



NOTICE OF PROPERTY LINE ADJUSTMENT APPROVAL

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770

Date: Monday, July 01, 2024

File Number: PLA-24-004

Applicants: Oregon Department of Fish & Wildlife & Winter Lake Properties, LLC

Surveyor: Douglas McMahan

Planning Staff: If you have any questions regarding this matter, please contact Crystal Orr, Planner I.

Review Type: Property Line Adjustment Request.

Decision: This Property Line Adjustment request is approved based on the information provided by the applicant.

PROPERTY INFORMATION:

	PROPERTY #1	PROPERTY #2
Account Number:	712901	712904
Map Number:	27S132100-02402	27S132100-02405
Property Owner:	WINTER LAKE PROPERTIES LLC 96830 HIGHWAY 42 COQUILLE, OR 97423-9652	OREGON DEPARTMENT OF FISH AND WILDLIFE C/O REALTY SERVICES (TOFTE) 4034 FAIRVIEW INDUSTRIAL DR SE SALEM, OR 97302-1142
Situs Address:	96830 HWY 42 COQUILLE, OR 97423	SALEM, OR 97302-1142
Acreage:	6.24 Acres	109.20 Acres
Zone(s)	INDUSTRIAL (IND) RURAL RESIDENTIAL-2 (RR-2)	EXCLUSIVE FARM USE (EFU) INDUSTRIAL (IND)

REVIEW AND CONCLUSION OF REQUEST:

Proposal: Request for Planning Director Approval for a Single Property Line Adjustment pursuant to Section 6.3 Property Line Adjustments.

Authorized by:

- **BACKGROUND**

PROPERTY #1

Tax lot 2402 contains a Dwelling with an assessed year built of 2003. The property also contains industrial improvements.

PROPERTY #2

Tax lot 2405 has no development.

• **APPLICABLE CRITERIA FOR A SINGLE PROPERTY BOUNDARY:**

ARTICLE 6.3 PROPERTY LINE ADJUSTMENTS

SECTION 6.3.100 PROPERTY LINE ADJUSTMENTS:

As set forth in ORS 92.190(3), the common boundary line between lots or parcels may be adjusted in accordance with this section without the replatting procedures in ORS 92.180 and 92.185 or the vacation procedures in ORS Ch. 368. Once a lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The Director has authority to approve a single property line adjustment as a ministerial action and a multi (more than one-line adjustment) as an Administrative Action.

SECTION 6.3.125 PROCEDURE:

1. *An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:*
 - a. *Reason for the line adjustment;*

RESPONSE: The Property Line Adjustment is requested to allow reconfiguration of the two units of land to give tax lot 2405 property that is not within the floodplain so that a small storage shed can be built to accommodate demands of the Coquille Valley Wildlife area.

- b. *Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways;*

RESPONSE: This was supplied with the application.

- c. *A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten (10) feet of the proposed adjusted line;*

RESPONSE: This was supplied with the application.

- d. *A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable. The Planning Director may waive any portion of this requirement if the property is large and does not have a lien holder.*
- e. *A notice of application and decision will be provided to any and all lien holders of record for the property that will be affected by the proposed adjustment. Applicants should consult with any and all such lien holders prior to submittal of an application.*

RESPONSE: Parcel 2402 has a lien through Oregon Pacific Bank, a notice of this decision will be provided to them. Parcel 2405 does not have any lienholders on record according to the title report provided.

2. *A line adjustment is permitted only where an additional unit of land is not created and where the lot or parcel reduced in size by the adjustment complies with the requirements of the applicable zone except that a line adjustment for the purpose of exchange or transfer of land between resource land owners shall be allowed so long as:*
 - a. *No parcel is reduced in size contrary to a condition under which it was formed;*
 - b. *The resulting parcel sizes do not change the existing land use pattern meaning:*

1. *Two conforming parcels must remain conforming;*
2. *Two non-conforming parcels may remain non-conforming; and,*
3. *Two parcels, one conforming and one non-conforming, may remain as such regardless of which parcel is non-conforming after the exchange or transfer).*

RESPONSE: Tax Lot 2402 is a non-confirming parcel as it is split zoned Rural Residential-2 (RR-2) & Industrial (IND). Tax lot 2405 is nonconforming as it is also split zoned Industrial (IND) and Exclusive Farm Use (EFU). This adjustment is within the Industrial (IND) zoning portion of the properties. There were no conditions or restrictions at the time each unit was created.

3. *An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment.*

RESPONSE: There will be no encroachment.

4. *All parcels will retain any on-site septic system and associated repair area on the parcel it serves;*

RESPONSE: Tax Lot 2402 shall retain any on-site septic system on the parcel.

5. *In resource lands, a unit of land containing a dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling.*
 - a. *A resource unit of land less than 160 acres and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;*
 - b. *A resource unit of land 160 acres or greater and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted below 160 acres with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;*
 - c. *A resource unit of land 160 acres or greater and containing a dwelling approved as a 160-acre dwelling, or approved for construction of a 160-acre dwelling, cannot be reduced below 160 acres for the purpose of qualifying the vacant unit for a 160-acre dwelling.*

RESPONSE: This criteria does not apply to this adjustment.

6. *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.*

RESPONSE: The adjustment will not create a split-zone, both parcels are split zoned currently and the adjustment is within the Industrial (IND) portion only.

CONCLUSION

The applicants have supplied all necessary information required for a Single Property Line Adjustment. Therefore, staff finds the application compliant with Section 6.3.100 of the Coos County Zoning and Land

Development Ordinance. Single Property Line Adjustments are subject to mapping requirements and recording requirements but are not subject to a notice of decision.

The applicants shall comply with the Filing and Mapping Requirements in the next section.

FILING AND MAPPING REQUIREMENTS

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.

MAPPING AND FILING REQUIREMENTS TO COMPLETE THE PROCESS.

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.*

2. *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.

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DATED this _____ day of _____ 20 ____.

File Number: PLA-24-004

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: _____

ATTACHMENT A
Before & After Map

