” means:*

1. *The unit of land was created:*
  - a. *Through an approved or pre-ordinance plat;*
  - b. *Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
  - c. *In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
  - d. *By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
  - e. *By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
  - f. *By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

**FINDING: The tax lots were lawfully created pursuant to Section 6.1.126.1.e. Further discussion about lawfully created units of land is found under the next section of this report.**

**III. STAFF FINDINGS AND CONCLUSIONS:**

**A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

The proposal is for Planning Director Approval of a Lawfully Created Unit of Land and two (2) Property Line Adjustments between two lawfully created units of land. The proposal is subject to Coos County Zoning and Land Development (CCZLDO) Article 6.1 Lawfully Created Lots and Parcels & Article 6.3 Property Line Adjustments.

**B. Key definitions:**

- *ACTIVITY: Any action taken either in conjunction with a use or to make a use possible. Activities do not in and of themselves result in a specific use. Several activities such as dredging, piling and fill may be undertaken for a single use such as a port facility. Most activities may take place in conjunction with a variety of uses.*
- *DEVELOP: To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.*
- *DEVELOPMENT: The act, process or result of developing.*
- *USE: The end to which a land or water area is ultimately employed. A use often involves the placement of structures or facilities for industry, commerce, habitation, or recreation.*
- *ZONING DISTRICT: A zoning designation in this Ordinance text and delineated on the zoning maps, in which requirements for the use of land or buildings and development standards are prescribed.*
- *Dwelling: Any building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.*

**C. Criteria and standards for Lawfully Created Lots and Parcels**

**I. LAWFULLY CREATED:**

**• ARTICLE 6.1 LAWFULLY CREATED LOTS AND PARCELS:**

*A legal lot is a lot or parcel created in compliance with the current state and county regulations for land divisions. Lots are created through subdivisions (4 or more lots is a subdivision) and parcels are created through a partition (3 or less parcels is a partition).*

*Additionally, this ordinance recognizes that parcels may be created through other means that were consistent with a prior county ordinance or state law such as the adoption of different land division provisions [December 6, 1962 - December 31, 1985 ordinances in place prior to acknowledgement of the Coos County Comprehensive Plan (CCCP)]. Parcels created prior to the adoption of the current acknowledged CCCP (1986) may require an application to determine the legality of said parcel.*

*Once lawful parcels or lots have been established pursuant to LDO Section 6.1.125 those lots or parcels shall remain lawfully created or discrete lots or parcels unless the lot or parcel lines are vacated, or the lot or parcel is further divided, as provided by law. If a parcel or lot is reconfigured by a property line adjustment that becomes the new discrete lot or parcel and the official date of creation.*

• **SECTION 6.1.100 WHAT IS NOT A LAWFULLY CREATED LOT OR PARCEL:**

*A unit of land shall not be considered a separate parcel simply because the subject tract of land;*

- 1. Is a unit of land created solely to establish a separate tax account;*
- 2. Includes properties that have divided interest;*
- 3. Lies in different counties;*
- 4. Lies in different sections or government lots;*
- 5. Lies in different land use or zoning designations; or*
- 6. Is dissected by a public or private road.*

• **SECTION 6.1.125 LAWFULLY CREATED UNIT OF LAND**

*“Lawfully established unit of land” means:*

- 1. The unit of land was created:*
  - a. Through an approved or pre-ordinance plat;*
  - b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
  - c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
  - d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
  - e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
  - f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*
- 2. Creation of parcel previously approved but not acted upon (92.178).*
  - a. The governing body of a county may approve an application requesting formation of one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994, and:*
  - b. A plat implementing the previous land use decision was not recorded; or*
  - c. A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not satisfied by a previous owner of the land.*
  - d. An application under this section is not subject to ORS 215.780.*
  - e. Approval of an application under this section does not affect the legal status of land that is not the subject of the application.*

• **SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:**

An application to establish a lawfully created unit of land shall be submitted in the case of Section 6.1.125.1.d, e and f and Section 6.1.125.2. This is an administrative land use decision. If County Counsel is required to review information to determine legal status of the unit of land additional fees may be charged.

