



## NOTICE OF LAND USE DECISION BY THE COOS COUNTY PLANNING DIRECTOR

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

Date of Notice: October 15, 2019

File No: D-19-004

RE: Request for a land use authorization for a Lawfully Created Unit of Land Application

Applicant(s): Kevin Sharp-Smith  
8566 W 11<sup>th</sup> Ave  
Kennewick, WA 99338

Surveyor: Troy Rambo, Mulkins & Rambo, LLC  
PO Box 809  
North Bend OR 97459

This decision notice serves as public notice to all participants, adjacent property owners, special districts, agency with interests, or person with interests. If you are an adjacent property owner, this notice is being mailed to you because the applicant has applied for a use or activity on their property that requires that you receive notice pursuant to ORS 197.763. Please read all information carefully as this decision may affect you. (See attached vicinity map for the location of the subject property).

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of a person named in the affidavit to receive the notice shall not invalidate an ordinance. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

**NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.”**

**The request for a lawfully created unit of land determination has been reviewed and found to meet the applicable criteria. Therefore, staff concurs with Clyde Mulkins determination that tax lot 2400 and 1200 are separate discrete lawfully created units of land. Approval is based on findings and facts represented in the staff report.**

### Property Information

Account Numbers	1351200
Map Numbers	30S140900-00400
Property Owners	C&S WATERMAN RANCH LLC 87518 DAVIS CREEK LN BANDON, OR 97411-7297
Situs Addresses	50372 S FOURMILE RD BANDON, OR 97411
Acres	318.08 Acres

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**Notice shall be posted from October 15, 2019 until 12 pm on October 28, 2019**

Zonings EXCLUSIVE FARM USE (EFU)

Special Considerations NAT HAZARDS EARTHFLOW & SLUMP (HZE)  
NATURAL HAZARD - LANDSLIDE (NHLND)

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

**PROPOSAL:** Request for Planning Director Approval of a property line adjustment between two lawfully created parcels, under application file number D-19-004.

The application, staff report and any conditions can be found at the following link:

<http://www.co.coos.or.us/Departments/Planning/PlanningDepartment--Applications2019.aspx> .

The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Planning Specialist and the telephone number where more information can be obtained is (541) 396-7770.

This decision will become final at 12 p.m. on October 28, 2019 unless before this time a completed **APPLICATION FOR AN APPEAL OF A DECISION BY THE PLANNING DIRECTOR** form is submitted to and received by the Coos County Planning Department.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

**Prepared by:** Crystal Orr **Date:** October 15, 2019  
Crystal Orr, Planning Specialist

**Authorized by:** Jill Rolfe **Date:** October 15, 2019  
Jill Rolfe, Planning Director

#### EXHIBITS

Exhibit A: Vicinity Map  
Exhibit B: Discrete Parcel Map

**The Exhibits below are mailed to the Applicant only. Copies are available upon request or at the following website:** <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment--Applications2019.aspx> or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. **If you have any questions please contact staff at (541) 396-7770.**

