



NH EROSION COASTAL (NHERC)  
NH TSUNAMI (NHTHO)  
WATERSHED POTENTIAL RESERVOIR (WPR)

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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.**

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

<https://www.co.coos.or.us/community-dev/page/planning-department>

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 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, 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:** \_\_\_\_\_ **Date:** Friday, June 28, 2024 .  
Crystal Orr, Associate Planner

**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 evidenced associated as listed in the exhibits.**

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity 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 C: Staff Report -**Findings of Fact and Conclusions**

**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.

The applicant has met the applicable criteria, with the following conditions:

1. A Final Plat meeting the applicable requirements in Section 6.2.800 shall be recorded within one (1) year from the date the Planning Director validates the unit of land.

**EXHIBIT "B"**  
**Vicinity Map**



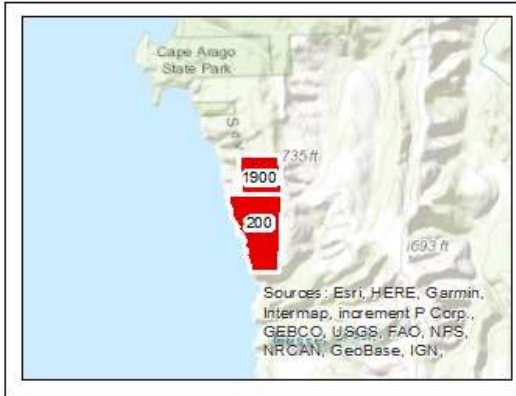
**COOS COUNTY PLANNING DEPARTMENT**

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

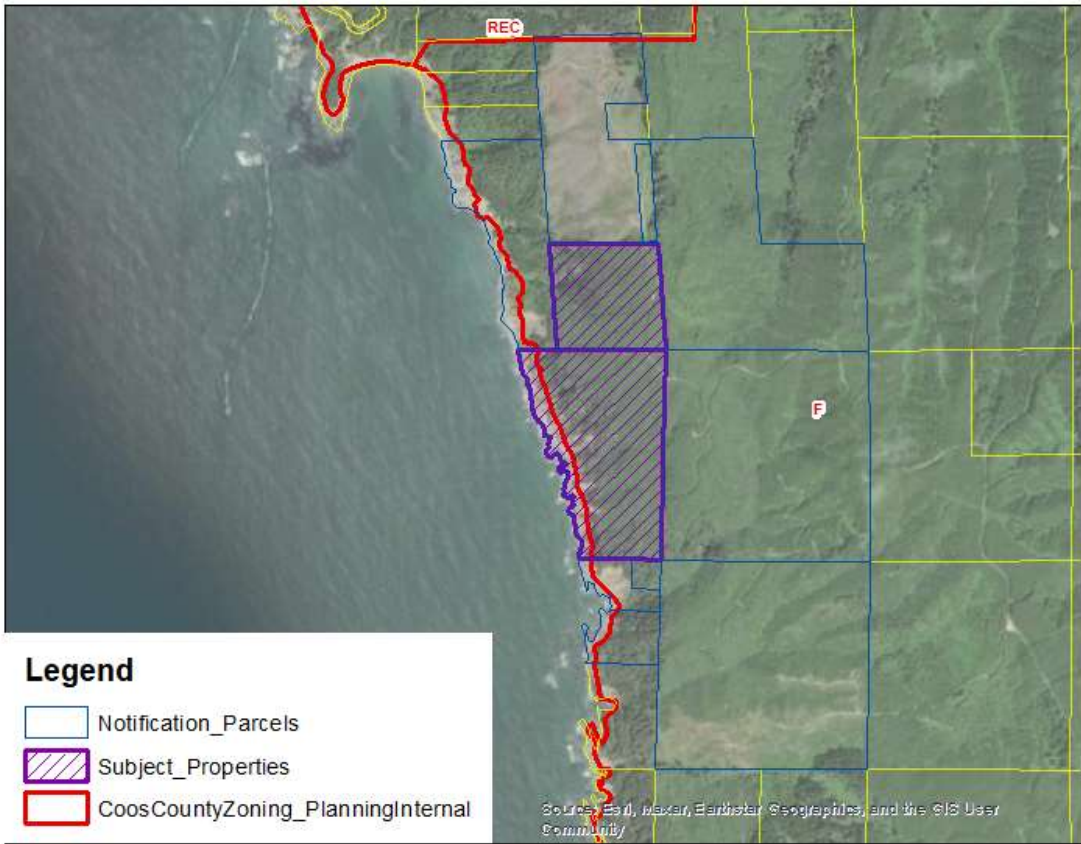
Physical Address : 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