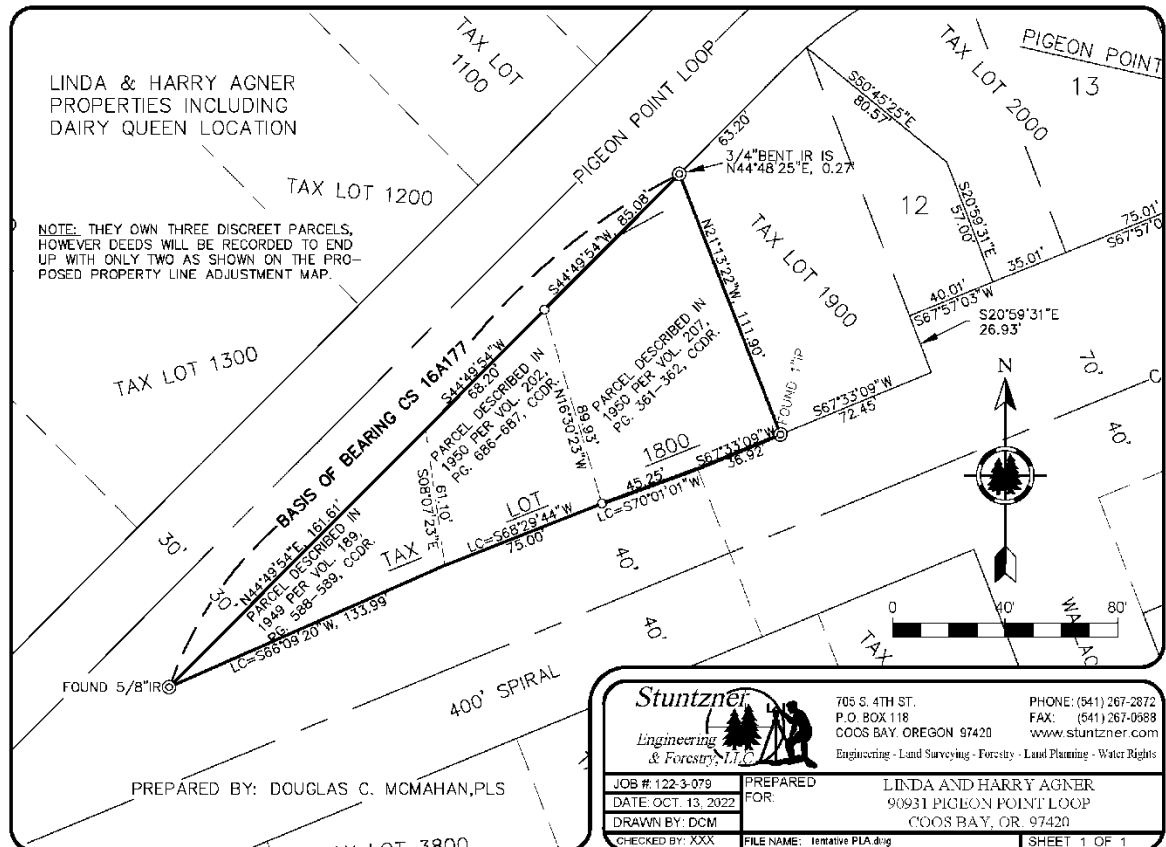
All notices will be provided in accordance with LDO Section 5.0.

Once it is determined that a lawfully created unit of land exists it shall be separated out on its own deed prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed. If there are more than two lawfully created units of land (discrete parcels) found to exist a road may be required to provide access. The applicable road standards in Chapter VII will apply.

