



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

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: **Friday, February 10, 2023**
File No(s): D-22-006

Proposal: Request for a land use determination and approval for a Lawfully Created Unit of Land Application.

Landowner(s): Gary Pullen
PO Box 769
Bandon, OR 97411

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 **Wednesday, February 22, 2023.** 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. 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-22-006	28S1420A0-01000	962900	EFU/F	50.4

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.

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/planning/page/applications-2022> The application and all documents and

This notice shall be posted from February 10, 2023 to February 22, 2023

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: _____ **Date:** Friday, February 10, 2023 .
Crystal Orr, Planner I

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 Unit 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: D-22-006 Staff Report -Findings of Fact and Conclusions

Exhibit E: 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.

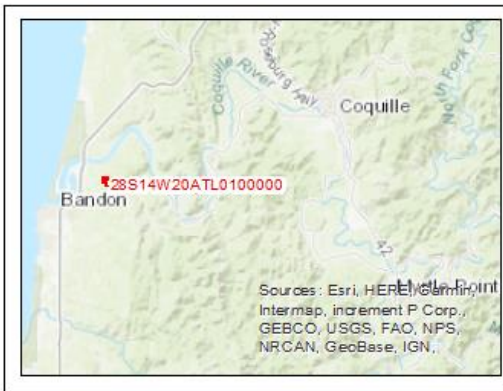
1. Once the appeal period has expired and no appeal have been filed, the applicant shall record the deed descriptions for the units of land and record them prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed.
2. 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.
3. Easements will need to be provide for each lawfully created unit of land that does not directly access a public right-of-way, and at the time of development (if developed) the property owner will be required to bring any roads or driveways to current design standards to support the proposed development. Staff is waiving the easement requirement as the Surveyor, Troy Rambo stated that the property owners are going to be adjusting the property boundaries and will be able to survey the existing roads.

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-22-006
Applicant/ Owner: Pullen Family Ltd Partnership
Gary Pullen
Date: December 8, 2022
Location: Township 28S Range 14W
Section 20A TL 1000
Proposal: Lawfully Crested Unit of Land
Determination