File:	ACU-24-003
Applicant/ Owner:	WEYERHAEUSER NR COMPANY Peter Anderson-Consultant
Date:	6/25/2024
Location:	Township 26S Range 14W Section 20/29 TL 1900/200
Proposal:	Validation of a Unit of Land Not Lawfully Created



**Legend**

-  Notification\_Parcels
-  Subject\_Properties
-  CoosCountyZoning\_PlanningInternal

**EXHIBIT "C"**  
**PLA Before & After Map**  
**Original Configuration**



**After Adjustment**



**EXHIBIT “D”  
STAFF REPORT  
FINDINGS OF FACT AND CONCLUSIONS**

**I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:**

- A. PROPOSAL:** The applicants' proposal is a request for Planning Director Approval for a Validation of a Unit of Land Not Lawfully Established, as provided by the Coos County Zoning & Land Development Ordinance (CCZLDO).
- B. BACKGROUND/PROPERTY HISTORY:** Tax lot 1900 was originally described as one (1) lawfully created parcel with tax lot 1800 in the same Township, Range and Section (26-14-20) within deed document Book 234, Page 526 on June 16, 1954. Tax lot 1900 was later unlawfully divided on October 26, 1993 by deed document 93-10-1044. For a parcel to have been lawfully created it would have had to have been deeded out prior to January 1, 1986.

Tax lot 200 in township 26, range 14, section 29 is lawfully created by deed prior to applicable planning and zoning ordinances that would have prohibited its creation (deed document 77-057973).

This application was submitted to resolve the illegal land division by way of a property line adjustment after the fact.

- C. LOCATION:** The subject properties are located southwest of the City of Coos Bay.
- D. ZONING:** The properties are zoned Forest (F).

*Section 4.2.500 Resource Zones  
Forest (F)*

*The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses.*

*The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.*

- E. SITE DESCRIPTION AND SURROUNDING USES:** Tax lot 200 consists of 69.47 acres, and tax lot 900 consists of 40 acres. The units of land are surrounded by Forest (F) and Exclusive Farm Use (EFU) zoning and are being used for forest and farm uses.

**II. GENERAL PROPERTY COMPLIANCE:**

**A. COMPLIANCE PURSUANT TO SECTION 1.1.300:**

*It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance, unless approval has been granted by the Hearings Body.*

**B. SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

*"Lawfully established unit of land" means:*

- 1. The unit of land was created:
  - a. Through an approved or pre-ordinance plat;**

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

**FINDING:** Tax lot 200 in township 26, range 14, section 29 is lawfully created by deed prior to applicable planning and zoning ordinances that would have prohibited its creation (deed document 77-057973).

**Tax lot 1900 cannot be acknowledged as lawfully created; therefore, a Validation of a Unit of Land Not lawfully Established Application was submitted.**

### **III. STAFF FINDINGS AND CONCLUSIONS:**

#### **A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**

The proposal is for Validation of a Unit of Land Not Lawfully Established and is subject *Coos County Zoning and Land Development Ordinance (CCZLDO) Article 6.1 Lawfully Created Lots and Parcels; Section 6.1.175 Validation of a Unit of Land Not Lawfully Established.*

#### **B. 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 must be examined in order to determine how the inventory applies to the specific site*

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

**FINDING: These properties have Archaeological Areas of Interest, Coastal Shoreland Boundary, Landslide and Watershed as potential development considerations/overlays. These overlay zones/ special development considerations may require a request for comments and or further requirements if development occurs. At this time no development is proposed.**

#### **i. GENERAL COMPLIANCE**

- **ARTICLE 6.1 LAWFULLY CREATED LOTS AND PARCELS**

*A legal lot is a lot or parcel created in compliance with the current state and county regulations for land divisions. Lots are created through subdivisions (4 or more lots is a subdivision) and parcels are created through a partition (3 or less parcels is a partition). Additionally, this ordinance recognizes that parcels may be created through other means that were consistent with a prior county ordinance or state law such as the adoption of different land division provisions [December 6, 1962 - December 31, 1985*

