



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.

Coos County Planning
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: **Tuesday, November 21, 2023**
File No(s): D-23-002/ACU-23-037

Proposal: Request for a land use determination and approval for a Lawfully Created Unit of Land Application and a Multi Property Line Adjustment

Landowner(s): Bandon Biota, LLC
2450 Lakeview Ave
Chicago, IL 60614

Staff Planner: Crystal Orr, Associate Planner

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, December 06, 2023.** Pursuant to Section 5.8.100 Lawfully Created Unit of Land Applications and Property Line Adjustments are appealable within twelve (12) days the written notice is mailed, and Conditional Uses are appealable within fifteen (15) days the written notice is mailed. Appeals are based on the applicable land use criteria. Lawfully Created Unit of Land applications are subject to Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with *Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions, CCZLDO Article 6.1 Lawfully Created Lots and Parcels and Property Line Adjustments are subject 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
D-23-002/ ACU-23-037	29S152500-01000 29S152500-01200	1241601 1241602	EFU EFU	133.56

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 November 21, 2023 to December 6, 2023

The application, staff report and any conditions may be found at the following link: <https://www.co.coos.or.us/community-dev/page/applications-2023> 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: _____ **Date:** Tuesday, November 21, 2023
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 evidence associated as listed in the exhibits.

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

Exhibit C: Lawfully Created Unit 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: D-23-002/ACU-23-037 Staff Report -Findings of Fact and Conclusions

Exhibit E: Application

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. 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.

Conditions for D-23-002

1. 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.

Conditions for ACU-23-037

Map and Monuments Required:

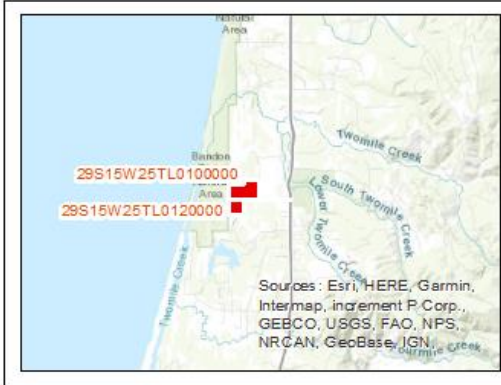
- a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared; and
 - b. The survey map shall show all structures within ten (10) feet of the adjusted line; and
 - c. The survey shall establish monuments to mark the adjusted line; and
 - d. If a 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. **These adjustments shall be deeded & mapped separately in sequence.**
 2. **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"
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: D-23-002/ACU-23-037
Applicant/ Owner: Bandon Biota
Date: 11/20/2023
Location: Township 29S Range 15W Section 25 TL 1000, 1200
Proposal: Lawfully Created Parcel and Multi Property Line Adjustment

