

Coos County Filing Cover Sheet

08/21/2019 9:31:00 AM

TO: Coos County Clerk's Office

FROM: Coos County Planning Dept.

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| | County Budget | R=P | | Special District <small>Formations, Annexations, Dissolutions, Election Results</small> | R=P |
| | County Code | R=P | | Vacation Proceedings | R=P |
| | Minutes - BOC | R=P | | R=Retention P=Permanent Y=Year AE=After Expiration | |

INDEXING INFORMATION

Affected Parties Names:

Coos County Board of Commissioners
Coos County Planning Department
Sorin & Kathy Pandeale

Subject of Document : Brief description, minutes, contracts, orders, etc.
Order adopting an amendment to the Coos County Comprehensive Plan Map and the Official Zone Map.

Resolution or Order #: Example: 18-2-156-X
19-05-006PL

Document Remarks:
Order adopting an amendment to the Coos County Comprehensive Plan designation and the Official Zone Map from Industrial to Urban Residential - 2 located at Township 28S, Range 14W, Section 31BD, Tax Lots 1900, 2100, 2600, and 2800 as submitted by Sorin and Kathy Pandeale.

Date of Meeting or of Document: "Date Only"

August 20, 2019

Clerk use - Filed: Scanned: Indexed: Verified: *Jan*

1 BOARD OF COMMISSIONERS

2 COOS COUNTY

3 STATE OF OREGON

4 In The Matter of Amending The Coos County

ORDINANCE No.: 19-05-006PL

5 Comprehensive Plan Map from Industrial

6 To Urban Residential and the Official Zone Map from

7 Industrial (IND) to Urban Residential-2 (UR-2)

8
9 SECTION 1. TITLE

10 This Ordinance shall be known as the "Coos County Ordinance No. 19-05-006PL".

11 SECTION 2. AUTHORITY

12 This ordinance is enacted pursuant to the provisions of ORS 203.035 and Chapter 215;

13 SECTION 3. PURPOSE

14 The purpose of this Ordinance is to amend the Coos County Ordinance 85-03-004L and
15 amendments thereto, which is the Coos County Zoning & Land Development Ordinance that implements
16 Volume I of the Coos County Comprehensive Plan;

17 SECTION 4. FINDINGS

18 WHEREAS an application was submitted on property described as Township 28S Range 14W
19 Section 31BD Tax Lot 1900, 2100, 2600, and 2800 and located outside the south portion of the City of Bandon
20 within the Urban Growth Boundary.

21 The property is owned by Sorin and Kathy Pandeale. The property is currently zoned
22 Industrial (IND). The request was to rezone this property to a Urban Residential (UR-2) as explained in the
23 application is found at Attachment A;

24 WHEREAS Staff reviewed the proposal and made findings in the July 3, 2019 staff report
25 that the applicant met the required criteria and recommended that the Planning Commission (Hearings Body)
26 find that the application complied with CCZLDO § 5.1.400, staff report is found at Attachment B;

27 WHEREAS the Planning Commission found that the rezone would conform to the Coos
28 County Comprehensive Plan, the rezone will not seriously interfere with the permitted uses on other nearby
29 parcels; and the rezone will comply with other policies and ordinances adopted by the Board of Commissioners.
30

1 The Planning Commission voted to recommend approval of this application based on the findings presented by
2 Staff;

3 AND IT APPEARING to the Board of Commissioners that the application meets the criteria
4 and explained in the Staff Report and Application.

5 SECTION 5. SEVERANCE CLAUSE

6 If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or
7 declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect
8 the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other
9 section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or
10 validity of the portion thereof declared to be unconstitutional or invalid, is valid.

11 SECTION 6. REPEAL OF INCONSISTENT ORDINANCES

12 Coos County Ordinance 85-03-004L is repealed to the extent that they are in conflict with this
13 ordinance. Coos County Ordinance 85-03-004L shall remain in full force and effect in all other respects.


14 SECTION 7. EMERGENCY CLAUSE

15 The Board of Commissioners for the County of Coos deems this Ordinance necessary for the
16 immediate preservation and protection of the public peace, safety, health and general welfare for Coos County
17 and declares an emergency exists, and this Ordinance shall be in full force and effective upon its passage.

18 Dated this 20th day of August .

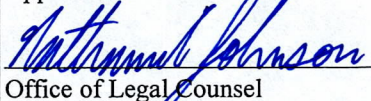
BOARD OF COMMISSIONERS

19 ATTEST

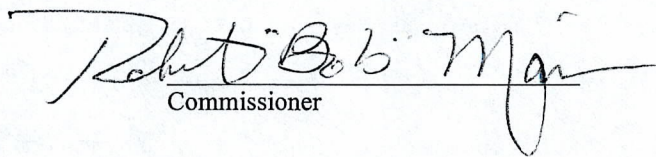
20 
Recording Secretary


Chair

21 Approved as to form:

22 
Office of Legal Counsel


Vice Chair

24 
Commissioner

26 1st Reading : July 30, 2019

27 2nd Reading: August 7, 2019

28 Effective Date of Adoption: August 20, 2019



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423

Physical Address: 225 N. Adams, Coquille, Oregon

(541) 396-7770

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planning@co.coos.or.us

Jill Rolfe, Planning Director

Board of Commissioners Hearing

FILE # AM-19-002/RZ-19-002

REPORT DATE: July 23, 2019

HEARING DATE(s): July 30, 2019 at 2:30 p.m.
August 7, 2019 at 9:30 a.m.

LOCATION: Owen Building Large Conference room
201 N. Baxter, Coquille

**APPLICANTS/
PROPERTY OWNERS:** Sorin and Kathy Pandeale

REQUEST: Rezoning the property from Industrial (IND) to Urban Residential – 2 (UR-2)

LEGAL DESCRIPTION: Township 28S, Range 14W, Section 31BD, Tax Lots 1900, 2100, 2600 and 2800.

Proposal:

The applicant has requested to rezone the property from IND to UR-2 to allow for residential development.

Current zoning of area to be rezoned:

The purpose of the “IND” district is to provide an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area’s economy accordingly. The “IND” district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The “IND” designation is appropriate for industrial parcels that are needed for development prior to the year 2000, as consistent with the Comprehensive Plan.

Proposed zoning of area to be rezoned:

The purpose of the “UR-2” district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the “UR-2” district. The “UR-2” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

Exception Land:

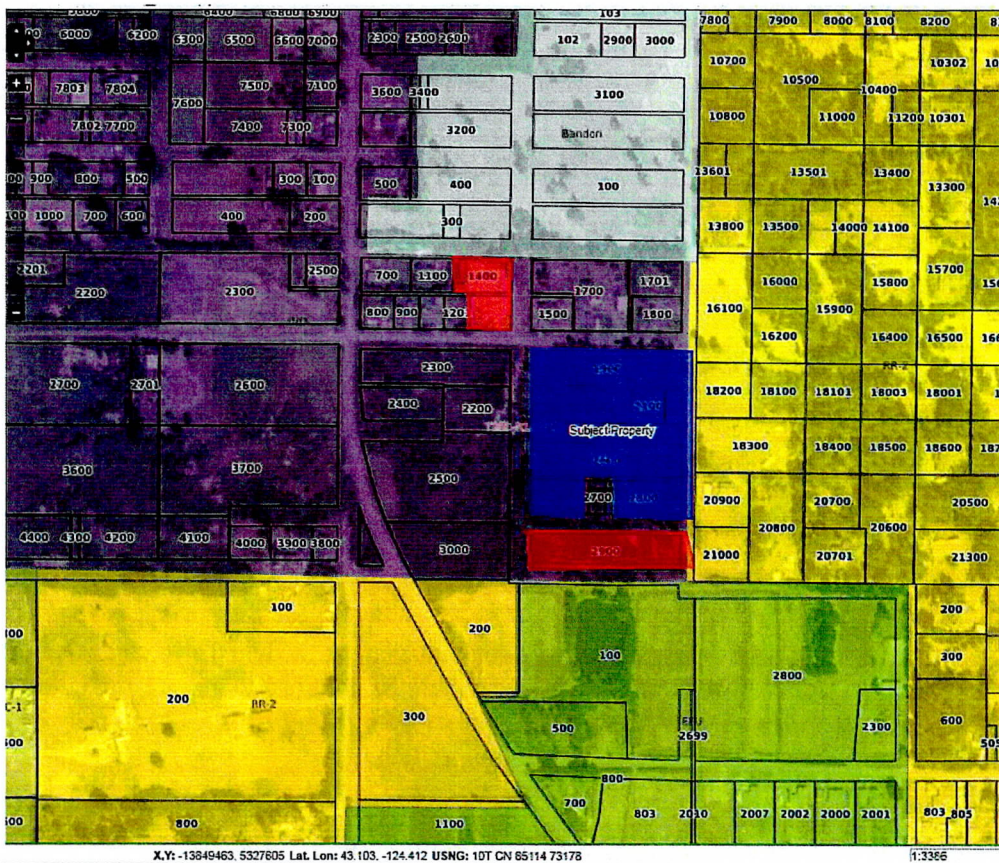
This property is located within the City of Bandon’s Urban Growth Boundary (UGB). This property is part of a larger general exception area for industrial in the early 1980’s due to the proximity to the city and transportation. This property is a good candidate for a rezone given the location of the UGB, the need for housing in the area, and the fact that is already exception property.

Lawfully Created Parcel:

This property is acknowledged as a lawfully created parcel pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) § 6.1.125(8) as it was described by legal description Tax lot 1900 consists of lots 1 through 30 of block 40 and tax lot 2100 consist of 31 through 34 of block 40 in the Portland Addition to Bandon Subdivision established in 1891.

Site and surrounding uses: The subject property is predominately located south of the City of Bandon, within the Urban Growth Boundary and is accessed off of Astor Lane. According to the assessment records tax lot 1900 has 1.84 acres and is listed as having a 1970's mobile home and some other undefined type of residential improvements; however, the residential development was removed from the site. Tax lot 2100 is 0.23 acres and contains no improvements. These are pre-existing platted subdivision lots that can be deeded out into individual lots. Each lot appears to be 50' x 100' but due to the lack of services and setback requirements these are not realistically developable as platted. The property owner may need to reconfigure the tax lots to ensure each one has one (1) acre to allow for development to comply with the current standards in the UR-2.

Below are aerial maps of the subject property (indicated in red) and the surrounding area. The map on the top has the zoning layer over the aerial, the properties in purple are IND, grey shows the property within the city, yellow is RR-2, and the green is EFU. The other photo is the property without the zoning.



Grey = City
 Yellow = Rural Residential zoned.
 Purple = Industrial Zoned
 Red = Properties recently rezoned
 Blue = Subject property.



Rezoning the lots would be consistent with any future plan for annexation by the City of Bandon. The size of the lots may allow for greater than one residence, however, given the lack of urban facilities (paved street access, municipal water and sewer) the property should be restrict to a one acre minimum size for new dwellings. This is consistent with the Urban Residential Zoning. There are a total of 2.07 acres available in tax lots 1900 and 2100 and a total of 1.95 acres available in tax lots 2600 and 2800. Tax lots 2600 and 2800 would come close but not be able to comply. Staff suggested that they reconfigure the properties to come as close as possible but allows four new dwelling to be sited in total. Once services are made available to the site the minimum size requirement may be reduced.

On May 6, 2019 Dennis Lewis, City of Bandon Planning Director responded to a request for comments regarding the zone change. He stated he had made a site visit and could find no reason this property should remain Industrial. The character of the area is low density rural residential. He suggested in the future a boarder rezone of the entire area should be considered. Staff does not disagree with this but this is beyond the scope of this request.

Given this property is within the City of Bandon Urban Growth Boundary and to be consistent with the County Comprehensive Plan and the City of Bandon zoning, the appropriate zone would be Urban Residential-2 zone. The purpose of the "UR-2" district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the "UR-2" district. The "UR-2" district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries. The other urban zoning districts do not seem consistent with the objectives of the City of Bandon's UGB at this time.

The access for this property will need to be developed and any driveway/access will need to be developing in accordance with applicable provisions of Chapter VII of the Coos County Zoning and Land Development Ordinance.

The subject area designated for rezone is part of a larger industrial exception that was taken at the time of the inception of the current acknowledged plan (1986). Coos County's industrial needs inventory has only project an overall need to the year 2000. There have not been any updates to revisit the need for current industrial lands. At the time adopted there was 1183 acres planned and zoned for industrial. Over the years there have been lands removed and added to industrial land base but not corrected within the exception document to reflect the correct total acreage. At the time it was noted that more land was needed in urban growth boundaries; however, the city

of Bandon did expand the urban growth boundary in 1988 and rezone about 24 acres to industrial. The justification for the expansion was to allow for adequate industrial lands to meet the project growth for the city of Bandon. This was prior to major economic downturn Coos County experienced which has lead to less growth than predicted in the late 1980's. The plan in 1988 was to provide city services to the industrial areas within the urban growth boundary. Services have not been and are not planned to be extended to this area in the near future. Given that this is in a highly parcelized area, there is a lack of city services and very little infrastructure in place it is not likely a candidate for industrial development. However, County Staff will differ needed industrial and residential to the City of Bandon. The applicant will need to address the Oregon Statewide Planning Goals.

There were no objections from Department of Land Conservation regarding the application.

Criteria:

Coos County Zoning and Land Development Ordinance (Ordinance)

- Article 5.1 Rezones

SECTION 5.1.200 Rezones:

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

SECTION 5.1.210 Recommendation of Rezone Expansion by the Planning Director:

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

SECTION 5.1.215 Zoning for Appropriate Non-farm Use:

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

SECTION 5.1.220 Process for Rezones:

- 1. Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.*
- 2. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.*
- 3. The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.*
- 4. The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.*
- 5. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.*
- 6. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.*

SECTION 5.1.225 Decisions of the Hearings Body for a Rezone:

The Hearings Body shall, after a public hearing on any rezone application, either:

- 1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:*
 - a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and*
 - b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and*

c. *The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.*

2. *Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:*
- a. *The property may not be utilized for all the uses ordinarily permitted in a particular zone;*
 - b. *The development of the site must conform to certain specified standards; or*
 - c. *Any combination of the above.*

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. *Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;*
- ii. *Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;*
- iii. *Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or*
- iv. *Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.*

3. *Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.*

SECTION 5.1.230 Status of Hearings Body Recommendation of Approval:

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

Recommended Finding: The Planning Commission found that the rezone will conform to the comprehensive plan. The property is located within the Portland Addition to Bandon Subdivision established in 1891. This property is part of a larger general exception area for industrial in the early 1980's due to the proximity to the city and transportation. However, most of the lots are developed with residential or agriculture uses. This property is part of the city of Bandon's UGB and housing is needed in this area. This property is also with the Bandon Airport Conical Zone but that is not that is not a conflict with residential zoning but does require height restrictions for structures. The original request was for Township 28S, Range 14W, Section 31BD, Tax Lots 1900 and 2100 but the applicant explained in the Planning Commission meeting that he was purchasing tax lots 2600 and 2800. The Planning Commission recommended, if possible, expanding the rezone area to include the additional tax lots. The Planning Staff had the applicant amend the application and resent notice and this why there is an additional meeting to make sure proper legal notice requirements is met.