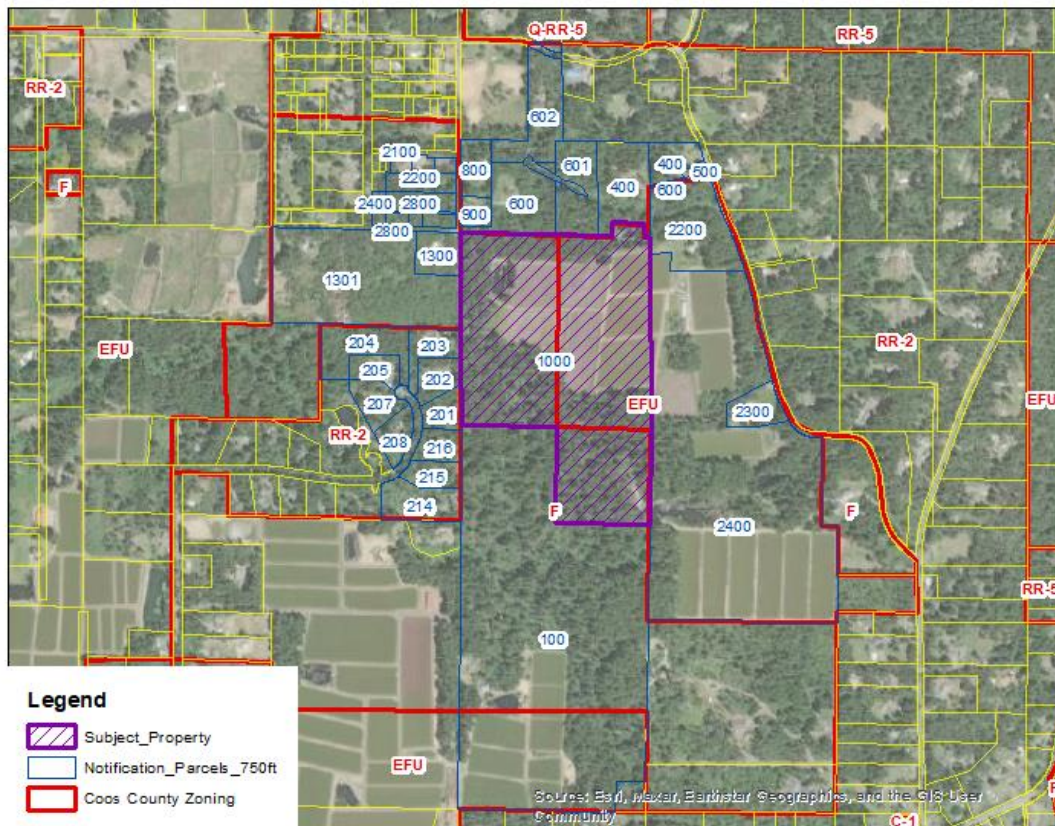
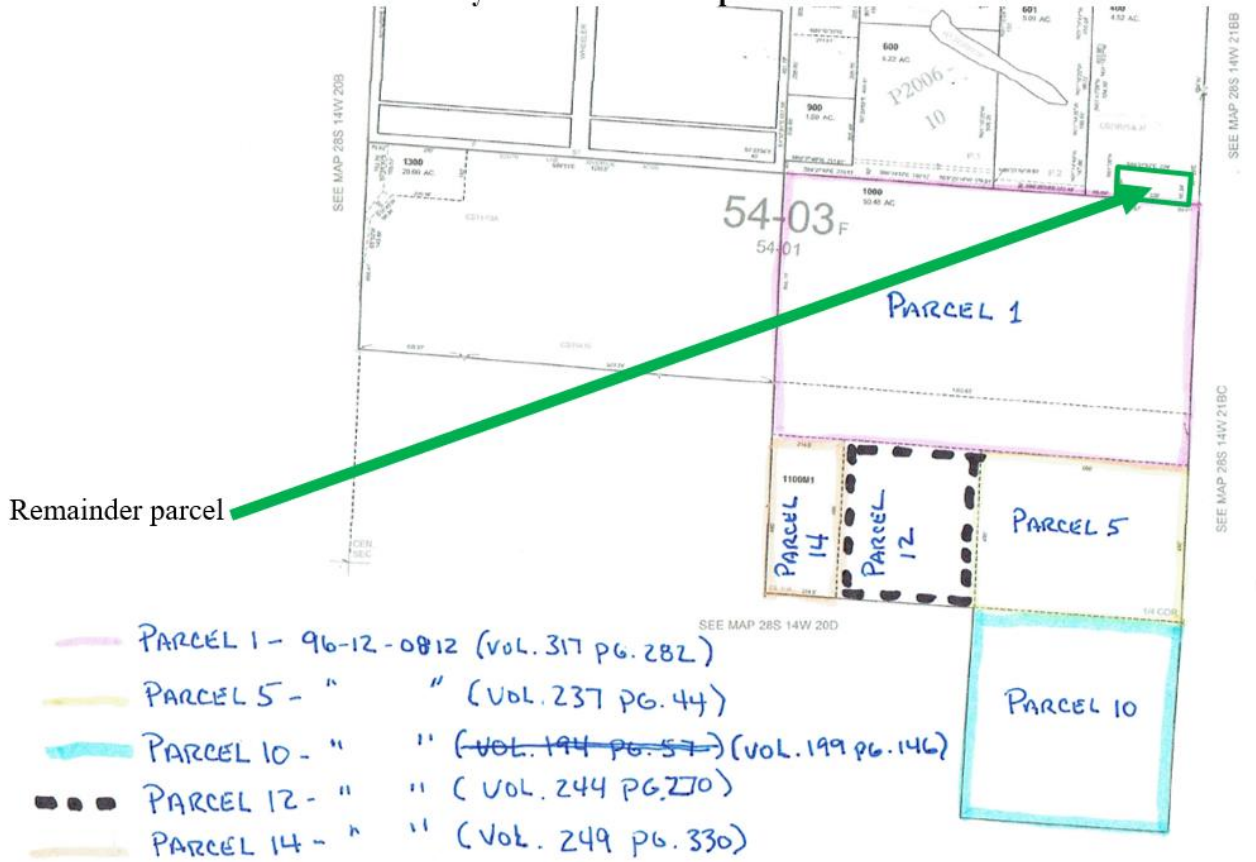


EXHIBIT "C"
Lawfully Created Parcel Map and Deed



61063



KNOW ALL MEN BY THESE PRESENTS, That Duane E. Knapp and Marylou Knapp, husband & Wife

in consideration of Ten & 00/100 Dollars,

to grantor paid by William J. Pullen, Jr. & Rose J. Pullen, husband and Wife

does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Coos and State of Oregon, described as follows, to-wit:

A parcel of land situated in the Southeast quarter (SE 1/4) of the Northeast quarter (NE 1/4) of Section Twenty (20), Township Twenty-Eight (28) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon; more particularly described as follows:

Beginning 30 rods North of the Northeast corner of the Southeast quarter of Section Twenty (20), Township Twenty-eight (28), South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon; running thence North 49 1/2 rods; thence West 78 1/2 rods; thence South 49 1/2 rods; thence East 78 1/2 rods to the place of beginning.