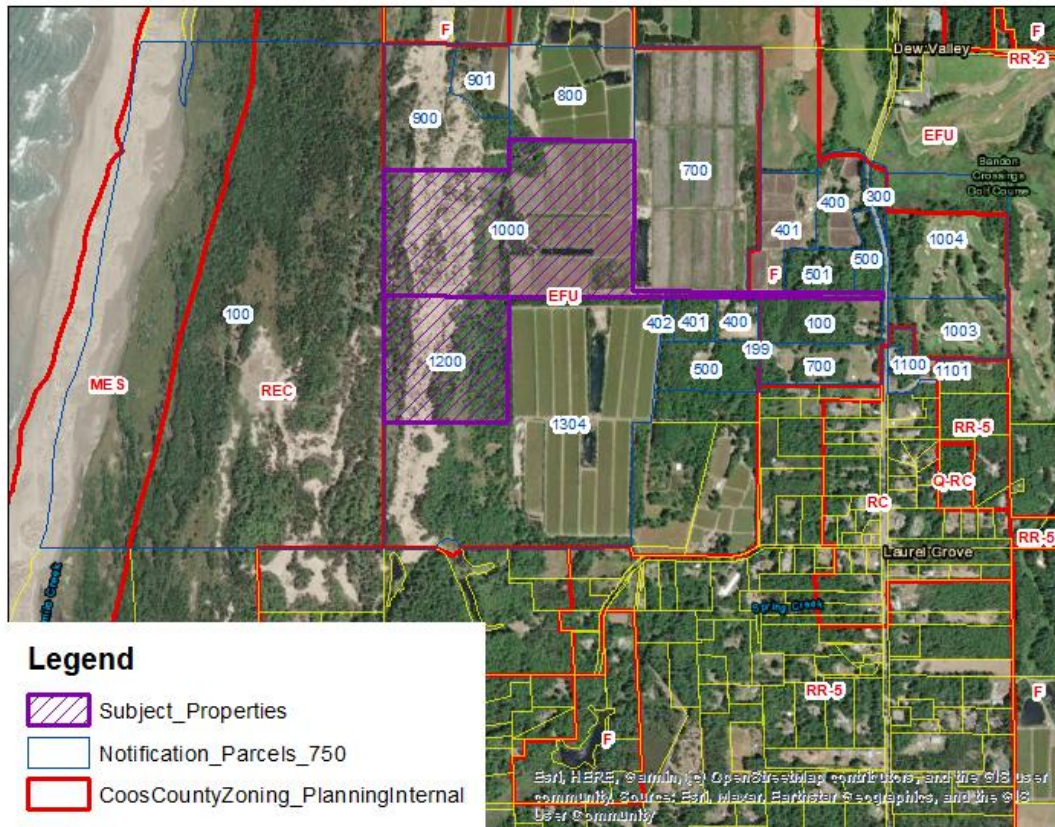


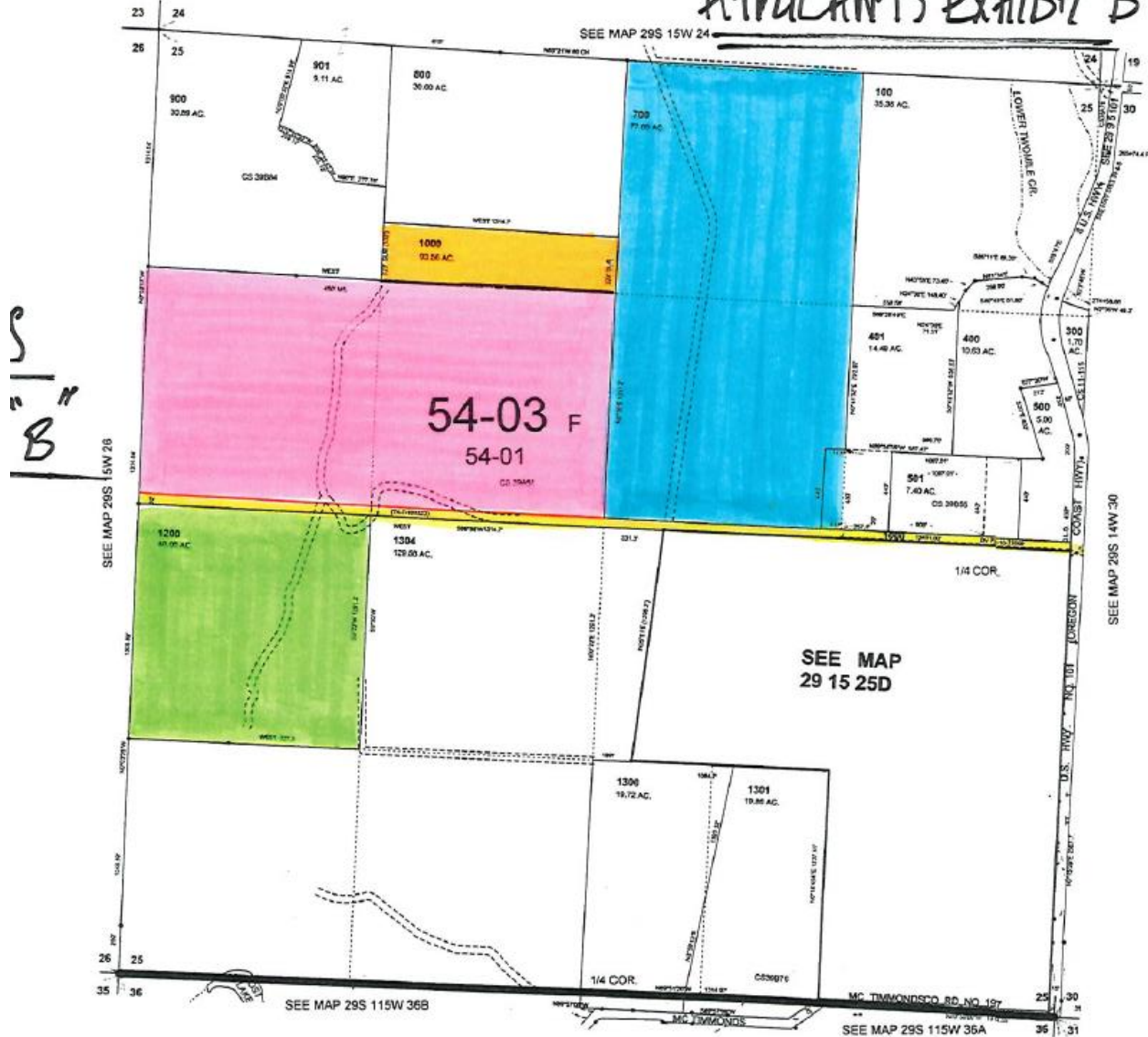
EXHIBIT "C"
Lawfully Created Parcel Map and Deeds & Property Line Adjustment Maps

SECTION 25 129S R15W W.M.
 COOS COUNTY

1" = 400'

APPLICANTS EXHIBIT "B"

IS MAP WAS PREPARED FOR
 SESSMENT PURPOSE ONLY



80 3 263

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that we RONALD L. RILEY, also known as R. L. Riley, and RUTH R. RILEY, also known as Ruth Riley, husband and wife, for true and actual consideration in the sum of ONE HUNDRED FIVE THOUSAND & no/100 (\$105,000.00) DOLLARS, to us paid by FRANCES D. CAVORETTO, a single woman, do hereby grant, bargain, sell and convey unto the said Grantee all of the following described real property, to-wit:

The W 1/2 of NE 1/4, the S 1/2 of NW 1/4 and the NW 1/4 of SW 1/4 of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, also beginning at the Southeast corner of the NE 1/4 of NW 1/4 of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence 1320 feet West; thence 330 feet North; thence 1320 feet East; thence 330 feet South to the point of beginning.

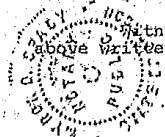
We, the Grantors, covenant to and with the Grantee that we are lawfully seized in fee simple of the above granted premises, free from all encumbrances except R. E. A. easement and such portions of the above described property as may have been heretofore conveyed from Grantors to the Grantee; that we shall and our heirs, executors and administrators shall warrant and forever defend the same against the lawful claims and demands of all persons whomsoever.

Witness our hands this 22nd day of ^{April} March, 1969.

