



NOTICE OF LAND USE DECISION

You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.

Planning Department
60 E. Second St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
planning@co.coos.or.us

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

Date of Notice: **Thursday, December 21, 2023**
File No(s): PLA-23-033

Proposal: Request for a land use determination and approval for a Property Line Adjustments between lawfully created parcels.

Property Owner(s): COOS COUNTY
250 N BAXTER ST
COQUILLE, OR 97423-1875

Surveyor(s): Mike Dado, Coos County Surveyor

Staff Planner: Jill Rolfe, Planning Director

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, January 03, 2024**. If the due date is a Friday the drop box is required to be used. Pursuant to Section 5.8.100 Property Line Adjustments are appealable within twelve (12) days the written notice is mailed. Appeals are based on the applicable land use criteria. *Property line adjustments pursuant to 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

File Numbers	Map Number(s)	Account Number	Zoning	Total Property Acreage
PLA-23-033	26S133200-00500	542301	F	25.57
	26S133200-00501	542303	F	10.59

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance. NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

This notice shall be posted from December 21, 2023 to January 3, 2024

The application, staff report and any conditions may be found at the following link:

<https://www.co.coos.or.us/community-dev/page/land-use-applications-submitted>

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 60 E. Second St., Coquille, Oregon; however, an appointment is required to be setup for viewing purposes. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Associate Planner 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: _____
Jill Rolfe, Planning Director

Date: **Friday, December 22, 2023** .

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: Adjustment Map

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit D: PLA-23-033 Staff Report -**Findings of Fact and Conclusions**

EXHIBIT "A"
CONDITIONS OF APPROVAL

The applicant (applicant includes property owner and any successor) shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff. This is a tentative decision and will become final if the conditions of approval are completed correctly and any required survey maps and/or deeds are completed.

Map and Monuments Required:

- a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared; and
 - b. The survey map shall show all structures within ten (10) feet of the adjusted line; and
 - c. The survey shall establish monuments to mark the adjusted line; and
 - d. If a survey is required, the deed shall be recorded, and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Coos County Planning Director shall be submitted to the County Surveyor along with the required filing fee. The survey map will be given a filing number which will be added to the Property Line Adjustment deed. The deed will then be recorded whereupon the recording number for said deed will be added to the face of the survey map. Said map will then be filed with the County Surveyor, completing the process.
1. 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.
 2. Property Line adjustments shall be deeded & mapped separately in sequence.
 3. **Final approval** - The applicant shall submit proof that the requirements of the tentative approval have been met. Upon submittal by the applicant that all conditions of approval have been met along with the deed and map, if required, have been provided along with the recording fee to the Planning Director a final determination will be made. the Director shall advise the applicant in writing if the documents submitted are sufficient or if amendments are required.
 - a. **The following items shall be submitted to the Coos County Planning Department prior to one year of the tentative decision:**
 - i. A supplemental document explaining how all conditions of approval have been completed and the applicant is ready for a final determination; and
 - ii. The applicant or applicant's surveyor shall prepare and submit to the Planning Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required as explained under the Surveyor's comments; and
 - iii. A deed following the exact format found in Figure 1 of Section 6.3.175.
3. Once the required documents are received by the County Planning Department, they will be forwarded to the County Surveyor and Cartographer for final comments. If revisions are required, the applicant and/or representative will be notified as soon as the revisions are identified. If there are no revisions required Staff will sign the map and route the map and deed on the Surveyor's Office for completion and recording along with the recording fee. If there is no Survey Map required Planning Staff will submit the deed to the County Clerk's Office with the fee to be recorded. Once the appeal period has expired and no appeal have been filed, the applicant shall record the deed descriptions for the units of land and record them prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed.