To Have and to Hold the above described and granted premises unto the said grantee and grantee's successors and assigns forever.

and said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns that grantor is lawfully seized, in fee simple of the above granted premises, free from all encumbrances NONE

and that grantor will and his 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.

In construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand and seal this 7 day of May, 1965.

Duane E. Knapp (SEAL)

Marylou Knapp (SEAL)

(SEAL)

(SEAL)

(ORS 93.490)

STATE OF OREGON, County of Coos

188

19

KNOW ALL MEN BY THESE PRESENTS, That Jesse Pullen and Roana Belle Pullen, husband and wife, grantor. B in consideration of Ten and no/100 Dollars, to them paid by William J. Pullen Jr., and Rose J. Pullen, 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 one-half (1/2) mile South of Section Corner between Sections 16, 17, 20 and 21, in Township 28 South of Range 14 West of the Willamette Meridian in Coos County, Oregon; running thence West 40 rods; thence North 30 rods; thence East 40 rods; thence South 30 rods to the place of beginning, containing 7 1/2 acres of land, more or less.



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 we, the grantor, covenant that we are lawfully seized in fee simple of the above granted premises free from all incumbrances.

and that we will and our 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 seal this 14th day of September, 1954

Jesse Pullen (SEAL)
Roana Belle Pullen (SEAL)

STATE OF OREGON, County of Coos, On this 14th day of September, 1954, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Jesse Pullen and Roana Belle Pullen, husband and wife,

who are known to me to be the identical individual 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 seal the day and year last above written.

Notary Public for Oregon. My Commission expires Jan. 4, 1958

86955

WARRANTY DEED (FORM No. 110)

WILLIAM J. PULLEN, JR., and ROSE J. PULLEN,

County of Coos

TO

JESSE PULLEN ET AL.

STATE OF OREGON,

County of Coos

I certify that the within instrument was received for record in the day of SEP 20 1954 at 1:30 o'clock P. M. and recorded in book 237 on page 44. Record of Deeds of said County.

WITNESS my hand and seal of County aforesaid.

GEORGIANNA VAUGHAN

County Clerk-Recorder. By G. H. Kelly Deputy.

SEE ATTORNEY-GENERAL LAW PUB. CO., PORTLAND, ORE.

Handwritten signature 'Glee' and '100 rd barbon'.

KNOW ALL MEN BY THESE PRESENTS, That Raymond Henry Smith and Kathleen Inez Smith, husband and wife

in consideration of ten and no/100 Dollars, and other valuable considerations to them paid by William Pullen and Rose Pullen, husband and wife do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety and not as tenants in community property, 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:

The Northeast quarter (NE 1/4) of the Northeast quarter (NE 1/4) of the Southeast quarter (SE 1/4) of Section twenty (20), Township twenty eight (28) South, Range fourteen (14) West of the Willamette Meridian in Coos County, Oregon, containing ten acres more or less



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 do 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 hands and seals this 2nd day of May, 1949

Raymond Henry Smith (SEAL)

Kathleen Inez Smith (SEAL)

STATE OF OREGON,

County of Coos ss. On this 2nd day of May, 1949, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Raymond Henry Smith and Kathleen Inez Smith, husband and wife

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 seal the day and year last above written.

Nellie V. Anderson

Notary Public for Oregon.

My commission expires 8-12-52



WARRANTY DEED

(FORM No. 710)

Raymond Henry Smith and Kathleen Inez Smith

to William Pullen and Rose Pullen

STATE OF OREGON, County of Coos

I certify that the within instrument was received for record on the day of MAY 15 1949 A. D. 19, at 1:40 o'clock P. M., and recorded in book 146 on page 146, Record of Deeds of said County.

WITNESS my hand and seal of County affixed.

