



NOTICE OF LAND USE DECISION BY THE COOS COUNTY PLANNING DIRECTOR

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

| | | |
|------------------------|--|--|
| Date of this Decision | October 18, 2016 | |
| File Number | PLA-16-021 | |
| Applicant | Alice Nichols Etal | Alice R. Nichols |
| Account Number | 3841000 | 3842001 |
| Map Number | 25S1313DA-00600 | 25S1313DA-01100 |
| Property Owner | NICHOLS, ALICE R.; ET AL 1159 NEWMARK ST NORTH BEND, OR 97459-2450 | NICHOLS, ALICE R. 1159 NEWMARK ST NORTH BEND, OR 97459-2450 |
| Situs Address | 65266 RUSSELL RD NORTH BEND, OR 97459 | 94327 SETHER STREET LN NORTH BEND, OR 97459 |
| Acreage | 11.10 Acres | 0.40 Acres |
| Zoning | EXCLUSIVE FARM USE (EFU) RURAL RESIDENTIAL-2 (RR-2) | RURAL RESIDENTIAL-2 (RR-2) |
| Special Considerations | ARCHAEOLOGICAL SITES (ARC) FLOODPLAIN (FP) NATIONAL WETLAND INVENTORY SITE (NWI) NATURAL HAZARD - LANDSLIDE (NHLND) NATURAL HAZARD - TSUNAMI (NHTHO) | ARCHAEOLOGICAL SITES (ARC) NATURAL HAZARD - LANDSLIDE (NHLND) NATURAL HAZARD - TSUNAMI (NHTHO) |

This notice is to serve as public notice and decision notice and if you have received this notice by mail it is because you are a participant, adjacent property owner, special district, agency with interest, or person with interest in regard to the following land use application. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

Notice to mortgagee, lien holder, vendor or seller: ORS Chapter 215 requires that if you receive this notice, it must be forwarded to the purchaser.

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.

PROPOSAL: Request for Planning Director Approval of a property line adjustment between two lawfully created parcels, under application file number PLA-16-021.

The application, staff report and any conditions can be found at the following link: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2016.aspx> . The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. 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, Planning Specialist and the telephone number where more information can be obtained is **(541) 396-7770**.

This decision will become final at 12 P.M. on October 31, 2016 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Coos County Planning Department.

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.

Prepared by: *Crystal Orr* _____ Date: October 18, 2016
Crystal Orr, Planning Specialist

Authorized by: *Jill Rolfe* _____ Date: October 18, 2016
Jill Rolfe, Planning Director

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

The Exhibits below are mailed to the Applicant only. Copies are available upon request or at the following website:

<http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2016.aspx> or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.

Exhibit C: PLA-16-021 Staff Report

Exhibit D: Mike Dado, Coos County Surveyor, Comments

EXHIBIT "A"

CONDITIONS OF APPROVAL

1. Map and Monuments Required:
 - a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared;
 - b. The survey map shall show all structures within ten (10) feet of the adjusted line;
 - c. The survey shall establish monuments to mark the adjusted line.

2. Approval and Filing Requirements:
 - a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved;
 - b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted;
 - c. Once endorsed by the Director, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map;
 - d. A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk;
 - e. If a survey is required, the Deed shall be recorded and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Coos County Planning Director shall be submitted to the County Surveyor along with the required filing fee. The survey map will be given a filing number which will be added to the Property Line Adjustment deed. The deed will then be recorded whereupon the recording number for said deed will be added to the face of the survey map. Said map will then be filed with the County Surveyor, completing the process.
 - f. The property line adjustment deed must be submitted on the exact format found in § 6.3.175.f.

