



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, September 03, 2021**
File No: PLA-21-018

Proposal: Request for a land use determination for a single Property Line Adjustment between two lawfully created units of land.

Applicant(s): Daniel & Celia Davis
PO Box 1741
Bandon, OR 97411
Riley & Christine Spillar
1059 Ranch Road
Reedsport, OR 97467

Surveyor(s): Troy Rambo
PO Box 809
North Bend OR 97459

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, September 15, 2021**. Pursuant to Section 5.8.100 Property Line Adjustments are appealable within twelve (12) days the written notice is mailed. Appeals are based on the applicable land use criteria. All land use reviews 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 and Article 6.1 Lawfully Created Lots and Parcels. Property Line Adjustments are subject to the Coos County Zoning and Land Development Ordinance (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

	Property #1	Property #2
Account Numbers	1203408	1203422
Map Numbers	29S140500-01000	29S140500-01100
Property Owners	DAVIS, DANIEL E. & CELIA V.	SPILLAR, RILEY A.; ET AL
Situs Addresses	None Assigned	54544 Rosa Rd, Bandon, OR 97411
Acreages	3.40 Acres	1.68 Acres
Zonings	RURAL RESIDENTIAL - 5 (RR-5)	RURAL RESIDENTIAL - 5 (RR-5)

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


This notice shall be posted from September 3, 2021 to September 15, 2021

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. **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.**

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.

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, with an appointment at the Planning Department located at 60 E. Second Street, Coquille, Oregon. 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, September 03, 2021 .
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: Property Line 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: PLA-21-018 Staff Report -**Findings of Fact and Conclusions**

Exhibit E: Comments Received

Exhibit F: PLA-21-018 Application

EXHIBIT "A"
CONDITIONS OF APPROVAL

The applicant 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.

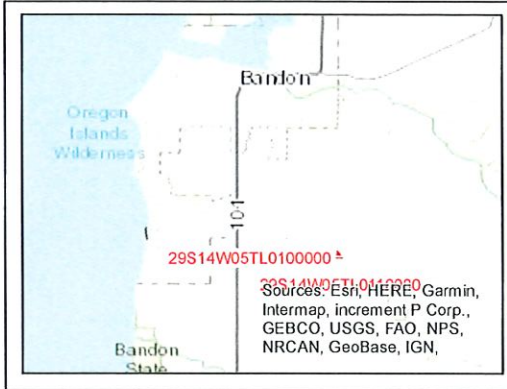
1. Shall comply with any requirements from Coos County Surveyor or Assessor's Office.
 - a. The Coos County Survey stated the newly adjusted line will require a survey and monuments.
 - b. The Coos County Assessor's Office did not provide formal comments but at the time the deed is reviewed there will be comments.
2. 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.
3. Within one year from the date of tentative approval, the applicant 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.
4. **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.
 - b. 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.