A notice for comments was provided to the City of Bandon because this property is located within the Urban Growth Boundary. Dennis Lewis, Planning Director, City of Bandon provided comments stating that the City does not have significant concerns with the rezone request.

The property is in the southeast corner of the Urban Growth Boundary and is abutting other residential and Exclusive Farm Use zones. Rezoning the parcel will be consistent with any future plan for annexation. The size of the parcel may allow for greater than one residence; however, given the lack of urban facilities (paved street access, municipal water and sewer) the property is only appropriate for four single family dwellings at this time. Residential development beyond one dwelling per acre should only occur after annexation and/or extension of full city services to allow for efficient development in the future; however, given the tax lot 2600 and 2800 together are only short .05 acres staff is recommending that tax lot 2800 be readjusted to 0.95 and tax lot 2600 remain one acre to comply with the intent of the zone. This will allow for four single family dwellings.

Staff suggested, to be consistent with the County Comprehensive Plan and the City of Bandon zoning, the property be rezoned to an Urban Residential-2 zone. The purpose of the "UR-2" district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the "UR-2" district. The "UR-2" district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries. The other urban zoning districts do not seem consistent with the objectives of the City of Bandon's UGB at this time.

Access will need to be determined for an approval of a dwelling but the access will not affect the rezone. Any driveway/access will need to be developing in accordance with applicable provisions of Chapter VII of the Coos County Zoning and Land Development Ordinance.

While Hui Rodomsky, Department of Land Conservation and Development (DLCD) made comments via phone she did not provide any formal written communication. She did not find any conflicts with the Statewide Planning Goals, Statues or Rules in regards to the request and agreed with staff that UR-2 would be the appropriate zone if the applications are going to move forward with the rezone. She also agreed with Mr. Lewis that this area should be reviewed in the future as it seems to be residential and not consistent with industrial zoning.

The property is already exception land and located within the UGB of Bandon. The rezone seems to be consistent with the both the City of Bandon and Coos County's comprehensive plans.

Given the limitation of the property size, location, surrounding uses, lack of infrastructure (utilities and roads) and available industrial uses it is not likely this property could be developed for a viable industrial use. The comprehensive plan does not require an analysis of impact when a property is re-designating to another zone but due the size and the other factors this will have minimal impact on the industrial lands inventory if any.

Therefore, staff recommends the Planning Commission find that this application proposal meets the requirements of Article 5.1 based on the findings in this staff report.

The applicant has provided detail findings in the application and staff concurs with the findings. The Planning Commission should consider Staff suggested findings along with the applications detailed findings be combined an approval recommendation to the Board of Commissioners.


Jill Rolfe
Planning Director

Attachment A – Applicants findings



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

NOTICE OF COOS COUNTY PUBLIC LAND USE HEARINGS

Notice is hereby given that the Coos County Planning Commission held a public hearing to consider both of these matters on July 11, 2019 and made recommendations to the Board of Commissioners to approve with revisions.

The Board of Commissioners will hold a public hearing to consider both matters on **July 30, 2019 @ 2:30 p.m.** **The Planning Commissioner made a recommendation based on the Applicant's request to expand the area for rezone. Therefore, a second hearing has been scheduled to accommodate required notifications. The second hearing on Item A will be held on August 7, 2019 at 9:30 am.**

- **ITEM A – File # AM-19-002/RZ-19-002**– The applicants for this proposal are Sorin and Kathy Pande. They own tax lots 1900 and 2100 and in the process of purchasing 2600 and 2800. Tax lots 2600 and 2800 are owned by Muldoon-Handler Revocable Trust etal. The applicants have applied to rezone these properties from an Industrial Zone to Urban Residential – 2. The properties are identified as Township 28S, Range 14W, Section 31BD, Tax Lots 1900, 2100, 2600 and 2800. These properties are located south of the City of Bandon in the Urban Growth Boundary. The maps of the proposed area to be rezone are attached to this notice.
- **ITEM B – File # AM-19-004**– Coos County is proposing to update the housing language in the Coos County Comprehensive Plan Volume I, Part I Section 5.17 and Volume I, Part II Section 4.5. These proposed updates are the result of a housing study.

Criteria

Amendment Rezone

- Coos County Zoning and Land Development Ordinance (CCZLDO)
 - Article 5.1 Plan Amendments and Rezones
- Coos County Comprehensive Plan Volume I Part II, 3.2(5)
- Coos County Comprehensive Plan Map
- Oregon's Statewide Planning Goals & Guidelines
 - No exceptions are being taken

Text Amendment

- Article 5.1 Plan Amendments and Rezones
- Section 5.1.100 Legislative Amendment of Text Only
- Section 5.1.120 Procedure for Legislative Amendment
- Volume I Part I Section

All hearings will be held in the Conference Room of the Owen Building, 201 N. Adams St., Coquille, Oregon. A copy of the Staff Report will be available for review at the Planning Department at least seven (7) days prior to the scheduled Planning Commission hearing. Copies can be obtained for a fee of \$.50 per page, viewed online @ <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment--Applications2019.aspx> or viewed at the Planning Department at any time during regular business hours 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.

These hearings are open to the public and testimony, evidence, or comments may be submitted either orally or in writing. Testimony can be emailed to planning@co.coos.or.us, mailed to the Planning Department, 250 N. Baxter, Coquille, Oregon 97423, or delivered to 225 North Adams Street, Coquille, Oregon. Please include your signature, printed name and mailing address. All written comments or evidence received prior to the close of the evidentiary record will be included in the evidentiary record. Anyone entering a signed petition(s) into the record is responsible for providing individual notice to the signee(s) of the petition(s). Please be aware that failure to raise an issue prior to the close of the evidentiary record, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision makers an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals based on that issue.

Further explanation concerning any information contained in this notice can be obtained by contacting the Planning Staff members at (541) 396-7770, or by visiting the Planning Department. This notice was posted, mailed and published.

COOS COUNTY PLANNING DEPARTMENT

Coos County Staff Members

Jill Rolfe, Planning Director

Amy Dibble, Planner II

Crystal Orr, Planning Specialist

Sierra Brown, Planning Specialist

POSTED & MAILED ON: June 20, 2019

POST THROUGH: August 7, 2019

Published in The World News Paper on July 18, 2019 and July



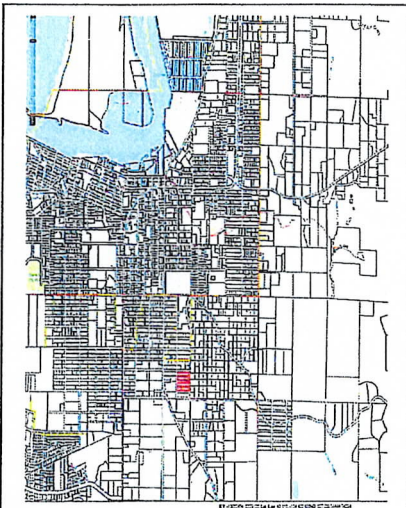
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ACCOUNT NO(S): 2715700, 27187, 2722000 & 2719300
 MAP NO(S) 28S1431BD-1900, 2100, 2600 & 2800

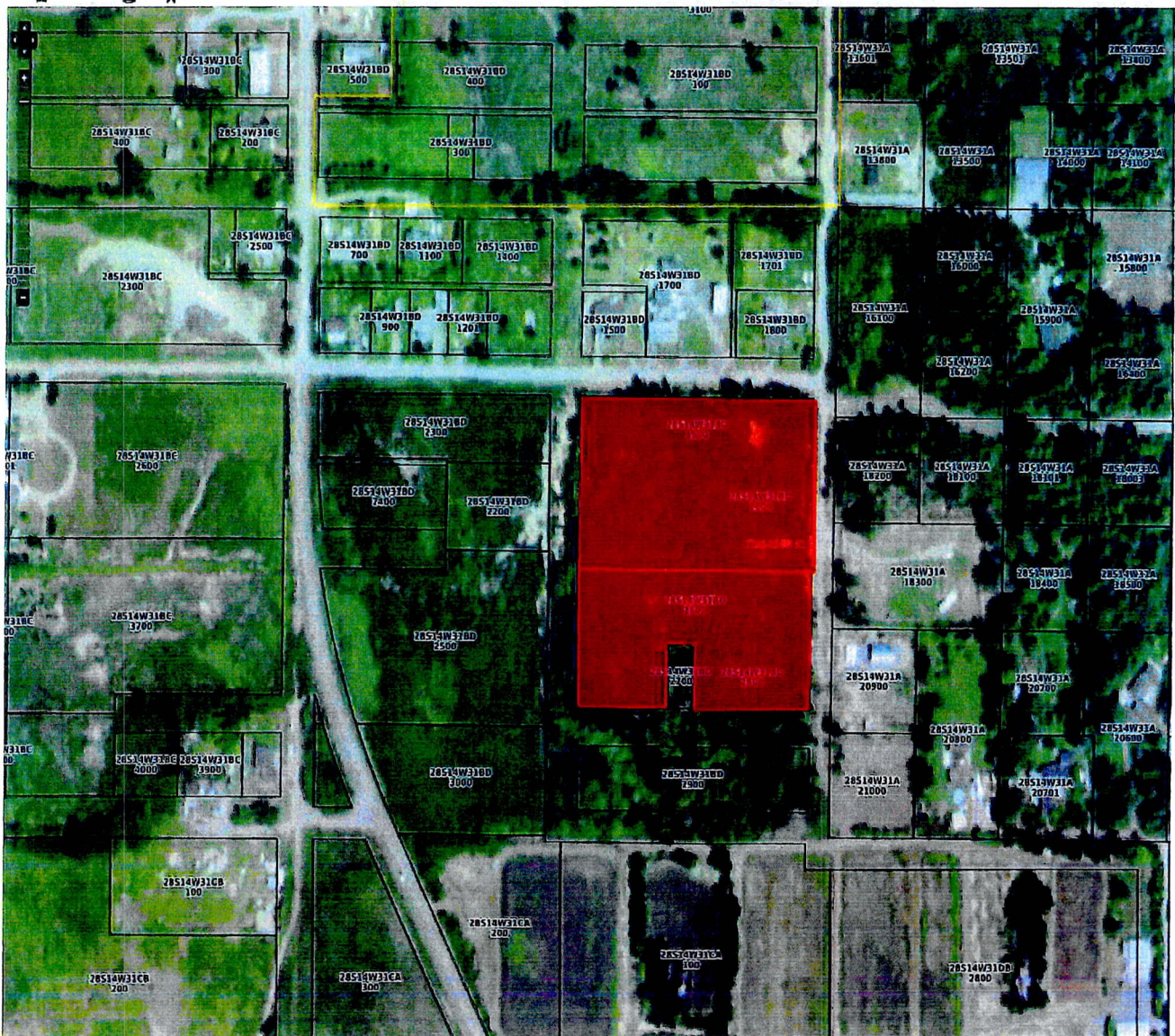
OWNER(S) TAX LOTS MULDOON-HENDLER REVOCABLE TRUST
 2600 & 2800: MULDOON, KATHLEEN MURPHY, TTEE

PROPERTY OWNER(S)/
 APPLICANT(S): SORIN AND KATHY PANDELE

SITUS ADDRESS: TAX LOT 1900 - 87860 ASTOR LANE
 TAX LOT 2600 - 87874 ASTOR LANE

ACERS: 1.04, 0.23, 0.52 & 1.43

CURRENT ZONE: INDUSTRIAL (IND)
 PROPOSED ZONE: URBAN RESIDENTIAL-2





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Jill Rolfe, Planning Director

Planning Commission Hearing

FILE # AM-19-002/RZ-19-002

REPORT DATE: July 3, 2019

HEARING DATE: July 11, 2019

LOCATION: Owen Building Large Conference room
201 N. Adams, Coquille

**APPLICANTS/
PROPERTY OWNERS:** Sorin and Kathy Pandeale

REQUEST: Rezoning the property from Industrial (IND) to Urban Residential – 2 (UR-2)

LEGAL DESCRIPTION: Township 28S, Range 14W, Section 31BD, Tax Lots 1900 and 2100

Proposal:

The applicant has requested to rezone the property from IND to UR-2 to allow for residential development.

Current zoning of area to be rezoned:

The purpose of the “IND” district is to provide an adequate land base necessary to meet industrial growth needs and to encourage diversification of the area’s economy accordingly. The “IND” district may be located without respect to Urban Growth Boundaries, as consistent with the Comprehensive Plan. The “IND” designation is appropriate for industrial parcels that are needed for development prior to the year 2000, as consistent with the Comprehensive Plan.

Proposed zoning of area to be rezoned:

The purpose of the “UR-2” district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the “UR-2” district. The “UR-2” district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

Exception Land:

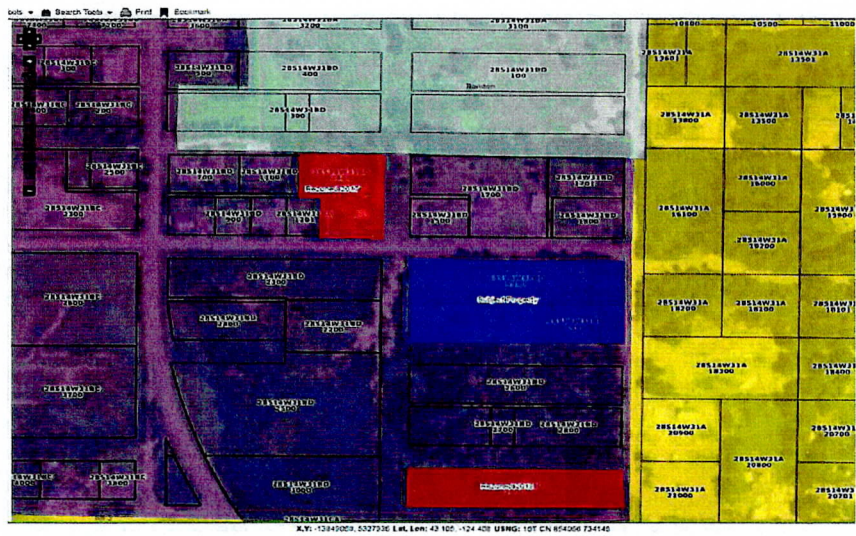
This property is located within the City of Bandon’s Urban Growth Boundary (UGB). This property is part of a larger general exception area for industrial in the early 1980’s due to the proximity to the city and transportation. This property is a good candidate for a rezone given the location of the UGB, the need for housing in the area, and the fact that is already exception property.

