



NOTICE OF LAND USE DECISION

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

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. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

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.

Date of Notice: **Friday, August 21, 2020**

File No: PLA-20-014

Proposal: Request for a land use authorization for a Property Line Adjustment

Applicant(s): Todd Goergen

Surveyor(s): Clyde Mulkins, Mulkins and 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 02, 2020**. Appeals are based on the applicable land use criteria. Property line adjustments are subject to 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

Account Numbers	188907	187700
Map Numbers	24S1335D0-00101	24S1335D0-00900
Property Owners	TAT ENTERPRISES, LLC PO BOX 97 COOS BAY, OR 97420-0010	GOERGEN, RICHARD TODD PO BOX 97 COOS BAY, OR 97420-0010
Situs Addresses	NO SITUS ADDRESS	66013 NORTH BAY RD NORTH BEND, OR 97459
Acreages	16.45 Acres	5.50 Acres
Zonings	RURAL RESIDENTIAL-2 (RR-2)	RURAL RESIDENTIAL-2 (RR-2)

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
This notice shall be posted from August 21, 2020 to September 2, 2020

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.

The application, staff report and any conditions can be found at the following link:<http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2020.aspx>. 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 225 North Adams 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: 
Crystal Orr, Planner I

Date: Friday, August 21, 2020 .

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: Before & After Maps

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-20-014 Staff Report -**Findings of Fact and Conclusions**

Exhibit E: Comments Received

Exhibit D: 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.

1. All applicable mapping and filing requirements shall be complied with as listed below. If a map is required it shall be submitted to the Surveyor's office with the deeds. The deeds shall not be filed and that map has the appropriate signatures. Copies of all recorded deeds shall be submitted as the final step in the process.

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.
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 § 6.3.175.f.

**EXHIBIT "B"
VICINITY MAP**



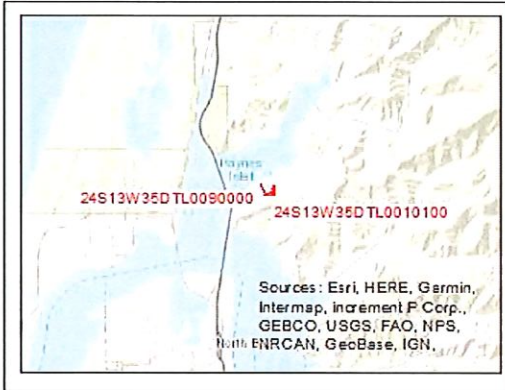
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

Fax: (541) 396-1022/TDD (800) 735-2900



File: PLA-20-014

Applicant/
Owner: Todd Goergen/
TAT Enterprises, LLC

Date: July 21, 2020

Location: Township 24S Range 13W
Section 35D TL 101/900

Proposal: Property Line Adjustment

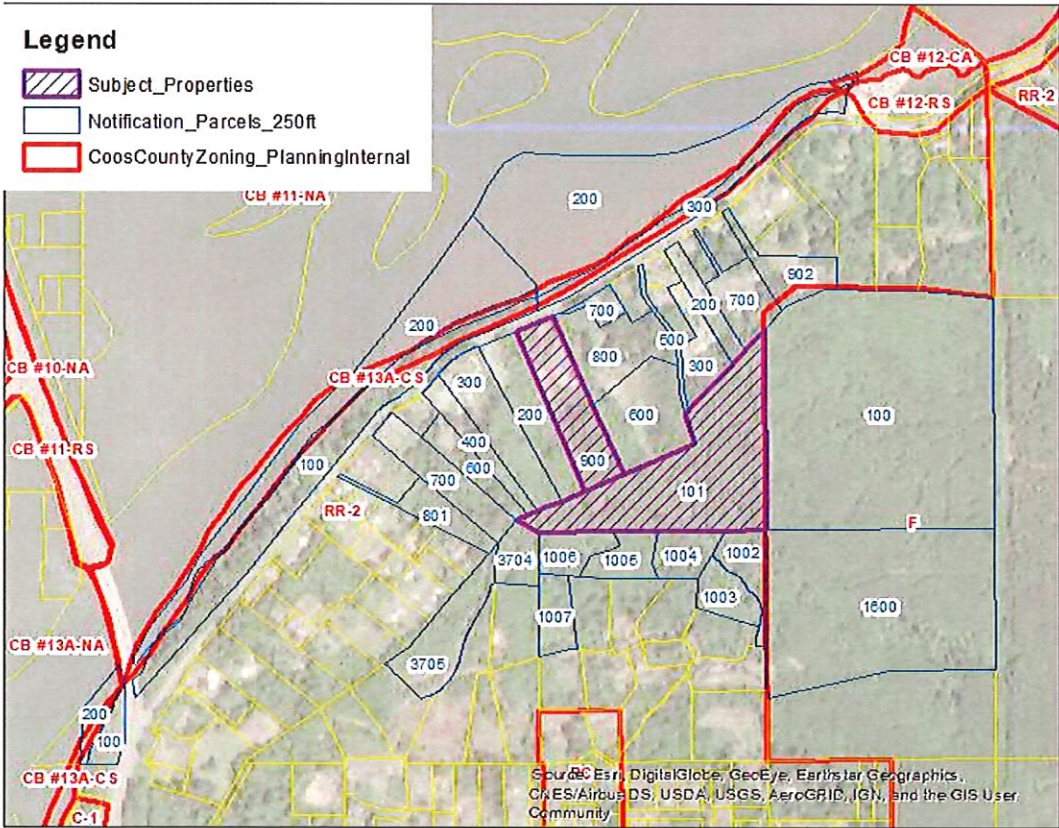
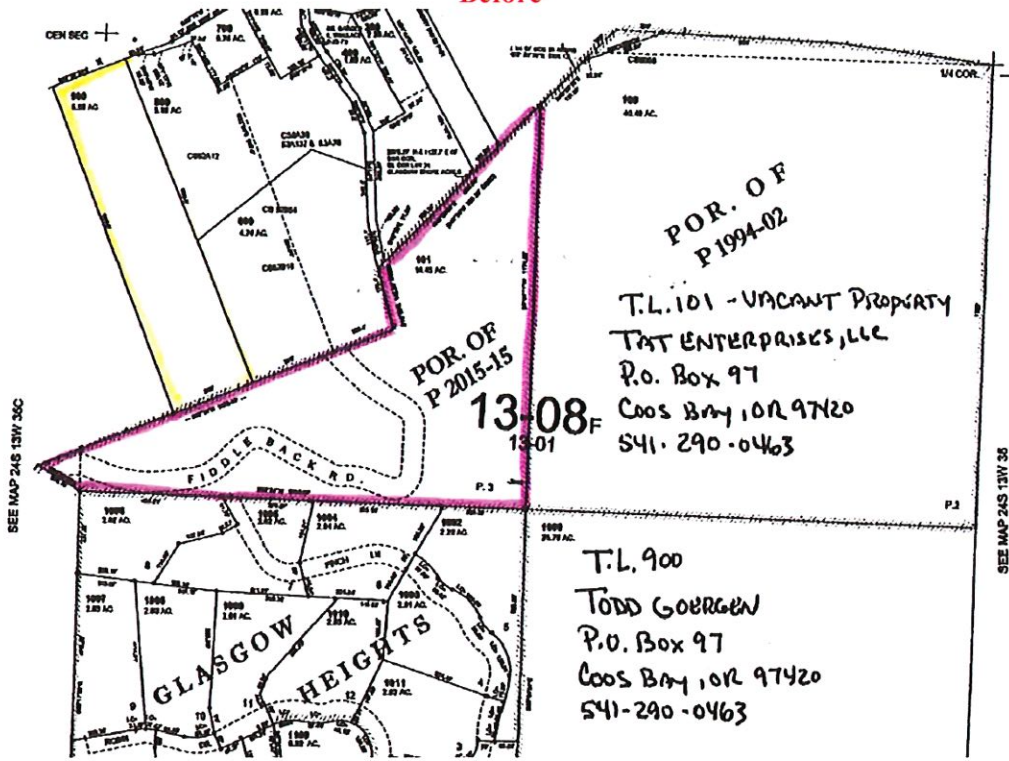


