

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. 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, October 02, 2020

File No: PLA-20-020

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

Applicant(s): DIXON, FRED S., JR. & MARY L. EUGENE WINSTON BALKE TRUST

55655 FINLEY LOOP DIXON, MARY SUCCESSOR TTEE

COQUILLE, OR 97423-8775 55655 FINLEY LOOP

COQUILLE, OR 97423-8775

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, October 14, 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 858511 858700

Map Numbers 28S1219A0-00200 28S1219A0-00300

Property Owners DIXON, FRED S., JR. & MARY L. EUGENE WINSTON BALKE TRUST

55655 FINLEY LOOP DIXON, MARY SUCCESSOR TTEE

COQUILLE, OR 97423-8775 55655 FINLEY LOOP

COQUILLE, OR 97423-8775

Situs Addresses 55655 FINLEY LOOP COQUILLE, OR 55719 FINLEY LOOP COQUILLE,

97423 OR 97423

Acreages 20.59 Acres 8.52 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 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 may 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. If you would like to view any records please make an appoint with the department. 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, October 02, 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-20-020 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.

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.

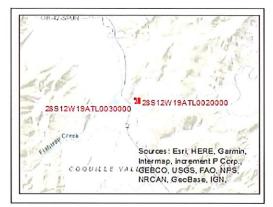
Mapping and Filing Requirements

- 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.



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-20-020

Applicant/ Eugene W. Balke Revocable Trust

Owner: Fred & Mary Dixon

Date: September 30, 2020

Location: Township 28S Range 12W

Section 19ATL 200

Proposal: Property Line Adjustment

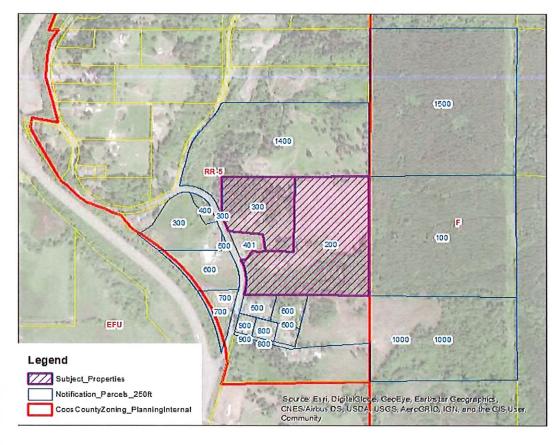
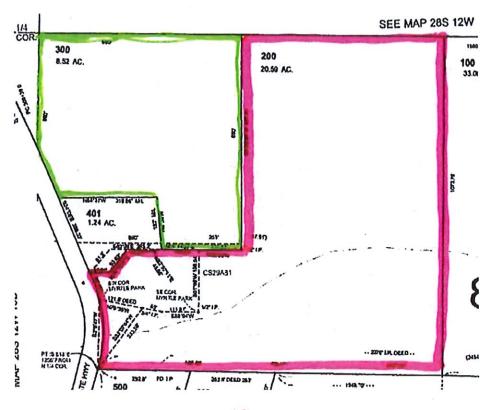


EXHIBIT "C" BEFORE & AFTER MAPS Before





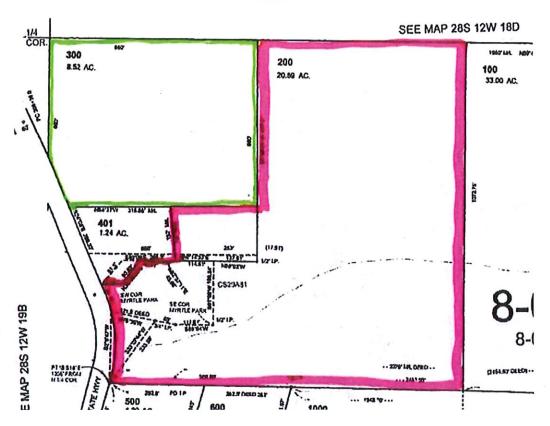


EXHIBIT "D" STAFF REPORT

FINDINGS OF FACT AND CONCLUSIONS

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. Proposal: The proposal is a request for Planning Director Approval of a Property Line Adjustment between two parcels to reconfigure the parcels to preserve a tree buffer between the two units of land.