**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: PLA-21-018

Owner/ Daniel & Celia Davis
 Owner: Riley & Christine Spillar

Date: August 6, 2021

Location: Township 29S Range 14W
 Section 5 TL 1000 / 1100

Proposal: Property Line Adjustment

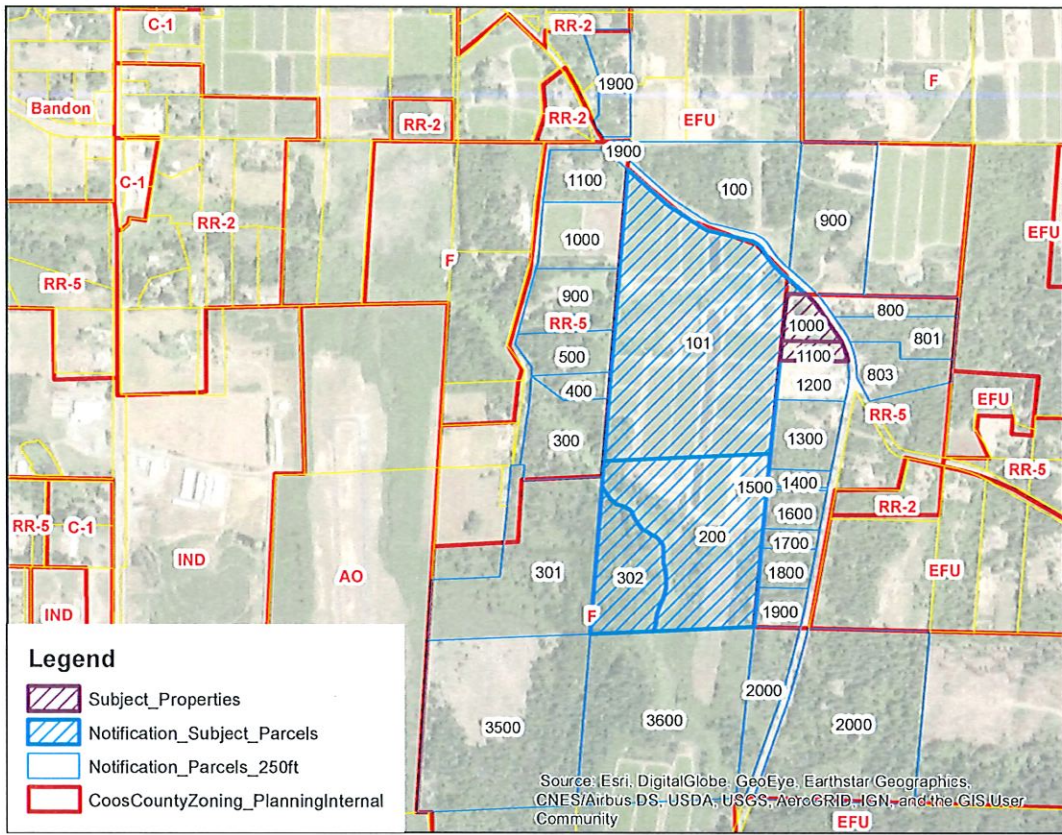
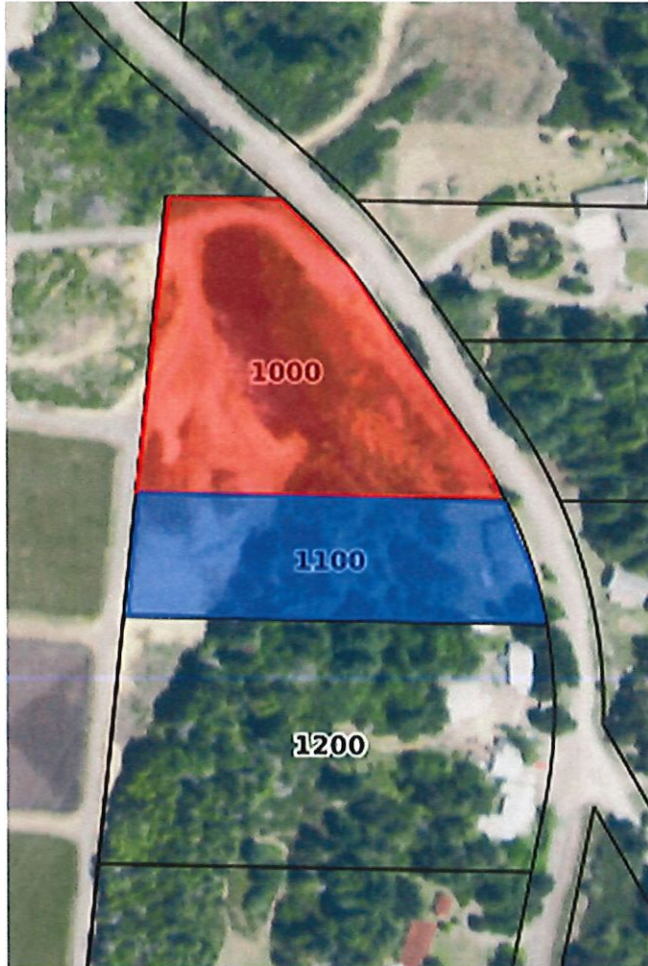


EXHIBIT "C"
PROPERTY LINE ADJUSTMENT MAP
THESE AERIAL IMAGES ARE PART OF STAFF'S REVIEW. THE LINES SHOWING ACTUAL
DISTANCES SEE THE APPLICANT'S MAPS FOUND IN EXHIBIT "F"

Before Adjustment



After Adjustment

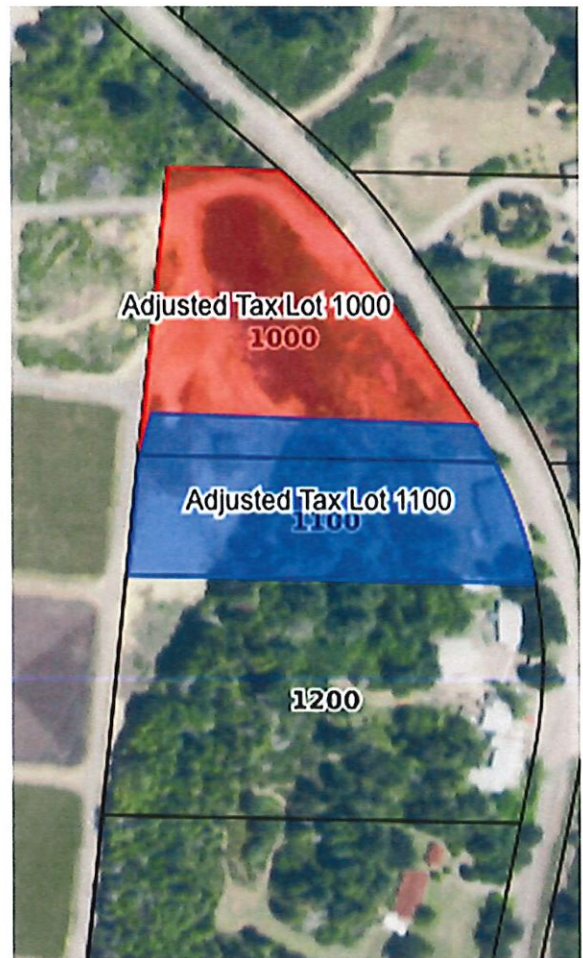


EXHIBIT "D"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. PROPOSAL: According to the application the owners of Property #2 (tax lot 1100) would like to purchase a 50-foot strip of land from the owners of Property #1 (tax lot 1000). While the purpose of the line adjustment was not provided in detailed it appears the purpose is to ensure the structure is located within the boundary of tax lot 1100.