Lawfully Created Parcel:

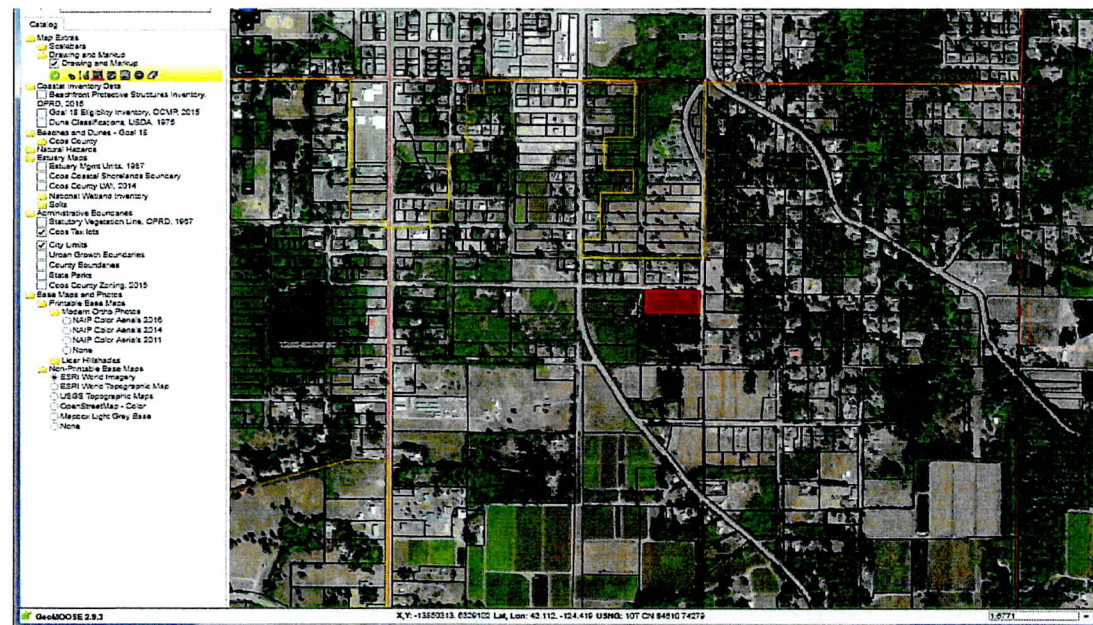
This property is acknowledged as a lawfully created parcel pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) § 6.1.125(8) as it was described by legal description Tax lot 1900 consists of lots 1 through 30 of block 40 and tax lot 2100 consist of 31 through 34 of block 40 in the Portland Addition to Bandon Subdivision established in 1891.

Site and surrounding uses: The subject property is predominately located south of the City of Bandon, within the Urban Growth Boundary and is accessed off of Astor Lane. According to the assessment records tax lot 1900 has 1.84 acres and is listed as having a 1970's mobile home and some other undefined type of residential improvements; however, the residential development was removed from the site. Tax lot 2100 is 0.23 acres and contains no improvements. These are pre-existing platted subdivision lots that can be deeded out into individual lots. Each lot appears to be 50' x 100' but due to the lack of services and setback requirements these are not realistically developable as platted. The property owner may need to reconfigure the tax lots to ensure each one has one (1) acre to allow for development to comply with the current standards in the UR-2.

Below are aerial maps of the subject property (indicated in red) and the surrounding area. The map on the top has the zoning layer over the aerial, the properties in purple are IND, grey shows the property within the city, yellow is RR-2, and the green is EFU. The other photo is the property without the zoning.



Grey = City
 Yellow = Rural Residential zoned.
 Purple = Industrial Zoned
 Red = Properties recently rezoned
 Blue = Subject property.



Rezoning the parcel would be consistent with any future plan for annexation by the City of Bandon. The size of the parcel may allow for greater than one residence, however, given the lack of urban facilities (paved street access, municipal water and sewer) the property should be restricted to a one acre minimum size for new dwellings. This is consistent with the Urban Residential Zoning. This may require that property to be reconfigured and given there is a total of 2.07 acres this option is available to the property owner to comply. Once services are made available to the site the minimum size requirement may be reduced.

On May 6, 2019 Dennis Lewis, City of Bandon Planning Director responded to a request for comments regarding the zone change. He stated he had made a site visit and could find no reason this property should remain Industrial. The character of the area is low density rural residential. He suggested in the future a boarder rezone of the entire area should be considered.

Given this property is within the City of Bandon Urban Growth Boundary and to be consistent with the County Comprehensive Plan and the City of Bandon zoning, the appropriate zone would be Urban Residential-2 zone. The purpose of the "UR-2" district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the "UR-2" district. The "UR-2" district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries. The other urban zoning districts do not seem consistent with the objectives of the City of Bandon's UGB at this time. The density requirement for a UR-2 zones is one (1) dwelling unit per one (1) acre if the site does not have public water or sewer. Once public water and sewer are available, the property may be reduced down to 5000 square or allow for a higher dwelling density, or if annexed into the city higher densities may be applied. This may require the tax lots to be reconfigured to allow for the density requirements to be met.

The access for this property will need to be developed and any driveway/access will need to be developing in accordance with applicable provisions of Chapter VII of the Coos County Zoning and Land Development Ordinance.

The subject area designated for rezone is part of a larger industrial exception that was taken at the time of the inception of the current acknowledged plan (1986). Coos County's industrial needs inventory has only project an overall need to the year 2000. There have not been any updates to revisit the need for current industrial lands. At the time adopted there was 1183 acres planned and zoned for industrial. Over the years there have been lands removed and added to industrial land base but not corrected within the exception document to reflect the correct total acreage. At the time it was noted that more land was needed in urban growth boundaries; however, the city of Bandon did expand the urban growth boundary in 1988 and rezone about 24 acres to industrial. The justification for the expansion was to allow for adequate industrial lands to meet the project growth for the city of Bandon. This was prior to major economic downturn Coos County experienced which has lead to less growth than predicted in the late 1980's. The plan in 1988 was to provide city services to the industrial areas within the urban growth boundary. Services have not been and are not planned to be extended to this area in the near future. Given that this is in a highly parcelized area, there is a lack of city services and very little infrastructure in place it is not likely a candidate for industrial development. However, County Staff will differ needed industrial and residential to the City of Bandon. The applicant will need to address the Oregon Statewide Planning Goals.

There were no objections from Department of Land Conservation regarding the application.

Criteria:

Coos County Zoning and Land Development Ordinance (Ordinance)

- Article 5.1 Rezones

SECTION 5.1.200 Rezones:

Rezoning constitutes a change in the permissible use of a specific piece of property after it has been previously zoned. Rezoning is therefore distinguished from original zoning and amendments to the text of the Ordinance in

that it entails the application of a pre-existing zone classification to a specific piece of property, whereas both original zoning and amendments to the text of the Ordinance are general in scope and apply more broadly.

SECTION 5.1.210 Recommendation of Rezone Expansion by the Planning Director:

The Planning Director may recommend an expansion of the geographic limits set forth in the application if, in the Planning Director's judgment, such an expansion would result in better conformity with the criteria set forth in this Ordinance for the rezoning of property. The Planning Director shall submit a recommendation for expansion to the Hearings Body prior to the scheduled public hearing for a determination whether the application should be so extended.

SECTION 5.1.215 Zoning for Appropriate Non-farm Use:

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

SECTION 5.1.220 Process for Rezones:

1. Valid application must be filed with the Planning Department at least 35 days prior to a public hearing on the matter.
2. The Planning Director shall cause an investigation and report to be made to determine compatibility with this Ordinance and any other findings required.
3. The Hearings Body shall hold a public hearing pursuant to hearing procedures at Section 5.7.300.
4. The Hearings Body shall make a decision on the application pursuant to Section 5.1.225.
5. The Board of Commissioners shall review and take appropriate action on any rezone recommendation by the Hearings Body pursuant to Section 5.1.235.
6. A decision by the Hearings Body that a proposed rezone is not justified may be appealed pursuant to Article 5.8.

SECTION 5.1.225 Decisions of the Hearings Body for a Rezone:

The Hearings Body shall, after a public hearing on any rezone application, either:

1. Recommend the Board of Commissioners approve the rezoning, only if on the basis of the initiation or application, investigation and evidence submitted, all the following criteria are found to exist:
 - a. The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and
 - b. The rezoning will not seriously interfere with permitted uses on other nearby parcels; and
 - c. The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.
2. Recommend the Board of Commissioners approve, but qualify or condition a rezoning such that:
 - a. The property may not be utilized for all the uses ordinarily permitted in a particular zone;
 - b. The development of the site must conform to certain specified standards; or
 - c. Any combination of the above.

A qualified rezone shall be dependent on findings of fact including but not limited to the following:

- i. Such limitations as are deemed necessary to protect the best interests of the surrounding property or neighborhood;
- ii. Such limitations as are deemed necessary to assure compatibility with the surrounding property or neighborhood;
- iii. Such limitations as are deemed necessary to secure an appropriate development in harmony with the objectives of the Comprehensive Plan; or
- iv. Such limitations as are deemed necessary to prevent or mitigate potential adverse environmental effects of the zone change.

3. *Deny the rezone if the findings of 1 or 2 above cannot be made. Denial of a rezone by the Hearings Body is a final decision not requiring review by the Board of Commissioners unless appealed.*

SECTION 5.1.230 Status of Hearings Body Recommendation of Approval:

The recommendation of the Hearings Body made pursuant to 5.1.225(1) or (2) shall not in itself amend the zoning maps.

Recommended Finding: Staff recommends that the Planning Commission finds that the rezone will conform to the comprehensive plan. The property is located within the Portland Addition to Bandon Subdivision established in 1891. This property is part of a larger general exception area for industrial in the early 1980's due to the proximity to the city and transportation. However, most of the lots are developed with residential or agriculture uses. This property is part of the city of Bandon's UGB and housing is needed in this area. This property is also with the Bandon Airport Conical Zone but that is not that is not a conflict with residential zoning but does require height restrictions for structures.

A notice for comments was provided to the City of Bandon because this property is located within the Urban Growth Boundary. Dennis Lewis, Planning Director, City of Bandon provided comments stating that the City does not have significant concerns with the rezone request.

The property is in the southeast corner of the Urban Growth Boundary and is abutting other residential and Exclusive Farm Use zones. Rezoning the parcel will be consistent with any future plan for annexation. The size of the parcel may allow for greater than one residence; however, given the lack of urban facilities (paved street access, municipal water and sewer) the property is only appropriate for two single family dwellings at this time. Residential development beyond one dwelling per acre should only occur after annexation and/or extension of full city services to allow for efficient development in the future.

Staff suggested, to be consistent with the County Comprehensive Plan and the City of Bandon zoning, the property be rezoned to an Urban Residential-2 zone. The purpose of the "UR-2" district is to provide for urban residential areas that are designed to accommodate single family dwellings, mobile homes and two family dwellings. Clustered planned unit developments, including multi-family dwellings, are consistent with the objectives of the "UR-2" district. The "UR-2" district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries. The other urban zoning districts do not seem consistent with the objectives of the City of Bandon's UGB at this time. The density requirement for a UR-2 zones is one (1) dwelling unit per one (1) acre if the site does not have public water or sewer. The applicant's tract ownership will be a little more than two (2) acres total and would conform to the UR-2 zoning development requirements. Once public water and sewer are available, the property may be reduced down to 5000 square or allow for a higher dwelling density, or if annexed into the city higher densities may be applied.

Access will need to be determined for an approval of a dwelling but the access will not affect the rezone. Any driveway/access will need to be developing in accordance with applicable provisions of Chapter VII of the Coos County Zoning and Land Development Ordinance.

While Hui Rodomsky, Department of Land Conservation and Development (DLCD) made comments via phone she did not provide any formal written communication. She did not find any conflicts with the Statewide Planning Goals, Statues or Rules in regards to the request and agreed with staff that UR-2 would be the appropriate zone if the applications are going to move forward with the rezone. She also agreed with Mr. Lewis that this area should be reviewed in the future as it seems to be residential and not consistent with industrial zoning.

The property is already exception land and located within the UGB of Bandon. The rezone seems to be consistent with the both the City of Bandon and Coos County's comprehensive plans.

Given the limitation of the property size (2.07 acres), location, surrounding uses, lack of infrastructure (utilities and roads) and available industrial uses it is not likely this property could be developed for a viable industrial use. The comprehensive plan does not require an analysis of impact when a property is re-designating to another zone but due the size and the other factors this will have minimal impact on the industrial lands inventory if any.

Therefore, staff recommends the Planning Commission find that this application proposal meets the requirements of Article 5.1 based on the findings in this staff report.

The applicant has provided detail findings in the application and staff concurs with the findings. The Planning Commission should consider Staff suggested findings along with the applications detailed findings be combined an approval recommendation to the Board of Commissioners.

Jill Rolfe.

Planning Director

Attachment A – Applicants findings



Coos County Planning Department
 Coos County Courthouse Annex, Coquille, Oregon 97423
 Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, OR 97423
 Physical Address: 225 N. Adams, Coquille, Oregon
 (541) 396-7770
 FAX (541) 396-1022 / TDD (800) 735-2900
planning@co.coos.or.us

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|-------------------------------------|
| Official Use Only |
| FEE: <u>3,570.00</u> |
| Receipt No. <u>209833</u> |
| Check No./Cash <u>CASH</u> |
| Date <u>4/8/19</u> |
| Received By <u>E.D.M</u> |
| File No. <u>AM-19-002/RZ-19-002</u> |

pd OWES \$570
 209834 receipt

AMENDMENT/REZONE APPLICATION
PLEASE SUBMIT 2 COMPLETE UNBOUND COPIES OF THIS APPLICATION
OR 1 ELECTRONIC AND ONE UNBOUND COPY

The following questions are to be completed in full. An application **will not** be accepted for an Amendment/Rezone without this information. The applicant should contact the Planning Department prior to filing, in order to determine a valid basis for the request.

The Board of Commissioners and Hearings Body will use these answers in their analysis of the merits of the request.