**Finding: The Lawfully Created Unit of Land application was received on August 22, 2022 and deemed incomplete September 21, 2022. The information request to deem the application was received and the applications were deemed complete October 13, 2022.**

Stuntzner Engineering & Forestry, LLC submitted information to certify that there are three (3) lawfully created parcels within tax lot 1800 in Township 25, Range 14, Section 36AC.

Therefore, after reviewing all of the evidence Planning Staff can acknowledge that the parcels identified within the below map are lawfully created units of land.



**D. Criteria and standards for Property Line Adjustments**

• **SECTION 6.3.125 PROCEDURE:**

1. *General.*

- a. *No person may relocate all or a portion of a property line without review and approval of a property line adjustment application.*
- b. *Tax lot boundaries do not necessarily represent property boundaries. Tax lot boundaries are established by the County Assessment for purposes of assessment and taxation. Tax lots may or may not coincide with legal property boundaries. Only boundaries of lawfully established units of land can be adjusted through the provisions of this chapter.*
- c. *A line adjustment is permitted only where an additional unit of land is not created; and*
- d. *A property line adjustment involving a parcel authorized by a Measure 49 waiver cannot increase parcels larger than:*
  - i. *Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or*
  - ii. *Five acres if not on high value farm or forest land; unless*
  - iii. *The property increasing in size is the remainder parcel and is already larger than the two- or five-acre maximum parcel size.*

**FINDING: The reason for the property line adjustments is to reconfigure the parcels so that the Fast-Food Restaurant (Dairy Queen) is on its own parcel. An additional unit of land is not being created, and this property is not part of a Measure 49 claim.**

2. *Submittal Requirements: An application for a line adjustment or elimination shall be filed by the owners of all units of land affected. The application shall be accompanied by an appropriate fee and contain the following information:*

- a. *A property line adjustment must include a tentative map drawn on 8 ½" x 11" or 11" x 17" size paper. The map shall contain the following information:*
  - i. *North arrow and Scale – The property boundaries and any other required detail shall be provided to scale.*
  - ii. *Existing and proposed property line dimensions and size in square feet or acres of the lawfully established units of land that are subject of the application. The existing and proposed property configurations will be shown on separate sheets of paper as before and after maps and shall contain acreage before an after adjustments.*
  - iii. *Identification, size, and dimensions of the area(s) proposed to be adjusted from one property to the other.*
  - iv. *Roads abutting and located within the subject properties, including names and road right-of-way or easement widths, and labeled as either public or private.*
  - v. *Location of on-site wastewater treatment systems or name of sanitary sewer district. This includes drain field and repair areas. All on-site wastewater improvements are to remain on the same unit of land as the structure it is serving.*
  - vi. *Easements, shown with dimensions, type, labeled as existing or proposed, and specifically noting to whom they benefit*
  - vii. *Existing structures and the distance from each structure to the existing and proposed property lines. Setbacks for all structures within 50 feet of the proposed property line (130 feet if property is zoned Forest or Forest Mixed Use) must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist within the specified area, the surveyor can submit a stamped letter so stating.*
- b. *A preliminary title report or title search for each property, to determine ownership and any recorded deed restrictions.*

- c. *Evidence to show that the units of land are lawfully created pursuant to Section 6.1 Lawfully Created. If the conformance of the unit of land is unknown, then a Lawfully Created Determination application will be required either prior or in conjunction with a property line adjustment application. If a Lawfully Created Unit of Land Determination is required, then this will be treated as an Administrative Action.*
- d. *Upon completion of the Property Line Adjustment Review the mapping and filing requirements of Section 6.3.157 shall be followed.*

**Finding: A tentative adjustment map was received that met the requirements. A title report was received. Evidence to show that the parcels were lawfully created was received. The approval has been conditioned to ensure that the mapping and filing requirements will be met.**