EXHIBIT "C"
BEFORE & AFTER MAPS

Before



After

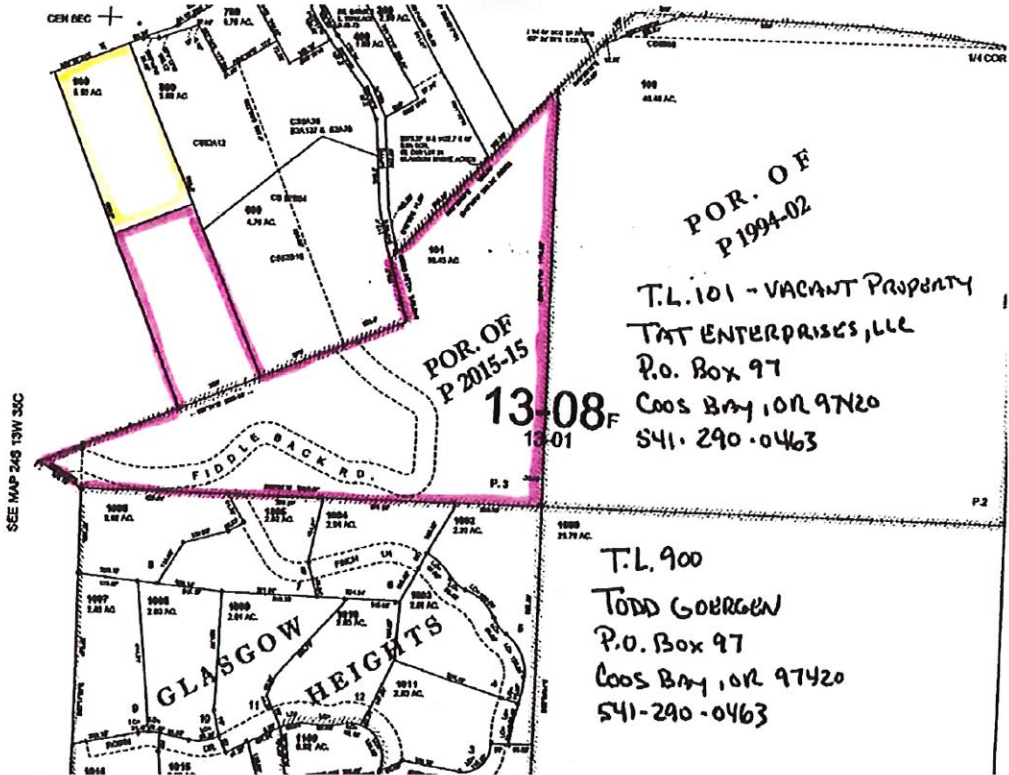


EXHIBIT “D”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. PROPOSAL: According to the application the request is for of a Property Line Adjustment. The purpose listed within the application is for future land development.

B. BACKGROUND INFORMATION:

Tax lot 101 does not have any background information. This parcel was part of a Partition that was approved in 2015 (Parcel 3 of P-15-04).

Tax lot 900 has a Single Family Dwelling and shop assessed as built in 1956 and 1945. These structures predate the Coos County Zoning and Land Development Ordinance.

II. BASIC FINDINGS:

A. LOCATION: These units of land are located northeast of the City of North Bend.

B. ZONING: The tax lots in this case are both zoned Rural Residential-2 (RR-2).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

Section 4.2.100 Residential

Rural Residential (RR) 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/acreage. 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-2” district provides for continued existence of rural family life and to provide a transition of densities between urban development and exclusive agricultural and forestry uses.

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.

No development is part of this proposal; therefore, there are no Special Development Considerations or Overlays are required to be addressed.

D. SITE DESCRIPTION AND SURROUNDING USES:

The subject properties are zoned Rural Residential-2 (RR-2). The properties surrounding are Rural Residential on all sides except for the east, which is zoned Forest (F). The parcels are in a vicinity that is heavily treed, with residential development scattered.

E. COMMENTS:

- a. **PUBLIC AGENCY:** The only comment received was from the Coos County Surveyor's office. Please see his comment at Exhibit E.
- b. **PUBLIC COMMENTS:** This application request did not require any request for comments prior to the release of the decision.
- c. **LOCAL TRIBE COMMENTS:** This application request did not require any request for comments prior to the release of the decision.