L. W. ODDY

County Clerk-Recorder

Deputy

BY STATE-NEEL LAW PUB. CO., PORTLAND

Wm. Pullen of Church Street, Eugene, Ore. 1-20

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that I, Emma Niehaus, a single woman, Grantor, in consideration of Ten (\$10.00) Dollars and other good and valuable consideration to us paid by W. J. Pullen, Jr. and Rose Jane Pullen, husband and wife, Grantees, as tenants by the entirety, do hereby grant, bargain, sell, and convey unto the said Grantees, all of the following described real property, to wit:

Beginning at a point forty (40) rods West of the Southeast corner of Northeast Quarter (1/4) of Section Twenty (20) Township Twenty-eight (28) South Range Fourteen (14) West of the Willamette Meridian; running thence North thirty (30) rods; thence West twenty-six and two-thirds (26 2/3) rods; thence South thirty (30) rods; thence East twenty-six and two-thirds (26 2/3) rods to the place of beginning containing five (5) acres.

I, the Grantor, covenant to and with the Grantees that I am lawfully seized in fee simple of the above granted premises free from all encumbrances, without exception, that I will, my heirs, executors, and administrators shall, warrant and forever defend the same, and every part thereof, against the lawful claims and demands of all persons whomsoever.

WITNESS my hand and seal this 9th day of August, 1955.

Emma Niehaus

STATE OF OREGON)
County of Coos) ss

On the 9th day of August, 1955, there appeared before me the aforementioned Emma Niehaus, who personally acknowledged to me that she executed the foregoing instrument freely and voluntarily for the uses and purposes therein set forth.

Witness my hand and official seal this 9th day of August, 1955.



D. Spaulding
Notary Public for Oregon

My Commission expires May 28, 1959.

Recorded— Aug. 11, 1955 9 A.M.
Georgianna Vaughan, County Clerk

KNOW ALL MEN BY THESE PRESENTS that Coos County, a Political Subdivision of the State of Oregon, in consideration of the sum of Fifty and no/100ths Dollars, (\$50.00), to it paid by William J. Pullen, Jr. the receipt whereof is hereby acknowledged, has granted, bargained, sold, conveyed, and quitclaimed, and by these presents does grant, bargain, sell, convey and quitclaim unto William J. Pullen, Jr. and Rose Jane Pullen, husband and wife as tenants by the entirety, all its right, title and interest in and to the following described real property situated in the County of Coos and State of Oregon, to-wit:

Begin at the Southwest corner of the East half of the Northeast quarter, Section 20, Township 28, South, Range 14, West of the Willamette Meridian, thence North 30 Rods, thence East 13 Rods, thence South 30 Rods, thence West 13 Rods to the place of beginning, being Tax Lot 3, in Section 20, Township 28 South, Range 14, West of the Willamette Meridian, Coos County, Oregon, containing 2.5 acres, reserving to the grantor the oil, mineral, and gas in said premises, and also reserving therefrom a 60 foot in width right of way through said premises,

together with the tenements, hereditaments, and appurtenances thereunto belonging, or in anywise appertaining.

TO HAVE AND TO HOLD, the above described premises unto the said William J. Pullen, Jr. and Rose Jane Pullen, their heirs and assigns forever.

IN WITNESS WHEREOF, Coos County has caused these presents to be executed by its County Judge and Commissioners this 2nd day of April, 1956, by authority of an Order of said County Court heretofore entered of record.

Approved as to Form:

COOS COUNTY, a body politic and corporate of the State of Oregon

District Attorney



James W. Harrison
County Judge

Fred W. Kruse
Commissioner

J. C. ...
Commissioner



1 of 1

--- PLANNED EASEMENTS

... POTENTIAL FUTURE EASEMENTS

1/27/2023, 7:29 AM

MULKINS & RAMBO, LLC

P.O. BOX 809
NORTH BEND, OR 97459
PHONE (541) 751-8900
Email: mandrllc@frontier.com

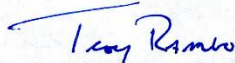
January 30, 2023

Coos County Planning Dept.
250 N. Baxter
Coquille, OR 97423

RE: D-22-006 – Pullen – Section 6.1.150 – Road Access

I hereby request on the behalf of my clients that the road access for the multiple discrete parcel be waived at this time. The plan is to submit an application for a property line adjustment. At the time of the survey, the existing roads that are going to be used for easements will be surveyed. Once the adjustment is completed the subject properties owned by The Pullen Family Limited Partnership will be split up between the two brothers that own the partnership. At the time of the split, the proposed easements will be created and recorded.

If you have any questions, let me know.