Exhibit C: Applicant's documentation  
Exhibit D: D-19-004 Staff Report

**EXHIBIT "A"  
VICINITY MAP**



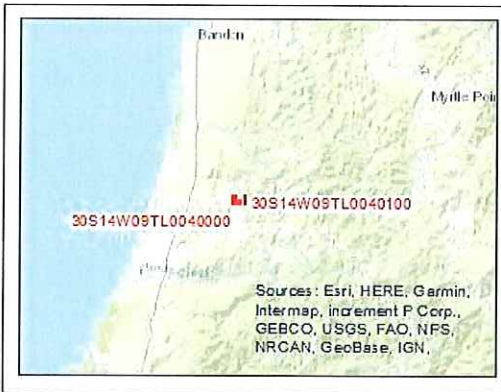
**COOS COUNTY PLANNING DEPARTMENT**

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

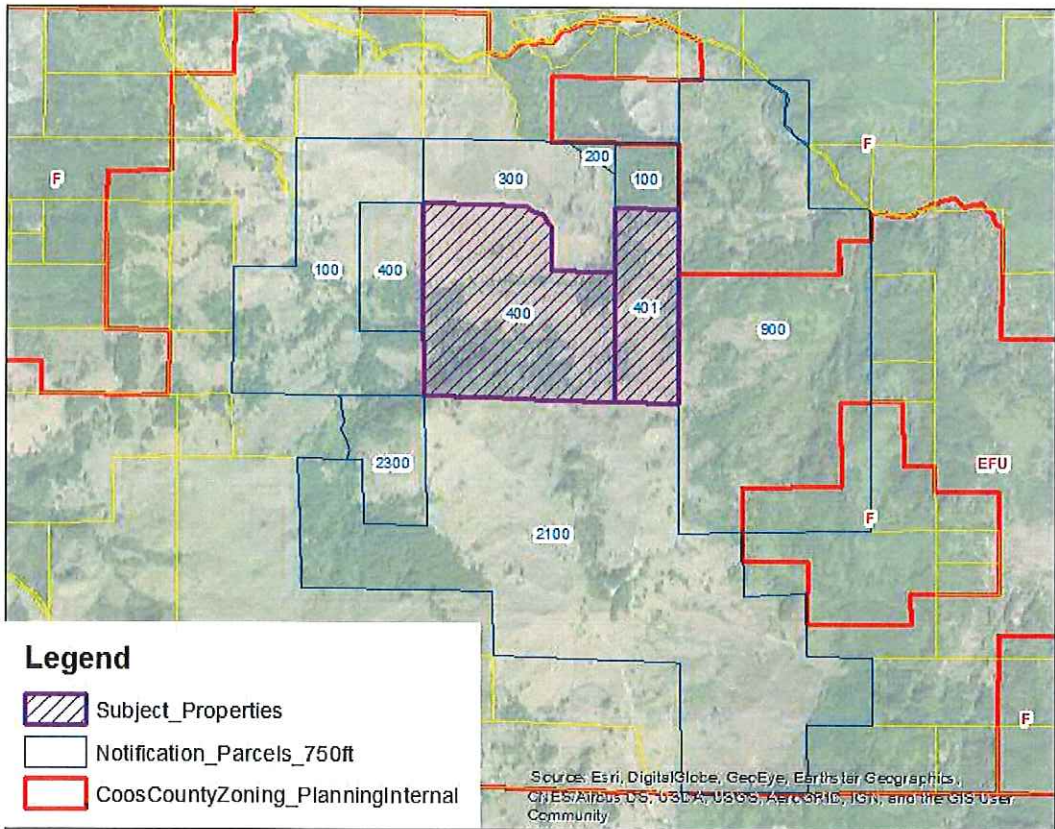
Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