Ronald L. Riley
Ruth R. Riley

STATE OF OREGON)
County of Coos) ss

On the ^{April} 22nd day of March, 1969, there appeared before me the aforementioned Ruth R. Riley, who personally acknowledged to me that she executed the foregoing instrument freely and voluntarily for the uses and purposes therein set forth.



Witness my hand and official seal the day and year last above written.

Myrtle D. [Signature]
Notary Public for Oregon

My Commission expires: May 26, 1971

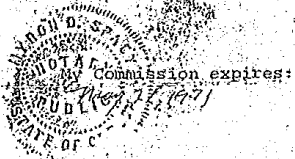
80 3 264

STATE OF)
) ss
County of)

On the 22nd day of March, 1969, there appeared before me the aforementioned Ronald L. Riley, who personally acknowledged to me that he executed the foregoing instrument freely and voluntarily for the uses and purposes therein set forth.

Witness my hand and official seal the day and year last above written.

Wynne M. Gandy
Notary Public for



WILLAMETTE VALLEY TITLE
294 Central
Coos Bay, Oregon 97420

605 80 3 264
JUN 27 9 37 AM '80 483

State of Oregon)
County of Coos)
I hereby certify that the within instrument was filed for record in the Coos County Deed Records.

WITNESS my hand and seal of County affixed:

MARX ANN WILSON
Coos County Clerk

By *J. Buchanan* deputy

Return to

Fee \$ 7.00 *L.V.T.*

THESE PRESENTS That
 PRANCES D. CAVORETTO
 in consideration of SEVEN THOUSAND EIGHT HUNDRED SEVENTY FIVE AND NO/100 Dollars,
 to her by the Grantee, s. herein, do. ss. hereby grant, bargain, sell and convey unto
 DAVE H. BROOKS and JAMES J. HILL, as tenants in common

Grantee, s. the following described real property, situate in the County of Coos
 and State of Oregon, to-wit:

Parcel I:
 The South 1/2 of the Northwest quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, EXCEPTING THEREFROM the South 60 feet of the above parcel.

and and UNDIVIDED ONE-HALF INTEREST IN THE FOLLOWING PROPERTY:

Parcel III:
 The South 60 feet of the North one-half of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

To Have and to Hold the granted premises unto the said Grantee, s., their Heirs and Assigns forever.
 And the Grantor do. ss. covenant that she is lawfully seized in fee simple of the above granted premises free from all encumbrances, except special assessment for Forest land (Parcel 1); reservation of timber rights as set forth in deed recorded 10/3/72 as Microfilm No. 72-10-77059 (Parcel 3); reservation of easement as set forth in deed recorded 10/3/72 as Microfilm No. 72-10-77059 (Parcel 3); an easement as set out in instrument recorded 9/2/77 as Microfilm No. 77-9-14535 for roadway & utility easement (Parcel 3); an easement created by instrument recorded 4/27/77 as Microfilm No. 77-4-063 for roadway (Parcel 3); an easement for roadway as set forth in instrument recorded 2/8/78 as Microfilm No. 78-3-00039 (Parcel 3), all Records of Coos County, Oregon, and that she will and her heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness MY hand and seal this 24 day of June, 1980.
 WILLAMETTE VALLEY TITLE
 294 Central
 Coos Bay, Oregon 97420

STATE OF OREGON } ss.
 County of Coos }
 On this 24 day of June, 1980,
 personally appeared the above named
 Frances D. Cavoretto

STATE OF OREGON } ss.
 County of }
 I certify that the within instrument was received for record on _____ at _____ o'clock, and was recorded in Book _____ Page _____ Record of Deeds of said county.

25
 09-15

80 3 266

1980-CAVORETTO TO MEYER (80-3-266)

KNOW ALL MEN BY THESE PRESENTS, That FRANCES D. CAVORETTO, Grantor in consideration of TWENTY FOUR THOUSAND ONE HUNDRED TWENTY FIVE AND NO/100 Dollars, to her, paid by the Grantee, herein, do.s.s. hereby grant, bargain, sell and convey unto LOWELL E. MEYER Grantee, the following described real property, situate in the County of COOS and State of Oregon, to-wit:

Parcel II: The Northwest quarter of the Southwest quarter of Section 26, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

And an UNDIVIDED ONE-HALF INTEREST IN THE FOLLOWING PROPERTY: Parcel III: The South 50 feet of the North one-half of Section 26, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

To Have and to Hold the granted premises unto the said Grantee, Heirs and Assigns forever, And the Grantor, do.s.s. covenant that she is lawfully seized in fee simple of the above granted premises free from all encumbrances, except special assessment as Forestland, reservation of timber rights as set forth in deed recorded 10/3/72 as Microfilm No. 72-10-77058 (Parcel 3); reservation of easement set forth in deed recorded 10/3/72 as Microfilm No. 72-10-77059 (Parcel 3); an easement set forth in instrument recorded 9/2/77 as Microfilm No. 77-9-14535 for roadway and utility easement (Parcel 3); easement created by instrument recorded 4/27/77 as Microfilm No. 77-4-06348 for roadway (Parcel 3); easement created by instrument recorded 2/8/78 as Microfilm No. 78-3-00039 for roadway (Parcel 3), all records of Coos County, Oregon and that she, her heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness my hand and seal this 24 day of June, 1980.

WILLAMETTE VALLEY TITLE 294 Central Coos Bay, Oregon 97420

(Signature) (SEAL)

STATE OF OREGON County of Coos ss.

STATE OF OREGON County of ss.