Troy Rambo, LS 2865

**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 a Lawfully Created Unit of Land. This application was submitted to verify that there are six (6) parcels within tax lot 1000.

B. LOCATION:

This unit of land are located northeast of the City of Bandon. The parcel abuts Fishtale Road, which is off of Prosper Junction Road.

C. ZONING:

This property is split zoned, Exclusive Farm Use (EFU) and Forest (F).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

Section 4.2.500 Resource Zones

Forest (F) - The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses. The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the “F” zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

Forest Mixed Use (FMU)

The purpose of the Forest Mixed Farm-Forest Areas (“MU” areas) is to include land which is currently or potentially in farm-forest use. Typically, such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these “mixed use” areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993. If a use is only allowed in the mixed-use zone, it will be explained in the text. Otherwise, the uses listed are allowed in both the Forest and Forest Mixed Use zones.

Exclusive Farm Use (EFU)

These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.

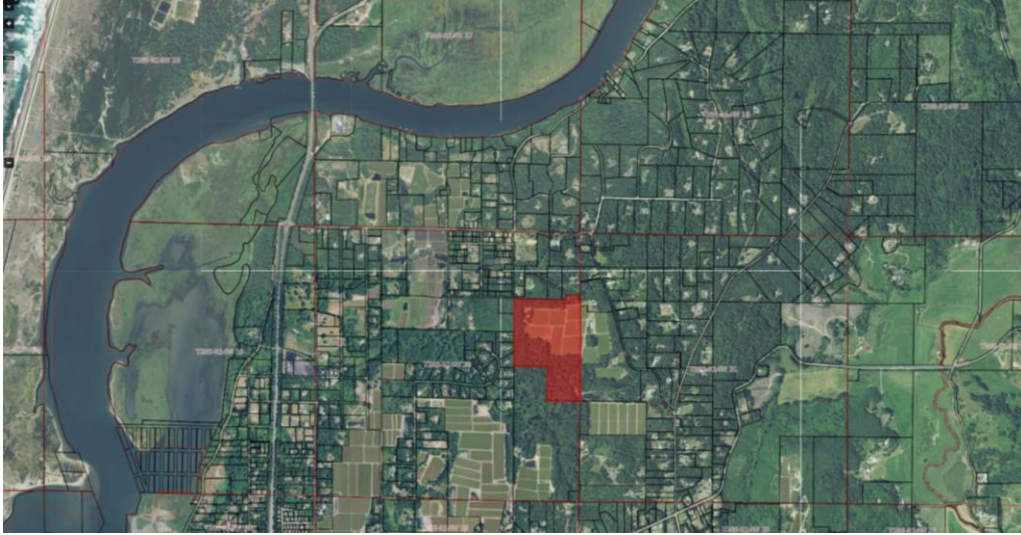
The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660. Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

D. SITE DESCRIPTION AND SURROUNDING USES:

Based on aerial imagery, the subject properties in this area are used for farm, forest and residential uses.

E. LOCATION:

These units of land are located northeast of the City of Bandon. The property is located off of Fishtale Road, which is off of Prosper Junction Road. The map below shows a general location of the properties.



II. Property Compliance:

- A. **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 finds at the time of this report that this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-compliant.

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 is subject to Coos County Zoning and Land Development (CCZLDO) Article 6.1.
- B. **COMMENTS:**
Comments were requested from the Coos County Assessor’s and Surveyor’s Office but not were received prior to the release of this decision.
- C. **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. The application was deemed incomplete within the applicable 30 day deemed complete review time. The requested information was received and the application was considered complete on February 2, 2023.

Troy Rambo, Professional Surveyor submitted information to certify that there are six (6) lawfully created units of land within tax lot 1000 in Township 28, Range 12, Section 20A. The map and deeds are located in Exhibit “C”.

This application is granting approval for more than two (2) lawfully created units of land. At this time Staff is not requiring easements as the Surveyor will be providing those through property line adjustment applications he will be submitting in the future.

Therefore, after reviewing all of the evidence Planning Staff can acknowledge that the unit of land identified within the above map is a lawfully created unit of land.

IV. DECISION:

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

V. EXPIRATION:

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. Therefore, there is not expiration for this type of application.

VI. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties: Bandon RFPD, Southern Coos General Health

A Notice of Decision and Staff Report will be provided to the following: Applicants/Owners; Coos County Surveyor, Coos County Assessor’s Office, Oregon Department of Land Conservation and Development; Coos County Planning Commission; and the 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.