PLEASE PRINT OR TYPE:

A. APPLICANT:

Name: Sorin Pandele & Kathy Pandele Telephone: 541-404-6313
 Address: PO Box 1396 Bandon, OR 97411

As applicant, I am (check one):

- Property owner or a purchaser under a recorded land sale contract. "Property owner" means the owner of record, including a contract purchaser. The application shall include the signature of all owners of the property. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign;
- A person or persons that have written consent of the property owner to make an application. A legal representative may sign on behalf of an owner upon providing evidence of formal legal authority to sign. In the case of an attorney a statement of representation shall accompany the application;
- Transportation agency, utility or entity that meets the criteria in Section 5.0.175 of the Coos County Zoning and Land Use Development Ordinance (CCZLDO)

If other than the owner, please give the owner's name and address:

B. DESCRIPTION OF PROPERTY:

Township 28S Range 14W Section 31BD Tax Lot Pandele-1900 & 2100, 2600, 2800
 Account No. 2715700-2718700 Lot Size 225x210x2 lots Zoning District INDUSTRIAL
 Existing Use Cleared lots and one had a mobile home on it in that has been removed and septic on it.

C. STATE SPECIFIC ZONE DISTRICT REQUESTED: URBAN RESIDENTIAL (UR-2)

D. JUSTIFICATION:

(1) If the purpose of this rezone request is to rezone one or more lots or parcels in the interior of an exclusive farm use zone for non-farm uses, the following question must be answered:
Were the lots or parcels for which a rezone request is made, physically developed for a non-farm use prior to February 16, 1983? NA
Explain and provide documentation: _____

(2) If the purpose of this rezone request is for other than (1) above the following questions must be answered:

- a. Will the rezone conform with the comprehensive plan? YES
Explain: Subject property is within the Urban Growth Boundary of the City of Bandon and fronts Astor Ln and is located south of property that was just rezoned from Industrial to UR-2 within the last two years. City zoning is residential and they do not have industrial use within the vicinity. City's UGB is an area for future urbanization through coordination with Coos County and the City of Bandon.
- b. Will the rezone seriously interfere with the permitted uses on other nearby parcels? NO
Explain: Adjacent and nearby parcels don't have industrial use. Homes along Astor Ln on the North side are Rural Residential in nature and there had been a residential mobile home on one of these lots. Some home based businesses in the area. Property south of this is vacant with vegetation.
- c. Will the rezone comply with other adopted plan policies and ordinances? Yes
Explain: A Comprehensive Plan map amendment is part of the rezone process. See Supplemental Report, Attachment A for findings.

(3) If a Goal Exception is required please review and address this section.

All land use plans shall include identification of issues and problems, inventories and other factual information for each applicable statewide planning goal, evaluation of alternative courses of action and ultimate policy choices, taking into consideration social, economic, energy and environmental needs. The Coos County Comprehensive Plan (CCCP) and Implementing Zoning Land Development Ordinance (CCZLDO) was acknowledged¹ as having all necessary components of a comprehensive plan as defined in ORS 197.015(5) after the Coos County adopted the documents on April 4, 1985. The date of the effective plan and ordinance is January 1, 1986. Coos County did go through a periodic review exercise in the 1990's but due to lack of gain in population, economic growth and public request plan zones were not altered. Changes to the comprehensive plan and implementing ordinance have been done to ensure that any required statutory or rules requirements have been complied with. However, sometimes it is necessary for property owners or applicants to make a request to have certain properties or situations such as text amendments considered to reflect a current condition or conditions. These applications are reviewed on a case by case basis with the Board of Commissioners making a final determination. This type application and process is way to ensure that process is available to ensure changing needs are considered and met. The process for plan amendments and rezones are set out in CCZLDO [Article 5.1](#).

Exception means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that; (a) Is applicable to specific properties or situations and does not establish a planning or zoning policy of general

¹ -"Acknowledgment" means a commission order that certifies that a comprehensive plan and land use regulations, land use regulation or plan or regulation amendment complies with the goals or certifies that Metro land use planning goals and objectives, Metro regional framework plan, amendments to Metro planning goals and objectives or amendments to the Metro regional framework plan comply with the goals. In Coos County's case the commission refers to the Land Conservation and Development Commission.

applicability; (b) Does not comply with some or all goal requirements applicable to the subject properties or situations; and (c) Complies with standards for an exception.

NOTE: This information outlines standards at OAR 660-004-0025, 660-004-0028 and 660-04-0022 for goal exceptions, but is NOT to be considered a substitute for specific language of the OARs. Consult the specific Oregon Administrative Rule for the detailed legal requirements.

A local government may adopt an exception to a goal when one of the following exception process is justified:

- (a) The land subject to the exception is "physically developed" to the extent that it is no longer available for uses allowed by the applicable goal;
- (b) The land subject to the exception is "irrevocably committed" to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
- (c) A "reasons exception" addressing the following standards is met:
 - (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
 - (2) Areas which do not require a new exception cannot reasonably accommodate the use;
 - (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
 - (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the

Compatible, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses. A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.

PART III -- USE OF GUIDELINES Governmental units shall review the guidelines set forth for the goals and either utilize the guidelines or develop alternative means that will achieve the

E. REQUIRED SUPPLEMENTAL INFORMATION TO BE SUBMITTED WITH APPLICATION:

1. A legal description of the subject property (deed);
2. Covenants or deed restrictions on property, if any;
3. A general location map of the property;
4. A detailed parcel map of the property illustrating the size and location of existing and proposed uses and structures on 8 1/2" x 11" paper. If proposed structures are not known then the plot plan will need to include only existing with a note that no new structures are proposed at this time;
5. If applicant is not the owner, documentation of consent of the owner, including:
 - a. A description of the property;
 - b. Date of consent
 - c. Signature of owner
 - d. Party to whom consent is given
6. The applicant must supply a minimum of 2 copies of the entire application or one paper copy and electronic copy (email is acceptable), including all exhibits and color photocopies, or as directed by the Planning Staff.

G. Authorization:

All areas must be initialed by all applicants, if this application pertains to a certain property all property owners² must either sign or provide consent for application unless otherwise allowed by Section 5.0.175 of the CCZLDO. As an applicant by initializing each statement I am accepting or agreeing to the statements next to each area designated for my initials and/or signature. All property owners shall sign and initial the designated areas of the application or provide consent from another party to sign on their behalf. If another party is signing as part of a consent that does not release that party that gave consent from complying with requirements listed below or any conditions that may be placed on an application. In the case of a text amendment the procedures for set out in Section 5.1.110 WHO SEEK CHANGE applies and an applicant may not be a property owner.

SP-KP

I hereby attest that I am authorized to make the application and the statements within this application are true and correct to the best of my knowledge. I affirm to the best of my knowledge that the property is in compliance with or will become in compliance with CCCP and CCZLDO. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

SP-KP

I understand it is the function of the planning staff to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree, as applicant I have the burden of proof. I understand that approval is not guaranteed and the applicant(s) has the burden of proof to demonstrate compliance with the applicable review criteria.

SP-KP

As the applicant(s) I acknowledge that is in my desire to submit this application of free will and staff has not encouraged or discouraged the submittal of this application.

SP-KP

I understand as applicant I am responsible for actual cost of that review if the Board of Commissioners appoints a hearings officer to hear the application I have submitted. As applicant I will be billed for actual time of planning services, materials and hearings officer cost and if not paid the application maybe become void.

Applicant(s) Original Signature

Applicant(s) Original Signature

Date

² Property owner² means the owner of record, including a contract purchaser
Updated 2018

This document includes the findings and analysis to address compliance with the criteria of specific applicable Coos County Comprehensive Plan and Land Use Plan Policies. Words that are quoted directly from County Ordinances are provided in *italic font*.

Comprehensive Plan and Zoning

Subject property is currently zoned industrial. At this time there are specific changes being made in the uses allowed in industrial zones that will limit residential use by removing single-family dwellings from allowed uses. This is being done to comply with the State statute. This could cause problems for residential development of subject property, even though it's located in an area that is made up of rural residential uses. Subject property is fronting the south side of Astor Ln, which is just south of property fronting the north side of Astor Ln, and was just rezoned from Industrial to UR-2 within the last two years. The owners of the lots would like to rezone them to Urban Residential, UR-2 for a future home build. There had previously been a mobile home on one of the lots along with a septic. This application is for a rezone and Comprehensive Plan amendment for subject property to be included in the County UR-2 zone.

Coos County Land Development Ordinance

Article 4.2-Residential Zoning Districts

Urban Residential (UR)

The purpose of the "UR-2" district is to provide for urban residential areas that are designed to accommodate single-family dwellings, mobile homes and two-family dwellings. Clustered planned unit developments, including multi-family dwellings are consistent with the objectives of the "UR-2" district. The "UR-2" district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

Section 4.2.100 Development and Use Permitted:

The following uses and their accessory uses are permitted outright in the Urban Residential-1 (UR-1), Urban Residential-2 (UR-2) and Urban residential-Multi-family (UR-M):

1. *Residential*
 - a. *Single Family Dwelling Conventional or Manufactured.*
 - b. *Mobile Homes only permitted in the UR-2 and UR-< zones. Mobile Homes are prohibited in the UR-1 zone.*
 - h. *Accessory Structures shall be allowed outright on lots and parcels when a dwelling exists or a dwelling is proposed to be sited concurrently with the dwelling. The accessory structure must be accessory to a permitted use. Accessory structures must meet the definition as listed in Section 2.1.200. If the accessory structure is proposed without a dwelling it shall require a conditional use.*

Section 5.1.225 Decisions of the Hearings Body for a Rezone:

- a. *The rezoning will conform with the Comprehensive Plan or Section 5.1.215; and*
- b. *The rezoning will not seriously interfere with permitted uses on other nearby parcels; and*
- c. *The rezoning will comply with other policies and ordinances as may be adopted by the Board of Commissioners.*

Section 5.1.215 Zoning for Appropriate Non-Farm Use

Consistent with ORS 215.215(2) and 215.243, Coos County may zone for the appropriate non-farm use (sic) one or more lots or parcels in the interior of an exclusive farm use zone if the lots or parcels were physically developed for the non-farm use prior to the establishment of the exclusive farm use zone.

Findings: Subject property is not within an exclusive farm use zone, and as such, the term, "non-farm use" as used in this section is not applicable. This section does not apply.

The rezoning will give the applicant the same rights that other property owners on Astor Ln have had – to develop their residential use in a rural atmosphere adjacent to the City of Bandon. There are no apparent industrial uses along Astor Ln. The industrial zoning is becoming more restrictive at this time, which may make it difficult to finance or insure a new residential use. The rezoning will not interfere with the permitted uses on other nearby parcels because the zoning will allow the same uses as those that currently exist.

It is not likely that an industrial use would locate on subject property due to the adjacent residential uses, and any industrial use that would locate on Astor Ln would likely interfere with the current existing uses.

Both Coos County and the City of Bandon have a "stake" in planning for subject property because it is within the Bandon UGB. Further analysis is presented to show compliance with Coos County and the City of Bandon ordinances within this document.

There are a few additional policies with the Coos County Comprehensive Plan that provide criteria. Analysis is provided in the following pages showing that the rezone will not interfere with permitted uses on nearby parcels, and that the rezoning complies with additional policies and ordinances adopted by the Board of Commissioners.

SECTION 5.1.275 STANDARDS FOR COMPREHENSIVE PLAN AND REZONE FOR NONRESOURCE LAND:

The standards provided in this section provide an opportunity to respond with findings that may be helpful in further understanding and the relationship of the Comprehensive Plan and the designation that was provided for subject property, and in the approval of this application. That is because there were issues that were used for analysis at the time that subject property was included in the Bandon UGB.

1. *The subject property does not meet the definition of Agricultural Land under Statewide Planning Goal 3 and/or Forest Land under Statewide Planning Goal 4.*

Finding: The determinations for resource land were made in the Coos County Comprehensive Plan through analysis of soil types, growth patterns, platted subdivisions, alternatives, goal requirements, and other. The City of Bandon and Coos County agreed on the UGB in the early 1980's for the City of Bandon, which was acknowledged in the plans of both jurisdictions by the State of Oregon. According to an earlier successful rezoning petition, prepared by Crystal Shoji, from Industrial to UR-2 there is an agreement, for how to cooperate within this UGB area, which was also acknowledged for both jurisdictions by the State of Oregon. She had served as

coordinator of the UGB process throughout Coos County on behalf of the Coos County Board of Commissioners at the time when all aspects of analysis were carried out to determine the appropriate UGB and determined that the Agreement that was developed and any amendments continue to be applicable. The Plan and the Agreement have been acknowledged by the Department of Land Conservation and Development. All items addressed were taken into consideration in that proposal of the amendment package to Coos County and it was approved.

The Coos County Comprehensive Plan and Land Development Ordinances do not designate subject property for Exclusive Farm Use (EFU) or forest use. For this reason, the County's Land Development Ordinance, *Section 5.1.315 Zoning for Appropriate Non-Farm Use* does not apply. In addition, subject property does not meet the definition of agricultural land under Statewide Planning Goal 3 or forest land as described in the County's Land Development Ordinance, *Section 5.1.315* due to its designation and the findings in the Comprehensive Plan.

- 2. The subject property does not contain any natural resources defined in Statewide Planning Goal 5 which are identified in the Coos County Comprehensive Plan.*

Findings: Subject property is in the vicinity of area that is included in the National Wetland Inventory. Wetlands, however, do not appear to be on the site. Wetlands will be addressed at the time of the building permit application. At the time that a dwelling is proposed on the site, DSL has the responsibility of investigating, and responding regarding development of the site to the degree that they are concerned about any wetland areas. The applicants will avoid any wetland areas that are of concern when building their home in the future.

- 3. The subject property has been proven to be generally unsuitable for production of farm crops and livestock or merchantable tree species, considering terrain adverse soil conditions, drainage and flooding, vegetation, location and size of the tract.*

Finding: Subject property was designated for urban development and placed within the Bandon UGB.

- 4. The subject property is not considered to be nonresource land simply because it is too small to be farmed or forest managed profitably by itself. If the subject property can be sold, leased, rented or otherwise managed as part of a commercial farm, ranch or other forestland it is not considered to be nonresource land.*

Finding: Resource lands and nonresource lands have already been addressed within the findings in this document and designated within the Comprehensive Plans. As stated, development of the UGB's and the agreements between jurisdictions took numerous factors into account. The area south of Bandon is mentioned many times within the analysis and the inventory information available in the Coos County Comprehensive Plan because the area was subdivided as part of the Portland Addition in 1891. There are numerous small discreet parcels within Portland Subdivision, and subject property is made up of a dozen of these small lots.