On this 24 day of June, 1980, personally appeared the above named Frances D. Cavoretto

I certify that the within instrument was received for record on at o'clock, and was recorded in Book Page Record of Deeds of said county.

and acknowledged the foregoing instrument to be her voluntary act and deed.

Recorder of Conveyances

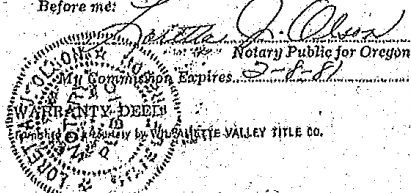
Before me: (Signature) Notary Public for Oregon My Commission Expires 2-1-81

By Deputy

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

Lowell E. Meyer P. O. Box 582 Bandon, OR 97411

Return to: RECORDED JUN 27 1980 AT 3:37 PM MARY-ANN WILSON, COUNTY CLERK



83 1 7047

KNOW ALL MEN BY THESE PRESENTS, That FRANCES D. CAVORETTO Grantor in consideration of Seventy Thousand Eight hundred Seventy Five and no/100*** Dollars, to her paid by the Grantee herein, do hereby grant, bargain, sell and convey unto DAVE H. BROOKS and JAMES J. HILL, as tenants in common Grantee the following described real property, situate in the County of Coos and State of Oregon, to-wit:

PARCEL I:

The South 1/2 of the Northwest quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon, EXCEPTING THEREFROM the South 60 feet of the above parcel.

ALSO: Beginning at the Southeast corner of the Northeast quarter of the Northwest quarter of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon; thence 1320 feet West; thence 330 feet North; thence 1320 feet East; thence 330 feet South to the point of beginning.

and an UNDIVIDED ONE-HALF INTEREST IN THE FOLLOWING PROPERTY:

PARCEL III:

The South 60 feet of the North one-half of Section 25, Township 29 South, Range 15 West of the Willamette Meridian, Coos County, Oregon.

THIS IS A CORRECTION DEED THAT IS BEING RECORDED TO CORRECT AN ERROR IN THE LEGAL DESCRIPTION OF THAT CERTAIN WARRANTY DEED RECORDED 6-27-80 as MF# 8U-3-26, RECORDS OF COOS COUNTY, OREGON.

To Have and to Hold the granted premises unto the said Grantee, Heirs and Assigns forever. And the Grantor do covenant that she is lawfully seized in fee simple of the above granted premises free from all encumbrances.

EXCEPT THOSE OF RECORD

and that she will and her heirs, executors and administrators, shall warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as above stated.

Witness my hand and seal this 17th day of February, 1983



STATE OF OREGON County of Coos

On this 17th day of February, 1983 personally appeared the above named Frances D. Cavoretto

and he acknowledged the foregoing instrument to be his voluntary act and deed.

Before me Notary Public for Oregon My Commission Expires 2/19/83

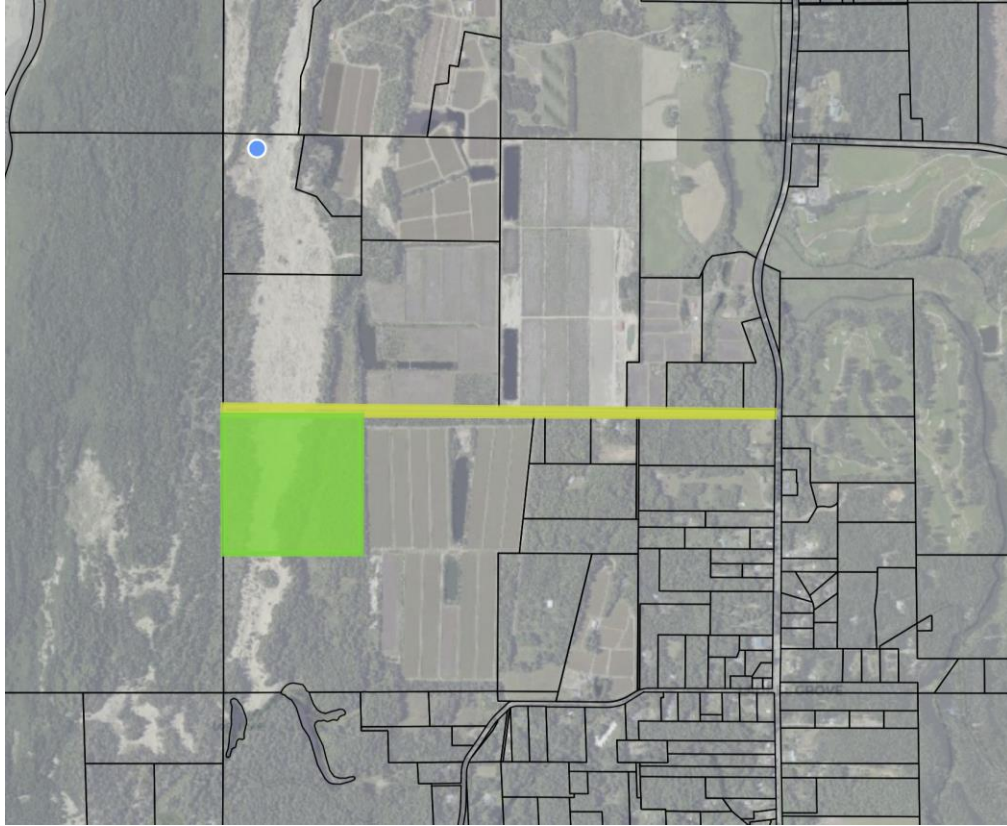
WARRANTY DEED Furnished as a courtesy by WILLAMETTE VALLEY TITLE CO.

