Coos County Planning Department
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Jill Rolfe, Planning Director

Date of Report: Monday, September 29, 2014
Appeal Deadline: Tuesday, October 14, 2014
Type of Application: Property Line Adjustment
Decision: APPROVED
File Number: PLA-14-29
Reviewed by: Amy Dibble, Planner I

I. Property Information

<table>
<thead>
<tr>
<th>Account Numbers</th>
<th>Map Numbers</th>
<th>Property Owners</th>
<th>Situs Address</th>
<th>Acreage</th>
<th>Zoning</th>
<th>Special Considerations</th>
</tr>
</thead>
<tbody>
<tr>
<td>520100</td>
<td>26S1311B0-00100</td>
<td>OREGON CHOPSTICKS, LLC. CUMMINS, TIM; AGT P.O. BOX 1722 WINCHESTER, OR 97467</td>
<td>No situs address</td>
<td>25.00 Acres</td>
<td>RURAL RESIDENTIAL-2 (RR-2)</td>
<td>None</td>
</tr>
<tr>
<td>519902</td>
<td>26S1311B0-00200</td>
<td>THOMPSON, PHILLIP E. &amp; JUDITH Y. 93453 WOODRUFF LN COOS BAY, OR 97420-8265</td>
<td>93453 WOODRUFF LN COOS BAY, OR 97420</td>
<td>0.44 Acres</td>
<td>RURAL RESIDENTIAL-2 (RR-2)</td>
<td>None</td>
</tr>
</tbody>
</table>

Special Districts/Agencies:
| Millington RFPD | Coos Bay - North Bend Water Board |

II. FINDINGS TO THE APPLICABLE REVIEW CRITERIA

APPLICABLE CRITERIA

Coos County Zoning and Land Development Ordinance (CCZLDO) and Coos County Comprehensive Plan (CCCP)

<table>
<thead>
<tr>
<th>CCZLDO</th>
<th>§ 6.3.125</th>
<th>Procedure</th>
</tr>
</thead>
<tbody>
<tr>
<td>CCZLDO</td>
<td>§ 6.3.150</td>
<td>Easement and Access</td>
</tr>
</tbody>
</table>

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

**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...
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 line adjustment as a Ministerial Action.

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:
   a. Reason for the line adjustment;
   b. Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways;
   c. 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;
   d. 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.

FINDING: The purpose of this property line adjustment is to fix an encroachment issue.

This application is found to be complete and contain all documents required by this section. Therefore, the applicants have met these criteria.

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: Both parcels were lawfully created pursuant to CCZLDO § 6.1.125(8). Tax Lot 100 was created prior to 1986 as described in deed 75-121236 and tax lot 200 in deed 70-45665.

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

FINDING: This adjustment is to fix an encroachment issue; after the adjustment is made the existing structure will be in compliance with the setbacks. Tax lot 100 does not have any improvements and any future structures shall adhere to the setbacks set forth in the RR-2 zoning district.

4. A line adjustment for a lot or parcel that is less than the minimum lot size before the adjustment and
further reduced as a result of the adjustment is permissible provided the applicant submits either:

a. Proof that, for the lot or parcel reduced in size, sewage disposal is provided by either a publicly owned sewage disposal system, or a privately owned sewage disposal system regulated by the Public Utility Commission of Oregon; or

b. Written evidence, for the lot or parcel reduced in size, that an on-site septic system that is intended to remain in use after final approval was authorized by an approving authority, or if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system to be properly functioning, and that the existing septic system is either located entirely on the same lot or parcel containing an existing dwelling, or that a proper easement is provided to allow the continued use and maintenance of the system; or

c. Documentation, for a vacant lot or parcel reduced to less than one (1) acre, that the Department of Environmental Quality has approved the method of sewage disposal. Unless circumstances warrant otherwise (public services), parcels that are greater than one (1) acre shall not be subject to a septic system evaluation in the line adjustment process.

FINDING: Tax lot 200 is developed with an existing septic system and the proposed line will not impact the septic system. Tax lot 100 in larger than an acre in size; therefore it is not subject to a septic system evaluation.

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: These properties are not located within resource land; therefore, this does not apply to this adjustment.

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, and resource 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: Both properties are located within the RR-2 zoning district; therefore, this criterion has been met.

<table>
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<tr>
<th>CCZLDO</th>
<th>§ 6.3.150</th>
<th>Easement and access</th>
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</table>

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:** This adjustment is to fix an encroachment issue and will not affect the access to either of these properties.

### III. NOTIFICATION

The Planning Department mailed individual written notice of the decision to the owners of record of all property located within 250 feet of the subject property. Notice of Decision with a copy of the staff report was forwarded to Applicant(s), Owner(s) and Dave Perry, DLCD and Mike Dado, County Surveyor. Notice of Decision was also provided to the following: Coos County Planning Commission, The Coos County Board of Commissioners, 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 September 29, 2014.

### 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 p.m. on Tuesday, October 14, 2014** 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

Surveyor Comments:

Mike Dado, County Surveyor has reviewed this proposal and stated that a survey of the property will be required.

### VI. MAPPING AND FILING REQUIREMENTS

**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.

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.