EXHIBIT "B:
NOTIFICATION MAP



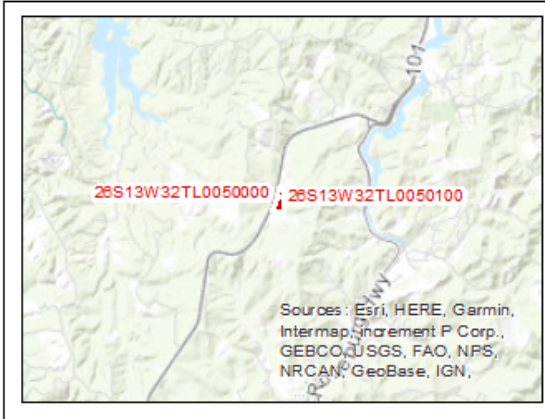
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



File: PLA-23-033

Applicant/
Owner: Coos County

Date: Decemeber 21, 2023

Location: Township 26S Range 13W
Section 32 TL 500 & 501

Proposal: Property Line Adjustment

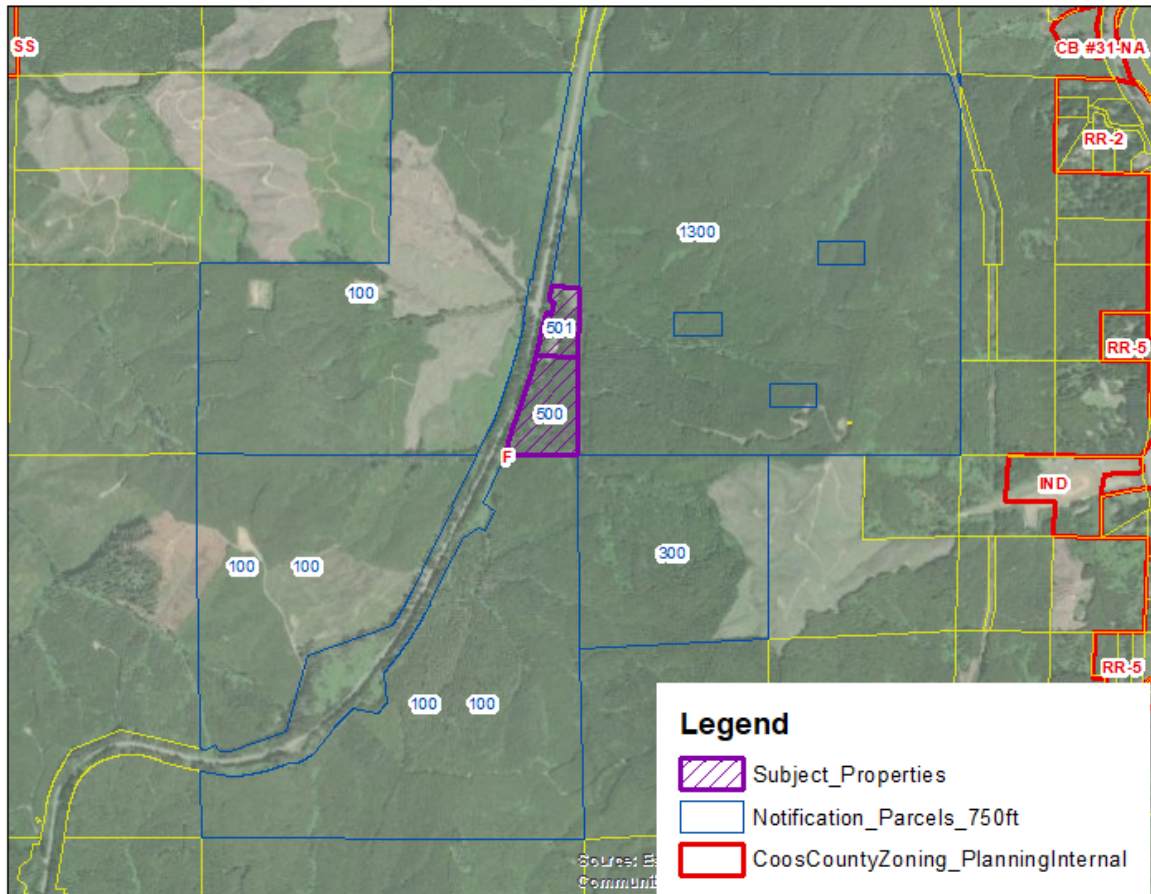


EXHIBIT "C"
Property Line Adjustment Map
Before:



After:



PROPERTY LINE ADJUSTMENT SURVEY BELLONI BOYS RANCH

SE 1/4 of SECTION 32, TOWNSHIP 26 SOUTH, RANGE 13 W.W.M.
COOS COUNTY, OREGON

FOR:
COOS COUNTY
250 N. BAXTER
COQUILLE, OR

PREPARED BY:
COOS COUNTY SURVEYOR
250 N. BAXTER
COQUILLE, OR

Tax Lot 500
Coos County
58781 Highway 101
Coos Bay, OR 97420

Tax Lot 501
Coos County
58781 Highway 101
Coos Bay, OR 97420

Tax Lot 100
Rayonier Forest Resources

Tax Lot 100
27613W05
Coos County
58781 Highway 101
Coos Bay, OR 97420

Tax Lot 1300
26513W33
FIA Timber Growth
58785 Highway 101
Coos Bay, OR 97420

AFTER

FD. 1" IRON PIPE
W 1/4 CORNER

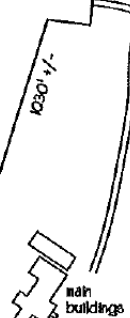
N01°12'16"E-394.18'

Tax Lot 100

N68°35'59"W-323.30'

Tax Lot 501
Coos County
16.59 acres

N01°09'25"E-992.01'



U.S. HIGHWAY 101
Right of Way Width Varies

FD. 1" IRON PIPE
S 1/16 CORNER

N68°35'59"W-606.88'

404' +/-

N01°09'25"E-394.92'

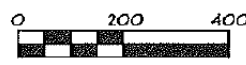


N68°35'59"W-121.11'

Tax Lot 1300
26513W33

990' +/-

Tax Lot 500
Coos County
19.57 acres



N00°53'28"E-916.01'

FD. 1" IRON PIPE
W 1/4 CORNER

N89°14'52"E-1056.40'

32 33

Tax Lot 100
27613W05

5 4

U:\GIS\10 Projects\COOS COUNTY\BELLONI BOYS RANCH\PLA\DWG\TRANSFER\1:1\4.21.dwg Dec 05, 2023-2:21pm

EXHIBIT "D"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

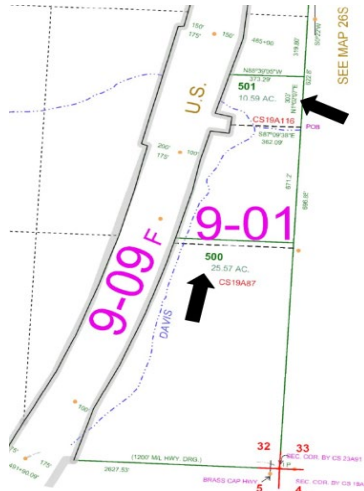
A. Proposal: The proposal is a request for Planning Director approval of a Property Line Adjustment.

B. BACKGROUND INFORMATION:

Property History:

The properties were reconfigured in 2008 to the current configuration.

Current configuration:



The original configuration of the property prior to 2008:



The reason for adjusting the property line was explained as a request from the Board of Commissioners. At the behest of Belloni's Boy's Ranch, the decision was made to transfer the property presently occupied by the Ranch to the Ranch itself. At the time, in accordance with the Planning Department's land use records, there were two parcels, along with a septic system and a

water well, that are not currently well-aligned with the Ranch improvements and the land currently utilized by the Ranch.

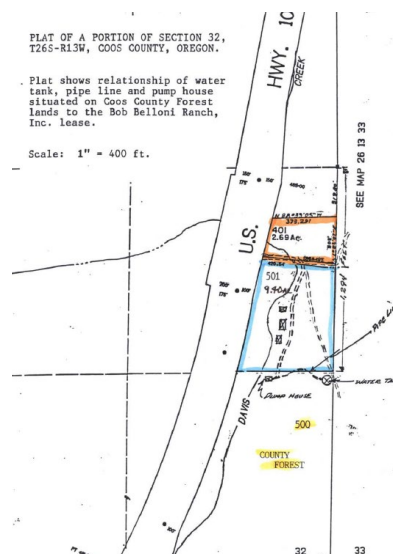
The solution was a lot line adjustment, provided the Forest zoning allows for it. The property lines were to be redrawn to incorporate both the septic system and well with the existing improvements.