B. BACKGROUND INFORMATION:

Tax lot 200 has a Single Family Dwelling that was built prior to the Coos County Zoning and Land Development Ordinance. On June 22, 2004 a Property Line Adjustment was approved with tax lot 401.

Tax lot 300 has a Single Family Dwelling that was built with Coos County Zoning approval via Zoning Compliance Letter No. ZCL-88-98.

II. BASIC FINDINGS:

- A. LOCATION: These units of land are located south of the City of Coquille. The parcels have access off of Finley Loop, which is a Coos County maintained public road.
- **B. ZONING:** The zone for both parcels is Rural Residential-5 (RR-5).

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-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.

C. SPEICAL DEVELOPMENT CONSIDERATIONS AND OVERALYS:

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

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

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

D. SITE DESCRIPTION AND SURROUNDING USES:

Tax lot 200 currently consists of 20.59 acres and is zoned Rural Residential -5 (RR-5). Tax lot 300 consist of 8.52 acres and is zoned Rural Residential-5 (RR-5). Both parcels have a dwelling and appear to be mostly treed. The parcels are surrounded by like zoning except for the parcels to the east, which are zoned Forest and are larger units of land in timber production.

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. PUPLIC 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:** All tax lots were lawfully created pursuant to 6.1.125.1.e by deed (200: 81-26180,300: 113-554) prior to applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.

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 to preserve a tree buffer between the parcels. A Vicinity Map showing the adjustment was submitted. A property report for both units of land was not received, but the surveyor certified that there are no applicable easements and neither parcel has a lien holder. The application was submitted on August 18, 2020 and found to be complete on September 18, 2020.

Therefore, the criteria have 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 zoning within this adjustment is Rural Residential-5 (RR-5) and the minimum lot size is 5 acres. Tax lot 200 is a conforming parcel with 20.59 acres. Tax lot 300 is a conforming parcel with 8.52 acres. The result of this adjustment will not change the conformance status of the parcels, tax lot 200 will retain 21.49 acres and tax lot 300 will retain 7.62 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: This adjustment will not create an encroachment. Therefore, this request complies with this criteria 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: Neither parcel will be reduced to less than an acre. Therefore, this request complies with the criteria 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: 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 like zoned; therefore, this criterion has been met.

• 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: 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. <u>NOTICE REQUIREMENTS:</u>

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: Coquille Fire Department

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

Exhibit E Comments Received



COOS COUNTY SURVEYOR

250 N. Baxter Street, Coquille, Oregon 97423

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

July 19, 2020

PLA-20-020 Balke Revocable Trust 28-12-19A, TL 300 Fred S. & Mary L. Dixon 28-12-19A, TL 200

Crystal,

I have no objections to this proposed Property Line Adjustment. I feel like the final PLA map will need to show more of the parcels that are being adjusted. Maybe not the entire parcels, but enough that it appears clear what is transpiring with the adjustment. As it is, we can see the dimensions of the adjusted property with a land hook to nothing. The scale needs to be something like 1"=100". The new line will need to be monumented. I have no further comments at this time.

Very truly yours

Michael L. Dado



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. U.S. PHONE: 541-396-7770

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)