F. LAWFULLY CREATED UNIT OF LAND: Tax lot 101 was lawfully created pursuant to 6.1.125.1.b through a prior land use decision (P-15-04). Tax lot 900 was lawfully created by deed (deed document book 279 page 479) prior to applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation pursuant to 6.1.125.1.e.

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. The proposal is subject to Coos County Zoning and Land Development (CCZLDO) 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 Property Line Adjustments

• **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.*
 - 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: According to the application the request is for of a Property Line Adjustment. The purpose is to move the common boundary line for future land development. Tax lot 101 has a private lender, a notice of the adjustment will be provided. Tax lot 900 does not have a lien. Therefore, all criteria has been satisfied.

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: The adjustment will not change the conformance. The minimum lot size in the Rural Residential-2 (RR-2) zoning district is 2 acres. Tax lot 101 will be adjusted from 16.45 acres to 19.55 acres and tax lot 900 will be adjusted from 5.50 acres to 2.40 acres. Both parcels will remain over the minimum lot size.

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.

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: Neither unit of land will be reduced less than one (1) acre. Therefore, this condition does not apply.

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: This adjustment is not to qualify either unit of land for a dwelling. Therefore, this criterion does not apply.

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 both zoned Rural Residential-2 (RR-2); therefore, this criterion has been met.

- **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.

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 be 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: North Bay Rural Fire Protection District

A Notice of Decision and Staff Report will be provided to the following: Applicants/Owners, Department of Land Conservation and Development, Planning Commission, Board of Commissioners

EXHIBIT "E"
COMMENTS RECEIVED



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

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

June 9, 2020

PLA-20-014
Todd Goergen
24-13- 35D, TL 900
TAT Enterprises, LLC
24-13-35D, TL101

Jill,

I have no objections to this proposed Property Line Adjustment.
The new line will need to be surveyed.
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, sweeping initial "M".

Michael L. Dado



**Coos County
Planning Department
Property Line Adjustment
Application**

Official Use Only
Fee 700⁰⁰
Receipt No. 219875
Check No./Cash #1760
Date 6/4/20
Received By SR+MB
File No. PLA-20-014

Introduction

The purpose of a property line adjustment application is to review changes in property lines when no new lots are being created. Property lines may be changed to account for the location of fences, driveways, gardens and buildings. For example, a property owner may discover that a fence is located on a neighbor's property. As a solution, the affected property owners may agree to relocate their property lines. A property line adjustment review is needed to make sure the change is consistent with zoning standards.

In addition to filling out the application form, the applicant needs to draw a plot plan. The plot plan will show the property lines and dimensions, and the location of all buildings, wells, septic tanks and drain field for the parcels which are being adjusted.

The applicants need to submit the application to the Planning Department. Once the application and plot plan are accepted, staff will review the proposal.

A single adjustment of one line between two abutting properties will be approved as an administrative act.

Multiple adjustments between more than two abutting properties will be processed as a land use decision and may be approved as a single application on condition that each adjustment is completed prior to the next, in accordance with ORS Chapter 92.

Approval will become final after the applicant(s) complies with the approval criteria including completion of surveys when required and recording of the property line adjustment deed(s). These must be completed within one year of the approval.

This information is provided as a courtesy and is not intended to replace the provisions of Article 6.3.

If you have any questions about this application, please feel free to contact this office at 541-396-7770 or visit us at 225 North Adams Street in Owen Building in Coquille, Oregon.

Please complete the following sections:

A. Property 1:

Owner(s): Todd Goergen Telephone: 541-290-0463
Address: P.O. Box 97
City/State: Coos Bay, OR Zip Code: 97420
Lien Holder(s): N/A
Address: _____
City/State: _____ Zip Code: _____
Township: 24S Section: 35D
Range: 13W Tax Lot: 900
Tax Account: 187700 Zoning District: RR-2
Initial Lot Size: 5.50 acres Adjusted Lot Size: 2.40 acres

B. Property 2:

Owner(s): TAT Enterprises, LLC Telephone: 541-290-0463
Address: P.O. Box 97
City/State: Coos Bay, OR Zip Code: 97420
Lien Holder(s): (Private Lender) Brenda G. Robbins
Address: 7220 W. 200TH St. S.
City/State: Mounds, OK Zip Code: 74047
Township: 24S Section: 35D
Range: 13W Tax Lot: 101
Tax Account: 188907 Zoning District: RR-2
Initial Lot Size: 16.45 acres Adjusted Lot Size: 14.55 acres

C. Applicant:

Name: Todd Goergen Telephone: 541-290-0463
Address: P.O. Box 97
City/State: Coos Bay, OR Zip Code: 97420

D. Surveyor

Name/Company: Troy Rambo Telephone: 541-751-8900
Address: P.O. Box 809
City/State: North Bend, OR Zip Code: 97459

E. Purpose of the Property Line Adjustment

The purpose of this adjustment is for future land development.

F. Criteria from Article 6.3

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 replating 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.

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.

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

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.

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.

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.

G. Authorization: All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application.



Property 1



Property 2

I hereby attest that I am authorized to make the application for a discretionary decision and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.



Property 1



Property 2

FEES

The Coos County Board of Commissioners has adopted a schedule of fees and if the property owners understand they are subject to the fee. If a hearing officer is required to review this matter the property is responsible for actual cost of processing the application.





Property 1



Property 2

I understand it is the function of the Planning Department to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree I bear the burden of proof. I understand that approval is not guaranteed and the applicant(s) bear the burden of proof to demonstrate compliance with the applicable review criteria.

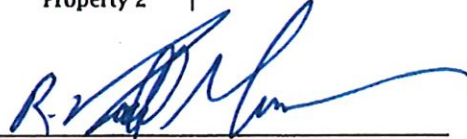
As applicant(s) I/we acknowledge that is in my/our desire to submit this application and staff has not encouraged or discouraged the submittal of this application.


Property 1

Property 2

As the applicant(s) I/we acknowledge pursuant to Section 6.3.175(2), the property line adjustment deed must be recorded with the County Clerk within one year from the date of final approval from the Planning Department.


