



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: March 29, 2019
File No: PLA-19-004
RE: Request for a land use authorization for a Property Line Adjustment
Applicant(s): Anita Swearingen, Troy Rambo
95023 Shelly Lane, Po Box 809
Coquille, OR 97423, 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 requested proposal has been [checked] Approved [ ] Denied subject to the findings to the criteria found in Exhibit A. The decision is based on findings and facts represented in the staff report.

Property Information

Table with 3 columns: Category, Property 1, Property 2. Rows include Account Numbers, Map Numbers, Property Owners, Situs Addresses, Acreages, Zonings, and Special Considerations.

Notice shall be posted from March 29, 2019 until 5:00 pm on April 10, 2019

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

**PROPOSAL:** Request for Planning Director Approval of a property line adjustment between two lawfully created parcels, under application file number PLA-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 5 p.m. on April 10, 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.

**Processed by:** Crystal Orr **Date:** March 29, 2019  
Crystal Orr, Planning Specialist

**Authorized by:** Jill Rolfe **Date:** March 29, 2019  
Jill Rolfe, Planning Director

#### EXHIBITS

Exhibit A: Conditions of Approval  
Exhibit B: Vicinity Map  
Exhibit C: Before & After Maps

**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-Applications2018.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 D: PLA-19-004 Staff Report  
Exhibit E: Surveyors Comments  
Exhibit F: Septic Easement

**EXHIBIT "A"**  
**CONDITIONS OF APPROVAL**

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

1. All applicable mapping and filing requirements shall be complied with as listed below. If a map is required it shall be submitted to the Surveyor's office with the deeds. The deeds shall not be filed and that map has the appropriate signatures. Copies of all recorded deeds shall be submitted as the final step in the process.
2. Must comply with any requirements from Coos County Surveyor.
3. An after-the-fact Compliance Determination must be submitted for the alteration of the Single Family Dwelling and Accessory Structure built without permits on tax lot 200.

**Mapping and Filing Requirements**

1. Map and Monuments Required:
  - a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared;
  - b. The survey map shall show all structures within ten (10) feet of the adjusted line;
  - c. The survey shall establish monuments to mark the adjusted line.
2. Approval and Filing Requirements:
  - a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved;
  - b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted;
  - c. Once endorsed by the Director, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map;
  - d. A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk;
  - e. If a survey is required, the Deed shall be recorded and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Coos County Planning Director shall be submitted to the County Surveyor along with the required filing fee. The survey map will be given a filing number which will be added to the Property Line Adjustment deed. The deed will then be recorded whereupon the recording number for said deed will be added to the face of the survey map. Said map will then be filed with the County Surveyor, completing the process.
  - f. The property line adjustment deed must be submitted on the exact format found in § 6.3.175.f.

**EXHIBIT "B"  
VICINITY MAP**



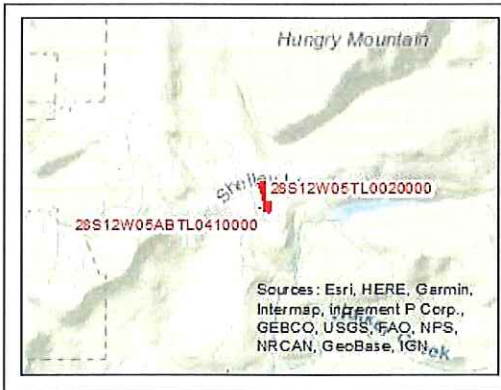
**COOS COUNTY PLANNING DEPARTMENT**

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

Physical Address: 225 N. Adams, Coquille Oregon

Phone: (541) 396-7770

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



|                      |   |
|----------------------|---|
| File:                | PLA-19-004  |
| Applicant/<br>Owner: | Anita Swearingen/<br>Troy Rambo                       |
| Date:                | March 28, 2019  |
| Location:            | Township 28S Range 12W<br>Section 05/05B TL 200/4 100 |
| Proposal:            | Property Line Adjustment                              |