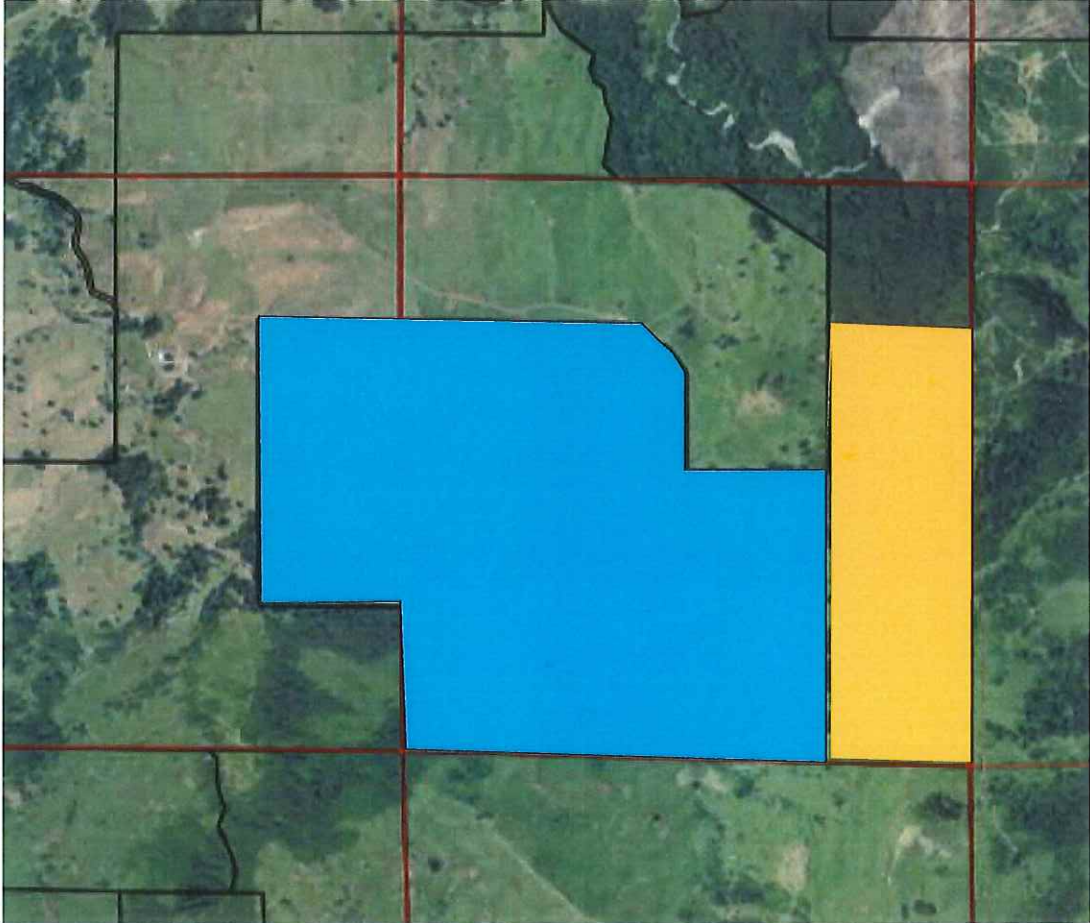
Fax: (541) 396-1022/TDD (800) 735-2900



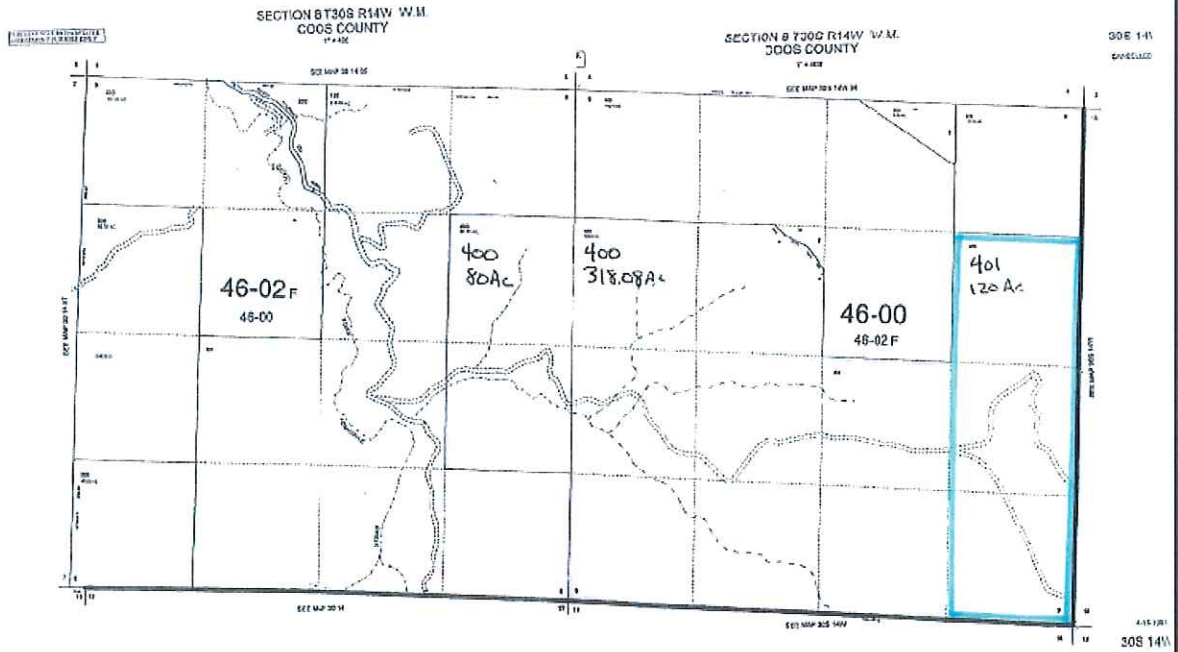
File:	D-19-004
Applicant/Owner:	Kevin Sharp-Smith/ C&S Waterman Ranch, LLC
Date:	October 3, 2019
Location:	Township 30S Range 14W Section 09 TL 400
Proposal:	Lawfully Established Parcel Determination