Property 1

Property 2


Applicant(s) Original Signature
6/2/2020
Date

Applicant(s) Original Signature

Date

Applicant(s) Original Signature

Date

Applicant(s) Original Signature

Date



PRELIMINARY REPORT APPROVAL

Denise Mateski, AVP and Asst Mgr Escrow Officer
Ticor Title Company of Oregon
300 Anderson Ave
Coos Bay, OR 97420
Phone: (541)269-5127 Fax: (866)626-5105

Date: March 11, 2020
Escrow No.: 360620030312-DM
Property: 66013 North Bay Rd
North Bend, OR 97459

I have read the Preliminary Report dated March 2, 2020 covering the property described in your above numbered escrow, and approve the Policy of Title Insurance to be issued to me as required by my instructions to include as encumbrances therein General Exception No(s). 1-5 and Specific Item and Exception No(s). 6-9 of said report, in addition to those specific items described in my escrow instructions or created by me. I know of no other matters pertaining to the condition of title other than stated in this report. Further, we approve the legal description as being the property which is the subject of this escrow.

I hereby acknowledge receipt of a copy of said Preliminary Report.

In addition to the above, the undersigned hereby approve the legal description shown in said report and authorize the use of said description on all documents in this transaction.

IT IS UNDERSTOOD BY THE PARTIES SIGNING THE ABOVE INSTRUCTIONS OR THOSE ESCROW INSTRUCTIONS WHICH ARE ATTACHED HERETO THAT SUCH INSTRUCTIONS CONSTITUTE THE WHOLE AGREEMENT BETWEEN THIS FIRM AS AN ESCROW AGENT AND YOU AS A PRINCIPAL TO THE ESCROW TRANSACTION. THESE INSTRUCTIONS MAY NOT INCLUDE ALL OF THE TERMS OF THE AGREEMENT WHICH IS THE SUBJECT OF THIS ESCROW. READ THESE INSTRUCTIONS CAREFULLY, AND DO NOT SIGN THEM UNLESS THEY ARE ACCEPTABLE TO YOU.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

BUYER(S):

DocuSigned by:
Richard Todd Goergen
Richard Todd Goergen

4/4/2020
Date

Ticor Title Company of Oregon

By: Denise Mateski
Denise Mateski, AVP and Asst Mgr
Escrow Officer

4/4/2020
Date



300 Anderson Ave, Coos Bay, OR 97420
(541)269-5127 FAX (866)626-5105

PRELIMINARY REPORT

ESCROW OFFICER: Denise Mateski
Denise.Mateski@tlicortitle.com
(541)267-5984

ORDER NO.: 360620030312

TITLE OFFICER: John Beaver
coosbaytitle@tlicortitle.com

TO: Ticor Title Company of Oregon
300 Anderson Ave
Coos Bay, OR 97420

ESCROW LICENSE NO.: 850600240

OWNER/SELLER: Edgar David Foord, Successor Trustee of the Foord Family Trust

BUYER/BORROWER: Richard Todd Goergen

PROPERTY ADDRESS: 66013 North Bay Rd, North Bend, OR 97459

EFFECTIVE DATE: March 2, 2020, 08:00 AM

1. THE POLICY AND ENDORSEMENTS TO BE ISSUED AND THE RELATED CHARGES ARE:

	<u>AMOUNT</u>	<u>PREMIUM</u>
ALTA Owner's Policy 2006	\$ 265,000.00	\$ 863.00
Owner's Standard		

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Edgar David Foord, Successor Trustee of the Foord Family Trust

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF COOS, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

DS
RTG

Order No.: 360620030312

EXHIBIT "A"
Legal Description

Beginning at a point 1587.71 feet North and 223.25 feet East of the quarter Section corner on the South line of Section 35, Township 24 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; thence running North 22 ° 59' West 956.9 feet, more or less, to the State Highway; thence along said Highway North 67 ° 01' East 250.0 feet; thence South 22 ° 59' East 956.9 feet; thence South 67 ° 01' West 250.0 feet, more or less, to the place of beginning, located in Government Lot 2 and the Northwest quarter of the Southeast quarter of said Section 35.

AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:

GENERAL EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Any facts, rights, interests or claims, which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, which are not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the subject Land), encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the subject Land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the Public Records.

SPECIFIC ITEMS AND EXCEPTIONS:

6. Any interest in any oil, gas and/or minerals, as disclosed by document

Entitled: Deed
Recording Date: August 29, 1939
Recording No: Book 134 Page 417-418

The present ownership or any other matters affecting said oil, gas and/or minerals are not shown herein.

7. Any rights incidental to the ownership and development of the mineral interest excepted or reserved in the document

Entitled: Deed
Dated: August 15, 1939
Recording Date: August 29, 1939
Recording No: Book 134 Pages 417-418
Affects:

8. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;

Reserved by: Loritan Investment Company, a corporation
Purpose: water pipeline
Recording Date: August 29, 1939
Recording No: Book 134 Pages 417-418

9. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: West Coast Power Co., a Delaware corporation
Purpose: utilities
Recording Date: November 13, 1939
Recording No: Book 135 Page 41 Deed Records

10. Please be advised that our search did not disclose any open Deeds of Trust of record. If you should have knowledge of any outstanding obligation, please contact the Title Department immediately for further review prior to closing.

11. A copy of a short-form death certificate for Dora G. Foord or proof of incapacity, for former vestee, must be furnished or further objections may be raised.

12. If title is to be insured in the trustee(s) of a trust (or if their act is to be insured), this Company will require a copy of said Trust Agreement or a current Trust Certification pursuant to ORS Chapter 130.860.

The Company reserves the right to make additional requirements or add additional items or exceptions after review of the requested documentation.

ADDITIONAL REQUIREMENTS/NOTES:

A. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

B. Note: There are no matters against the party(ies) shown below which would appear as exceptions to coverage in a title insurance product:

Parties: Richard Todd Goergen

C. Note: There are NO conveyances affecting said Land recorded within 24 months of the date of this report.

D. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2019/2020
Amount: \$1,920.11
Levy Code: 1308
Account No.: 187700
Map No.: T24-13-35D TL# 000900

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

E. THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, PLEASE CONTACT THE ESCROW AGENT.

Order No.: 360820030312

- F. Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized Company employee, an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirement cannot be met, please call the Company at the number provided in this report.
- G. Recording charge (per document) for a transaction:
First Page: \$86.00 Each additional page: \$5.00
eFiling Fee per document: \$5.00

NOTE: A multiple transaction document bears an additional \$5.00 charge for each additional transaction. A document that fails to conform to certain formatting and page one requirements bears an additional \$20.00 charge.