EXHIBIT "B"

VICINITY MAP



COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423
Physical Address: 225 N. Adams, Coquille Oregon
Phone: (541) 396-7770
Fax: (541) 396-1022/TDD (800) 735-2900



File: PLA-16-021
Applicants: Donald R. Gray Trust, Michael Gray, Alice Nichols, and Gary Gray
Date: October 14, 2016
Location: Township 25S Range 13W Section 13DA TL 600, 1100
Proposal: Property Line Adjustment

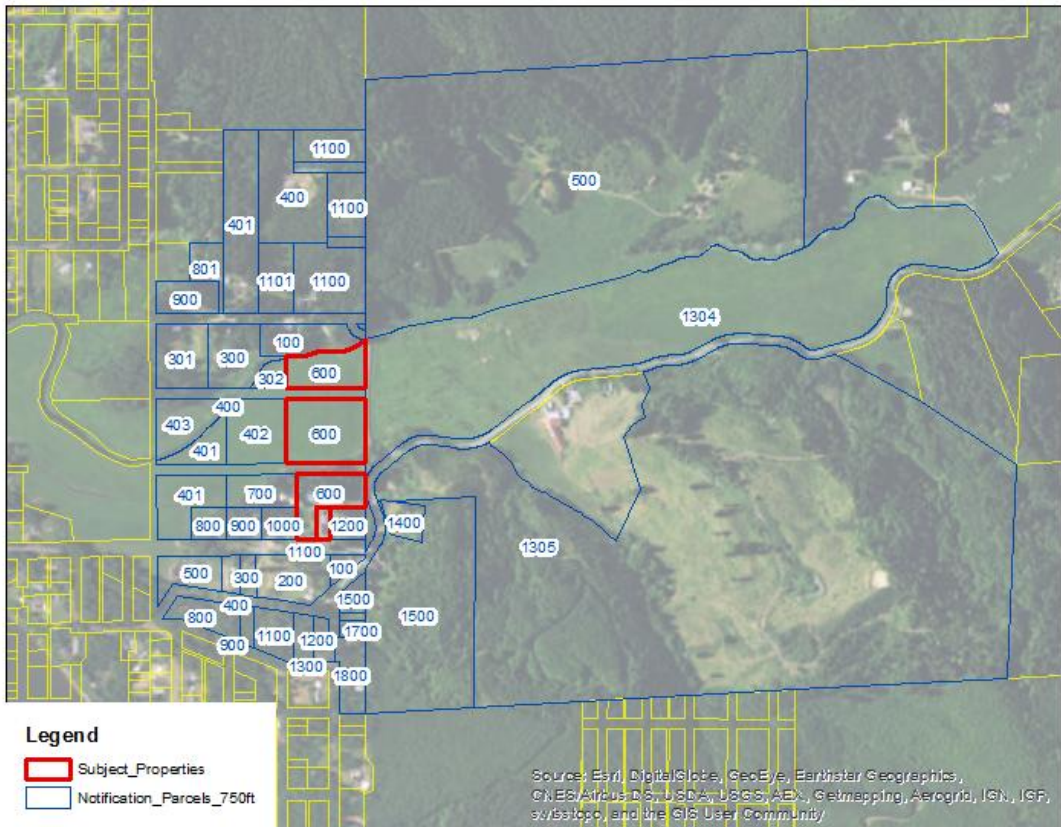


EXHIBIT "C"
STAFF REPORT

| | | |
|------------------------|---|---|
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| Applicant | Alice Nichols Etal | Alice R. Nichols |
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Reviewing Staff: Crystal Orr, Planning Specialist
Date of Report: October 18, 2016

I. PROPOSAL

Request for Planning Director Approval of a property line adjustment to resolve encroachments.

II. BACKGROUND INFORMATION

Tax lot 600:

- Consists of a one story home and 5 farm buildings built pre ordinance.

Tax lot 1100:

- Has a one story home sited pre ordinance.
- June 14, 2001 Zoning Clearance Letter ZCL-01-234 was issued to site an accessory structure.

Request for comments were received from Mike Dado, Coos County Surveyor on October 11, 2016. A survey of the adjusted line will be required, because both adjusted parcels are not greater than 10 acres in size.