The was completed in 2008. Prior land history at the time was given to better understand the ownership of the property:

1. Tax lot 500 and 501 shown in the original configuration was a total of 35 acres and was acquired in 1967 (document number 67-10-22767) in a land and timber trade with Menasha Corporation.
2. Tax Lot 401 (2.69 acres) was also acquired in a land and timber exchange with Menasha Corporation in 1979 & 1981 (Microfilm No's. 79-4-7164 and 81-4-2766)
3. In 1988, the County modified the original lease so that approximately 25 acres of the property (T.L. 500) could be designated County Forest (under ORS 275.320).
4. In 1997, a septic improvement project was completed on the property. As part of this project, a new drainfield was located on T.L. 401, which is not actually covered by the Boy's Ranch lease at the time.
5. In 1999 there was discussion about selling tax lots 500, 501 and 401. The information provided to the Board at the time from the County Forester was as follows:

“The lease applies only to the area which is highlighted in blue on the attached map. (T.L. 501 - 9.40 acres). The lease originally included the area to the south (T.L. 500 - 25.57 acres) however, the 1988 modification reduced the lease area to what was actually being used by the tenants. T.L. 500 is designated ‘County Forest’ (under ORS 275.320).

T.L. 500 & 501 are considered to be one parcel by the Planning Dept., and it is zoned Forest. Per my discussion with Planning (Carol Parker) it is not possible to partition the parcel. Since T.L. 500 is County Forest, there would have to be notices and a hearing (pursuant to ORS 275.330) prior to sale of the parcel.”



None of tax lot 501 is classified as County Forest. However, if a future lot line adjustment is conducted to include any portion of the highlighted yellow area for the purpose of sale, that specific portion would be subject to a hearing under ORS 275.330.

6. 2008 the property line adjustment approved was recorded.

The records confirm the following development is lawful:

- 1975 listed improvements of a Caretaker's quarters/storage building, Septic System, Well, Belloni Boys' Ranch house.
- 1985 listed improvements as Dwelling, Commercial Use (shelter care facility), Boys Ranch Facility, Well and Septic.
- 1987 approval was obtained to for classroom addition and repair alter existing dwelling.
- 1993 approval for a new accessory structure 20' x 16" for new water system.
- 1996 approval for 1400 sq ft addition to the school and 2600 sq ft addition to the Boys Ranch Building. Approval modified in 1987 to include repair of structures.
- 1997 approval to site a counseling center for the Boys Ranch within the confines of the easting campus.

All structures are considered non-conforming an alteration of the structures for use different from a shelter care facility will require an application.

- C. COMPLIANCE PURSUANT TO SECTION 1.1.300:** It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance.

FINDING: Staff has reviewed the property history and available county records to determine at the time of this report this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-complaint.

II. BASIC FINDINGS:

A. LOCATION:

The subject properties are located northwest of the City of Coos Bay. The parcels have access through Oregon State Highway 101.

B. ZONING: The subject properties are zoned Forest (F).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

Forest Mixed Use (FMU)

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

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993.

If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

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.

The proposal does not include any type of earth moving or structural development; therefore, even if the property was in a Special Development Consideration and/or Overlay Zone it would not be required to be addressed.

D. SITE DESCRIPTION AND SURROUNDING USES:

The subject parcels are zoned Forest (F). Tax lot 500 appears to be used for timber production, and tax lot 501 has a facility that were used for a residential treatment facility for boys age 13-20 until it recently closed. The facility located on tax lot 501 is a legal non-conforming structure. The surrounding parcels are like zoned and appear to also be using their properties for timber production.

E. COMMENTS:

- a. **PUBLIC AGENCY:** As part of the Property Line Adjustment process the only comments requested were from the County Surveyor and Assessor’s Office. Comments were not received at the time of this report.
- b. **PUBLIC COMMENTS:** This application request did not require any request for comments prior to the release of the decision pursuant to notice of decision requirements found in Chapter V of the CCZLDO.

F. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

“Lawfully established unit of land” means:

1. *The unit of land was created:*
 - a. *Through an approved or pre-ordinance plat;*
 - b. *Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;*
 - c. *In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.*
 - d. *By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;*
 - e. *By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.*
 - f. *By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.*

FINDING: Both parcels are lawfully created pursuant to Section 6.1.125.e, by deed prior to applicable partition ordinances that would have prohibited the creation (Tax lot 500 deed

document 67-10-22767 tax lot 501 deed document 79-04-7164). The properties current configuration was obtained through a Property Line Adjustment permitted by County Planning Staff (PLA-08-30). Therefore, the properties are lawfully created.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

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

B. 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.*

- *Applicable Criteria for A Single Property Boundary Adjustment:*

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:

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.*

FINDING: The applicant submitted the property line adjustment application for review. The properties were found to be lawfully created as stated previously in the staff report. An additional unit of land is not being created, and there is not a valid Measure 49 Claim on file for the subject properties. Therefore, the request complies with these criteria.

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 an 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 6.3.175 shall be followed.*

FINDING: The submitted application contained the submittal requirements. A title report was received. Staff was provided evidence to show that the units of land are lawfully created. The mapping and filing requirements of Section 6.3.175 shall be followed. Therefore, with the conditions of approval the criteria has been addressed.

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*

FINDING: The proposed adjustment will not result in the creation of an additional unit of land, and there are no existing deed restrictions or prior land use approvals that would impede the adjustment. While there are easements on the property, it's crucial to note that they will transfer with the land and have no bearing on this property line adjustment request. These properties are officially recognized as legal units of land, as detailed in this staff report.

Both properties are situated within the Forest (F) zoning districts, which necessitate a minimum lot size of 80 acres when creating parcels. A parcel meeting this minimum lot size is considered conforming, while one failing to meet it is considered non-conforming. In this case, both parcels are nonconforming and will remain so after the adjustment. Tax lot 500, initially comprising 25.57 acres, will retain approximately 19.57 acres, while tax lot 501, initially encompassing 10.59 acres, will retain approximately 15.59 acres.

It's important to highlight that this adjustment will not lead to split-zoned properties, as both parcels share the same zoning classification. Furthermore, all setbacks will be in compliance. Therefore, all relevant criteria have been duly addressed.

- 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.*

FINDING: Administrative Review is required for these adjustments as the parcels fall within the resource zone. The proposed adjustment aligns with the stipulations outlined in this section, emphasizing that its purpose is not to qualify the parcels for a dwelling. Instead, the objective of this property line adjustment is to ensure that all improvements accessory to the structures are situated within a single unit of land. As such, the request complies with the specified criteria.

- 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.*

FINDING: These adjustments have been mailed out to owners of record of properties within 750 feet of the exterior boundaries of the contiguous property ownership. The adjustment is subject to the twelve (12) day appeal period as described in this section. Therefore, the criteria has been addressed.

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: Easements listed on the deeds seem to be associated with ingress and egress or rights-of-way for the purpose of ingress and egress. Importantly, these easements have no impact on the property line adjustment, satisfying this criterion.

SECTION 6.3.175 MAPPING AND FILING REQUIREMENTS:

- I. *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.*
- B. *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.

Page 1 of 2

DATED this _____ day of _____ 20 __.

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: _____

FINDING: The deed must be filed concurrently with the map, and this will be a condition of approval. However, this process cannot be finalized until the decision is deemed final. A decision attains finality once the appeal period has elapsed, and no appeals have been received.

IV. DECISION:

The proposed Property Line Adjustments meet 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 been filed.

VI. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district or parties: Coos Forest Protective Association

A Notice of Decision and Staff Report will be provided to the following:

Applicants/Owners, Department of Land Conservation and Development, County Surveyor, County Assessor’s Cartography Staff, Planning Commission and Board of Commissioners.

Adjacent property owners will receive a Notice of Decision and maps, but all other attachments can be found by contacting the Community Development Department - Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.