Date of Report: Tuesday, February 03, 2015  
Appeal Deadline: Wednesday, February 18, 2015

Type of Application: DISCRETE PARCEL DETERMINATION  
Decision: DENIED

File Number: D-14-10a  
Reviewed by: Alex Murphy, Planning Technician

I. PROPERTY INFORMATION

<table>
<thead>
<tr>
<th>Account Number</th>
<th>1031703</th>
</tr>
</thead>
<tbody>
<tr>
<td>Map Number</td>
<td>28S143300-01402</td>
</tr>
<tr>
<td>Property Owner</td>
<td>THOMAS, JOHN S. &amp; BILLIE</td>
</tr>
<tr>
<td></td>
<td>54090 MORRISON RD</td>
</tr>
<tr>
<td></td>
<td>BANDON, OR 97411-8378</td>
</tr>
<tr>
<td>Situs Address</td>
<td>54090 MORRISON RD BANDON, OR 97411</td>
</tr>
<tr>
<td>Acreage</td>
<td>10.00 Acres</td>
</tr>
<tr>
<td>Zoning</td>
<td>FOREST (F)</td>
</tr>
<tr>
<td>Special Considerations</td>
<td>BANDON AREA OF MUTUAL INTEREST (BMI)</td>
</tr>
<tr>
<td></td>
<td>FOREST MIXED USE (MU)</td>
</tr>
<tr>
<td></td>
<td>MUNICIPAL WATERSHED (WTR)</td>
</tr>
</tbody>
</table>

Special Districts/Agencies:
- City of Bandon
- Southern Coos Health District

II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

<table>
<thead>
<tr>
<th>APPLICABLE CRITERIA</th>
<th>CCZLDO § 6.1.125</th>
<th>Lawfully Created Lots or Parcels</th>
</tr>
</thead>
</table>

Note: criteria are shown below with findings in **bold**.
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.

CCZLDO § 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:

SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:
1. The unit of land was created by an approved and recorded partition or subdivision;
2. A unit of land determined to be a legal lot or parcel though a prior county approval of a land use decision;
3. The unit of land is recognized as a legal lot as the result of court decisions or LUBA final opinion; or
4. The unit of land was created by deed instrument or land sales contract recorded prior to December 6, 1962, which was the date of the first official Coos County Subdivision Ordinance. After 1962 there was a legal process adopted by Coos County for land divisions.
5. The unit of land that was created by a lien foreclosure, foreclosure of a recorded contract of the sale of real property or the creation of cemetery lots;
6. The unit of land was created by the claim of intervening state or federal ownership of navigable streams, meandered lakes, tidewaters;
7. The unit of land was created as a result of a dedication of a public road (held in fee simple) prior to 1990 may divide property in the following cases:
   a. Between December 6, 1962 and January 1, 1989 (date the ordinance stopped acknowledging roads divide property) there were land division provisions adopted by Coos County. Staff will apply the provisions that were in place at that time the property was deeded to determine if the dedicated public road (held in fee simple) allowed for the road to divide the property; or
   b. If a public dedicated road was held in fee simple prior to December 6, 1962 and the property was bisected by a public dedicated road held in fee simple then the properties were lawfully divided and will be recognized as lawfully created parcels; or
8. The unit of land was created by a legal description in deeds or other instruments conveying real property prior to 1986. A deed may describe property as separate parcels but must have a beginning and ending point for each description within that deed.

FINDING: Tax lot 1402 was originally sold in conjunction with tax lot 1403 as recorded on deed number 80-5-0532 on November 5, 1980. Deed number 81-3-3606, recorded August 10, 1981, sold the portion of the property now referenced under tax lot 1403, leaving 1402 as a legally created remainder.

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However, an administrative conditional use application for a forest template dwelling (ACU-96-036) tied tax lots 1401, 1402, and 1403 together. Due to the fact that the tract was used to qualify for a template dwelling, if the individual lots were to be sold, the resulting parcels and the dwelling would be in violation of the Coos County Zoning and Land Development Ordinance.

Therefore, because the selling of the properties as individual parcels would create a violation of the CCZLDO, Staff is unable to approve this request as submitted. In order for the property to be recognized as a discrete parcel, a conditional use application must first be approved to remove the consolidation holding lots 1401, 1402, and 1403 together by authorizing a template dwelling to remain on lot 1403 alone.

The property owner may submit an application for a reauthorization of a template dwelling and a request to have the properties recognized as discrete at one time.

III. NOTIFICATION

The Planning Department mailed individual written notice of the decision to the owners of record of all property located within 750 feet of the subject property. Notice of Decision with a copy of the staff report was forwarded to Applicant(s); Owner(s); Dave Perry, DLCD; Applicant’s Surveyor; Coos County Assessor’s Office; and Mike Dado, County Surveyor. Notice of Decision was also provided to the following: Coos County Planning Commission, The Coos County Board of Commissioners, and the special districts as noted above. In addition, notice of the decision was posted at the Coos County Courthouse, Coquille Annex and North Bend Annex. All notices were mailed and posted on February 3, 2015.

IV. NOTICE OF APPEAL RIGHTS

This decision may be appealed to the Coos County Hearings Body pursuant to Article 5.8 of the Coos County Zoning and Land Development Ordinance within 15 days from the date of written notice. This means that appeals must be received in the Planning Department by 5 pm, on Wednesday, February 18, 2015 in order to be considered. This decision will not be final until the period for filing an appeal has expired. Detailed information about the appeal process, filing fees and additional information will be provided by the Planning Department upon request. The decision is based upon the submitted application, supporting evidence, facts, and findings to the criteria.

V. AGENCY REQUIREMENTS

No comments or requirements have been received.

VI. MAPPING AND FILING REQUIREMENTS

SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:

Once it is determined that a lawfully created lot or parcel exists it shall be separated out on its own deed prior to any reconfiguration such as property line adjustment. A copy of that deed needs to be provided to
the Planning Department to show the process has been completed. If there are more than two discrete parcels found in rural area then a road may be required to provide access. The applicable road standards in Chapter VII will apply.