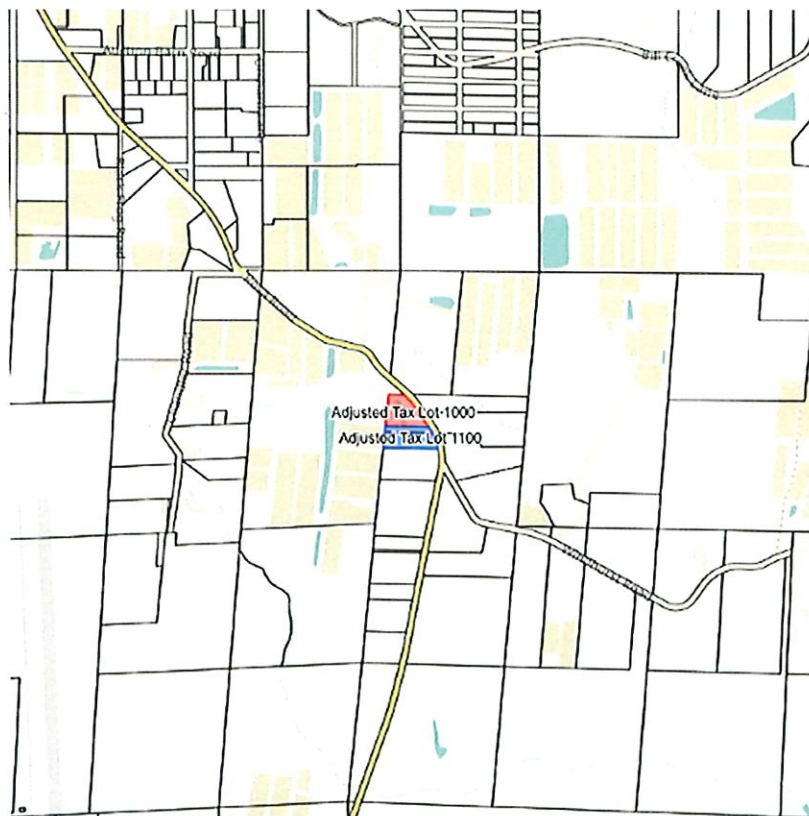
B. BACKGROUND INFORMATION:

Tax lot 1000 is undeveloped and has three perpetual easements to various individuals. The tax lot also has an easement (#70-7-50325) to the United States of America. This easement is for the Bonneville Power Administration transmission line. The change of the configuration will not have an effect on any deeded access or right of ways.

Tax lot 1100 has a *Single-Family Dwelling* built in 1937, which was prior to the Coos County Zoning and Land Development Ordinance (CCZLDO) and therefore did not require permitting.

The current application was submitted on May 5, 2021 and deemed complete within the 30-day time frame (June 4, 2021) explained in the Coos County Zoning and Land Development Ordinance Section 5.0.200 (ORS 215.427) and 5.0.250. The deemed complete process is a review that all the materials have been submitted as explained in the applications. This is not full review of the criteria as the burden of proof rest with the applicant and the details of the application are reviewed during the review period.

C. LOCATION: These units of land are located southeast of the City of Bandon. Both parcels are directly accessed from Rosa Road. The map below shows the location.



D. ZOINING: The tax lots in this case are both zoned Rural Residential-5 (RR-5).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.100 Residential

There are two RR zonings: Rural Residential-5 (RR-5) and Rural Residential-2 (RR-2). The intent of the Rural Residential Districts includes justified sites plus "committed" areas. The County's plan prescribes and allocates a finite number of rural dwelling/units/acreages. The zoning ordinance will specify permitted uses and minimum lot sizes.

The purpose of the "RR-2" and "RR-5" districts are to provide for small to medium acreage dwelling sites outside of Urban Growth Boundaries, where a moderate intensity of land development is appropriate, but where urban services and facilities may not be available or necessary.

The "RR-5" district provides for the orderly development of rural land so as to encourage the continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural or forestry uses.

E. SITE DESCRIPTION AND SURROUNDING USES:

Tax lot 1000 is zoned for residential use but is being used as the access for the cranberry farm on map number T29S-R14W-S06-TL101 under the same ownership. There also appears to be an irrigation pond on this parcel. The property is surrounded by Rural Residential-5 zoning to the north, east and south. Across Rosa Road to the northeast is Exclusive Farm Use (EFU) zoned parcels. West of the parcel is Forest zoned parcel, under the same ownership as tax lot 1000, that is being utilized for cranberry farming operations.

Tax lot 1100 has a 1937 single family dwelling on the parcel. Tax lot 1000 is on the north side of this parcel. To the south and east of this parcel are developed Rural Residential-5 properties. These are single family dwellings with direct access onto Rosa Road or Windhurst Lane. West of tax lot 1100 is Forest zone parcel being used for cranberry farming. The owners of tax lot 1000 currently own the adjacent parcels to the west used for cranberries farming.