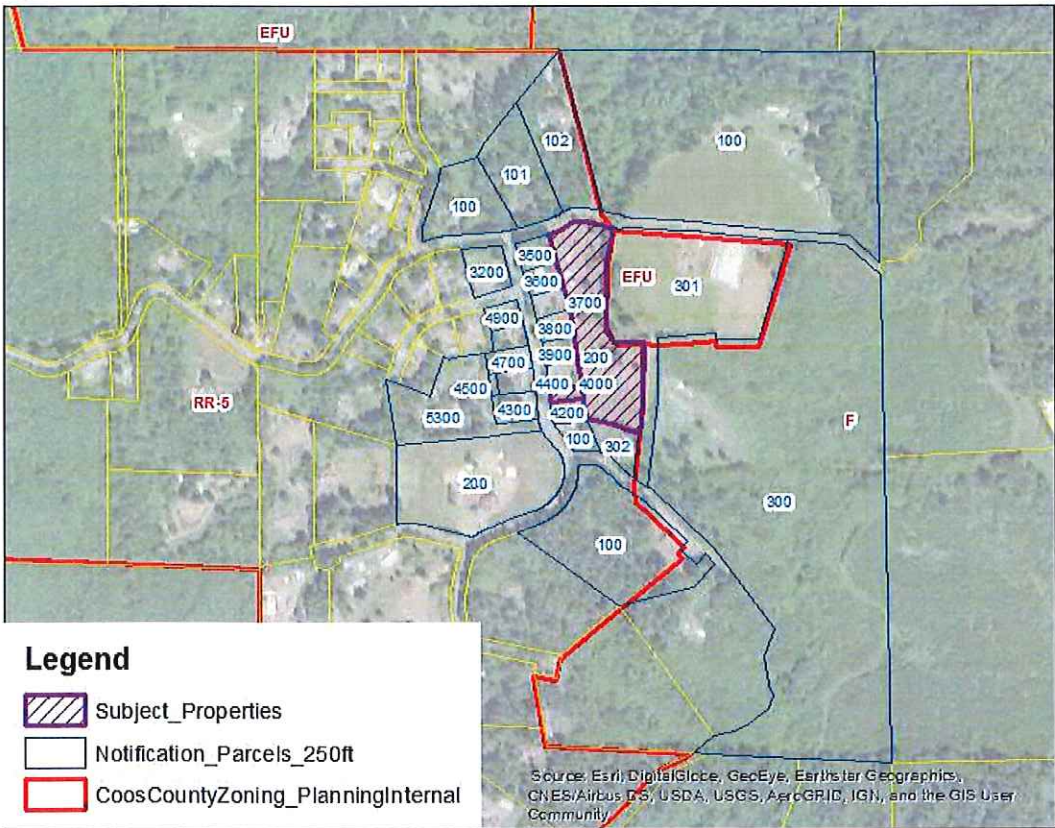
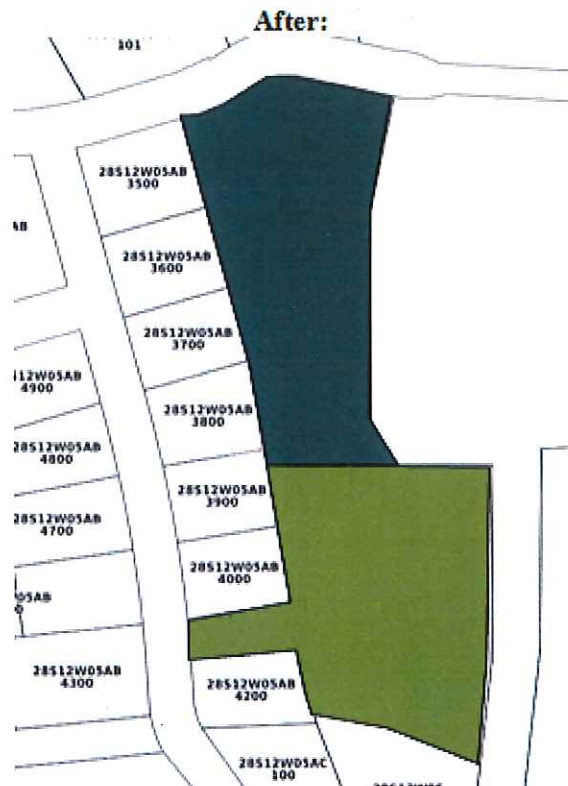
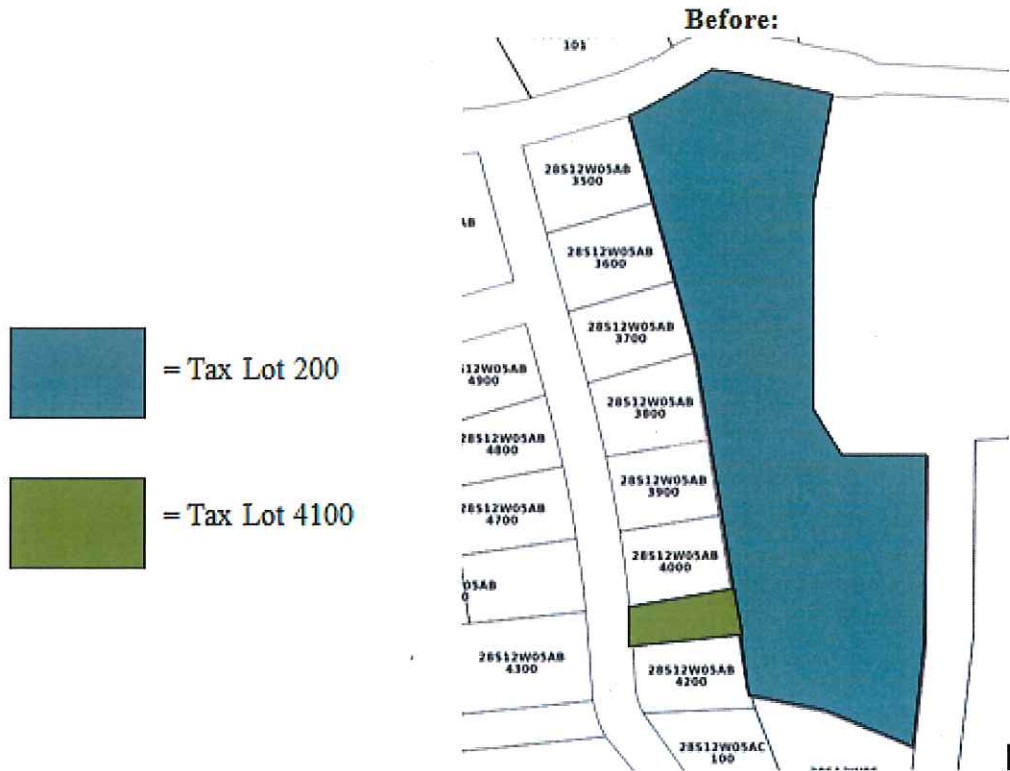