- 5. The subject property is not considered to be nonresource land if it has been given a special tax assessment for farm use or designated forestland at any time in the past five years.*

Finding: Subject property has had no special tax assessments for farm use or as designated forestland within the past five years as confirmed by the Coos County's Assessors Office, January 18, 2017.

6. *If the Subject property is found to meet all of the standards above to be considered nonresource land the county shall also determine that rezoning the property to a nonresource zone will not materially alter the stability of the overall land use pattern in the area and lead to the rezoning of other lands to nonresource use to the detriment of the resource uses in the area.*

Finding: Subject property is nonresource land that was rezoned industrial. Uses allowed in industrially zoned areas are now changing, and the change is not suitable for subject property. The rezoning of subject property from industrial to residential will not alter the stability of the overall land use pattern or lead to rezoning of lands that are resource lands. This rezoning of subject property will carry out previous plans and expectations that have been ongoing since the 1800's when the property was first subdivided, and again in the development of the Comprehensive Plan. The rezone will provide subject property the same rights that are enjoyed by other properties along Astor Ln.

7. *The subject property shall be at least 10 acres in areas unless it is contiguous to an area that is zoned for nonresource use. Any proposal of at least 2 acres but less than 10 acres requires approval of a Goal 14 exception pursuant to OAR 660-00-0040.*

Finding: The subject property is contiguous to the City of Bandon's residential zoning. The parcel is less than 2 acres. An exception is not applicable because the area has been previously included as urbanizable land.

8. *Rezoning of land that is found to be nonresource land shall be to a "rural" zone that is appropriate for the type of land and its intended use.*

Rural commercial or industrial development must comply with standards for small-scale, low impact commercial and industrial use.

Development of property rezoned from Forest or Forest Mixed use to a nonresource zone shall comply with the resource development and siting standards. (ORD NO. 04-01-001PL February 10, 2004).

Findings: Rural commercial and industrial are not proposed as part of this application. Requirements for rezoning from forest use to a nonresource zone do not apply to this application; #8 above does not apply. The rezoning of subject property to UR-2 is appropriate for the type of land and its intended use.

Coos County Comprehensive Plan, Volume 1, Part 1, Plan Provisions

5.16 INDUSTRIAL & COMMERCIAL LANDS

Plan Implementation Strategies

1. *Coos County shall continuously plan for and maintain an adequate supply of commercial and industrial land, recognizing that a readily available supply of such land is the basis for a sound economic development program.*

Findings: Subject property and the vicinity have been zoned for industrial for many years, but there are no visible industrial uses. In fact, industrial uses are no longer the same as they were defined 30 years ago, and it is questionable whether an industrial use would be appropriate on subject property with rural residential use on both sides.

9. *Coos County shall designate as commercial or industrial all parcels legally established and currently in use as commercial or industrial, recognizing that commercial or industrial designation rather than a non-conforming use designation ("grandfathering") is necessary and appropriate to give maximum protection to the integrity of existing uses.*

Finding: There do not appear to be any industrial uses on Astor Ln. The Pandeles have chosen not to establish another nonconforming use in the vicinity that has an industrial designation and residential uses. Which is why they have spent time and money clearing property for future residential development and in preparing/submitting this application.

Subject property constitutes vacant parcels along the south side of Astor Ln, which otherwise has residential uses and home business in a rural setting along the north side and at one of their currently owned lots. These parcels were actually designated for residential use in the 1890's when Portland Addition was developed. The industrial zoning of the 1980's may not be appropriate for these small parcels.

The rezoning will not interfere with permitted uses on nearby parcels because the nearby parcels are utilized for rural residential.

5.17 HOUSING

Plan Implementation Strategies

2. *Coos Count shall encourage the availability of a wide variety of housing locations in urban and rural areas.*

For urban and urbanizable areas, this strategy shall be implemented through urban growth management agreements and appropriate coordinated land use designations. For rural areas, this strategy shall be implemented through appropriate land use designations for acreage homesites and selected and justified in the County's rural housing exception.

This strategy recognizes that the selected urban and rural locations are necessary to provide flexibility in housing location.

Finding: Subject properties provide an urban alternative in a rural setting. The system of coordinating land use decisions is part of this process, and subject property provides flexibility for the location two new housing units in Coos County. Their use provides for alternatives in the marketplace, and adds to the County tax base, once developed with homes.

5.18 PUBLIC FACILITIES & SERVICES

Plan Implementation Strategies

2. Coos County shall provide opportunities to its citizens for rural residential living experience, where the minimum rural public services necessary to support such development are defined as policy (sheriff) protection, public education (but not necessarily a rural facility), and fire protection (either through membership in a rural fire protection district or through appropriate on-site fire precaution measures for each dwelling.)

Findings: Subject properties provide a rural residential living experience, where city service hookups are not currently installed. Subject property is within the Bandon School District and the Bandon Rural Fire Protection District. Because of their proximity to the City of Bandon, transportation facilities that are not available in more remote areas are in close proximity.

5.22 URBANIZATION

Oregon law requires the establishment of urban growth boundaries (UGB's) "to identify and separate urbanizable land from rural land. (This wording is direct from LCDC Goal #14, Urbanization). Many unincorporated areas near Coos County's incorporated cities have development to densities that are far more appropriately defined as urban rather than rural, yet these areas do not often have the full range of urban public facilities and services.

Goal

Coos County shall provide for an orderly and efficient transition from rural to urban land use and shall establish urban growth boundaries to identify and separate urbanizable land from rural land.

Findings: Subject properties are included within the Bandon UGB, and thus they are urbanizable land. Subject properties do not have the full range of urban public facilities and services, that would make annexation the most viable option. The UR-2 zone district is appropriate for subject property in that the character of properties along Astor Ln have single-family dwellings. The "UR-2" district has been organized to be utilized with UGB's. Lands within UGB's are planned for future urban development.

Subject properties are zoned industrial, but there are not visible industrial uses on Astor Ln or adjacent properties. Industrial land previously allowed residential use, and such residential use is evident on Astor Ln. Industrial use is not evident. Observations on the sites show that residential use has continued and grown along the road and directly adjacent to the Bandon City Limits, while there are no visible signs of new or growing industrial use. The rezoning will not

seriously interfere with industrial uses on nearby parcels because there do not appear to be any industrial uses on nearby parcels. All appear to be in residential use, some with accessory home businesses or agricultural uses.

The proposed residential use of both lots will be located around other residential uses. In addition to the County's designations within the UGB and the rural residential character of the uses along Astor Ln, properties within the City of Bandon and adjacent to the North are zoned residential, R-1. See excerpt from Bandon Zoning Map and County Zoning Map provided by Coos County, Attachment C.

URBANIZATION

Plan Implementation Strategies

2. Coos County shall consider land within the boundaries separating urbanizable land from rural land to be available over time for urban use. Discretionary rezone dealing with the conversion of urbanizable land to urban uses shall be supported by findings that the action is consistent with (1) orderly, economic provision of public facilities and services; (2) availability of sufficient land for the various uses to ensure choices in the market place; (3) encouragement of development within urban areas before conversion of urbanizable areas; and (4) other applicable goals and implementation strategies with this plan.

This strategy recognizes the specificity of Statewide Planning Goal #14 requirement.

Findings: Subject properties are appropriate for the UR-2 zoning that is proposed. When other properties on Astor Ln and the City of Bandon determine that the time is right for them to come into the City and accept City services and facilities, the subject properties will be among those properties. It is appropriate to encourage the rezoning of these properties to provide available land for the future dwellings to line the South side of Astor Ln as there are dwelling lining the North side of Astor Ln. Also, there had been a dwelling in the past on of the applicants lots that are involved in this application.

Subject properties are appropriate for the UR-2 zoning. Adjacent properties within the City have a residential designation, and there is a wide mix of County zoning in the vicinity. The rezone to UR-2 will not constitute spot zoning for these reasons, and also because of the existing plans for the subject and adjacent properties to be annexed to the City of Bandon at a future date.

New Oregon laws apparently don't allow new residential uses in the industrial zone and the applicants would like to be able to have the opportunity to have a house built in the future. Neighboring properties already have established residential uses and removing subject properties from industrial zoning is not significant in that it is highly unlikely that subject property would actually be utilized for industrial development.

The rezoning will allow the applicants to build in the future on these lots. The applicants appreciate the opportunity to present this application to the Planning Commission, and that assistance that has been available from the staff. The applicants are looking forward to the opportunity to establish a future home while conforming to the County's zoning requirements.

See future envisioned Site Plan, Attachment D.

See Deeds for separate tax lots (Subject Property), Attachment E.

SE1/4 NW1/4 SEC. 31 T28S R14W W.M.
COOS COUNTY

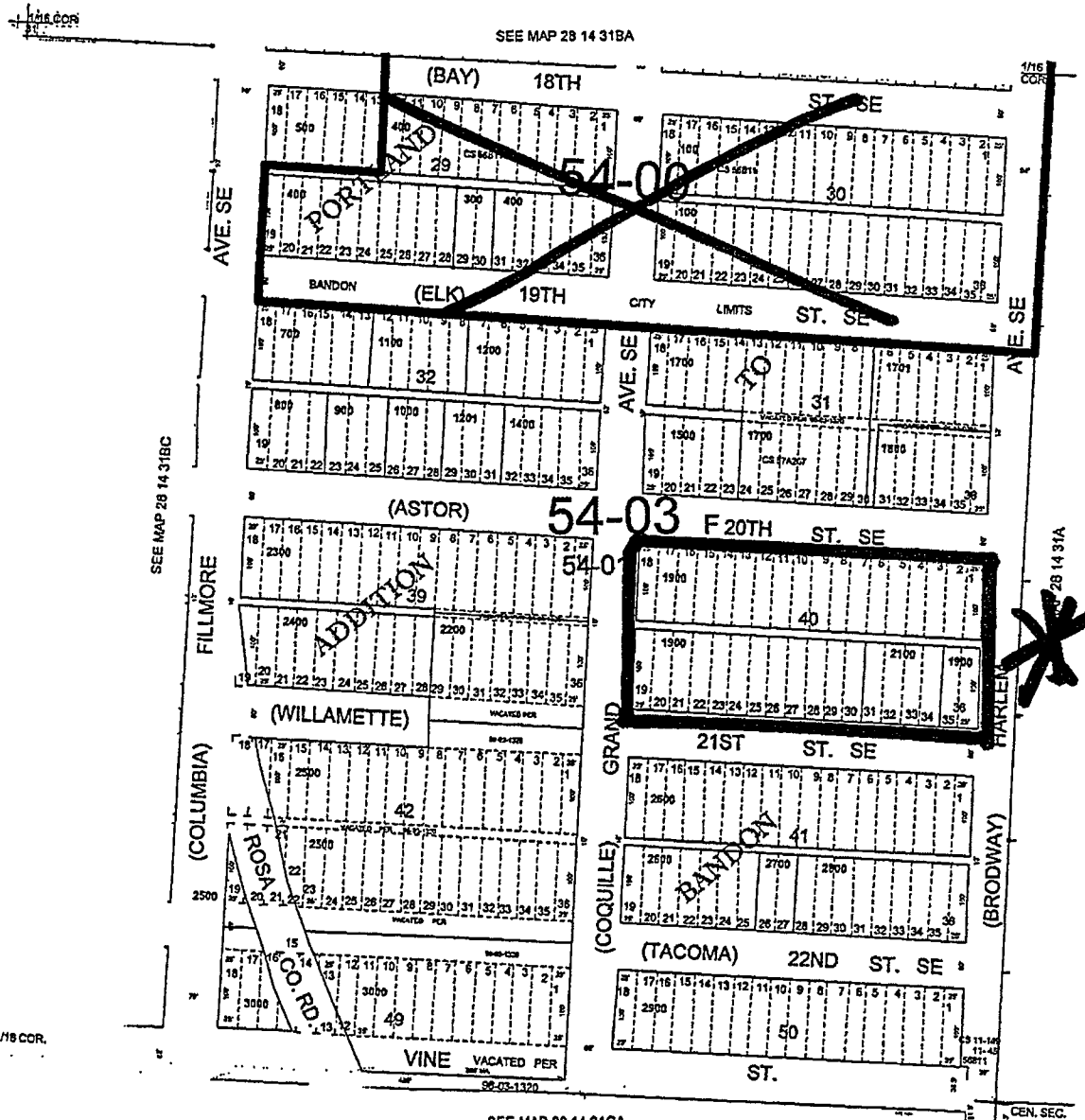
28S 14W 31BD

CANCELLED NO.
1600
1300
2000
200
600

1" = 100'