*ordinances in place prior to acknowledgement of the Coos County Comprehensive Plan (CCCP)]. Parcels created prior to the adoption of the current acknowledged CCCP (1986) may require an application to determine the legality of said parcel.*

*Once lawful parcels or lots have been established pursuant to LDO Section 6.1.125 those lots or parcels shall remain lawfully created or discrete lots or parcels unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. If a parcel or lot is reconfigured by a property line adjustment that becomes the new discrete lot or parcel and the official date of creation.*

- *SECTION 6.1.175 Validation of a Unit of Land Not Lawfully Established*  
*This section does not condone or encourage illegal land divisions, and as a penalty, this process will be charged a triple fee. Road requirements will be at the discretion of the Roadmaster.*
- 1. *The Planning Director may approve an application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land:*
  - a. *Is not a lawfully established unit of land pursuant to LDO Section 6.1.125; and*
  - b. *Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.*
- 2. *Notwithstanding subsection (1)(b) of this section, the Planning Director may approve an application to validate a unit of land under this section if the Planning Department or Hearings Body approved a discretionary decision for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the Planning Director must determine that the dwelling qualifies for replacement under the criteria listed below.*
  - a. *The dwelling must contain:*
    - i. *Intact exterior walls and roof structure;*
    - ii. *Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;*
    - iii. *Interior wiring for interior lights; and*
    - iv. *A heating system*
- 3. *Coos County may approve an application for an Administrative Conditional Use Permit for the continued use of a dwelling or other building on a unit of land that was not lawfully established if:*
  - a. *The dwelling or other building was lawfully established prior to January 1, 2007; and*
  - b. *The permit does not change or intensify the use of the dwelling or other building.*
- 4. *An application to validate a unit of land under this section shall be reviewed as an Administrative Conditional Use, pursuant to LDO Article 5.2. An application to Coos County under this section is not subject to the minimum lot or parcel sizes established for the applicable zoning district.*
- 5. *A unit of land becomes a lawfully established parcel when the Planning Director validates the unit of land under this section if the owner of the unit of land causes a Final Plat meeting the applicable requirements of LDO Section 6.2.800 FINAL PLAT REGULATION AND REQUIREMENTS to be recorded within 90 days after the date the Planning Director validates the unit of land.*

**FINDING: On January 1, 1986 Coos County adopted land use laws governing partitioning property. At that time in order to partition property approval was required. If a property had been deeded prior to that date without land use approval it would be considered lawfully created. Consequently, if a property was deeded after that date without land use approval the division would be a violation of the Coos County Zoning and Land Development Ordinance.**

**Tax lot 200 described in deed 77-057973 as Parcel 1 is a lawfully created parcel, as it was created prior to applicable planning and zoning ordinances that would have prohibited its creation (deed document 77-057973). Tax lot 1900 described in deed document 93-10-1044 was not lawfully created as the landowners at the time did not abide by the partition ordinance requiring land use approval.**

**Validation of a Unit of Land requires that the parcels could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold. The property owner submitted the Validation of a Unit of Land not Lawfully Created with the proposal for an after the fact Property Line Adjustment to allow tax lot 1800/1900 (originally 80 acres) to be adjusted so that tax lot 1900 and 200 be consolidated into one parcel to bring the property into compliance with land use requirements.**

**Had the property owner submitted a Property Line Adjustment application to create the configuration, these parcels would have been considered legally created.**

**In 1993 when tax lot 1900 was deeded, the Property Line Adjustment Criteria in effect was:**

*SECTION 3.3.150. Property Line Adjustments. A property line adjustment is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel and where an existing unit of land that is reduced in size by the adjustment complies with all other provisions of this Ordinance. Property line adjustments may be permitted in any zone or across zones, or between lots or parcels in a recorded subdivision or partition plat.*

*SECTION 3.3.151. Procedure. A single adjustment of one line between two abutting properties will be approved as a ministerial 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. Land owners seeking property line adjustment(s) must file with the Planning Department:*