EXHIBIT "C"  
BEFORE & AFTER MAPS



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

|                        |   |   |
|------------------------|---|---|
| File Number            | PLA-19-004  |   |
| Applicant(s)           | Anita Swearingen  |   |
| Account Numbers        | 838808  | 7508200   |
| Map Numbers            | 28S120500-00200   | 28S1205AB-04100   |
| Property Owners        | SWEARINGEN, ANITA S<br>95023 SHELLY LN<br>COQUILLE, OR 97423-8523               | SWEARINGEN, ANITA S<br>95023 SHELLY LN<br>COQUILLE, OR 97423-8523               |
| Situs Addresses        | 95008 SHELLEY LN COQUILLE, OR<br>97423  | No Situs Issued   |
| Acreages               | 4.04 Acres  | 0.20 Acres  |
| Zoning                 | RURAL RESIDENTIAL - 5 (RR-5)  | RURAL RESIDENTIAL - 5 (RR-5)  |
| Special Considerations | COQUILLE MUTUAL INTEREST<br>AREA (CMI)<br>NATURAL HAZARD - LANDSLIDE<br>(NHLND) | COQUILLE MUTUAL INTEREST AREA<br>(CMI)<br>NATURAL HAZARD - LANDSLIDE<br>(NHLND) |

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|                  |                                  |
|------------------|----------------------------------|
| Reviewing Staff: | Crystal Orr, Planning Specialist |
| Date of Report:  | March 29, 2019                   |

**VI. PROPOSAL**

The proposal is a request for Planning Director Approval of a Property Line Adjustment between two Lawfully Created Parcels to give tax lot 4100 more acreage in order to site a dwelling.