SEE MAP 28 14 31BA

ORD 19-05-006 PL ATTACHMENT B Attachment B



SEE MAP 28 14 31BC

SEE MAP 28 14 31A

SEE MAP 28 14 31CA

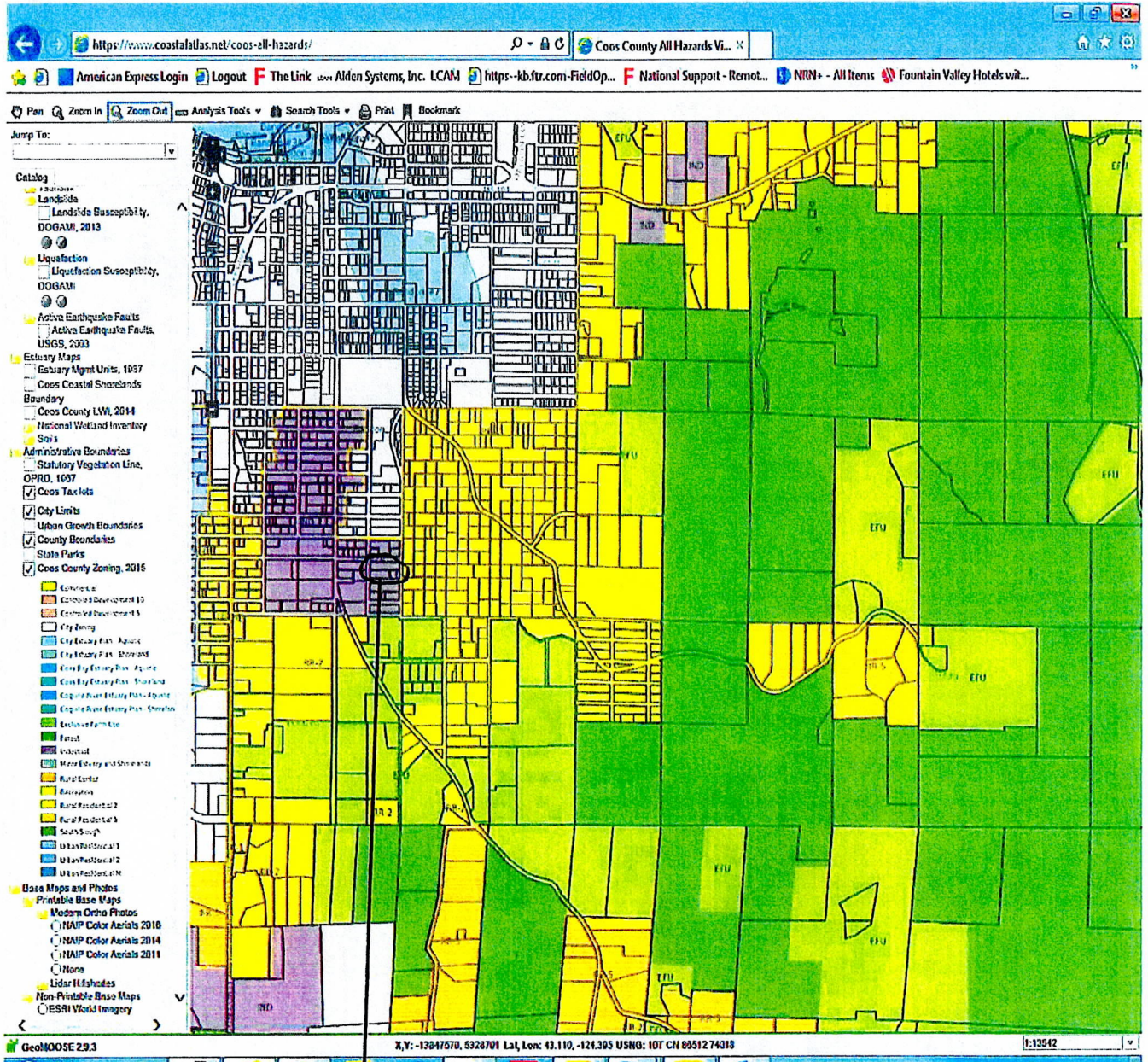
CEN. SEC. 4-12-2007

28S 14W 31BD

The Oregon Map

New Directions



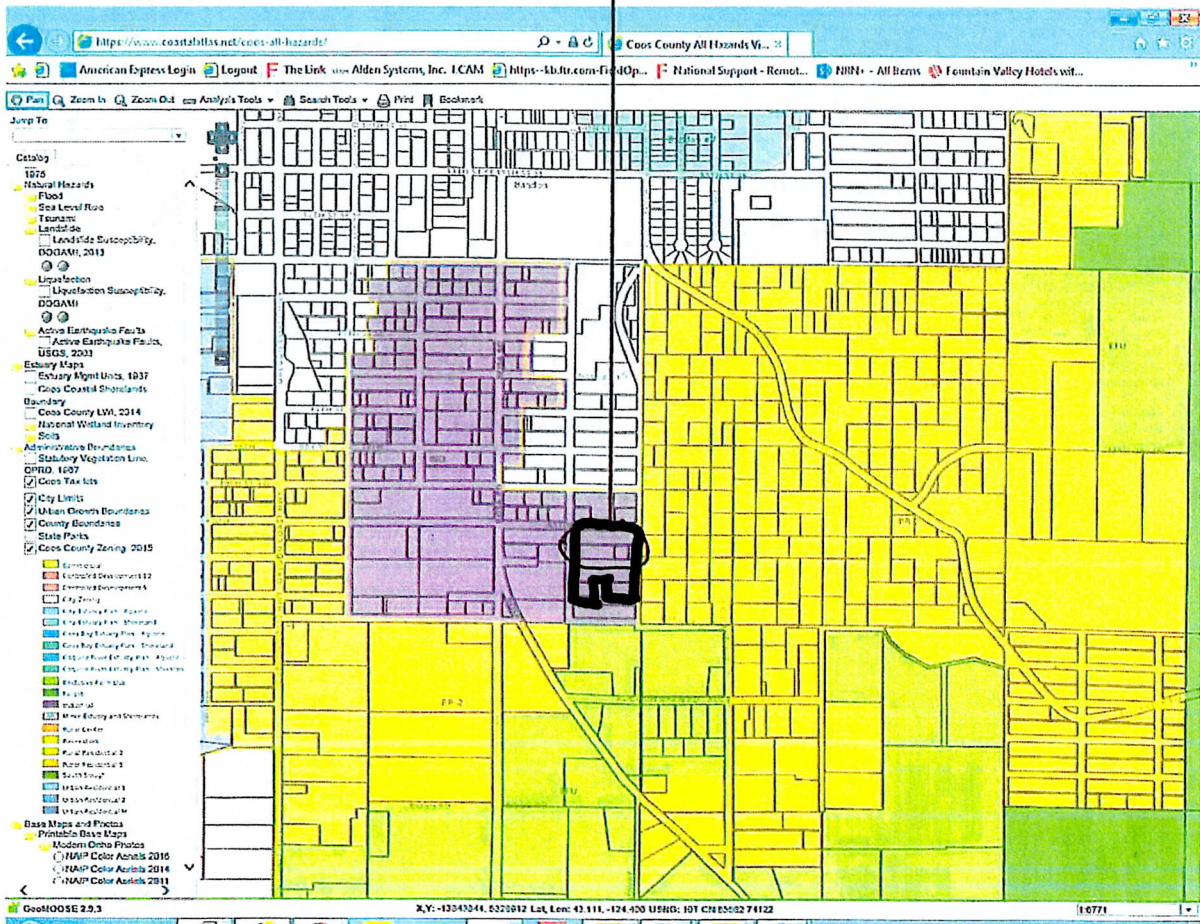


Subject Property



Attachment C
 ORD 19-05-006 PL ATTACHMENT B

Subject Property



Attachment C
ORD 19-05-006 PL ATTACHMENT B

Excerpt Bandon City Limits and Zone Map with Subject Property

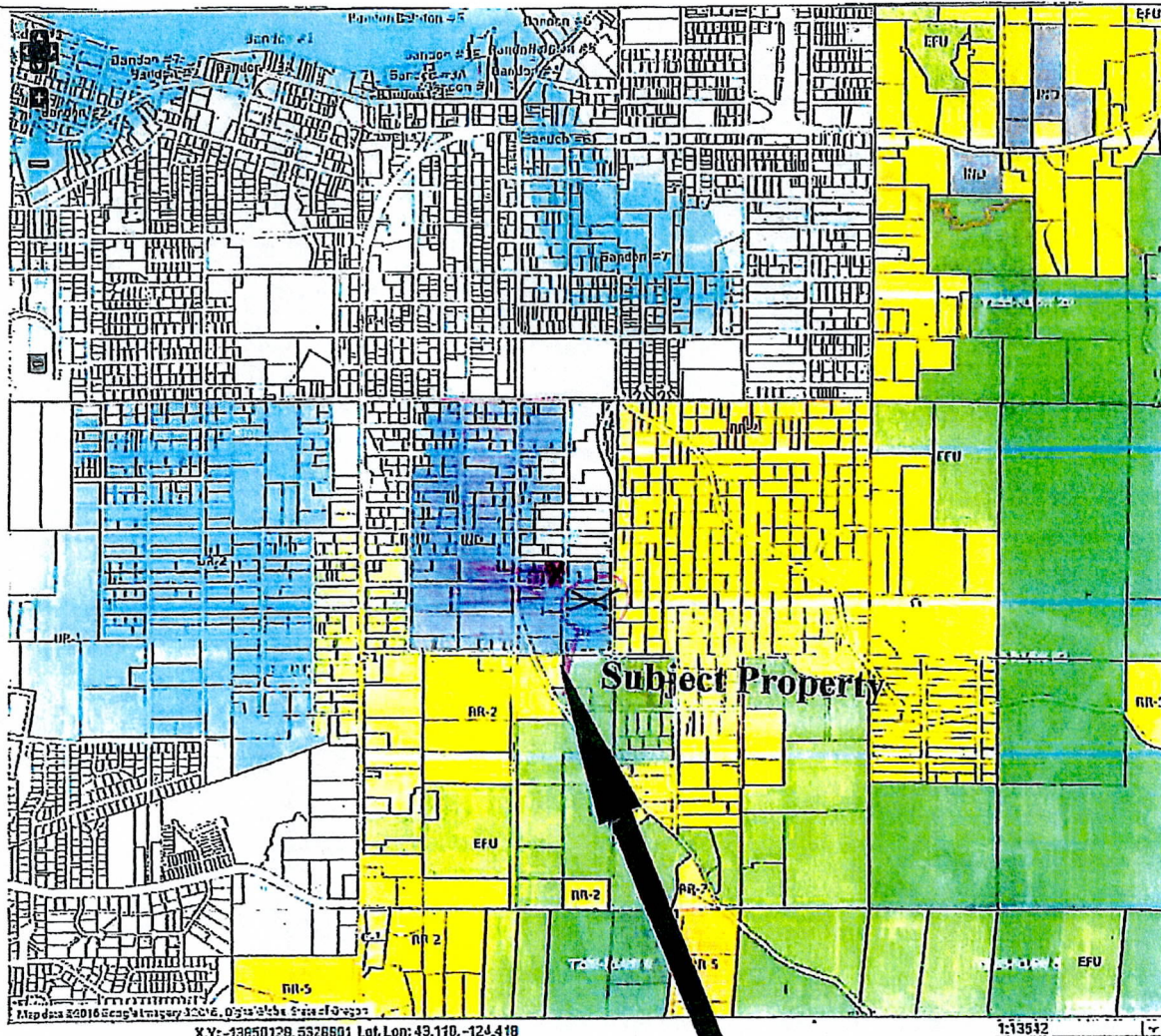


ORD 19-05-006 PL ATTACHMENT B

Attachment C

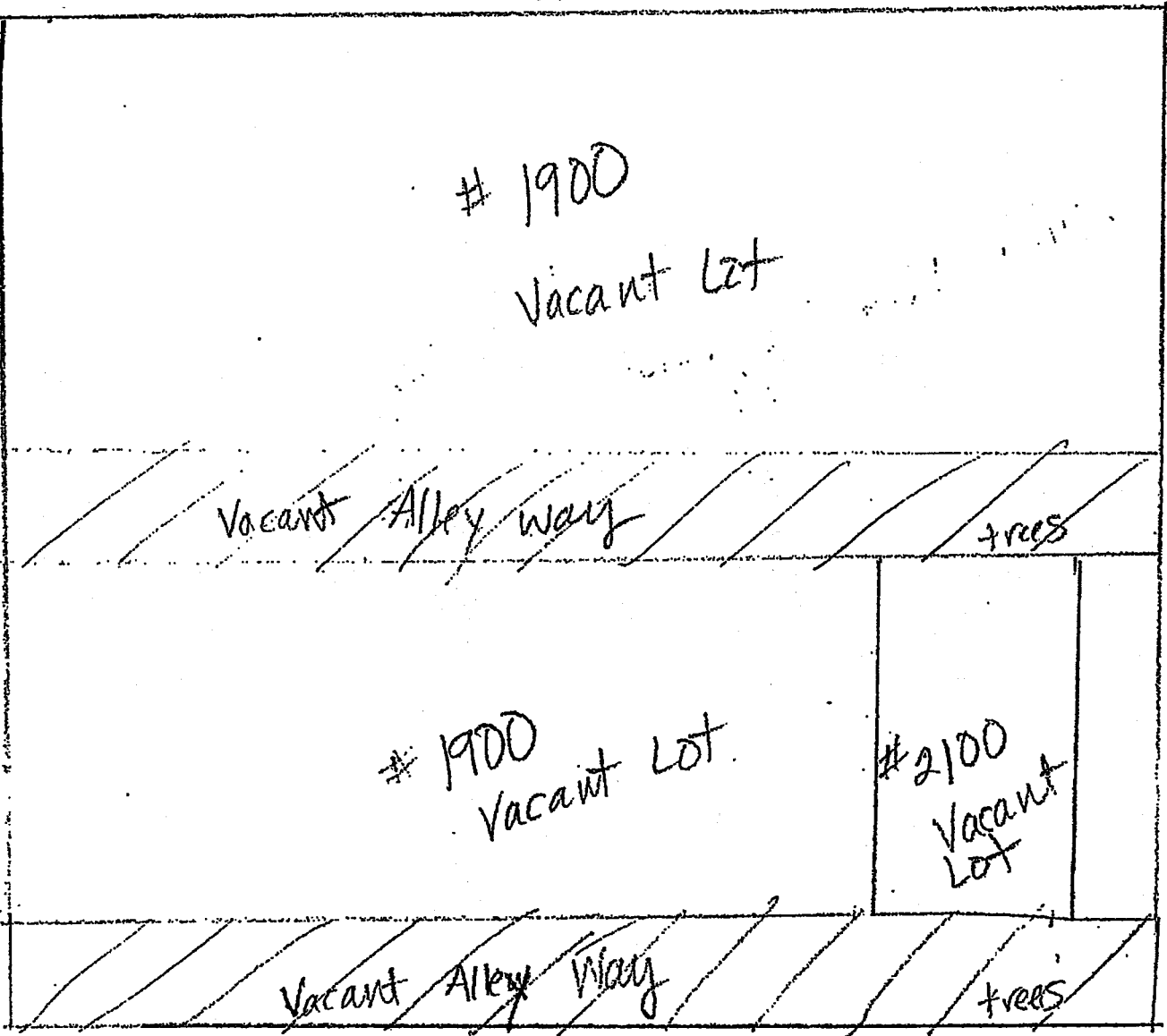
January 19, 2017

County Zoning in the Vicinity



Grand Avenue (undeveloped)

N ↑ Astor Ln 225'



Site Plan by Kathy Pandeale
 No new structures proposed at this time.
 April 5, 2019

Grantor:
Sorin Pandeale and Kathy Pandeale

Grantee:
Sorin Pandeale and Kathy Pandeale
P.O. Box 1396
Bandon, OR 97411



DEBBIE HELLER, CCC, COOS COUNTY CLERK

After recording return to and
Send tax statements to:
Sorin Pandeale and Kathy Pandeale
P.O. Box 1396.
Bandon, OR 97411

BARGAIN AND SALE DEED

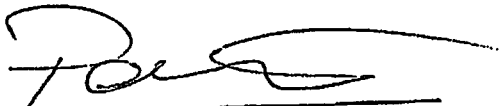
Sorin Pandeale and Kathy Pandeale, as tenants by the entirety, Grantors, convey and warrant to Sorin Pandeale and Kathy Pandeale, as tenants by the entirety, Grantees, the following described property situated in the County of Coos, State of Oregon:

Lots 1 through 9 and Lots 28 through 36, Block 40, Portland Addition to Bandon, Coos County, Oregon.