F. COMMENTS:

As part of the property line adjustment the only comments requested were from the County Surveyor and Assessor's Office. The County Surveyor did provide comments on May 26, 2021, stating that the newly adjusted line will have to be surveyed and monumented. The full comment can be found at Exhibit E.

II. GENERAL 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 files to determine at the time of this report 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 noncomplaint.

B. 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: Both tax lots were lawfully created pursuant to CCZLDO Section 6.1.125.1.e as it they were created by legal description conveying real property prior to 1986 (tax lot 1000 deed document 72-8-74949, tax lot 1100 deed document 68-33345).

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for Planning Director Approval of a Single Property Line Adjustment between two (2) lawfully created units of land. The proposal is subject to Coos County Zoning and Land Development (CCZLDO) Article 6.3 Property Line Adjustments.

B. Criteria and standards for 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 line adjustment as an Administrative Action unless the application is required to correct an encroachment. In that circumstance the only applicable criteria is Sections 6.3.125.1, 6.3.150 and 6.3.175. Encroachments do not require notice.

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

FINDING: The proposal is to reconfigure tax lot 1100 from 1.68 acres to approximately 2.18 acres. The purpose of the property line adjustment is for the owners to tax lot 1100 to purchase an additional 50 feet strip of land to ensure the structure is located within 1100. Staff finds this proposed adjustment will only increase the setback for the current structural development from the new northern property line. This is consistent with the zoning and is not prohibited by the CCZLDO.

The map provided by the applicant's surveyor, Troy Rambo, is an assessment map that shows adjacent land divisions and roadways. Mr. Rambo submitted a draft survey of the proposed adjustment, but did not include any development or easements. A property report was waived as the property owners do not have a lien holder and did provide the appropriate deeds. There are no lien holders of record to provide notice or to consult with.

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

- 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 (e.g. two conforming parcels must remain conforming); and*
 - c. Two non-conforming parcels may remain non-conforming; and, two parcels, one conforming and one non-conforming, may remain as such regardless of which parcel is non-conforming after the exchange or transfer).**

FINDING: Currently tax lots 1000 (3.40 acres) and 1100 (1.68 acres) are legal non-conforming units of land because they are less than the minimum lot size and were created by deed descriptions prior to the acknowledgment of the current five-acre minimum lot size in the Rural Residential-5 Zone. There are no covenants, conditions or restrictions on the formation of these units of land. The units of land will not be reduced in size contrary to a condition in which they were formed as both parcels will remain below the minimum parcel/lot size, Tax lot 1000 will be reduced to 2.90 acres and tax lot 1100 will increase to 2.18 acres.

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

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

FINDING: No encroachment will be created through this process and any future structures will be required to comply with the setback requirements in the applicable zoning district. It appears from the information provided this will actually fix an encroachment. Therefore, this request complies with the criterion under this section.

4. *A line adjustment for a lot or parcel that contains a dwelling, not on a public sanitation system, and is less than an acre before the adjustment and further reduced as a result of the adjustment shall obtain documentation from Department of Environmental Quality (DEQ) that the sanitation system will still meet their requirements.*

FINDING: Currently, tax lot 1100 has an established 1937 dwelling on the parcel. The dwelling is not on a public sanitation system, and the parcel is currently over an acre in size. The change in the property line will result in both units of land that exceed one (1) acre. Therefore, this request complies with the criterion under this section.

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.*

FINDING: The subject properties are not zoned resource. Therefore, these criteria are not applicable.

6. *Same Designation: A line adjustment shall only be permitted where the sale or transfer of ownership is made between abutting owners of like designated lands, residential lands, commercial lands, industrial lands, resource lands, and estuary zoned lands unless an existing structure encroaches over an existing property boundary or the boundary line adjustment is required to comply with requirements of the State Department of Environmental Quality for a subsurface sewage system.*

FINDING: The parcels are within the same zoning designation; therefore, Therefore, this request complies with the criterion under this section.

- **SECTION 6.3.150 EASEMENTS AND ACCESS:**

A line adjustment shall have no affect 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: Both parcels have directly access onto Rosa Road. The proposed property line adjustment will not affect this access. This criterion will have been complied with.

C. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

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.

FINDING: 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.

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 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 districts, or parties: Bandon Fire Protection District Southern Coos General Health Department.

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.

EXHIBIT "E"
COMMENTS



COOS COUNTY SURVEYOR
250 N. Baxter Street, Coquille, Oregon 97423

Michael L. Dado
541-396-7586
Email coosurvey@co.coos.or.us

May 26, 2021

PLA-21-018
Daniel & Celia Davis
29-14-05; TL 1000
Riley & Christine Spillar
29-14-05; TL 1100

Crystal,

I have no objections to this proposed Property Line Adjustment. The newly adjusted line will have to be surveyed and monumented.

I have no further comments at this time.

Very truly yours

A handwritten signature in black ink that reads "Michael L. Dado". The signature is written in a cursive style with a large initial "M".