- 3. *General Criteria - A Property Line Adjustment requires application pursuant to Ministerial Application (Type I) procedures according to Article 5.0, unless otherwise specified by this section. An application for multiple property line adjustments can be made under one application, so long as the deeds are recorded in the correct sequence. All property line adjustments are subject to the following standards and criteria, unless previously stated in this section:*
  - a. *The property line adjustment cannot:*
    - i. *Create an additional unit of land; or*
    - ii. *Violate any applicable specific conditions of previous land use approvals or recorded deed restrictions. An example would be if parcels were required to meet a minimum acreage or have an accessory structure and adjustment would remove the primary use or structure.*
  - b. *All properties affected by the proposed adjustment are legal units of land unless this adjustment is to correct an improperly formed unit of land or to correct an encroachment issue.*
  - c. *A property line adjustment is subject to the minimum lot or parcel size standards of the applicable zoning district, except in the following circumstances:*
    - i. *One or both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or*
    - ii. *Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.*
  - d. *Split-zoned properties: The adjustment will not create a split-zoned unit of land that does not comply with the standards for creation of a parcel in each zone unless the property owner provides for the recording of a restrictive covenant in the deed records for the subject property that prohibit the property from being partitioned along the zoning boundary until such time as each parcel would comply with the minimum standards for the creation of a unit of land (meeting the criteria for land division) in each zone. If a split-zone unit of land is created, it shall not be used to justify a rezone in the future.*
  - e. *All required setback for the applicable zoning districts has been mapped as required and comply. An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment*

**Finding:** This adjustment will not create an additional unit of land or violate any applicable conditions of previous land use approvals or recorded deed restrictions. The units of land are lawfully established discrete parcels.

The zoning within this adjustment is Commercial (C-1), which does not have a minimum lot size, but the zoning does require that the street frontage (30 feet) and lot width (50 feet) requirements be met when dividing the parcels. The lot width and depth are met after the adjustment.

The plot plan submitted showed encroachments of existing structures within the Oregon State Highway, this adjustment will not create an encroachment.

Therefore, this request complies with the criteria under this section.

4. *Resource Zoned Properties: In addition to the General Criteria in subsection 3 the following additional criteria is required to be addressed.*
  - a. *All property line adjustments that are less than 200 acres (before and after the property line adjustment) are subject to an Administrative Action (Type II Review). If there is no structural development on either unit of land and the purpose of the application is not to qualify for a dwelling then it can be reviewed as a Ministerial Action (Type I).*
  - b. *A property line adjustment cannot be used to:*
    - i. *Separate a temporary hardship dwelling, relative farm help dwelling, home occupation, or processing facility from the primary residential or other primary use without land use approval to change the accessory use to a primary use; or*
    - ii. *As prohibited by ORS 92.192(4)(a) through (c), in a manner that would:*
      1. *Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;*
      2. *Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling.*
      3. *Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard.*  
*Or*
      4. *Allow for change in configuration to qualify for a Forest Template Dwelling. The adjustment may require a template test prior and after any adjustments made after January 1, 2019 at the time a Forest Template Dwelling Application is received.*

**Finding:** The properties are not resource zoned; therefore, this section does not apply.

5. *Property Line Adjustments that require an Administrative Action are subject to a twelve (12) day appeal period. If appealed, this will be treated as a Planning Director's decision and the procedures in Article 5.8 will be followed. A notice of the decision will be mailed to the applicant*

and to all neighborhood or community organizations recognized by the County and whose boundaries include the site. Notice of the decision will also be mailed to the owners of record of property on the most recent property tax assessment roll where such property is located:

- a. Within 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is wholly or in part within an urban growth boundary;
- b. Within 250 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is outside an urban growth boundary and not within a farm or forest zone;
- c. Within 750 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is within a farm or forest zone.