Consideration: This is an internal sale of property by the owners for planning purposes, the actual consideration for this conveyance stated is none.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING AND ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

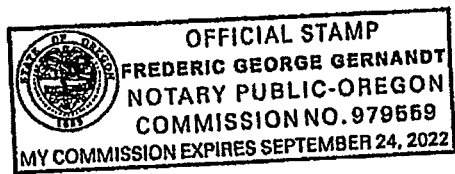
Dated this 25th day of MARCH, 2019.



Sorin Pandeale


Kathy Pandeale

STATE OF OREGON, County of Coos) ss. 3-25-19, 2019.

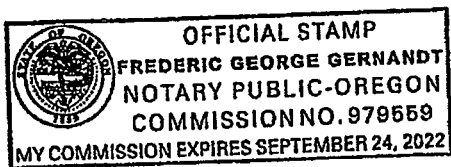
Personally appeared before me the above named Sorin Pandeale and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:

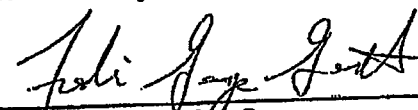



Notary Public for Oregon

STATE OF OREGON, County of Coos) ss. 3-25-19, 2019.

Personally appeared before me the above named Kathy Pandeale and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:




Notary Public for Oregon

Grantor:
Sorin Pandeale and Kathy Pandeale

Grantee:
Sorin Pandeale and Kathy Pandeale
P.O. Box 1396
Bandon, OR 97411



DEBBIE HELLER, CCC, COOS COUNTY CLERK

After recording return to and
Send tax statements to:
Sorin Pandeale and Kathy Pandeale
P.O. Box 1396,
Bandon, OR 97411

BARGAIN AND SALE DEED


Sorin Pandeale and Kathy Pandeale, as tenants by the entirety, Grantors, convey and warrant to Sorin Pandeale and Kathy Pandeale, as tenants by the entirety, Grantees, the following described property situated in the County of Coos, State of Oregon:

Lots 10 through 27, Block 40, Portland Addition to Bandon, Coos County, Oregon.

Consideration: This is an internal sale of property by the owners for planning purposes, the actual consideration for this conveyance stated is none.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING AND ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 02.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 25th day of March, 2019.



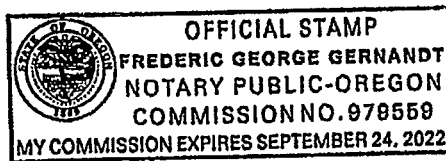
Sorin Pandele



Kathy Pandele

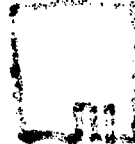
STATE OF OREGON, County of Coos) ss. 3-25-19, 2019.

Personally appeared before me the above named Sorin Pandele and acknowledged the foregoing instrument to be his voluntary act and deed. Before me:



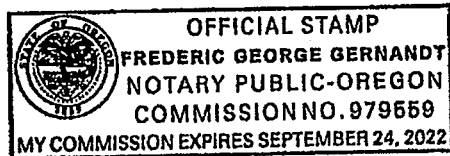



Notary Public for Oregon



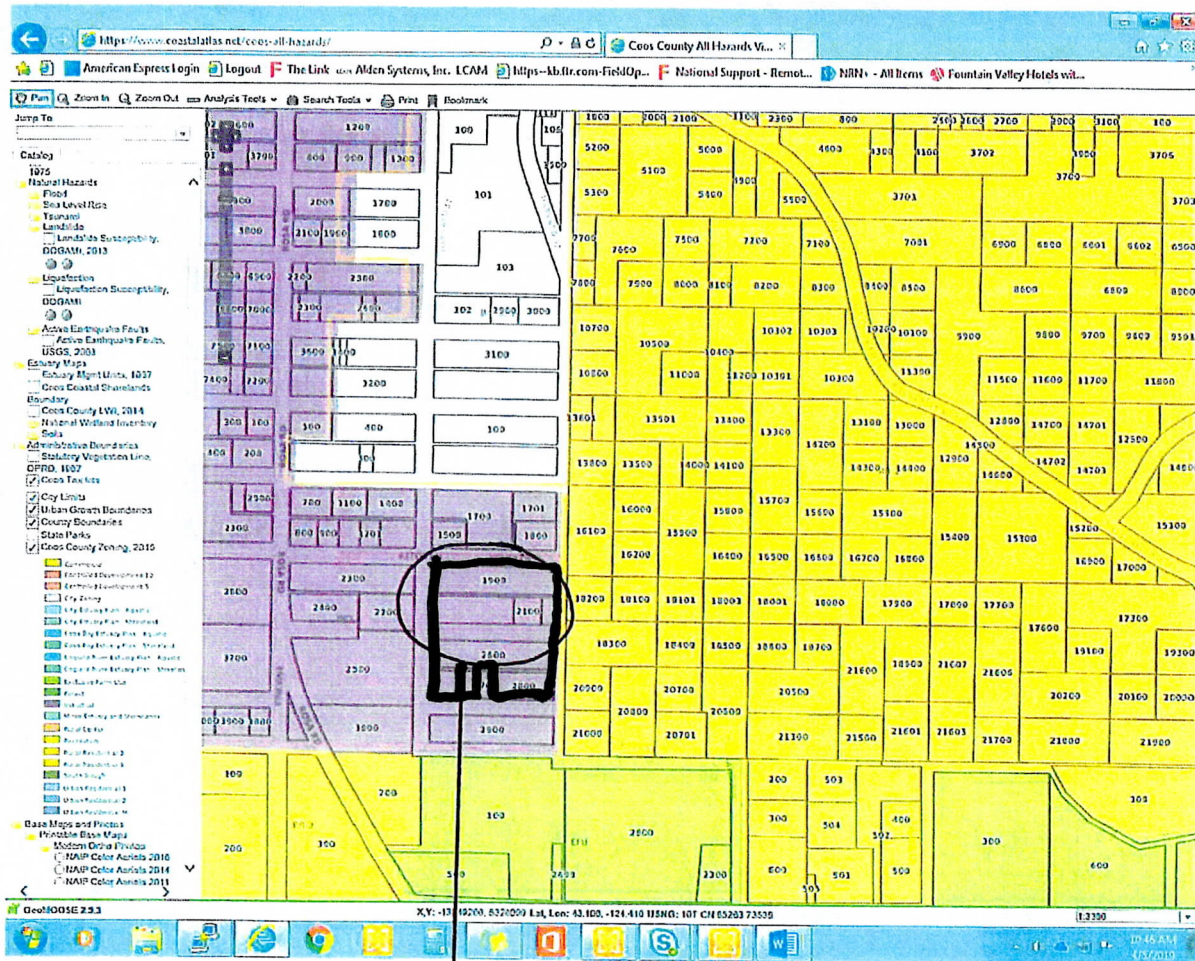
STATE OF OREGON, County of Coos) ss. 3-25-19, 2019.

Personally appeared before me the above named Kathy Pandele and acknowledged the foregoing instrument to be her voluntary act and deed. Before me:





Notary Public for Oregon



Subject Property



Coos County Planning Department
Coos County Courthouse Annex, Coquille, Oregon 97423
Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423
(541) 396-7770
FAX (541) 396-1022 / TDD (800) 735-2900
Jill Rolfe, Planning Director

CONSENT

On this 12th day of July, 2019.

I, MULDOON - HENDERSON REVOCABLE TRUST
(Print Owners Name as on Deed)

as owner/owners of the property described as Township 28, Range 14.

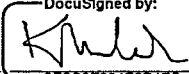
Section 31 B D, Tax Lot 2600 + 2800, Deed Reference 2013-8350

Hereby grant permission to SOREN + KATHY PAWDELE so that a(n)
(Print Name)

RE-ZONE application can be submitted to the Coos
(Print Application Type)

County Planning Department.

Owners Signature/s

DocuSigned by:

3E2C6E994E3B4E5... 7/17/2019

DocuSigned by:
Robert Hendler
08199342C3054B1... 7/18/2019

Attachment F

OFFICIAL RECORDS
OF DESCRIPTIONS
OF
REAL PROPERTIES

| | | | | | | | | |
|-------------------------|------------|-----|-----|-------------|---------------|----------|----|--|
| 54.03 54.01 54.03 | 28 | 14 | 31 | 8D | 2800 | | | |
| CODE AREA NUMBER | TWP | RGE | SEC | 1/4 1/2 1/4 | PARCEL NUMBER | TYPE | NO | |
| | MAP NUMBER | | | | NUMBER | SPEC INT | | |
| TAX LOT NUMBER | | | | | | | | |

OLD ACCT. NO. 27220.00
OLD TAX LOT NO. _____

FORMERLY PART OF _____

| Name and Tax Lot Information | DATE OF ENTRY ON THIS CARD | DEED RECORD | | ACRES REMAINING |
|---|----------------------------|--------------|----------------------|---|
| | | VOL | PAGE | |
| Also _____ of dedicated <u>STREETS & ALLEY</u> abutting <u>28-30 block #41</u> Not being used as a public street. (ORS 307.200 and Dept. Justice opinion <u>ORA 7-1-1911 p. 101</u>) | | | | |
| <u>COOS COUNTY</u> | <u>7-21-78</u> | <u>277</u> | <u>733</u> | |
| <u>Morris, Bill J. & Velma L. OC</u> | <u>1-31-91</u> | <u>91-01</u> | <u>0854</u> | |
| <u>Morris, Bill J. & Morris, Velma L., trustees of the Morris Revocable Living Trust wdt 1-8-92</u> | <u>7-30-92</u> | <u>92-07</u> | <u>0984</u> | |
| <u>Code Change - Not Covered by FP</u> | <u>7-20-94</u> | <u>PR</u> | <u>BARBARA FOORD</u> | |
| <u>Lindstrom, Robert W. & Christine E. wd</u> | <u>6-25-94</u> | <u>2004</u> | <u>8273</u> | |
| <u>Hill, Eugene C. & Katherine V. wd</u> | <u>5-11-05</u> | <u>2005</u> | <u>16482</u> | |
| <u>Hill, Eugene C.;</u> <u>Hill, Katherine V. (ind 2/3 int);</u> | | | | |
| <u>Hendler, Robert S. & Muldoon, Kathleen (ind 1/2 int);</u> | | | | |
| <u>Muldoon, Kathleen Trustee dg 11-5-94 825</u> <u>Dennis Burke Muldoon Family Trust (ind 1/2 int);</u> | <u>6-13-05</u> | <u>2005</u> | <u>8056</u> | |
| <u>Hill, Eugene C. (1/3);</u> <u>Hendler, Robert S. (1/2); Muldoon, Kathleen (1/2);</u> | | | | |
| <u>Muldoon, Kathleen Trustee of the Dennis Burke Muldoon Family Trust 11-5-94 (1/2)</u> | | | | |
| <u>HENDLER, ROBERT S. & MULDOON, KATHLEEN H+W</u> <u>Muldoon, Robert S. & Kathleen (1/3) wd</u> | <u>10-28-09</u> | <u>2009</u> | <u>10706</u> | <u>Katherine Hill 1/3 int to Robert S. Hendler & Kathleen Muldoon H+W</u> |
| <u>Hill, Eugene C. (1/3); Hendler, Robert S. (1/3);</u> <u>Muldoon, Kathleen (1/3);</u> | | | | |
| <u>Muldoon, Kathleen Trustee of the Dennis Burke Muldoon Family Trust 11-5-94 (1/3)</u> | | | | |
| <u>HENDLER, ROBERT S. & MULDOON, KATHLEEN H+W</u> <u>Muldoon, Robert S. & Kathleen (1/3) wd</u> | <u>12-3-09</u> | <u>2009</u> | <u>11825</u> | <u>Eugene Hill 20.4% to Robert S. Hendler & Kathleen Muldoon H+W</u> |
| <u>HILL, KATHLEEN TO HENDLER & MULDOON H+W</u> | | | | <u>Corrects 2009-10706</u> |
| <u>REF ONLY - CORRECTED DEED ALREADY WORKED UP</u> | <u>1-14-10</u> | | <u>2010 - 345</u> | |
| <u>HILL, EUGENE TO HENDLER & MULDOON H+W</u> | | | | <u>Corrects 2009-11825</u> |
| <u>REF ONLY CORRECTED DEED ALREADY WORKED UP</u> | <u>1-14-10</u> | | <u>2010 - 346</u> | |
| <u>MULDOON TRUST TO HENDLER & MULDOON H+W</u> | | | | |
| <u>REF ONLY ERRDR IN VESTING & LEGAL DESC</u> | <u>1-14-10</u> | <u>2009</u> | <u>11821</u> | |
| <u>CONT ON NEXT PAGE</u> | | | | |
| <u>188-882-669 (8-77)</u> | | | | |

| NO. | DESCRIPTION | SEC. | TWP. | RANGE |
|-----------------|--|--|------|-------|
| 157 | Tax Lot 1 Lots 1, 2, Contg. 81.2 | 3 | 23 | 12 |
| 306 | Tax Lot 37-6, Contg. 0.09 acres | 2 | 24 | 13 |
| 350 | Tax Lot 11-4, Cont. 1.50 acres | 2 | 25 | 13 |
| 350 | Tax Lot 18, Contg. 0.44 acres | 21 | 25 | 13 |
| 375 | Out of Tax Lot 30, Contg. 5.76 acres excepting land described in Vol. 265 P 423 | 21 | 25 | 13 |
| 375 | Tax Lot 43, Cont. 1.19 acres (Boomer Rd. Park, Lot 6 Blk 5 Tract 2-44) | 30 | 25 | 13 |
| 377 | Tax Lot 14, Cont. 0.06 acres | 30 | 25 | 13 |
| 377 | Tax Lot 30-8, Cont. 0.37 acres | 10 | 26 | 13 |
| 375 | Tax Lot 8 Cont. 0.29 acres | 36 | 28 | 12 |
| 389 | Tax Lot 105 Cont. 0.80 acres | 1 | 28 | 15 |
| 1019 | Tax Lot 167 Contg. 0.14 acres | 31 | 28 | 14 |
| 1029 | Tax Lot 82 Contg. 0.02 acres | 25 | 28 | 10 |
| 1367 | Tax Lot 3, Contg. 4.90 acres | 12 | 30 | 15 |
| 1748 & 1752 | Charleston Industrial Tract | 102 Lots 31 & 32 | | 16 |
| 1770 | Charleston Industrial Tract | Lot 22 | | 22 |
| 1851 | First Addition to Empire | All 19. & S ₄ of Lot 20 | | 12 |
| 1853 | Flat of Hollywood | Lots 23 & 24 | | 0 |
| 2165 & 2173 | Amended Plat of Averill Addition to Bandon Oregon | That Port of W. 26 ft. of Lot 5 lying No. of the Bluff | | 2 |
| 2201 | Amended Plat of Averill Addition to Bandon; Oregon | All that port of Lot 6 lying N. of the Bluff | | 2 |
| 2222 to 2728 | Portland Addition to Town of Bandon | Lot 1 thru 18 | | 39 |
| 2729 to 2730 | Portland Addition to Town of Bandon | Lots 29 thru 36 | | 39 |
| 2731 to 2732 | Portland Addition to Town of Bandon | Lots 1 thru 30 | | 40 |
| 2733 & 2734 | Portland Addition to Town of Bandon | Lots 35 & 36 | | 40 |
| 2735 to 2736 | Portland Addition to Town of Bandon | Lots 1 thru 25 | | 41 |
| 2737 to 2738 | Portland Addition to Town of Bandon | Lots 28 thru 36 | | 41 |