Michael L. Dado

EXHIBIT "F"
APPLICATION



PROPERTY LINE ADJUSTMENT
SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS STREET OR MAIL TO:
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

FILE NUMBER: PLA- 21- 018

Date Received: 5/24/21 Receipt #: 226202 Received by: A. Dibble

This application shall be filled out electronically. If you need assistance please contact staff. If the fee is not included the application will not be processed.
(If payment is received on line a file number is required prior to submittal)

LAND INFORMATION

A. Land Owner(s) Daniel & Celia Davis
Mailing address: P.O. Box 1741, Bandon, OR 97411
Phone: 541-297-3333 Email: _____
Township: Range: Section: ¼ Section: 1/16 Section: Tax lot:
29S 14W 5 Select Select 01000
Tax Account Number(s): 1203408 Zone: Select Zone Rural Residential-5 (RR-5)
Acreage Prior to Adjustment: 3.40 Acreage After the Adjustment 2.90

B. Land Owner(s) Riley & Christine Spillar
Mailing address: 1059 Ranch Road, Reedsport, OR 97467
Phone: 541-361-6353 Email: _____
Township: Range: Section: ¼ Section: 1/16 Section:
29S 14W Select Select Select 01100
Tax Account Number(s) 1203422 Zone Rural Residential-5 (RR-5)
Acreage Prior to Adjustment: 1.68 Acreage After the Adjustment 2.18

C. Surveyor Troy Rambo
Mailing Address P.O. Box 809, North Bend, OR 97459
Phone #: 541-751-8900 Email: mandrllc@frontier.com

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)

Please check off that all the required documents have been submitted with the application. Failure to submit documents will result in an incomplete application or denial.

Purpose of the Property Line Adjustment:

The owners of Property #2 would like to purchase a 50 foot strip of land from the owners of

Property #1

- A before and after vicinity map locating the proposed line adjustment or elimination in relocation to adjacent subdivisions, partitions, other units of land and roadways.
- 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 needs reflect structures as follows:
1. Within Farm and Forest at least within 30 feet of the property boundaries.
 2. Within Rural Residential at least 10 feet of the property boundaries.
 3. Within Controlled Development at least within 20 feet of the boundaries.
 4. Within Estuary Zones at least within 10 feet of the boundaries.
 5. Within Commercial and Industrial within 10 feet of the boundaries.

If there is no development within distance listed above the plan needs to indicate not development within the required distance.

- A current property report (less than 6 months old) indicating any taxes, assessment or liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property. A title report is acceptable. ***This shall be for both properties.*** At the minimum a deed showing the current lien holders, reference to easements, covenants and ownership will be accepted for both properties. A notice will be provided to any lien holder as part of this process.

Please list all Lien Holders names and addresses:

Property 1: No Lien Holder

Property 2: No Lien Holder

Please answer the following:

- | | | |
|--|------------------------------|--|
| Will the adjustment create an additional Unit of land? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Does property 1 currently meet the minimum parcel/lot size ? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Does property 2 currently meet the minimum parcel/lot size? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

Was property one created through a land division? Yes No

Was property two created through a land division? Yes No

Are there structures on the property? Yes No

If there are structures please provide how far they are in feet from the adjusted boundary line:
70 feet

Is there a sanitation system on the one or both properties, if so, please indicate the type of system
 Yes No
 Onsite Septic System Public Sewer

Is property one going to result in less than an acre and contain a dwelling? Yes No

Is property two going to result in less than an acre and contain a dwelling? Yes No

Is one or both properties zoned Exclusive Farm Use or Forest? Yes No

Will the property cross zone boundaries? If so, a variance request will be required. Yes No

Will the property line adjustment change the access point? Yes No

Section 5.0.150 Application Requirements: Applications for development (includes land divisions and relocation of property boundary) or land use actions shall be filled on forms prescribed by the County and shall include sufficient information and evidence necessary to demonstrate compliance with the applicable criteria and standards of this ordinance and be accompanied by the appropriate fee.

It shall be the duty of the Planning Director or his/her authorized representative to enforce the provisions of the Coos County Zoning and Land Development Ordinance pertaining to zoning, land use, the construction, erection, location or enlargement of any structure and land divisions including the relocation of boundary lines within Coos County under the jurisdiction of this Ordinance. Therefore, if any violations of the ordinance are found to exist the application will not be processed unless other resolutions are possible.

Acknowledgment Statement: I hereby declare that I am the legal owner of record or an agent having consent of the legal owner of record and I am authorized to obtain land use approvals. The statements within this form and submittal information provided are true and correct to the best of my knowledge and belief. I understand that any authorization for land use approval may be revoked if it is determined that it was issued based on false statements, misrepresentation or in error.