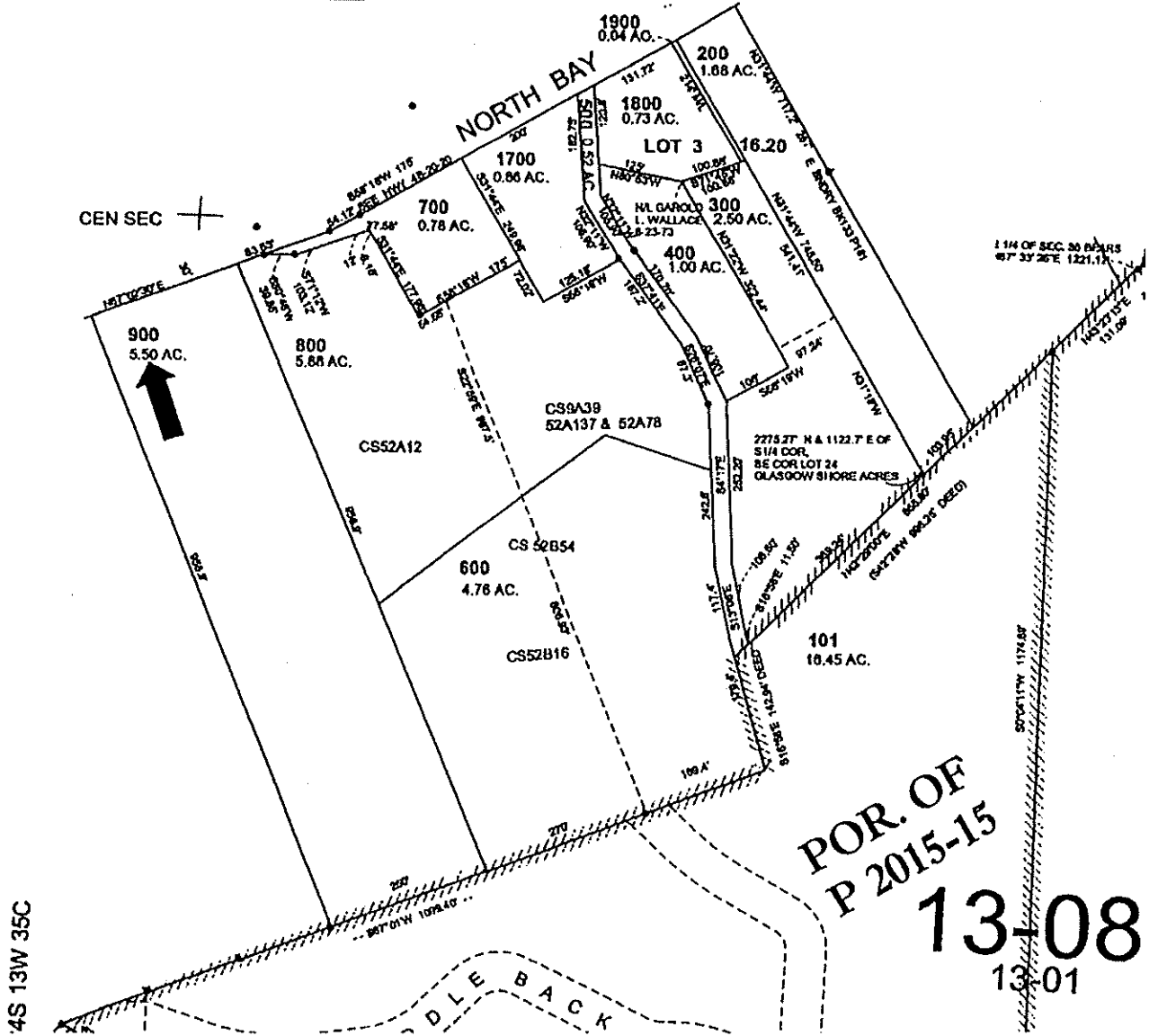
TICOR TITLE™



This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances, locations of easements, acreage or other matters shown thereon.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SE1/4



THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

SE1/4 SEC.35 T24S R13W W.M.
COOS COUNTY

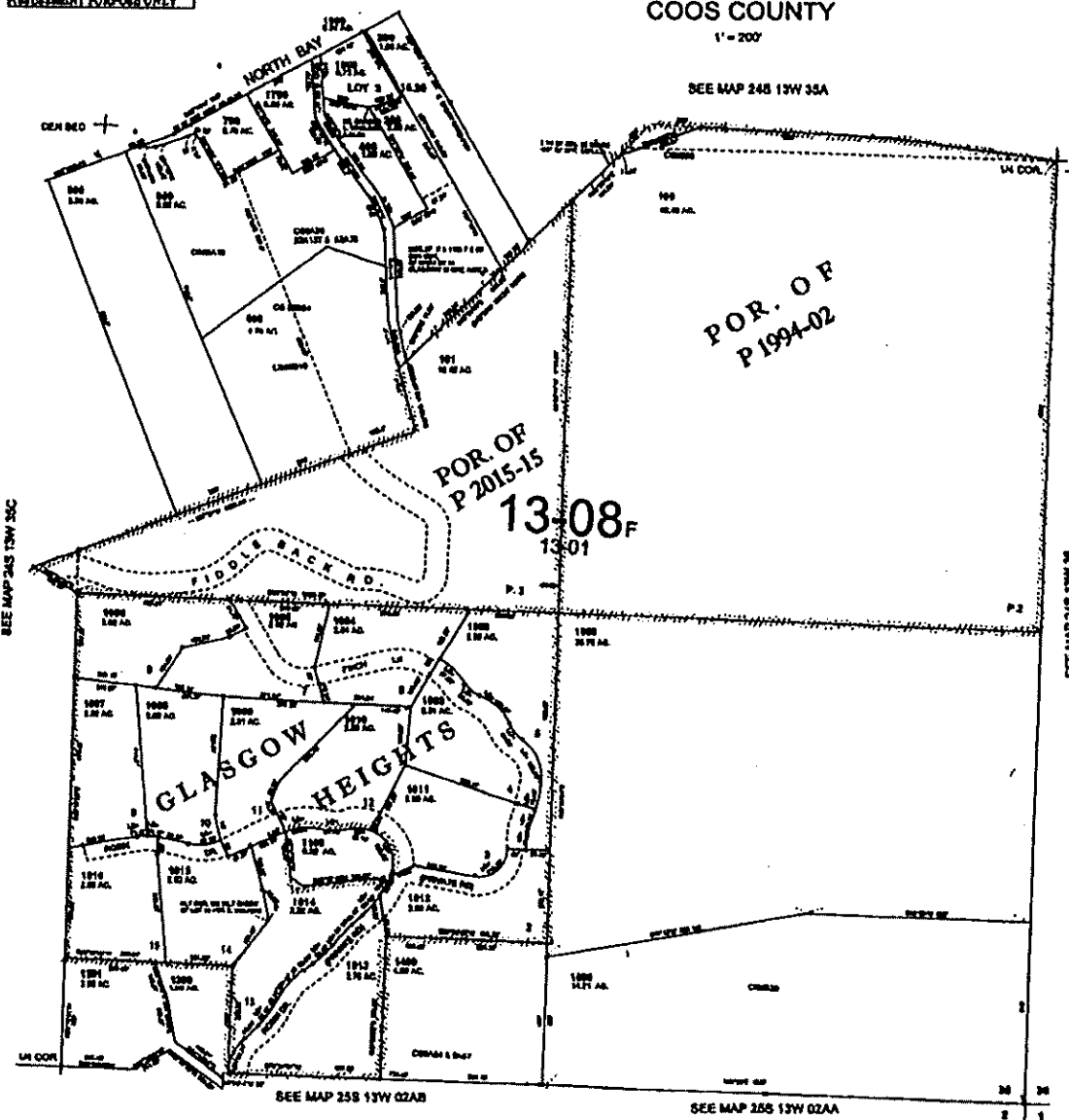
24S 13W 35D

1" = 200'

SEE MAP 24S 13W 35A

CANCELLED NO.

- 1202
- 1201
- 1101
- 200M1
- 300M1
- 400M1
- 500M1
- 600M1
- 700M1
- 800M1
- 900M1
- 1000M1
- 1100M1
- 1200M1
- 1300M1
- 1400M1
- 1500M1
- 1600M1
- 1300
- 1000
- 1102
- 1017
- 1018
- 1103
- 1019
- 1020
- 601
- 801
- 102



SEE MAP 24S 13W 35C

SEE MAP 24S 13W 36

SEE MAP 25S 13W 02AB

SEE MAP 25S 13W 02AA

8-4-2018

24S 13W 35D

RECORDING REQUESTED BY:



300 Anderson Ave
Coos Bay, OR 97420

AFTER RECORDING RETURN TO:

Order No.: 360620030312-DM
Richard Todd Goergen
PO Box 97
Coos Bay, OR 97420

READ AND APPROVED
BY RTG

SEND TAX STATEMENTS TO:

Richard Todd Goergen
PO Box 97
Coos Bay, OR 97420

APN: 187700
Map: 24S 13W 35D TL 900

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

E. David Foord and Ralph R. Foord, Successor Trustee of the Foord Family Trust, Grantor, conveys and warrants to Richard Todd Goergen, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Coos, State of Oregon:

Beginning at a point 1587.71 feet North and 223.25 feet East of the quarter Section corner on the South line of Section 35, Township 24 South, Range 13 West of the Willamette Meridian, Coos County, Oregon; thence running North 22° 59' West 956.9 feet, more or less, to the State Highway; thence along said Highway North 87° 01' East 250.0 feet; thence South 22° 59' East 956.9 feet; thence South 67° 01' West 250.0 feet, more or less, to the place of beginning, located in Government Lot 2 and the Northwest quarter of the Southeast quarter of said Section 35.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO HUNDRED SIXTY-FIVE THOUSAND AND NO/100 DOLLARS (\$265,000.00). (See ORS 93.030).

Subject to:

Any interest in any oil, gas and/or minerals, as disclosed by document

Entitled: Deed
Recording Date: August 29, 1939
Recording No: Book 134 Page 417-418

The present ownership or any other matters affecting said oil, gas and/or minerals are not shown herein.

Any rights incidental to the ownership and development of the mineral interest excepted or reserved in the document

Entitled: Deed
Dated: August 15, 1939
Recording Date: August 29, 1939
Recording No: Book 134 Pages 417-418
Affects:

Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document:

Reserved by: Loritan Investment Company, a corporation
Purpose: water pipeline
Recording Date: August 29, 1939
Recording No: Book 134 Pages 417-418

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: West Coast Power Co., a Delaware corporation
Purpose: utilities
Recording Date: November 13, 1939
Recording No: Book 135 Page 41 Deed Records

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 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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

STATUTORY WARRANTY DEED
(continued)

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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 555, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 5, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: _____

E. David Foord and Ralph R. Foord, Successor Trustee of the Foord Family Trust

BY: _____
E. David Foord
Trustee

BY: _____
Ralph H. Foord
Successor Trustee

State of Oregon
County of Coos

This Instrument was acknowledged before me on _____ by E. David Foord and Ralph R. Foord, Successor Trustee of the Foord Family Trust.