State of Oregon I hereby certify that the within instrument was filed for record in the Coos County Deed Records. WITNESS my hand and seal of County affixed: MARY ANN WILSON, Coos County Clerk. Return to: WILLAMETTE VALLEY TITLE CO. 221 Central 64-737 Coos Bay, Oregon 97422-2273

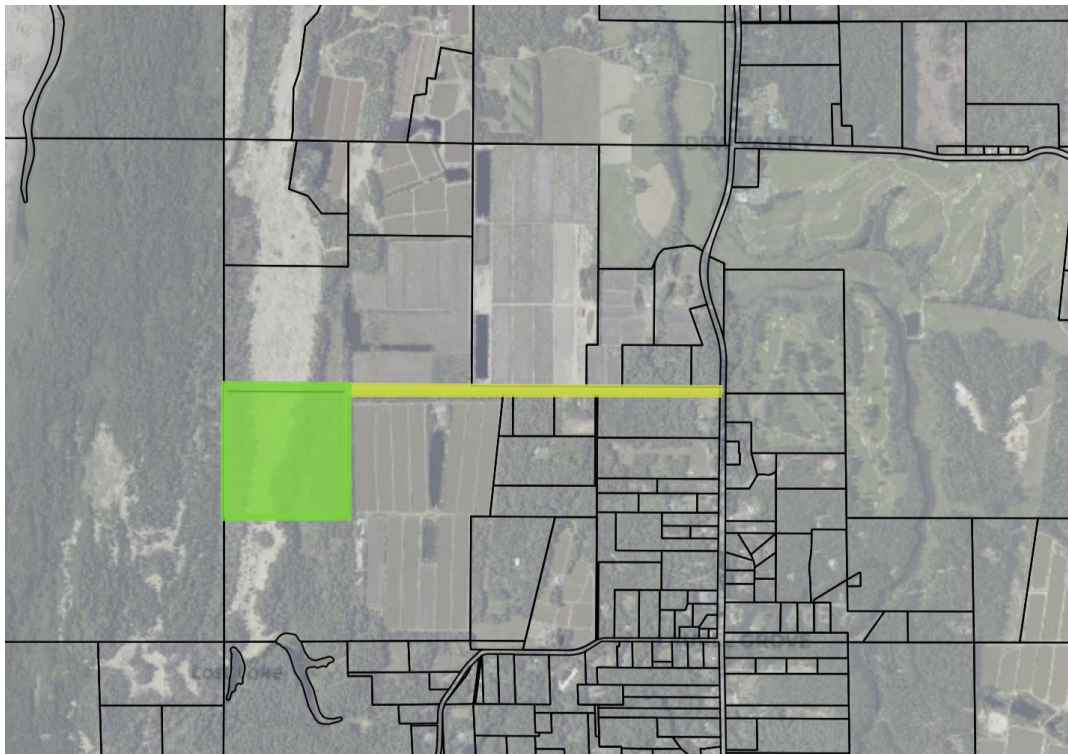
UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

Return to: WILLAMETTE VALLEY TITLE 221 Central 64-737 Coos Bay, Oregon 97422-2273