Property Owner

Daniel E. Davis 5-7-2021
Cebra V. Davis 5-7-2021

Leah P. Spillar 5.7.2021
Christine Spillar 5.7.2021

After recording return to: (Name, Address, Zip)
Riley A Spillar and Christine A Spillar
PO Box 1044, Palm Desert, CA 92261
Until requested otherwise, send all tax statements to:
Same As Above

GRANTOR:
Federal Home Loan Mortgage Corporation
5000 Plano Parkway, Carrollton, TX 75010

GRANTEE:
Riley A Spillar and Christine A Spillar
PO Box 1044, Palm Desert, CA 92261

ORDER NO. 01049-5808

RECORDED BY
FIRST AMERICAN TITLE

1951790

#1007007

Space Above Reserved for Recorder's Use

STATUTORY SPECIAL WARRANTY DEED

Federal Home Loan Mortgage Corporation, a corporation organized and existing under the law of the United States by Stewart Lender Services, Inc., as Attorney in Fact, Grantor, conveys and specially warrants to Riley A Spillar and Christine A Spillar, Grantee, the following described real property free of encumbrances created or suffered by the Grantor, except as specifically set forth herein. Being the same premises conveyed to Federal Home Loan Mortgage Corporation by Trustee's Deed Recorded on 9/18/12 in the Coos County Recorder's office as fee number 2012-7840 situated in Coos County, State of Oregon, to wit:

See Legal Description attached hereto as Exhibit "A"

Subject to and excepting: Covenants, Conditions, Restrictions and Easements of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.338 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS ORS 195.300, 195.301 AND 195.305 TO 195.338 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true and actual consideration for this conveyance is \$39,900.00. (Here, comply with the requirements of ORS 93.030.)

File No: 01049-5808
Special Warranty Deed FHLMC NW

Page 1 of 3

COOS COUNTY CLERK, OREGON
TERRI L. TURI, CCG, COUNTY CLERK
TOTAL \$51.00

12/28/2012 02:42:40PM
PAGE 1 OF 3

2012 11107

KNOW ALL MEN BY THESE PRESENTS, That 88-03-1762 Grantor LARRY R. LEWIS AND JANET F. LEWIS for consideration as hereinafter stated to them paid by the Grantees herein, do hereby grant, bargain, sell and convey unto DANIEL E. DAVIS AND CELIA V. DAVIS

husband and wife, Grantees, as tenants by the entirety, the following described real property, situate in the County of Coos and State of Oregon, to-wit:

SEE EXHIBIT "A" REVERSE SIDE

"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 APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES."

To Have and to Hold the granted premises unto the said Grantees, as tenants by the entirety, their Heirs and Assigns forever.

The Grantor do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances, SEE EXHIBIT "B" REVERSE SIDE

and that they will and their heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as stated above.

The true and actual consideration for this transfer is \$ 35,000.00 and the property shall include all encumbrances to be paid by purchaser. (*Strike inapplicable phrases—the dollar amount should include all encumbrances to be paid by purchaser.)

Witness our hand and seal, this 24 day of March, 1988.

Larry R. Lewis (SEAL)
Janet F. Lewis (SEAL)

STATE OF OREGON
County of Coos

On this 24 day of March, 1988, personally appeared the above named

LARRY R. LEWIS and
JANET F. LEWIS

and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me, Carroll Cooper
Notary Public for Oregon
My Commission Expires 1-26-91

WARRANTY DEED Tenancy by the Entirety
Furnished at a charge by WILLAMETTE VALLEY TITLE CO.

588 184
State of Oregon
County of Coos 88-03-1762
I, Mary Ann Wilson, County Clerk, certify the within instrument was filed for record at Mar 30 11:45 AM '88
By B. Taylor Deputy
#pages 2 Fee 10.00

UNTL: A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

Daniel E. & Celia V. Davis
P. O. Box 803
Port Orford, OR 97465
Return to:

EXHIBIT "A"

88 03 1763

PARCEL I

Beginning at the Northwest corner of the SW 1/4 of NW 1/4 of Section 5, Township 29 South, Range 14 West of the Willamette Meridian, Coos County, Oregon; thence East to the West boundary of the Rosa Road; thence Southeasterly along said road to the Northeast corner of the property conveyed to Delbert Curtis et ux in instrument bearing Microfilm No. 68-10-33345, Records of Coos County; thence West along Curtis' North line to the West boundary of said Section 5; thence North along said Section line to the point of beginning.

Account #12034.08

PARCEL II

The Southeast quarter of the Northeast quarter (SE 1/4 NE 1/4) of Section Six (6), Township Twenty-nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon.

Account #12047.00

EXHIBIT "B"

SUBJECT TO:

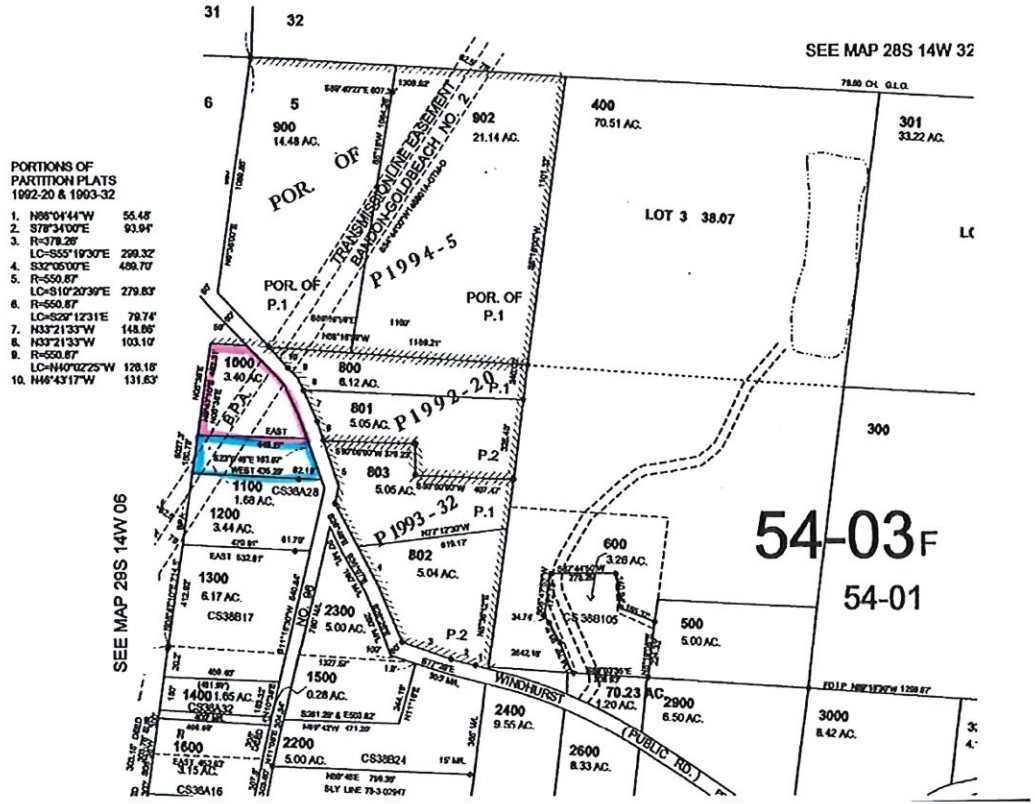
1. The assessment roll and the tax roll disclose that the within described premises were specially assessed as timber land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five years or lesser number of years.
2. Classification of the within property as reforestation land requiring payment of yield tax when timber is cut.
3. Rights of the public in and to that portion of the herein described property lying within the boundaries of roads and roadways.
4. Easement, including the terms and provisions thereof, conveyed to John C. Windhurst, et ux, by instrument recorded December 24, 1954, in Volume 238 page 625, Deed Records of Coos County, Oregon. (Affects Parcel I, exact location unknown)
5. Easement, including the terms and provisions thereof, conveyed to Delbert M. Curtis, et ux, by instrument recorded October 28, 1968 as Microfilm No. 68-10-33345, Deed Records for Coos County, Oregon. (Affects Parcel I)
6. Easement, including the terms and provisions thereof, conveyed to The United States of America and its assigns, by instrument recorded August 29, 1969, as Microfilm No. 69-8-41745, Deed Records for Coos County, Oregon. (Affects Parcel I)
7. Easement, including the terms and provisions thereof, conveyed to The United States of America and its assigns, by instrument recorded July 23, 1970 as Microfilm No. 70-7-50325, Records of Coos County, Oregon. (Affects Parcel II)

WILLAMETTE VALLEY TITLE
454 Commercial 116958EL
Coos Bay, Oregon 97420-2293

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 5 T29S R14W
COOS COUNTY

1" = 400'



- PORTIONS OF
PARTITION PLATS
1992-20 & 1993-32
1. N88°04'41"W 55.48'
 2. S78°34'00"E 93.94'
 3. R=378.26'
LC=835°19'30"E 299.32'
 4. S32°05'00"E 498.70'
 5. R=550.87'
LC=810°20'39"E 279.83'
 6. R=550.87'
LC=520°12'31"E 78.74'
 7. N33°21'33"W 148.86'
 8. N33°21'33"W 103.10'
 9. R=550.87'
LC=N40°02'25"W 126.18'
 10. N46°43'17"W 131.83'