**EXHIBIT "B"**  
**Discrete Parcel Map**



**EXHIBIT "C"**  
**Applicant's Documentation**



INST. No. 2018-10050  
 KEVIN R. SHARP-SMITH

— REMAINDER PROPERTY HELD BY KEVIN R. SHARP-SMITH  
 — VOL 116 PG'S 540 & 541 RECORD DATE APRIL 19, 1982  
 JOHN M. LONG NOW INST. NO. 2019-2710 HELD BY  
 J&S WATERMAN BANK LLC

year last above written.  
Recorded April 19, 1928, 8 A.M.  
Robt. R. Watson, County Clerk

O. O. Sanford  
Notary Public for Oregon  
My commission expires May 30, 1931  
(Notarial seal)

48787- KNOW ALL MEN BY THESE PRESENTS, That G. E. Watson and Rose E. Mattson, his wife, of Marshfield, Coos County, Oregon, in consideration of ten and no/100 Dollars to them paid by Alice M. Hoagland do hereby grant, bargain, sell and convey unto said Alice M. Hoagland, her heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances situated in the County of Coos and State of Oregon, bounded and described as follows, to-wit:

All the following bounded and described lands, situate in Coos County, State of Oregon beginning 30 feet east of the northeast corner of Block 10 of Schetter's Addition to the Town of Marshfield, Coos County, Oregon according to the plat thereof on file in said County and State, thence east 125 feet; thence North 50 feet; thence west 150 feet to the east line of Schetter's Addition, thence south 50 feet to place of beginning.

To Have and to hold the above described and granted premises unto the said Alice M. Hoagland, her heirs, and assigns forever. And we the grantors above named do covenant to and with the above named grantee, their heirs and assigns that we are lawfully seised in fee simple of the above granted premises, that the above granted premises are free from all encumbrances and that we will and our heirs, executors and administrators shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hands and seal this \_\_\_ day of May, 1931.

Executed in the presence of  
Hugh Barclay, Clyde S. Hoagland  
Ernest T. Mattson, Melvin H. Mattson

G. E. Watson  
Rose E. Mattson

State of Oregon )  
County of Coos ) ss WE IT REMEMBERED, That on this 22 day of June A. D. 1931 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named G. E. Watson and Rose E. Mattson, his wife, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Recorded April 19, 1932, 10:30 A.M.  
Robt. R. Watson, County Clerk

Hugh Barclay  
Notary Public for Oregon  
My commission expires Jan 15th 1933  
(Notarial seal)

48788- KNOW ALL MEN BY THESE PRESENTS, That E. Spenser C. Long, a single man, being of lawful age, in consideration of Ten and no/100 Dollars to me paid by John H. Long do hereby release, release and forever quitclaim unto the said John H. Long and unto his heirs and assigns, all my rights, title and interest in and to all that parcel of real estate situate in the County of Coos, State of Oregon, to-wit:

The Southeast 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southeast 1/4 in Section 8, Township 29 South Range 14 West and the Southwest 1/4 and the South 1/2 of the Northwest 1/4 and the West 1/2 of the Southeast 1/4 in Section 8, Township 29 South, Range 14 West.

TO HAVE AND TO HOLD the same, with all the privileges and appurtenances thereto belonging to said John H. Long, and to his heirs and assigns forever.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 2nd day of

D-116

541

October, A. D. 1931.

Signed, sealed and delivered in the presence of our witnesses Ida K. Coburn, 1940, L. Coburn

Spencer G. Long Seal

THIS CERTIFIES That on this 3rd day of October, A. D. 1931 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Spencer G. Long who is known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same as his free act and deed, for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set by hand and my seal the day and year last above written.