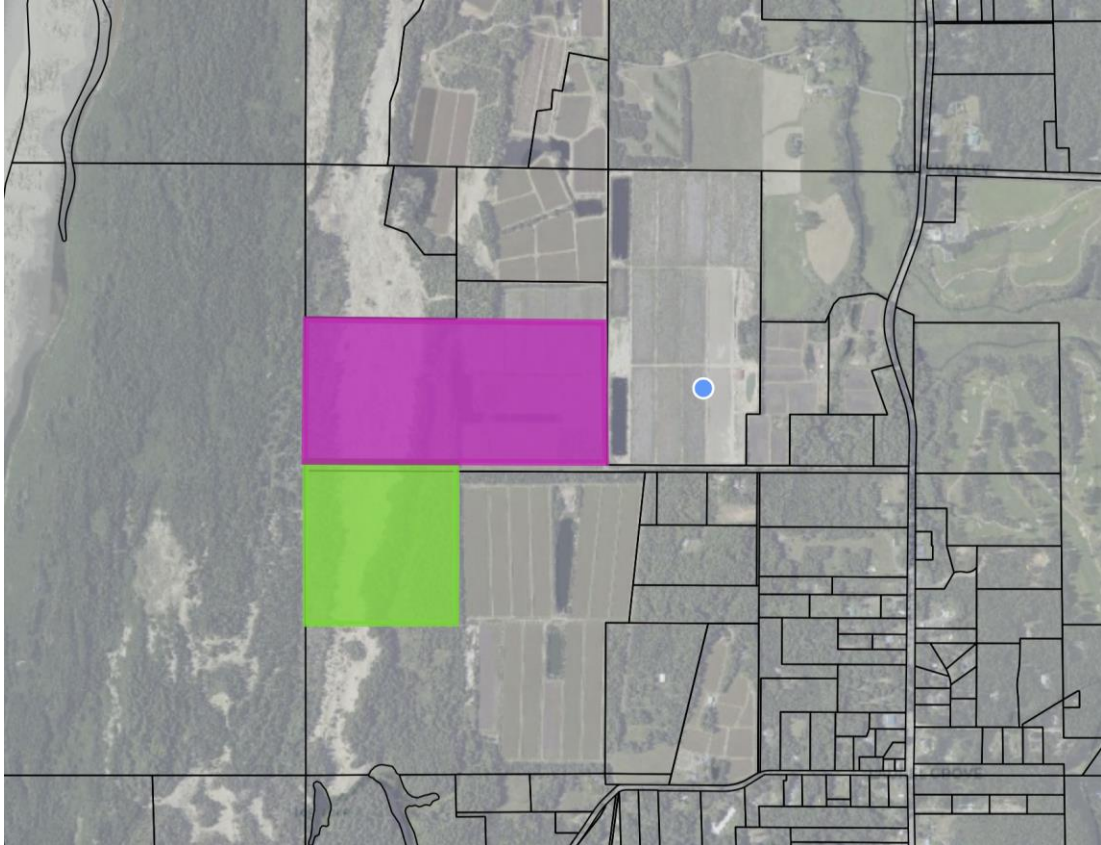
Before PLA #1



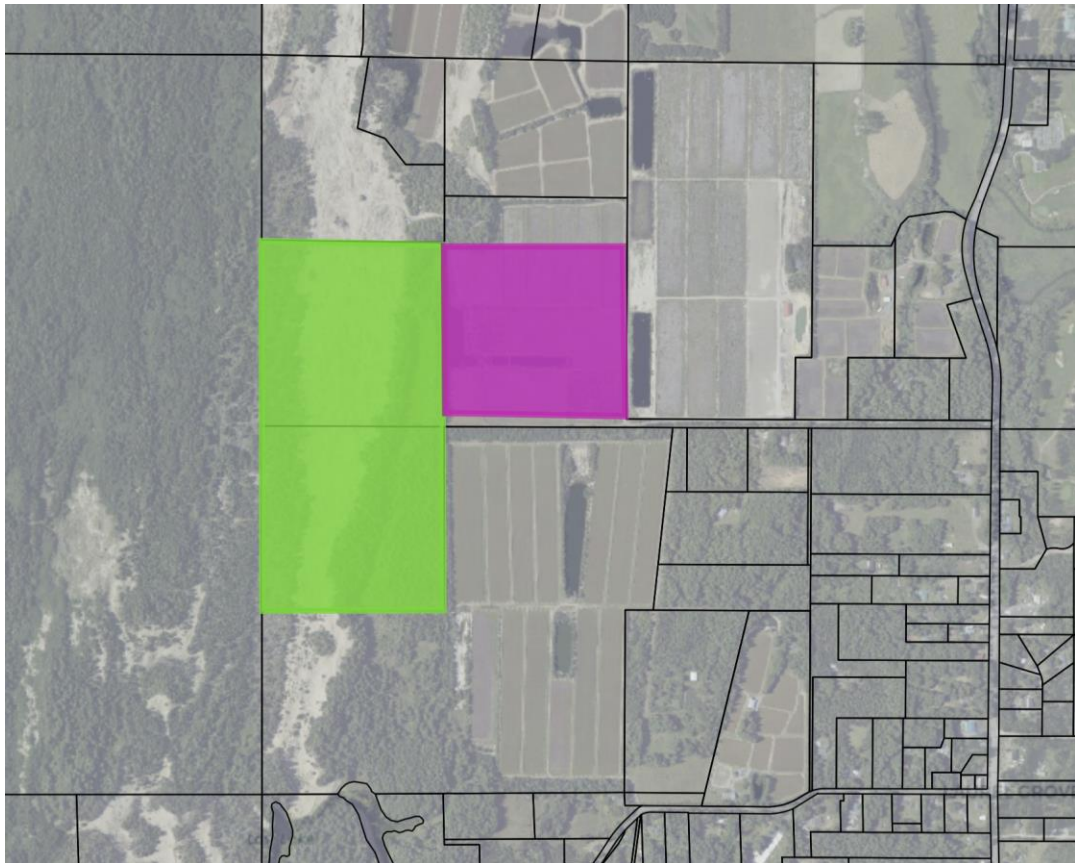
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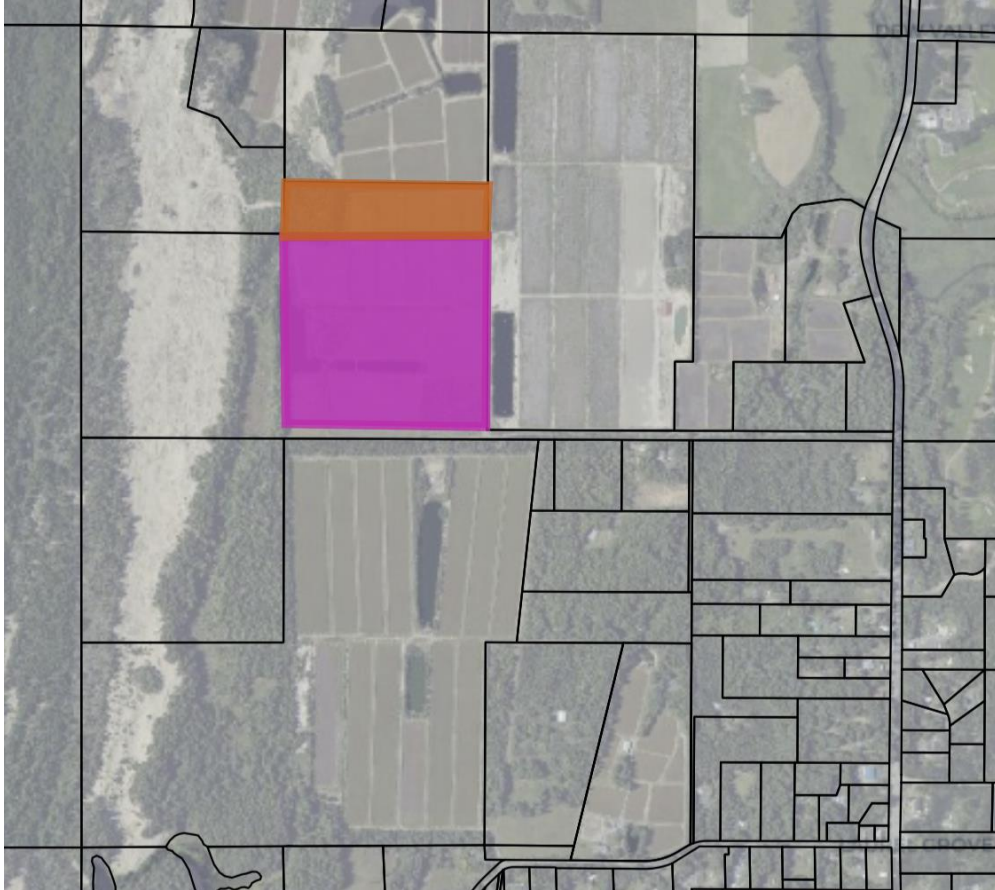
Before PLA #2