**Finding: This Property Line Adjustment requires a Notice of Decision; therefore, this approval is subject to a twelve (12) day appeal period.**

**SECTION 6.3.150 EASEMENTS AND ACCESS:**

*A line adjustment shall have no effect on existing easements or access. Access shall not be eliminated through a property line adjustment process. If an access is potentially affected then an easement may be created for access to comply with this criterion.*

**FINDING: There will be no effect on existing easements. Therefore, this criterion has been met.**

**SECTION 6.3.175 MAPPING AND FILING REQUIREMENTS:**

**1. Map and Monuments Required:**

- a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared;
- b. The survey map shall show all structures within ten (10) feet of the adjusted line;
- c. The survey shall establish monuments to mark the adjusted line.
- d. The Coos County Surveyor reserves the right to require monumentation and mapping on parcels greater than ten acres in size.

**B. Approval and Filing Requirements:**

- a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved;
- b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted;
- c. Once endorsed by the Director, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map;
- d. A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk;
- e. If a survey is required, the Deed shall be recorded and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Coos County Planning Director shall be submitted to the County Surveyor along with the required filing fee. The survey map will be given a filing number which will be added to the Property Line Adjustment deed. The deed will then be recorded whereupon the recording number for said deed will be added to the face of the survey map. Said map will then be filed with the County Surveyor, completing the process.

f. The property line adjustment deed must be submitted on the exact format found in Figure 1 below.

Figure 1 – PLA Deed

Send tax statements to:

After recording return to:

PROPERTY LINE ADJUSTMENT DEED

\_\_\_\_\_ GRANTOR(s) conveys and warrants to

\_\_\_\_\_ GRANTEE(s) the following described real property, situated in the County of Coos, State of Oregon:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "A"

Subject to and excepting:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

Coos County real property Tax Account No. \_\_\_\_\_.

The consideration for this conveyance stated in terms of dollars is \_\_\_\_\_.

This is a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.

2. The description of the adjusted line is as follows:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "B"

3. The deed whereby Grantor acquired title to the transferred property is recorded in Microfilm Reel No. \_\_\_\_\_ of the Deed of Records of Coos County, Oregon.

4. The deed whereby Grantee acquired title to the property to which the transferred property is joined is recorded in Microfilm Reel No. \_\_\_\_\_ of the Deed Records of Coos County, Oregon.

5. The survey and monumentation, as required by ORS 92.060 and ORS 209.250, were done by \_\_\_\_\_. His survey is filed with the County Surveyor under Coos County Surveyor's Records, Map No. \_\_\_\_\_.

THIS INSTRUMENT WILL 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 APPROVED USES.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**STATE OF OREGON )**

**)ss.**

**County of Coos )**

This instrument was acknowledged before me on \_\_\_\_\_, 20 \_\_.

by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon

My Commission expires: \_\_\_\_\_

**ACCEPTANCE**

The undersigned grantee(s) hereby accept(s) this property line adjustment deed and signs this acceptance in accordance with ORS 92.190(4).

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**STATE OF OREGON )**

**)ss.**

**County of Coos )**

This instrument was acknowledged before me on \_\_\_\_\_, 20 \_\_.

by \_\_\_\_\_

\_\_\_\_\_  
Notary Public of Oregon

My Commission expires: \_\_\_\_\_

**IV. DECISION:**

The proposed Property Line Adjustment meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

**V. EXPIRATION:**

This is a tentative approval that is valid for up to one year. To finalize this decision the applicant shall comply with the approval and filing requirements found in the conditions of approval in Exhibit “A” of this report once the appeal period has expired and an appeal has not been filed.

**VI. NOTICE REQUIREMENTS:**

A notice of decision will be provided to property owners within 250 feet of the subject properties and the following agencies, special district or parties: There are no special districts.

A Notice of Decision and Staff Report will be provided to the following:

Applicants/Owners, Department of Land Conservation and Development, County Surveyor, County Assessor’s Cartography Staff, Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.

Special districts to receive notice: Charleston RFPD, Coos Bay North Bend Water Board, Charleston Sanitation, and Oregon International Port of Coos Bay.