Recorded April 15, 1932, 1:45 P.M.  
Robt. F. Watson, County Clerk

Geo. L. Coburn  
Notary Public for Oregon  
My commission expires Oct. 7, 1934  
(Notarial Seal)

45750- THIS INSTRUMENT WITNESSETH, That Norda Anderson, of North Bend, Oregon, as grantor and the owner of the whole of the hereinafter described real property, for and in consideration of the sum of one dollar (\$1.00) and love and affection, does by these presents grant, bargain, sell and convey to Realis Anderson, his wife, of North Bend, Oregon, the grantee, an undivided one-half interest in and to the following described real property, to-wit:

The North half of Lots nine (9), ten (10), eleven (11) and twelve (12) of Block sixty-six (66) of Coos Bay Plat "B", according to the plat thereof on file and of record in the County Clerk's office of Coos County, Oregon, which said property is a part of the City of North Bend, Coos County, Oregon, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above described premises unto the said Realis Anderson, her heirs and assigns forever. It being the intention by this conveyance to create and invest in the said grantor and grantee an estate by the entirety in said real property.

IN WITNESS WHEREOF, the said Grantor above named has hereunto set his hand and seal this 20th day of April, 1932.

Signed and sealed in presence of:  
W. U. Douglas, Arnie Smith

Norda Anderson Seal

State of Oregon  
County of Coos  
Be it remembered, that on this 20 day of April, 1932, before me, the undersigned, a Notary Public in and for said County and State, appeared Norda Anderson, to me personally known to be the identical person described in and who executed the within and foregoing instrument, and he acknowledged to me that he executed the same freely and voluntarily, and for the uses and purposes therein expressed.

IN WITNESS WHEREOF, I have hereunto set by hand and notary seal the date and year last above herein written.

Recorded April 21, 1932, 10:45 A.M.  
Robt. F. Watson, County Clerk

W. U. Douglas  
Notary Public for Oregon  
My commission expires January 5, 1933  
(Notarial seal)

45750-

WARRANTY DEED

THIS INSTRUMENT WITNESSETH, That Empire Development Company, a Corporation organized and existing under and by virtue of the Laws of the State of Oregon, the Grantor, in consideration of Ten Dollars do grant, bargain, sell and convey unto Robertson Sales Company, the Grantee, the following described premises, to-wit:  
...Beginning at the Northwest corner of Lot 284, Block 66, East of Coos Bay, Oregon

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**EXHIBIT "D"**  
**STAFF REPORT**

File Number	D-19-004
Applicant	Kevin Sharp-Smith
Account Number	1351200
Map Numbers	30S140900-00400
Property Owners	C&S WATERMAN RANCH LLC 87518 DAVIS CREEK LN BANDON, OR 97411-7297
Situs Addresses	50372 S FOURMILE RD BANDON, OR 97411
Acreages	318.08 Acres
Zonings	EXCLUSIVE FARM USE (EFU)
Special Considerations	NAT HAZARDS EARTHFLOW & SLUMP (HZE) NATURAL HAZARD - LANDSLIDE (NHLND)

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Reviewing Staff: Crystal Orr, Planning Specialist  
Date of Report: October 15, 2019

**I. PROPOSAL**

The proposal is a request for Planning Director Approval of a lawfully created unit of land determination.

**III. PROPERTY DESCRIPTION**

**LOCATION:** The subject properties are located southeast of the City of Bandon.

**IV. APPLICABLE CRITERIA & FINDINGS OF FACT**

**LAWFULLY CREATED:**

**SECTION 6.1.100 WHAT IS NOT A LAWFULLY CREATED LOT OR PARCEL:**

A unit of land shall not be considered a separate parcel simply because the subject tract of land;

1. Is a unit of land created solely to establish a separate tax account;
2. Includes properties that have divided interest;
3. Lies in different counties;
4. Lies in different sections or government lots;
5. Lies in different land use or zoning designations; or
6. Is dissected by a public or private road.

**SECTION 6.1.125 LAWFULLY CREATED UNIT OF LAND**

“Lawfully established unit of land” means:

1. The unit of land was created:
  - a. Through an approved or pre-ordinance plat;
  - b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;



- c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.
- d. By a public dedicated road that was held in fee simple creating an interviewing ownership prior to January 1, 1986;
- e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.
- f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. "Navigable-for-title" or "title-navigable" means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.

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

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

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

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

**Finding: The applicant has provided the deeds to show that the property was lawfully created as two (2) units of land prior to 1986. A portion of the tax lot was described in Volume 116 Pages 540 and 541 recorded April 19, 1932. Therefore, staff confirms that there are two units of land within tax lot 400.**

**VI. DECISION:**

The lawfully created unit of land determination is approved based on the evidence received by the applicant and information on file.