OFFICIAL RECORDS
OF DESCRIPTIONS
OF
REAL PROPERTIES

| | | | | | | | | |
|------------------|-----|-----|-----|-----|------|---------------|----------|----|
| 54-03 | 28 | 14 | 31 | B | D | 2800 | | |
| CODE AREA NUMBER | TWP | RGE | SEC | 1/4 | 1/16 | PARCEL NUMBER | TYPE | NO |
| MAP NUMBER | | | | | | NUMBER | SPEC INT | |
| TAX LOT NUMBER | | | | | | | | |

ACCT. NO. 27220.00
TAX LOT NO. _____

FORMERLY PART OF _____

| Name and Tax Lot Information | DATE OF ENTRY ON THIS CARD | DEED RECORD | | ACRES REMAINING |
|--|---------------------------------|-------------|------------------------------------|-----------------|
| | | VOL | PAGE | |
| HILL, EUGENE - 12.94% ; HENDLER, ROBERT S. - 8.33% ; MULDOON, KATHLEEN - 8.33% ; MULDOON, KATHLEEN TRUSTEE OF THE DENNIS BURKE MULDOON FAMILY TRUST 11-5-94 - 14.89% | | | TRUST # HENDLER + MULDOON H-LLJ | |
| HENDLER, ROBERT S. & MULDOON, KATHLEEN H-LLJ - 55.51% | 1-14-10 | 2010 | 347 | |
| HENDLER, ROBERT S. - 8.33% ; MULDOON, KATHLEEN - 8.33% ; MULDOON, KATHLEEN, TRUSTEE OF THE DENNIS BURKE MULDOON FAMILY TRUST 11-5-94 - 14.89% ; HENDLER, ROBERT S. & MULDOON, KATHLEEN H-LLJ - 68.45% ; | Hill to Hendler + Muldoon H-LLJ | | | |
| Hendler, Robert S. (8.33%) ; Muldoon, Kathleen (8.33%) ; Muldoon, Kathleen Trustee of the Dennis Burke Muldoon Family Trust 11-5-94 (14.89%) ; | 6-1-11 | 2011 | 3869 | |
| Hendler, Robert S. (8.33%) ; Muldoon, Kathleen (8.33%) ; Muldoon, Kathleen Trustee of the Dennis Burke Muldoon Family Trust 11-5-94 (14.89%) ; Hendler, Robert S. & Muldoon, Kathleen Murphy (H-LLJ) Trustees of the 2-25-08, et al. | | | | |
| Muldoon-Hendler Revocable Trust (8.45%) et al. | 11-19-13 | 2013 | 8350 | |
| Muldoon, Kathleen, Trustee of the DENNIS BURKE MULDOON FAMILY TRUST 11-5-94 (14.89%) Hendler, Robert S. & Muldoon, Kathleen Murphy, Trustees of the Muldoon-Hendler Revocable Trust 2-25-08 (8.51%) et al. | 1-8-14 | 2013 | 8350 | |

OFFICIAL RECORDS
OF DESCRIPTIONS
OF
REAL PROPERTIES

54.01
~~54.03~~

28 14 31 BD 2600

| CODE AREA NUMBER | TWP | RGE | SEC | 1/4 1/2 3/4 | PARCEL NUMBER | TYPE | NO |
|------------------|------------|-----|-----|-------------|---------------|------|----|
| | MAP NUMBER | | | | | | |

OLD ACCT. NO. 27193.00
OLD TAX LOT NO. _____

FORMERLY PART OF _____

| Name and Tax Lot Information | DATE OF ENTRY ON THIS CARD | DEED RECORD | | ACRES REMAINING |
|---|----------------------------|-----------------------------------|--------------|--|
| | | VOL | PAGE | |
| Also _____ 1/2 of dedicated <u>STREETS ALLEY</u> abutting lot <u>L-25</u> block <u>41</u> Not being used as a public street. (ORS 307.200 and Dept. Justice opinion <u>2764</u> Vol. <u>XXXX</u> Ser. <u>XX</u>) | | | | |
| <u>COOS COUNTY</u> | <u>7-21-78</u> | <u>277</u> | <u>733</u> | |
| <u>Morris, Bill J. & Velma L. OC</u> | <u>1-31-91</u> | <u>91-01</u> | <u>0854</u> | |
| <u>Morris, Bill J. & Morris, Velma L. trustees of the Morris Revocable Living Trust dtd 1-8-92</u> | <u>7-30-92</u> | <u>92-07</u> | <u>0984</u> | |
| <u>Lindstrom, Robert W. & Christine F. WD</u> | <u>6-25-04</u> | <u>2004</u> | <u>8273</u> | |
| <u>Hill, Eugene C. & Katherine V. WD</u> | <u>5-11-05</u> | <u>2005</u> | <u>6482</u> | |
| <u>Hill, Eugene C.; (1/3)</u> <u>Hill, Katherine (1/3)</u> | | | | |
| <u>Hendler, Robert S. (1/3)</u> <u>Muldoon, Kathleen (1/3)</u> | | | | |
| <u>Muldoon, Kathleen Trustee da. 11-54</u> <u>Dennis Burke Muldoon Family Trust (and Vest.) BS</u> | <u>6-13-05</u> | <u>2005</u> | <u>8056</u> | |
| <u>Hill, Eugene C. (1/3)</u> <u>Hendler, Robert S. (1/3); Muldoon Kathleen (1/3);</u> <u>Muldoon, Kathleen Trustee of the</u> <u>Dennis Burke Muldoon Family Trust da 11-54 (1/3)</u> | | | | |
| <u>HENDLER, ROBERT S. & MULDOON, KATHLEEN, 1/3, H&W</u> <u>Muldoon, Robert S. & Kathleen (1/3) 1999</u> | <u>10-28-09</u> | <u>2009</u> | <u>10706</u> | <u>Hendler & Muldoon</u> <u>to Robert S. Muldoon</u> <u>1/3 & Kathleen</u> <u>Muldoon</u> |
| <u>Hill, Eugene C. (1/3 & 1/3); Hendler, Robert S. (1/3 & 1/3);</u> <u>Muldoon, Kathleen (1/3 & 1/3);</u> <u>Muldoon, Kathleen Trustee of the</u> <u>Dennis Burke Muldoon Family Trust 11-54 (1/3 & 1/3)</u> | | | | |
| <u>HENDLER, ROBERT S. & MULDOON, KATHLEEN H&W</u> <u>Muldoon, Robert S. & Kathleen (1/3 & 1/3)</u> | <u>12-3-09</u> | <u>2009</u> | <u>11825</u> | <u>Robert S. Hendler</u> <u>& Kathleen (1/3 & 1/3)</u> <u>Muldoon, H&W</u> |
| <u>Hill, Eugene C. H&W</u> <u>REF ONLY CORRECTED DEED ALREADY WORKED WD</u> | <u>1-14-10</u> | <u>2009-10706</u> <u>2010-</u> | <u>315</u> | |
| <u>Hill, Eugene C. H&W</u> <u>REF ONLY CORRECTED DEED ALREADY WORKED WD</u> | <u>1-14-10</u> | <u>2009-11825</u> <u>2010-</u> | <u>316</u> | |
| <u>Muldoon Trust to Hendler & Muldoon H&W</u> <u>REF ONLY ERROR IN VESTING + LEGAL DEED WD</u> | <u>1-14-10</u> | <u>2009-</u> | <u>11421</u> | |
| <u>CONT ON NEXT PAGE</u> | | | | |
| 180-303-040 (3-77) | | | | |

| NO. | DESCRIPTION | SEC. | TWP. | SE. 1/4 |
|------------------|---|-----------|--|-------------|
| 39 | Tax Lot 2, Lots 1, 2, Contg. 81.2 | 3 | 23 | 12 |
| 157-4 | Tax Lot 37-6, Contg. 0.09 acres | 2 | 2 | 41 |
| 306-4 | Tax Lot 14-4, Cont 1.50 acres | 2 | 25 | 11 |
| 350 | Tax Lot 18, Contg. 0.14 acres | 21 | 25 | 15 |
| 351: Exc. | Out of Tax Lot 30, Contg. 5.76 acres | 21 | 25 | 15 |
| 374 | Out of Tax Lot 30, Contg. 5.76 acres excepting land described in Vol. 265 P. 123 | 21 | 25 | 15 |
| 374 | Tax Lot 13, Cont. 1.19 acres (Roosevelt Blvd. Park, Lot 6 Blk 5 Tract C-44) | 30 | 25 | 13 |
| 377 | Tax Lot 54, Cont. 0.06 acres | 30 | 25 | 13 |
| 514-8 | Tax Lot 30-8, Cont. 0.37 acres | 10 | 26 | 13 |
| 8773 | Tax Lot 8 Cont. 0.29 acres | 36 | 28 | 17 |
| 8881 | Tax Lot 105 Cont. 0.80 acres | 1 | 28 | 15 |
| 10193 | Tax Lot 163 Contg. 0.14 acres | 31 | 28 | 14 |
| 10429 | Tax Lot 82 Contg. 0.02 acres | 25 | 28 | 15 |
| 13647 | Tax Lot 3, Contg. 4.50 acres | 12 | 30 | 15 |
| 17493 & 17494 | Charleston Industrial Tract | LOT 10 | Lots 31 & 32 | BLOCK 16 |
| 17702 | Charleston Industrial Tract | | Lot 22 | 22 |
| 1851 | First Addition to Exira | | All 19, & S ₂ of Lot 20 | 18 |
| 18513 | | | Lots 23 & 24 | 9 |
| 2106 & 5 | Plat of Hollywood | | | 9 |
| 21999 | Amended Plat of Averill Addition to Bandon Oregon | | That Port of W. 26 ft. of Lot 5 lying No. of the Bluff | 2 |
| 22000 | Amended Plat of Averill Addition to Bandon, Oregon | | All that port of Lot 6 lying N. of the Bluff | 2 |
| 2712 to 2713 | Portland Addition to Town of Bandon | | Lot 1 thru 18 | 39 |
| 2714 to 2715 | Portland Addition to Town of Bandon | | Lots 29 thru 36 | 39 |
| 2716 to 2717 | Portland Addition to Town of Bandon | | Lots 1 thru 30 | 40 |
| 2718 & 2 | Portland Addition to Town of Bandon | | Lots 35 & 36 | 40 |
| 2719 to 2720 | Portland Addition to Town of Bandon | | Lots 1 thru 25 | 41 |
| 2721 to 2722 | Portland Addition to Town of Bandon | | Lots 28 thru 36 | 41 |

| OFFICIAL RECORDS OF DESCRIPTIONS OF REAL PROPERTIES | 54-01 | | | | | | 28 | | 14 | | 31 | | B D | | 2600 | |
|--|-------------------------------|------------------------|------|--------------------|-----|------|------------------|------|----|----------------|----|--|-----|--|------|--|
| | CODE AREA NUMBER | TWP | RGE | SEC | 1/4 | 1/16 | PARCEL NUMBER | TYPE | NO | | | | | | | |
| | | MAP NUMBER | | | | | | | | TAX LOT NUMBER | | | | | | |
| | ACCT. NO. | FORMERLY PART OF _____ | | | | | | | | | | | | | | |
| TAX LOT NO. | | | | | | | | | | | | | | | | |
| Name and Tax Lot Information | DATE OF ENTRY ON THIS CARD | DEED RECORD | | ACRES REMAINING | | | | | | | | | | | | |
| | | VOL | PAGE | | | | | | | | | | | | | |
| HILL, EUGENE - 12.94%; HENDLER, ROBERT S. - 8.33%; MULDOON, KATHLEEN - 8.33%; MULDOON, KATHLEEN TRUSTEE OF THE DENNIS BURKE MULDOON FAMILY TRUST 11-5-94 - 14.89% | | | | | | | | | | | | | | | | |
| HENDLER, ROBERT S. & MULDOON, KATHLEEN H&W - 55.51% HENDLER, Robert S. - 8.33%; Muldoon, Kathleen Muldoon, Kathleen, Trustee of the - Dennis Burke Muldoon Family Trust 11-5-94 - 14.89%; Hendler, Robert S. & Muldoon, Kathleen H&W - 14.45%; Hendler, Robert S. (8.33%); Muldoon, Kathleen (8.33%) Muldoon, Kathleen, Trustee of the Dennis Burke Muldoon Family Trust 11-5-94 - (14.89%); Hendler, Robert Selig & Muldoon, Kathleen Murphy (wid) Trustees of the - 2-25-08 dtd - | 1-14-10 | 2010 | 347 | | | | | | | | | | | | | |
| Muldoon, Kathleen, Trustee of the Dennis Burke Muldoon Family Trust 11-5-94 - (14.89%); Hendler, Robert Selig & Muldoon, Kathleen Murphy (wid) Trustees of the - 2-25-08 dtd - | 6-1-11 | 2011 | 3869 | | | | | | | | | | | | | |
| Muldoon Hendler Revocable Trust (68.45%) B&S Muldoon, Kathleen, Trustee of the Dennis Burke Muldoon Family Trust 11-5-94 (14.89%) Hendler, Robert Selig & Muldoon, Kathleen Murphy, Trustees of the Muldoon Hendler Revocable Trust 2-25-08 (95.11%) | 11-19-13 | 2013 | 8350 | | | | | | | | | | | | | |
| | 1-8-14 | 2013 | 8350 | | | | | | | | | | | | | |

COUNTY FORM - 303-049 (5-77)