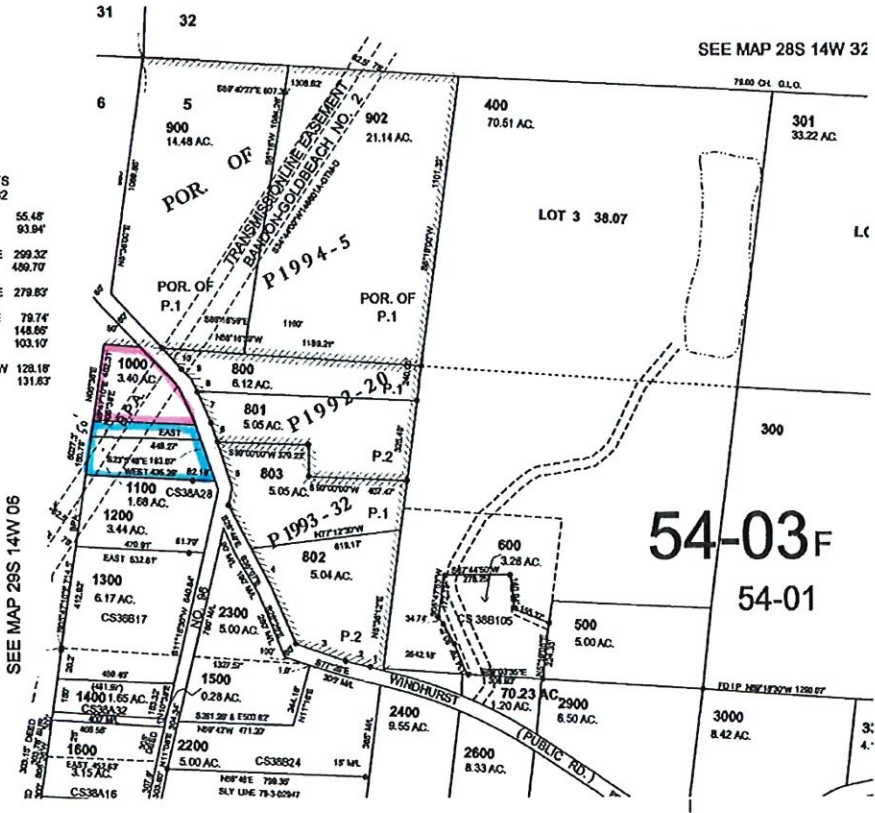
*Before
ADJUSTMENT*

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 5 T29S R14W
COOS COUNTY

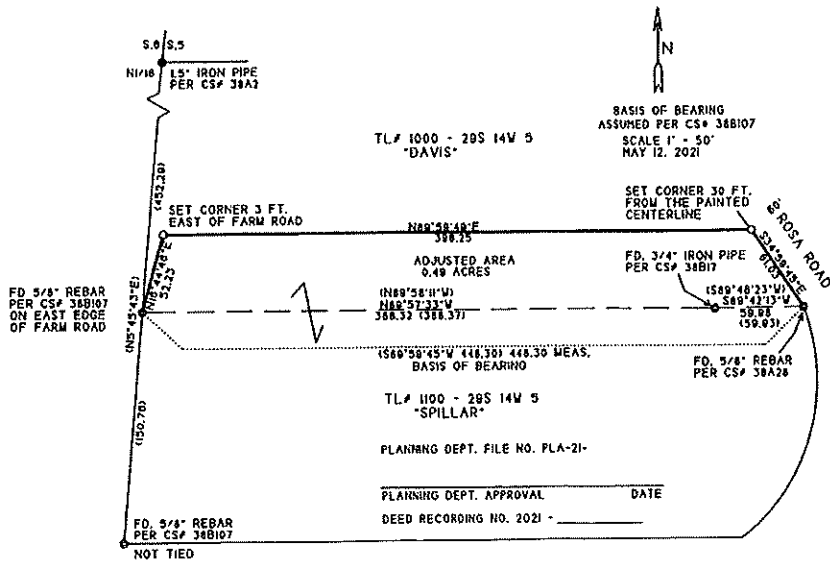
1" = 400'

- PORTIONS OF
PARTITION PLATS
1992-20 & 1993-32
1. N89°04'41"W 55.48'
 2. S78°04'00"E 93.94'
 3. R-379.29'
 - LC-S55°19'30"E 299.32'
 4. S32°06'00"E 456.70'
 5. R-550.87'
 - LC-S10°20'39"E 279.83'
 6. R-550.87'
 - LC-S29°12'31"E 79.74'
 7. N33°21'33"W 148.86'
 8. N33°21'33"W 103.10'
 9. R-550.87'
 - LC-N40°02'25"W 128.18'
 10. N48°43'17"W 131.83'



AFTER
ADJUSTMENT

PROPERTY LINE ADJUSTMENT SURVEY - LOCATED IN THE SW1/4 NW1/4
OF SECTION 5, T.29S., R.14W., W.M., COOS COUNTY, OREGON



COOS COUNTY SURVEYOR
DATE RECEIVED: _____
DATE ACCEPTED/FILED: _____
COOS COUNTY SURVEYOR

SURVEYED FOR:
DANIEL & CELIA DAVIS
P.O. BOX 1741
BANDON, OR 97411
RILEY & CHRISTINE SPILLAR
1059 RANCH RD.
REEDSPORT, OR 97467
SURVEYED BY:
MULKINS & RAMBO, LLC
P.O. BOX 809
NORTH BEND, OR 97459

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Troy Rambo
OREGON
JULY 14, 1991
TROY J. RAMBO
2865
GENERAL 12-31-2022

LEGEND

- FD. CORNER AS SHOWN
- SET 5/8" X 30" REBAR WITH A PLASTIC CAP HKD. 'LS 2865'
- | RECORD BEARING/DISTANCE PER CS# 388107
- ADJUSTED LINE
- - - OLD LINE

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MONUMENT THE ADJUSTED BOUNDARY AND CREATE A DESCRIPTION FOR A PROPERTY LINE ADJUSTMENT DEED. CONTROL WAS BASED ON CS# 38A2, CS# 38A28, CS# 38B17 AND CS# 38B107. THE RECORD BEARING AND DISTANCE PER CS# 388107 WAS HELD TO CALCULATE THE POSITION OF THE N1/16 CORNER AS SHOWN.