III. PROPERTY DESCRIPTION AND PROPOSAL

LOCATION: Tax lot 600 is accessed off Russell Rd, and tax lot 1100 is accessed off Sether Street and both are located east of the City of North Bend

LAWFULLY CREATED: Tax lot 600 was lawfully created pursuant to CCZLDO § 6.1.125.8 as recorded on the deeds found under reference numbers 80-25746, and 80-25743 through a consolidation. Records show that tax lot 600 was recalculated on June 26, 1986; therefore, creating a lawful parcel. Tax lot 1100 was lawfully created pursuant to CCZLDO § 6.1.125.8 as recorded on the deed found under reference number 77-0915886.

IV. APPLICABLE CRITERIA & FINDINGS OF FACT

- **SECTION 6.3.125 PROCEDURE:**

1. *An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:*

- Reason for the line adjustment;*
- Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways;*
- A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten (10) feet of the proposed adjusted line;*
- A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable.*
- A notice of application and decision will be provided to any and all lien holders of record for the property that will be affected by the proposed adjustment. Applicants should consult with any and all such lien holders prior to submittal of an application.*

FINDING: The purpose of this property line adjustment is to resolve encroachments.

This application is found to be complete and contain all documents required by this section.

There are no liens on either property.

Therefore, these criteria have been met.

2. *A line adjustment is permitted only where an additional unit of land is not created and where the lot or parcel reduced in size by the adjustment complies with the requirements of the applicable zone except that a line adjustment for the purpose of exchange or transfer of land between resource land owners shall be allowed so long as:*
 - a. *No parcel is reduced in size contrary to a condition under which it was formed;*
 - b. *The resulting parcel sizes do not change the existing land use pattern (e.g. two conforming parcels must remain conforming; and*
 - c. *Two non-conforming parcels may remain non-conforming; and, two parcels, one conforming and one non-conforming, may remain as such regardless of which parcel is non-conforming after the exchange or transfer).*

FINDING: Pursuant to Section 6.1.125.8 tax lots 600 and 1100 were created by a legal description in deeds or other instruments conveying real property prior to 1986.

Tax lot 600 and 1100 are legal nonconforming parcels.

The parcels are legal nonconforming tax lots. The property line adjustment will not affect the conformance status of the properties, both tax lots will remain legal nonconforming tax lots. Once the line is adjusted tax lot 600 will have 11 acres and tax lot 800 will have .50 acres.

3. *An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment.*

FINDING: No encroachment of existing structures will be created by adjusting the property boundary line.

Therefore, this criterion has been met.

Any future structures will be required to comply with the setback requirements in the applicable zoning district.

4. *A line adjustment for a lot or parcel that contains a dwelling, not on a public sanitation system, and is less than an acre before the adjustment and further reduced as a result of the adjustment shall obtain documentation from Department of Environmental Quality (DEQ) that the sanitation system will still meet their requirements.*

FINDING: Tax lot 600 will be over an acre and tax lot 1100 is already under an acre and not being further reduced.

Therefore, this criterion has been met.

5. *In resource lands, a unit of land containing a dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling.*
 - a. *A resource unit of land less than 160 acres and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;*
 - b. *A resource unit of land 160 acres or greater and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted below 160 acres with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;*
 - c. *A resource unit of land 160 acres or greater and containing a dwelling approved as a 160-acre dwelling, or approved for construction of a 160-acre dwelling, cannot be reduced below 160 acres for the purpose of qualifying the vacant unit for a 160-acre dwelling.*

FINDING: The purpose of this adjustment is not to qualify for a dwelling.

Therefore, this criterion does not apply.

6. *Same Designation: A line adjustment shall only be permitted where the sale or transfer of ownership is made between abutting owners of like designated lands, residential lands, commercial lands, industrial lands, resource lands, and estuary zoned lands unless an existing structure encroaches over an existing property boundary or the boundary line adjustment is required to comply with requirements of the State Department of Environmental Quality for a subsurface sewage system.*

FINDING: The zoning districts will not change.

Therefore, this criterion has been met.

• **SECTION 6.3.150 EASEMENTS AND ACCESS:**

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

FINDING: Tax lot 600 will have access to Russell Rd, and tax lot 1100 will have access to Sether St.

Therefore, this criterion has been met.

VI. DECISION:

The proposed Property Line Adjustment meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions as listed above.