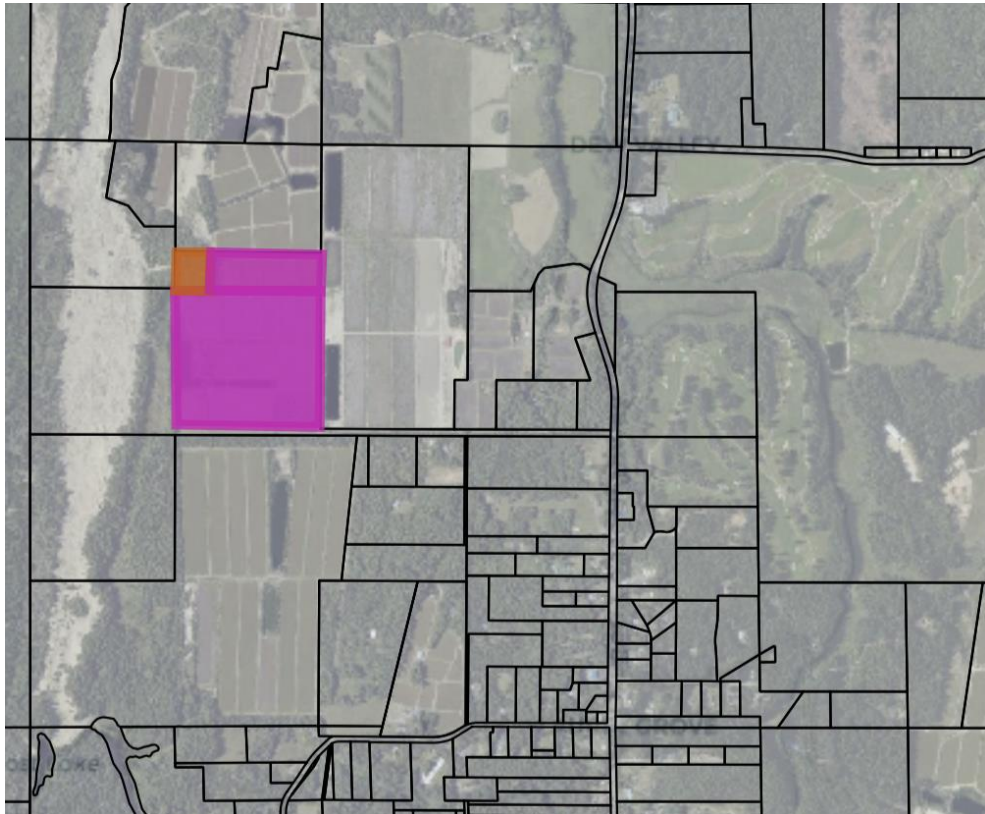
After PLA#2



Before PLA #3



After PLA#3



**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 Lawfully Created Units of Land. This application was submitted to verify that there are four (4) parcels within Tax Lots 1000 and 1200 in Township 29 Range 15 Section 25. The applicant also proposes to adjust the boundaries of the lawfully created units of land.

B. LOCATION:

The units of land are located south of the City of Bandon.

C. ZONING:

This property is zoned Exclusive Farm Use (EFU).

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

Section 4.2.500 Resource Zones

Exclusive Farm Use (EFU)

These include all inventoried "agricultural lands" not otherwise found to be needed (excepted) for other uses.

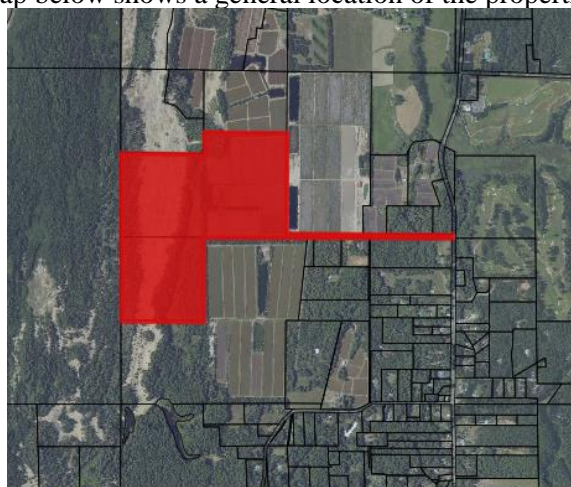
The purpose of the EFU district is to preserve the integrity and encourage the conservation of agricultural lands within Coos County and thereby comply with the provisions of ORS 215 and OAR 660, Division 33 to minimize conflicts between agricultural practices and non-farm uses by limiting any development to uses distinguished as dependent upon or accessory to supporting agricultural or forestry production and which qualify such farm lands for special tax relief pursuant to the provisions of Oregon Revised Statutes. This zone is also for the cultivation and marketing of specialty crops, horticultural crops and other intensive farm uses.