**II. BACKGROUND INFORMATION**

Tax lot 200 has a Single Family Dwelling and Accessory Structure. In 2001 the Dwelling was altered and the Accessory Structure was built. Planning Staff could not find any proof that an application was submitted for the improvements, therefore an after the fact Compliance Determination must be submitted. The after the fact fee will not be charged as the property was not in the Swearingen ownership at the time. On June 10, 1994 a Property Line Adjustment was approved with tax lot 302. On November 1, 2001 another Property Line Adjustment was approved with tax lot 302, which gave parcel 200 its current configuration.

Tax lot 4100 has no prior development or previous applications.

**III. PROPERTY DESCRIPTION AND PROPOSAL**

**LOCATION:** These parcels are located east of the City of Coquille. Tax lot 200 is off of Shelly Lane and tax lot 4100 is off of Gladewood Road.

**LAWFULLY CREATED:**

Tax lot 200 is a lawful unit of land created pursuant to CCZLDO 6.1.125.1.e by deed (78-44689) prior to any applicable planning, zoning, subdivision or partition ordinances and or regulations that prohibited the

creation. Tax lot 200 received its current configuration through a Property Line Adjustment that was approved November 1, 2001. Tax lot 4100 is a lawful unit of land pursuant to CCZLDO 6.1.125.1.c, as it was created through a Subdivision (Gladewood Heights) created in 1968.

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

- **92.010 DEFINITIONS FOR ORS 92.010 TO 92.192.** As used in ORS 92.010 to 92.192, unless the context requires otherwise: \*\*\*
  - (10) "Plat" includes a final subdivision plat, replat or partition plat.
  - (11) "Property line" means the division line between two units of land.
  - (12) "Property line adjustment" means a relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.
  - (13) "Replat" means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

**FINDING:** The proposal is to move a common property line between two abutting properties. One property is located within plat but it is adjusting with a property outside of the plat; therefore, it meets the definition of a property line adjustment and not a replat.

- **SECTION 6.3.125 PROCEDURE:**

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

**FINDING:** The applicant stated that the reason for the adjustment is to give tax lot 4100 more acreage in order to create a buildable lot. A complete application with a plot plan showing the existing and proposed location of the new line as well as a current property report was supplied. The properties do not have a lien. Therefore, these criteria have been addressed.

2. *A line adjustment is permitted only where an additional unit of land is not created and where the lot or parcel reduced in size by the adjustment complies with the requirements of the applicable zone except that a line adjustment for the purpose of exchange or transfer of land between resource land owners shall be allowed so long as:*

- a. *No parcel is reduced in size contrary to a condition under which it was formed;*
- b. *The resulting parcel sizes do not change the existing land use pattern (e.g. two conforming parcels must remain conforming); and*
- c. *Two non-conforming parcels may remain non-conforming; and, two parcels, one conforming and one non-conforming, may remain as such regardless of which parcel is non-conforming after the exchange or transfer).*

**FINDING:** The minimum lot size for the zoning district of the two parcels in question is five (5) acres. Both tax lots are legal non conforming tax lots and will remain so after the adjustment. Tax lot 200 1.86 acres and tax lot 4100 will contain 2.38 acres.

Therefore, this request complies with the criteria under this section.

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

**FINDING:** No encroachment of existing structures will be created by adjusting the property boundary line. Therefore, this criterion has been met. Any future structures will be required to comply with the setback requirements in the applicable zoning district.