Notary Public - State of Oregon

My Commission Expires: _____

SE1/4 SEC.35 T24S R13W W.M.
COOS COUNTY

24S 13W 35D

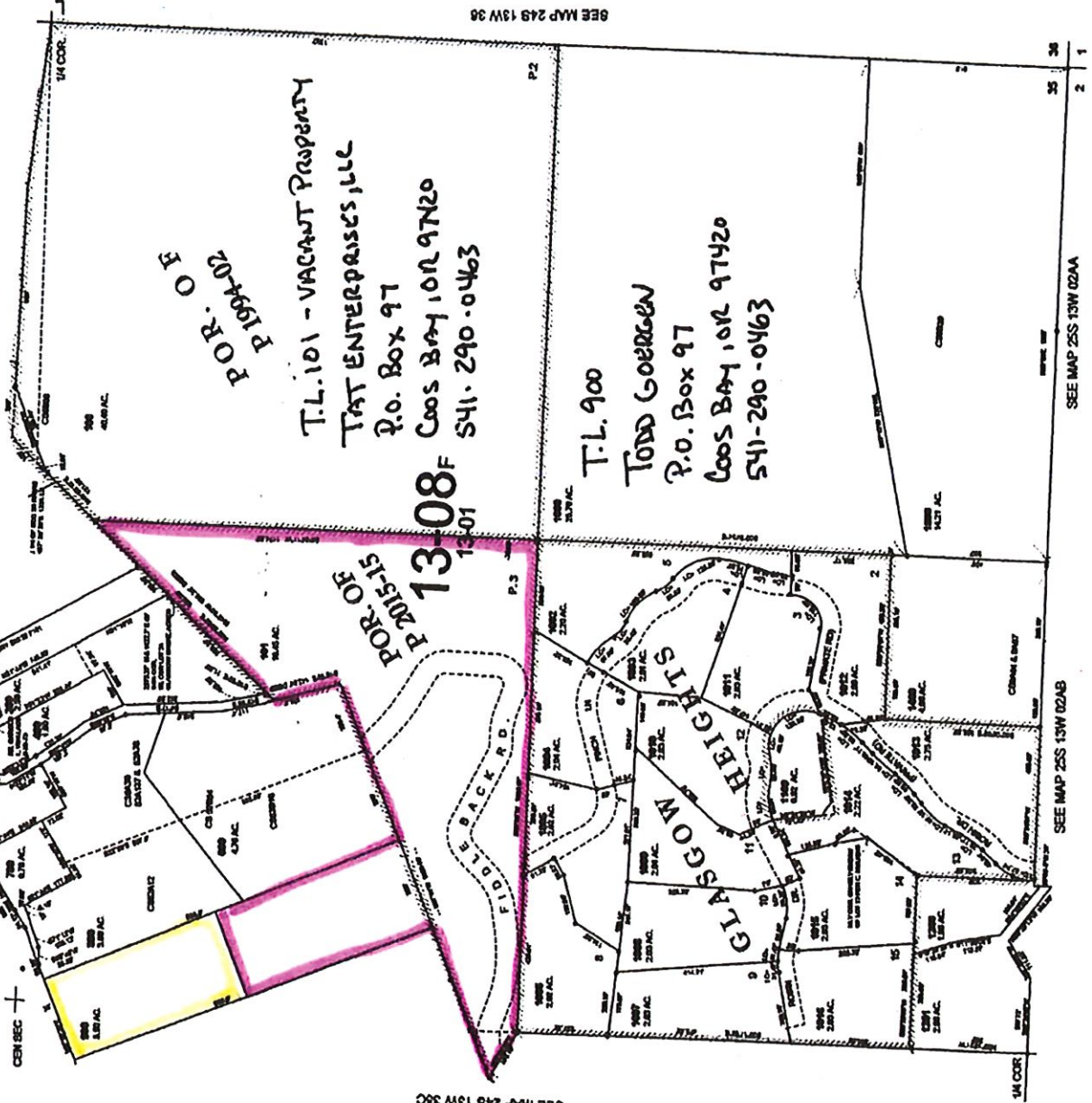
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- 400M1
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- 1500M1
- 1600M1
- 1300
- 1000
- 1102
- 1017
- 1018
- 1103
- 1019
- 1020
- 601
- 801
- 102

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

1" = 200'