1. *A scaled plot plan shall be submitted with an application for a property line adjustment showing:*
  - a. *All existing property lines;*
  - b. *The proposed location of the adjusted property line;*
  - c. *The location of existing buildings, with distances to the existing and the proposed property line;*
  - d. *The location of septic systems, wells and easements, and their distances from the existing and the proposed property line; and*
  - e. *The existing size and the proposed size of each lot or parcel, in square feet or acres.*

2. *Written consent from all owners of the properties that will be modified by the property line adjustment.*
3. *If the application is approved, the adjusted property line must be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, except, a survey and monumentation are not required when:*
  - a. *all parcels will be greater than 10 acres or when the property line adjustment involves the sale; or*
  - b. *there is a grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes property.*
4. *If required, a survey complying with ORS 209.250 must be filed with the County Surveyor within one year of the date of final approval of an application for a property line adjustment.*
5. *Within one year of the date of final approval of an application for a property line adjustment a deed must be recorded with the County Clerk. The deed shall contain the names of the parties, the description of the adjusted property line, references to original recorded documents, and signatures of all parties with proper acknowledgement (ORS 92.190). The deed shall also contain a separate description of the area being conveyed from one parcel to the other and shall contain a statement that the conveyance is part of a property line adjustment.*

**SECTION 3.3.152 Approval Criteria.** *A property line adjustment may be approved if it complies with all of the following:*

1. *The existing lots or parcels were lawfully created in accordance with Section 3.3.800;*
2. *No new parcels will result from the adjustment;*
3. *All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless the building or improvement does not currently comply, in which case the building or improvement shall not be rendered more nonconforming by the adjustment;*
4. *All adjusted parcels shall be large enough to accommodate a use allowed in the zone where the property is located, including an on-site septic system.*
5. *Resulting lots or parcels shall comply with all applicable zoning ordinance provisions after the adjustment, unless the adjustment meets one of the following exceptions:*
  - a. *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*
  - b. *Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment, or*

- c. *Property line adjustments by a public body for the purpose of incorporating excess right-of-way property into adjacent property shall not be subject to minimum lot size requirements.*
6. *Property line adjustments on land zoned Exclusive Farm Use, Forest and Forest Mixed Use may not be used to:*
    - a. *Decrease the size of a lot or parcel 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 the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;*
    - b. *Decrease the size of a lot or parcel 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 the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or*
    - c. *Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.*
  7. *The adjustment shall not result in parcel(s) that overlap a city limit or county line.*
  8. *The adjustment shall not result in the loss of access to any parcel unless alternative access complying with Article 7.1 is provided.*
  9. *If any of the parcels involved in the lot line adjustment(s) is subject to conditions of a prior land use permit, then the area added to that parcel shall be subject to any conditions imposed under the permit.*

**Finding: The application requirements were met. An additional unit of land would not have been created through the property line adjustments. For a property to be considered conforming per the minimum lot size it would need to contain 80 acres. Tax lot 1800/1900 contained 80 acres, tax lot 200 contained 69.50 acres. Tax lot 1800/1900 would have been considered conforming as the unit of land was over the minimum lot size, and tax lot 200 would have been considered non-conforming as the unit of land did not meet the minimum lot size.**

**The conformance status of all units of land will remain the same after the adjustment, one parcel will be over the minimum lot size (1900/200 with approximately 109.47 acres ) and one parcel (1800) will be below the minimum lot size with 40 acres. These units of land do not contain any development nor any septic systems. The units of land are all zoned Forest (F).**

**Staff finds that the applicant has met the criteria to Validate a Unit of Land Not Lawfully Established. The units of land become lawfully established when a Final Plat meeting the applicable requirements of the Coos County Zoning and Land Development Ordinance (CCZLDO) Section 6.2.800 Final Plat Regulations and Requirements to be recorded within one (1) year from the date the Planning Director Validates the land. The current criteria within the CCZLDO states that a final plat for a Validation of a Unit of Land Not Lawfully Created shall be filed within 90 days, but Oregon Revised Statute has changed their ruling to allow one (1) year for filing. This means that the Final Plat (must be drawn to depict the final configuration above) must be recorded within one (1) year of the appeal period (July 15, 2025).**

**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.

**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.

**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.