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

**FINDING:** Both parcels will be over an acre after the adjustment. Therefore, this condition does not apply.

- 5. *In resource lands, a unit of land containing a dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling.*

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

**FINDING:** The purpose of this adjustment is not to qualify for a dwelling. Therefore, this criterion does not apply.

- 6. *Same Designation: A line adjustment shall only be permitted where the sale or transfer of ownership is made between abutting owners of like designated lands, residential lands, commercial lands, industrial lands, resource lands, and estuary zoned lands unless an existing structure encroaches over an existing property boundary or the boundary line adjustment is*



*required to comply with requirements of the State Department of Environmental Quality for a subsurface sewage system.*

**FINDING:** The zoning districts will not change. Therefore, this criterion has been met.

- **SECTION 6.3.150 EASEMENTS AND ACCESS:**

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

**FINDING:** There will be no affect on existing easements. The easement located on tax lot 200 must transfer with the Property Line Adjustment, meaning the septic system easement shown on the map in Exhibit E must remain. Therefore, this criterion has been met.

**VI. DECISION:**

The proposed Property Line Adjustment meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions as listed above. This is a tentative approval that is valid for up to one year. To finalize this decision the applicant shall comply with the approval and filing Requirements found in the conditions of approval in Exhibit "A" of this report.

**Exhibit E**  
**Surveyors Comments**



**COOS COUNTY SURVEYOR**  
250 N. Baxter Street, Coquille, Oregon 97423

**Michael L. Dado**  
541-396-7586  
Email [coosurvey@co.coos.or.us](mailto:coosurvey@co.coos.or.us)

March 22, 2019

PLA-19-004  
Anita Swearingen  
28-12-5, TL 200 & 28-12-5AB, TL 4100

Crystal,

I have no objections to this proposed Property Line Adjustment.  
The new line will need to be monumented.  
I have no further comments at this time.

Very truly yours

A handwritten signature in black ink that reads "Michael L. Dado". The signature is written in a cursive style with a large initial "M" and "D".

Michael L. Dado  
|

**Exhibit F  
Septic Easement**



AFTER RECORDING RETURN TO:  
JEAN FARLEN-KENDALL  
PO BOX 704  
COQUILLE, OR 97423

96 02 0615

**EASEMENT AGREEMENT**

THIS AGREEMENT, made this 2nd day of February, 1996, by and between Arthur M. Ellingson, grantor(s) and Jean K. Farlen-Kendall, grantor(s) WHEREAS, grantor(s) are the owners of the following described real property in COOS County, Oregon, To-wit:

As set forth on attached Exhibit A

The grantor(s), in consideration of FIVE HUNDRED DOLLARS (\$500.00) and other valuable consideration, receipt of which is hereby acknowledged, do hereby grant and convey to the grantee(s), their heirs, successors and assigns a nonexclusive easement described as follows, To-wit:

North 140 feet from iron rod on North East corner of the above described property ... thence West 50 feet ... thence 180 feet south to property line of the above described property ... thence following said property line in an easterly fashion to the iron rod at point of beginning.

subject to liens and encumbrances of record, he and upon the following described real property of grantor in COOS County, Oregon, To-wit:

As set forth on attached Exhibit B

for the construction, maintenance, use and repair of an individual water-carried on-site sewage disposal system (hereinafter called "system") appurtenant to the above described property of grantees.

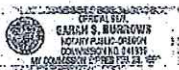
Grantor(s), for themselves and their heirs, successors and assigns, covenant and agree to and with the grantee(s), their heirs, successors and assigns, that the above described property of the grantor(s) shall not be used for any purpose detrimental to said system or contrary to laws and rules of governmental agencies applicable or related to said system.

IN WITNESS WHEREOF, THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS OF THE DATE FIRST HEREINABOVE WRITTEN.

Arthur M. Ellingson Grantor Jean K. Farlen-Kendall Grantee  
Grantor Grantee

STATE OF OREGON )  
County of Coos ) ss.  
Feb. 7, 1996

Personally appeared the above named Arthur M. Ellingson grantor, and Jean Farlen-Kendall grantee and acknowledge the foregoing instrument to be their voluntary act. Before me:



Dorel S. Burrows  
Notary Public for Oregon  
My commission expires: Feb. 28, 1999

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