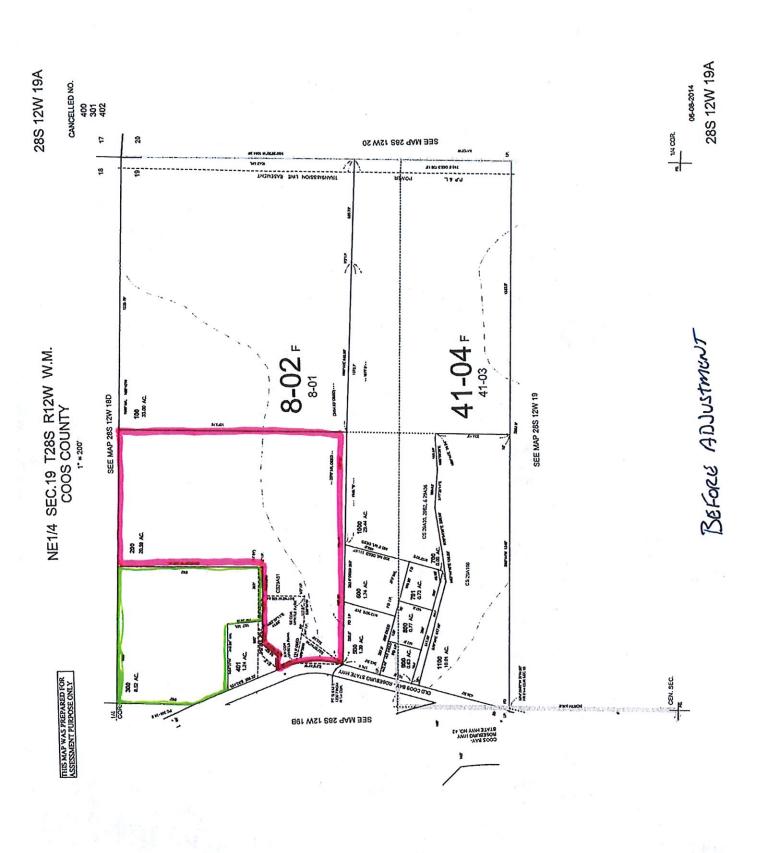
LAND INFORMATION

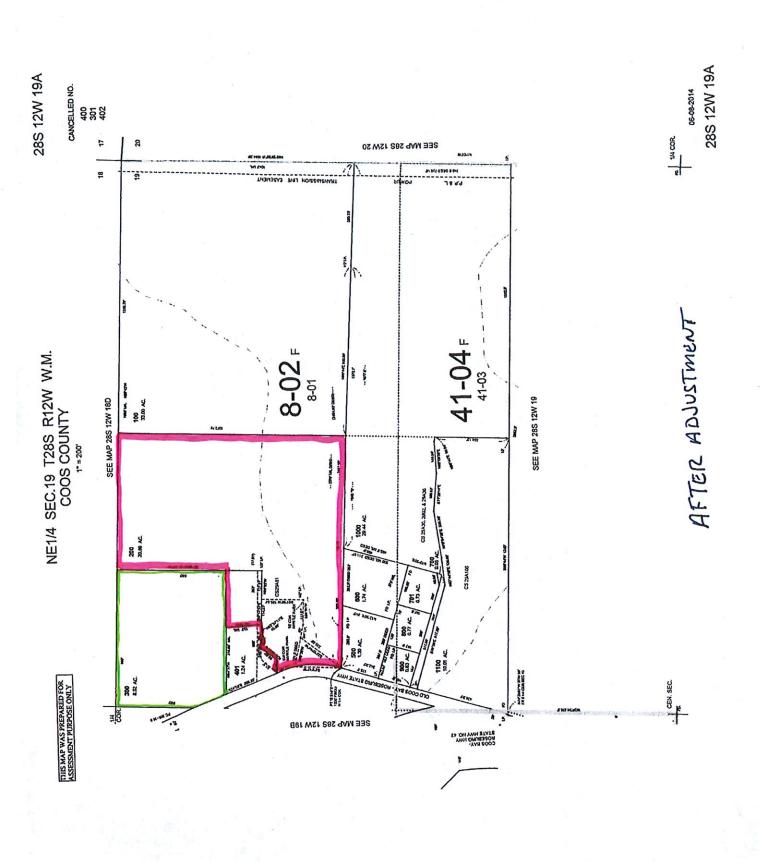
LAND INFORMATION		
A. Land Owner(s) Eugene W. Balke Revocable To Mailing address: 55655 Finley Loop, Coquille, OR 97423	rust & Marilyn L. Balke Revocable Trust	
Mailing address: 35055 time, accept the Mailing address: 541-396-5464 (Mary Dixon)	Email:	
	Zone: Select Zone Rural Residential-5 (RR-5) Acreage After the Adjusment 7,62	
B. Land Owner(s) Fred S. Dixon, JR. & Mary L. Di Mailing address: 55655 Finley Loop, Coquille, OR 9742	xon 3 Email:	
Township: Kange.	1/16 Section: Select 200	
28S 12W 19 78 Tax Account Number(s) 858511	Zone Rural Residential-5 (RR-5)	
Acreage Prior to Adjustment: 20,59	Acreage After the Adjustment 21.49	
C. Surveyor Troy Rambo		
Mailing Address P.O. Box 809, North Bend, OR 974	459	
Phone #: 541-751-8900	Email: mendrllc@frontier.com	

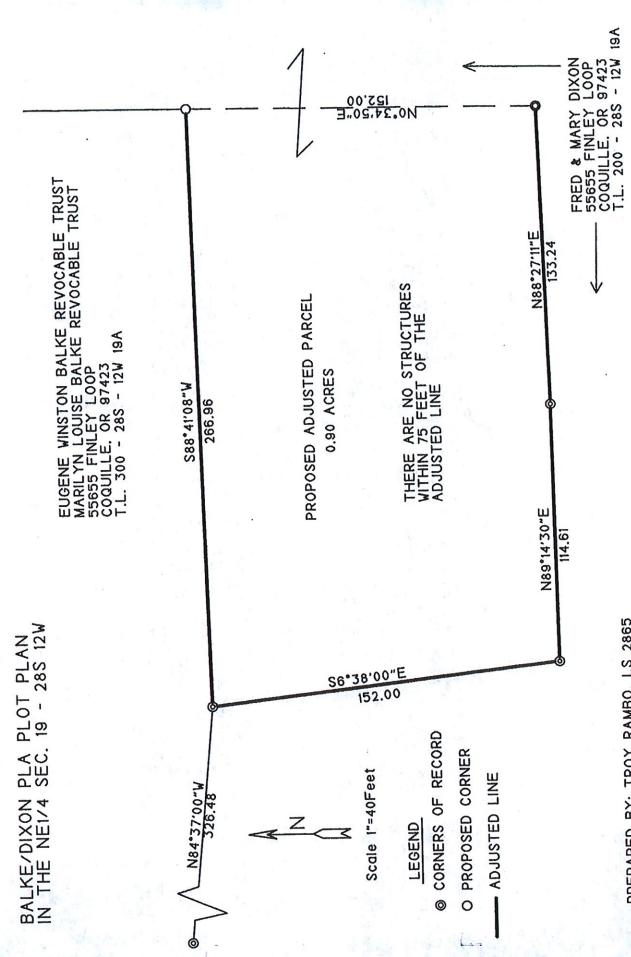
Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: Map Information Or Account Information

Coos County Property Line Adjustment Application

r · r			
Was property one created through a land division?	Yes 🔲	No 🗸	
Was property two created through a land division?	Yes 🔲	No 🗹	
	Yes 🗹	No 🗆	
Are there structures on the property?	usted hounds	erv line:	
If there are structures please provide how far they are in feet from the adj	75'+		
Is there a sanitation system on the one or both properties, if so, please inc	Yes V ic System V	No No Public Sewer	
Is property one going to result in less than an acre and contain a dwelling	g? Yes□	No 🗹	
Is property two going to result in less than an acre and contain a dwelling		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 b	e required.	Yes No	
Will the property line adjustment change the access point?	Yes	No 🗹	
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 statments, misrepresentation or in error.			
Property Owner Signatures			
Fred 5. Dixon, Je.			
Marilyn & Balke Trust, Mary Dixon share	essort	ossortrustel	
Section 5.0.150 Application Requirements: Applications for development (includes land divisions and relocation of proper shall be filled on forms prescribed by the County and shall include sufficient in necessary to demonstrate compliance with the applicable creiteria and standard accompanied by the appropriate fee.	ty boundary) nformation ar is of this ord	or land use actions nd evidence lance and be	







PREPARED BY: TROY RAMBO, LS 2865