D. SITE DESCRIPTION AND SURROUNDING USES:

Based on aerial imagery, the subject properties in this area are used for farm, forest and residential uses.

E. LOCATION:

These units of land are located south of the City of Bandon. The properties are located off of Hoffer Lane. The map below shows a general location of the properties.



II. 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.*

FINDING: Staff has reviewed the property history and the county finds at the time of this report that 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-compliant.

III. STAFF FINDINGS AND CONCLUSIONS:

- A. **SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:**
- B. The proposal is for Planning Director Approval of a Lawfully Created Unit of Land, which is subject to Coos County Zoning and Land Development (CCZLDO) Article 6.1 and a multi-Property Line Adjustment subject to CCZLDO Article 6.3.
- C. **COMMENTS:**
Comments were requested from the Coos County Assessor's and Surveyor's Office but none were received prior to the release of this decision.
- D. **LAWFULLY CREATED:**
- **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 6.1.100 WHAT IS NOT A LAWFULLY CREATED LOT OR PARCEL:**
A unit of land shall not be considered a separate parcel simply because the subject tract of land;
 1. *Is a unit of land created solely to establish a separate tax account;*
 2. *Includes properties that have divided interest;*
 3. *Lies in different counties;*
 4. *Lies in different sections or government lots;*
 5. *Lies in different land use or zoning designations; or*
 6. *Is dissected by a public or private road.*
 - **SECTION 6.1.125 LAWFULLY CREATED UNIT OF LAND**
"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 intervening 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.*

2. *Creation of parcel previously approved but not acted upon (92.178).*
 - a. *The governing body of a county may approve an application requesting formation of one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994, and:*
 - b. *A plat implementing the previous land use decision was not recorded; or*
 - c. *A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not satisfied by a previous owner of the land.*
 - d. *An application under this section is not subject to ORS 215.780.*
 - e. *Approval of an application under this section does not affect the legal status of land that is not the subject of the application.*

- **SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:**

An application to establish a lawfully created unit of land shall be submitted in the case of Section 6.1.125.1.d, e and f and Section 6.1.125.2. This is an administrative land use decision. If County Counsel is required to review information to determine legal status of the unit of land additional fees may be charged.

All notices will be provided in accordance with LDO Section 5.0.

Once it is determined that a lawfully created unit of land exists it shall be separated out on its own deed 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. If there are more than two lawfully created units of land (discrete parcels) found to exist a road may be required to provide access. The applicable road standards in Chapter VII will apply.

Finding: The Lawfully Created Unit of Land application was received on July 13, 2023. The applicant submitted deeds to certify that there are four (4) lawfully created units of land within the parcels. The pink and orange parcel were originally one parcel, on June 24, 1980 the pink portion was deeded out, leaving only the orange portion. In 1996 the parcels were consolidated. On June 24, 1980 deed document 80-3-266 conveyed parcel II (yellow) and parcel III (green). All of these parcels are lawfully created pursuant to 6.1.125.1.e by deeds conveying property prior to any applicable planning, zoning and subdivision ordinances that would prohibit the creation.

Therefore, after reviewing all of the evidence Planning Staff can acknowledge that the units

of land identified within the map shown in Exhibit B “Discrete Parcel Map” are lawfully created units of land.

- 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.

- No person may relocate all or a portion of a property line without review and approval of a property line adjustment application.
- 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.
- A line adjustment is permitted only where an additional unit of land is not created; and
- A property line adjustment involving a parcel authorized by a Measure 49 waiver cannot increase parcels larger than:
 - Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or
 - Five acres if not on high value farm or forest land; unless
 - 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.

- 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 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:
 - North arrow and Scale – The property boundaries and any other required detail shall be provided to scale.
 - 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.
 - Identification, size, and dimensions of the area(s) proposed to be adjusted from one property to the other.
 - 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.
 - 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.

- 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: These adjustments will not create an additional unit of land, and there are no deed restrictions or prior land use approvals that would prohibit these adjustments. These properties are legal units of land as described above within this staff report.

The properties are zoned Exclusive Farm Use (EFU) with a minimum lot size of 80 acres. A parcel that meets the minimum lot size is considered conforming; a parcel that does not meet the minimum lot size is considered non-conforming. None of the parcels currently meet the minimum lot size, so they are all considered non-conforming. The applicant stated that one (1) of the parcels may meet the minimum lot size after the adjustments are completed, but this is not a requirement.

This adjustment will not create split-zoned properties, the parcels are like zoned.

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: These adjustments require Administrative Review as the parcels are within resource zone. This adjustment complies with this section, this adjustment is not to qualify the parcels for a dwelling.

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.

SECTION 6.3.150 EASEMENTS AND ACCESS:

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

FINDING: There will be no effect on existing easements. Therefore, this criterion has been met.

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.
- 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.

IV. DECISION:

The proposal meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit “A” of this report.

V. EXPIRATION:

Once lawful parcels or lots have been established pursuant to CCZLDO 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. Therefore, there is not expiration for this type of application.

The Property Line Adjustment shall expire one (1) year from the approval date pursuant to CCZLDO Section 6.3.175.2.

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: Bandon RFPD, Southern Coos General Health District.

A Notice of Decision and Staff Report will be provided to the following: Applicants/Owners; Coos County Surveyor, Coos County Assessor’s Office, Oregon Department of Land Conservation and Development; Coos County Planning Commission; and the Board of Commissioners.

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