



NOTICE OF PROPERTY LINE ADJUSTMENT APPROVAL

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

Date: Wednesday, February 15, 2023

File Number: PLA-23-004

Applicants: Joe Schaeffer David Gray

Surveyor: Stephan Stys

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

Review Type: Property Line Adjustment Request.

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

PROPERTY INFORMATION:

	PROPERTY #1	PROPERTY #2
Account Number:	7053800	7053700
Map Number:	25S1334B0-02200	25S1334B0-02300
Property Owner:	SHAEFFER, JOSEPH 92681 ANDERSON LN COOS BAY, OR 97420-4693	GRAY, DAVID W 92684 ANDERSON LN COOS BAY, OR 97420-4660
Situs Address:	92681 ANDERSON LN COOS BAY, OR 97420	92684 ANDERSON LN COOS BAY, OR 97420
Acreage:	3.05 Acres	10.85 Acres
Zone(s)	URBAN RESIDENTIAL-1 (UR-1)	URBAN RESIDENTIAL-1 (UR-1)

REVIEW AND CONCLUSION OF REQUEST:

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

Authorized by: _____

• APPLICABLE CRITERIA FOR A SINGLE PROPERTY BOUNDARY:

ARTICLE 6.3 PROPERTY LINE ADJUSTMENTS

SECTION 6.3.100 PROPERTY LINE ADJUSTMENTS:

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

SECTION 6.3.125 PROCEDURE:

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1. General.

- a. *No person may relocate all or a portion of a property line without review and approval of a property line adjustment application.*
- b. *Tax lot boundaries do not necessarily represent property boundaries. Tax lot boundaries are established by the County Assessment for purposes of assessment and taxation. Tax lots may or may not coincide with legal property boundaries. Only boundaries of lawfully established units of land can be adjusted through the provisions of this chapter.*
- c. *A line adjustment is permitted only where an additional unit of land is not created; and*
- d. *A property line adjustment involving a parcel authorized by a Measure 49 waiver cannot increase parcels larger than:*
 - i. *Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or*
 - ii. *Five acres if not on high value farm or forest land; unless*
 - iii. *The property increasing in size is the remainder parcel and is already larger than the two- or five-acre maximum parcel size.*

RESPONSE: This adjustment will not create an additional tax lot. The parcels within this application have not been involved in a Measure 49 claim. The adjustment application was submitted to comply with this section.

2. *Submittal Requirements: An application for a line adjustment or elimination shall be filed by the owners of all units of land affected. The application shall be accompanied by an appropriate fee and contain the following information:*
 - a. *A property line adjustment must include a tentative map drawn on 8 ½" x 11" or 11" x 17" size paper. The map shall contain the following information:*
 - i. *North arrow and Scale – The property boundaries and any other required detail shall be provided to scale.*
 - ii. *Existing and proposed property line dimensions and size in square feet or acres of the lawfully established units of land that are subject of the application. The existing and proposed property configurations will be shown on separate sheets of paper as before and after maps and shall contain acreage before and after adjustments.*
 - iii. *Identification, size, and dimensions of the area(s) proposed to be adjusted from one property to the other.*
 - iv. *Roads abutting and located within the subject properties, including names and road right-of-way or easement widths, and labeled as either public or private.*
 - v. *Location of on-site wastewater treatment systems or name of sanitary sewer district. This includes drain field and repair areas. All on-site wastewater improvements are to remain on the same unit of land as the structure it is serving.*
 - vi. *Easements, shown with dimensions, type, labeled as existing or proposed, and specifically noting to whom they benefit*
 - vii. *Existing structures and the distance from each structure to the existing and proposed property lines. Setbacks for all structures within 50 feet of the proposed property line (130 feet if property is zoned Forest or Forest Mixed Use) must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist within the specified area, the surveyor can submit a stamped letter so stating.*
 - b. *A preliminary title report or title search for each property, to determine ownership and any recorded deed restrictions.*
 - c. *Evidence to show that the units of land are lawfully created pursuant to Section 6.1 Lawfully Created. If the conformance of the unit of land is unknown, then a Lawfully Created Determination application will be required either prior or in conjunction with a property*

line adjustment application. If a Lawfully Created Unit of Land Determination is required, then this will be treated as an Administrative Action.

- d. *Upon completion of the Property Line Adjustment Review the mapping and filing requirements of Section 6.3.157 shall be followed.*

RESPONSE: The Property Line Adjustment contained all of the necessary submittal requirements. The parcels were lawfully created. The mapping and filing requirements of Section 6.3.257 shall be followed.

3. *General Criteria - A Property Line Adjustment requires application pursuant to Ministerial Application (Type I) procedures according to Article 5.0, unless otherwise specified by this section. An application for multiple property line adjustments can be made under one application, so long as the deeds are recorded in the correct sequence. All property line adjustments are subject to the following standards and criteria, unless previously stated in this section:*
 - a. *The property line adjustment cannot:*
 - i. *Create an additional unit of land; or*
 - ii. *Violate any applicable specific conditions of previous land use approvals or recorded deed restrictions. An example would be if parcels were required to meet a minimum acreage or have an accessory structure and adjustment would remove the primary use or structure.*
 - b. *All properties affected by the proposed adjustment are legal units of land unless this adjustment is to correct an improperly formed unit of land or to correct an encroachment issue.*
 - c. *A property line adjustment is subject to the minimum lot or parcel size standards of the applicable zoning district, except in the following circumstances:*
 - i. *One or both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or*
 - ii. *Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.*
 - d. *Split-zoned properties: The adjustment will not create a split-zoned unit of land that does not comply with the standards for creation of a parcel in each zone unless the property owner provides for the recording of a restrictive covenant in the deed records for the subject property that prohibit the property from being partitioned along the zoning boundary until such time as each parcel would comply with the minimum standards for the creation of a unit of land (meeting the criteria for land division) in each zone. If a split-zone unit of land is created, it shall not be used to justify a rezone in the future.*
 - e. *All required setback for the applicable zoning districts has been mapped as required and comply. An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment*