SEE MAP 24S 13W 35A



SEE MAP 24S 13W 35C

SEE MAP 24S 13W 36

SEE MAP 25S 13W 02A8

SEE MAP 25S 13W 02A4

5-4-2018

24S 13W 35D

AFTER ADJUSTMENT

SE1/4 SEC.35 T24S R13W W.M.
COOS COUNTY

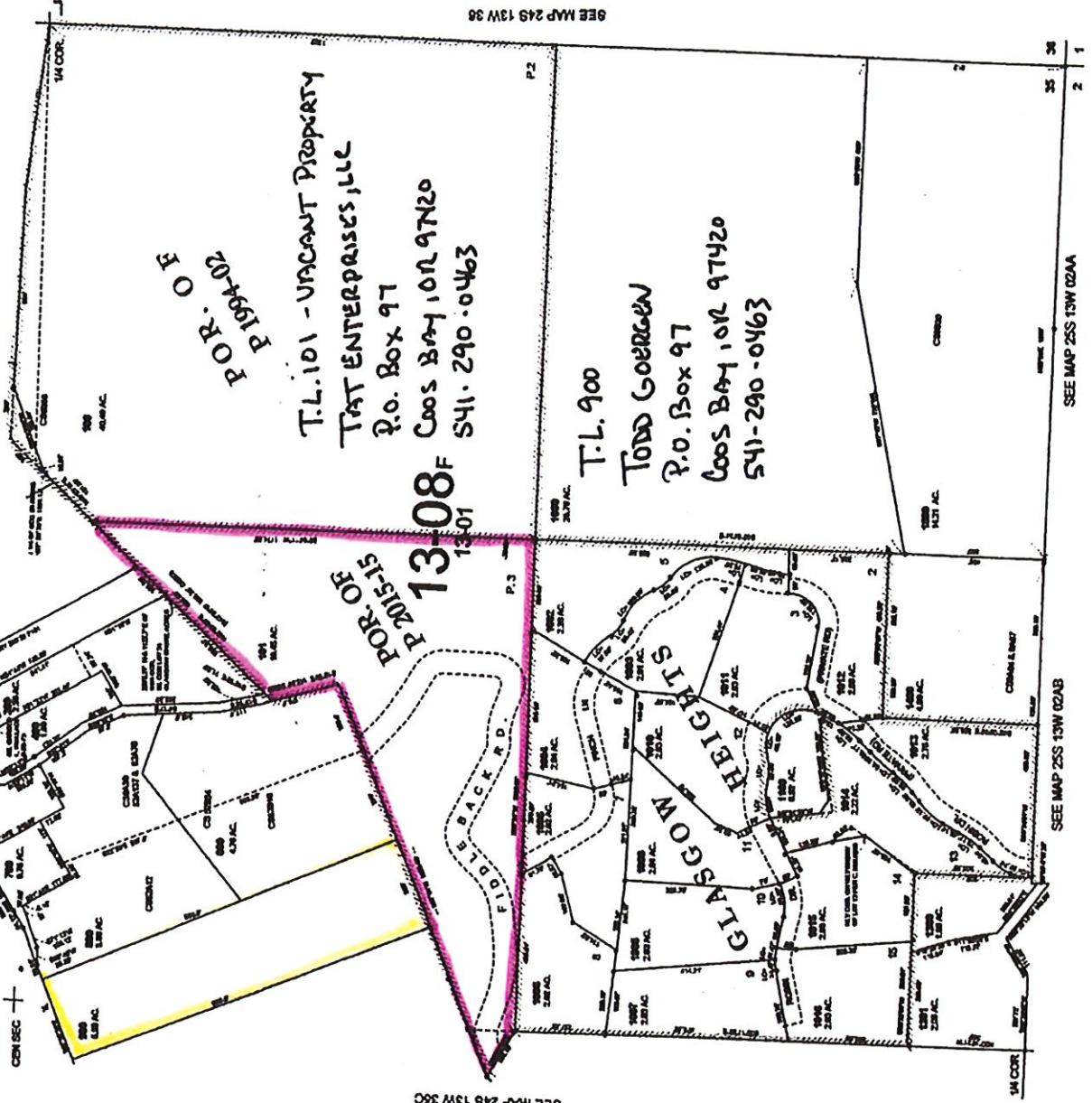
24S 13W 35D

CANCELLED NO.

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- 1101
- 200M1
- 300M1
- 400M1
- 500M1
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- 1400M1
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- 102

1" = 200'

SEE MAP 24S 13W 35A



SEE MAP 24S 13W 35C

SEE MAP 24S 13W 36

SEE MAP 24S 13W 02AB

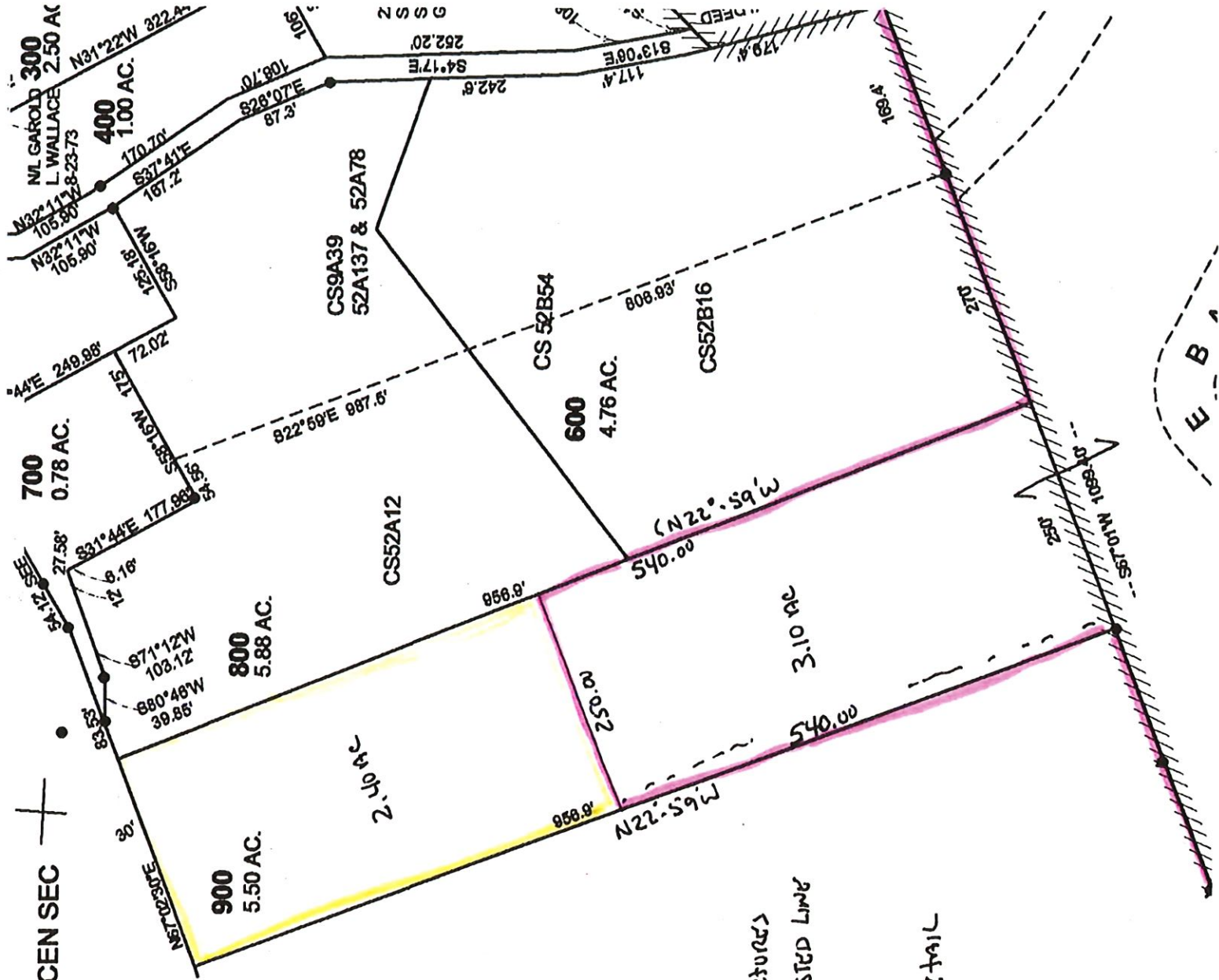
SEE MAP 24S 13W 02AA

5-4-2016

24S 13W 35D

BEFORE ADJUSTMENT

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY



CEN SEC

13W 35C

THERE WILL BE NO STRUCTURES
WITHIN 30' OF THIS ADJUSTED LINE

ADJUSTED PARCEL DETAIL