RESPONSE: The Property Line Adjustment will not create an additional unit of land, nor is there any deed restrictions or land use approvals that would prohibit the adjustment. Both parcels are legal units of land and will meet the minimum lot size within the Urban Residential-1 (UR-1) zoning district (one (1) acre with sites having neither public water nor sewer) after the adjustment (3.13 acres and 10.77 acres).

4. *Resource Zoned Properties: In addition to the General Criteria in subsection 3 the following additional criteria is required to be addressed.*
 - a. *All property line adjustments that are less than 200 acres (before and after the property line adjustment) are subject to an Administrative Action (Type II Review). If there is no structural*

development on either unit of land and the purpose of the application is not to qualify for a dwelling then it can be reviewed as a Ministerial Action (Type I).

- b. A property line adjustment cannot be used to:
 - i. Separate a temporary hardship dwelling, relative farm help dwelling, home occupation, or processing facility from the primary residential or other primary use without land use approval to change the accessory use to a primary use; or*
 - ii. As prohibited by ORS 92.192(4)(a) through (c), in a manner that would:
 - 1. Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;*
 - 2. Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling.*
 - 3. Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard. Or*
 - 4. Allow for change in configuration to qualify for a Forest Template Dwelling. The adjustment may require a template test prior and after any adjustments made after January 1, 2019 at the time a Forest Template Dwelling Application is received.***
- 5. Property Line Adjustments that require an Administrative Action 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.**

RESPONSE: The Property Line Adjustment is not in resource zoning.

CONCLUSION

The applicants have supplied all necessary information required for a Single Property Line Adjustment. Therefore, staff finds the application compliant with Section 6.3.100 of the Coos County Zoning and Land Development Ordinance. Single Property Line Adjustments are subject to mapping requirements and recording requirements but are not subject to a notice of decision.

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

FILING AND MAPPING REQUIREMENTS

SECTION 6.3.150 EASEMENTS AND ACCESS:

A line adjustment shall have no effect on existing easements or access. Access shall not be eliminated through a property line adjustment process. If an access is potentially affected, then an easement may be created for access to comply with this criterion.

MAPPING AND FILING REQUIREMENTS TO COMPLETE THE PROCESS.

SECTION 6.3.175 MAPPING AND FILING REQUIREMENTS:

1. *Map and Monuments Required:*
 - a. *For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared;*
 - b. *The survey map shall show all structures within ten (10) feet of the adjusted line;*
 - c. *The survey shall establish monuments to mark the adjusted line.*
 - d. *The Coos County Surveyor reserves the right to require monumentation and mapping on parcels greater than ten acres in size.*

2. *Approval and Filing Requirements:*
 - a. *Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved;*
 - b. *Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted;*
 - c. *Once endorsed by the Director, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map;*
 - d. *A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk;*
 - e. *If a survey is required, the Deed shall be recorded, and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Coos County Planning Director shall be submitted to the County Surveyor along with the required filing fee. The survey map will be given a filing number which will be added to the Property Line Adjustment deed. The deed will then be recorded whereupon the recording number for said deed will be added to the face of the survey map. Said map will then be filed with the County Surveyor, completing the process.*
 - f. *The property line adjustment deed must be submitted on the exact format found in Figure 1 below.*

Figure 1 – PLA Deed

Send tax statements to:

After recording return to:

PROPERTY LINE ADJUSTMENT DEED

_____ GRANTOR(s) conveys and warrants to

_____ GRANTEE(s) the following described real property, situated in the County of Coos, State of Oregon:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "A"

Subject to and excepting:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

Coos County real property Tax Account No. _____.

The consideration for this conveyance stated in terms of dollars is _____

This is a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.

2. The description of the adjusted line is as follows:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT "B"

3. The deed whereby Grantor acquired title to the transferred property is recorded in Microfilm Reel No. _____ of the Deed of Records of Coos County, Oregon.

4. The deed whereby Grantee acquired title to the property to which the transferred property is joined is recorded in Microfilm Reel No. _____ of the Deed Records of Coos County, Oregon.

5. The survey and monumentation, as required by ORS 92.060 and ORS 209.250, were done by _____. His survey is filed with the County Surveyor under Coos County Surveyor's Records, Map No. _____.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

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DATED this _____ day of _____ 20 ____.

File Number: PLA-23-004

Name

Name

STATE OF OREGON)
)**ss.**
County of Coos)

This instrument was acknowledged before me on _____, 20 __,
by _____.

Notary Public of Oregon

My Commission expires: _____

ACCEPTANCE

The undersigned grantee(s) hereby accept(s) this property line adjustment deed and signs this acceptance in accordance with ORS 92.190(4).

Name

Name

STATE OF OREGON)
)**ss.**
County of Coos)

This instrument was acknowledged before me on _____, 20 __,
by _____.

Notary Public of Oregon

My Commission expires: _____

Property Line Adjustment Maps:

