



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: August 1, 2019

File No: PLA-19-009

RE: Request for a land use authorization for a Property Line Adjustment Plat

Applicant(s): Lorenzo & Laura Craig Troy Rambo
97204 Stian Smith Lane PO Box 809
Coos Bay, OR 97420 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 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

Account Numbers	302800, 99918442, 99918443
Map Numbers	25S123600-00600, 601, 602
Property Owners	CRAIG, LORENZO T. & LAURA A. 97204 STIAN SMITH LN COOS BAY, OR 97420-6571
Situs Addresses	97204 STIAN SMITH LN COOS BAY, OR 97420
Acreages	70.99 Acres, 37.20 Acres, 10.44 Acres
Zonings	(CBEMP) CONSERVATION AQUATIC (20-CA) EXCLUSIVE FARM USE (EFU) FOREST (F) RURAL SHORELANDS (20-RS)
Special Considerations	FLOODPLAIN (FP) FOREST MIXED USE (MU) NATIONAL WETLAND INVENTORY SITE (NWI)

Notice shall be posted from August 1, 2019 until 5:00 pm on August 16, 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 five lawfully created parcels, under application file number PLA-19-009

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 August 16, 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:  Date: August 1, 2019
Crystal Orr, Planning Specialist

Authorized by:  Date: August 1, 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-19-009 Staff Report
- Exhibit E: Surveyors Comments

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. No further division of land will be allowed.

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**



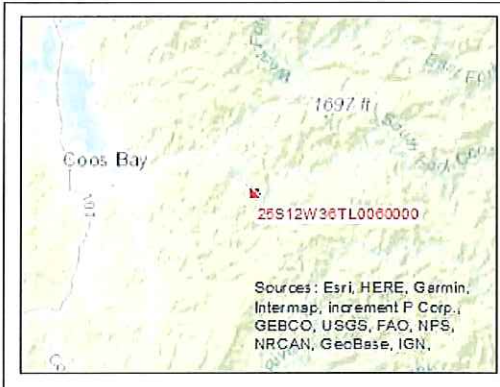
COOS COUNTY PLANNING DEPARTMENT

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: ACU-19-019

Applicant/
Owner: Lorenzo & Laura Craig

Date: July 9, 2019

Location: Township 25S Range 12W
Section 36 TL 600

Proposal: Administrative Conditional Use

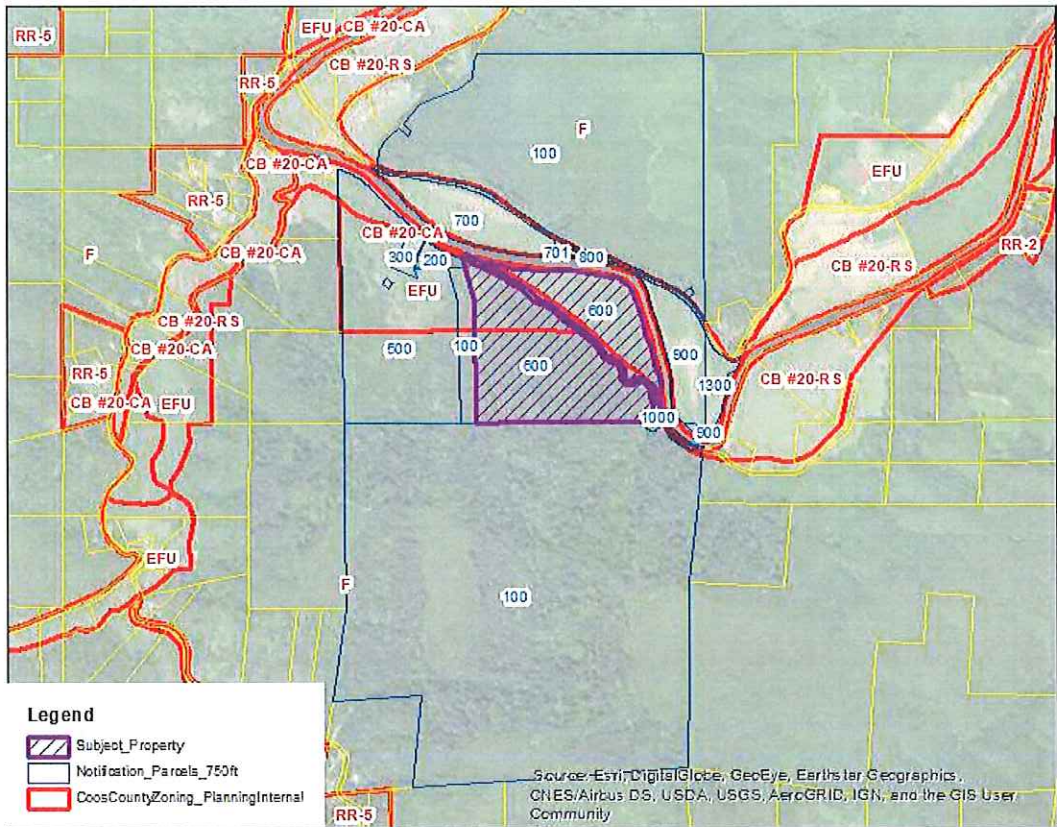
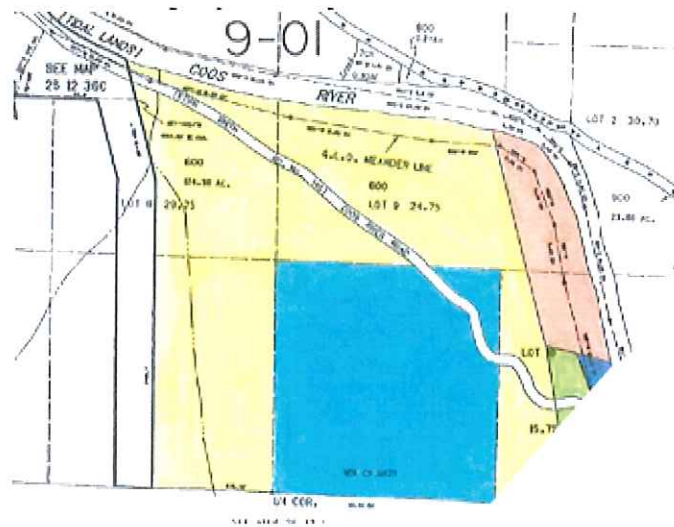


EXHIBIT "C" Tentative Before and After Maps



TENTATIVE PROPERTY LINE ADJUSTMENT PLAT - LOCATED IN THE S1/2
OF SECTION 36, T.25S., R.12W., W.M., COOS COUNTY, OREGON
I.T.L.'S 600, 601 & 602 - ACCT.#'S - 302800, 99918442 & 99918443



EXHIBIT "D"

STAFF REPORT

File Number PLA-19-009

Applicant(s) Lorenzo & Laura Craig

Account Numbers 302800, 99918442, 99918443
Map Numbers 25S123600-00600, 601, 602

Property Owners CRAIG, LORENZO T. & LAURA A.
 97204 STIAN SMITH LN
 COOS BAY, OR 97420-6571

Situs Addresses 97204 STIAN SMITH LN COOS BAY, OR 97420

Acreages 70.99 Acres, 37.20 Acres, 10.44 Acres

Zoning CONSERVATION AQUATIC (20-CA)
 COOS BAY ESTUARY MNGMT PLAN (CBEMP)
 EXCLUSIVE FARM USE (EFU)
 FOREST (F)
 RURAL SHORELANDS (20-RS)

Special Considerations FLOODPLAIN (FP)
 FOREST MIXED USE (MU)
 NATIONAL WETLAND INVENTORY SITE

Reviewing Staff: Crystal Orr, Planning Specialist
Date of Report: August 1, 2019

VI. PROPOSAL

The proposal is a request for Planning Director Approval of a Property Line Adjustment Plat between Five Lawfully Created Units of Land.

II. BACKGROUND INFORMATION

Tax lot 600 has a Single Family Dwelling with assessment records of a year built as 1888. On July 15, 2008 a Discrete Parcel Determination was received by Planning Staff from Corey Woodruff of Stuntzner Engineering and Forestry, LLC. On July 29, 2008 Planning Staff concurred with Mr. Woodruff's certification and found that seven (7) lawfully created parcels existed. On December 23, 2014 a Research Request (R-14-13) was approved to allow the replacement of a non-farm dwelling. On May 14, 2010 a Measure 49 claim was received from the Oregon Department of Land Conservation and Development Division. The Measure 49 claim allowed two (2) additional lots or parcels and two (2) additional dwellings on the property. In researching the claim it appears they did not have the correct information regarding how many parcels or units of land were in the Craig family ownership. Page six (6) number (4) of the Measure 49 Claim states that the number of lots, parcels or dwellings a claimant may establish under their homesite authorization is reduced by the number of lots, parcels and dwellings currently in existence on the measure 37 claim property and contiguous property in the same ownership, regardless of whether evidence of their existence has been provided to the department. This means that a Land Division will not be allowed to create additional units of land because the property owners already have more lawfully created units of land, but the two (2) home site approvals still remain.

III. PROPERTY DESCRIPTION AND PROPOSAL

LOCATION: These parcels are located southeast of the City of North Bend and are accessed via Stian Smith Road, which is a County Maintained Road.

LAWFULLY CREATED:

All tax lots are lawfully created pursuant to 6.1.125.1.b through a prior land use decision (Discrete Parcel Determination).

IV. APPLICABLE CRITERIA & FINDINGS OF FACT

- ***SECTION 5.6.120 ALTERATIONS, REPAIRS OR VERIFICATION:***

Alterations, repairs or verification of a nonconforming use requires filing an application for a conditional use (See CCZLDO Article 5.2). All such applications shall be subject to the provisions of Section 5.6.125 of this ordinance and consistent with the intent of ORS 215.130(5)-(8). Alteration of any nonconforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. The County shall not condition an approval of a land use application when the alteration is necessary to comply with State or local health or safety requirements, or to maintain in good repair the existing structures associated with the use.

- ***SECTION 5.6.125 CRITERIA FOR DECISION:***

When evaluating a conditional use application for alteration or repair of a nonconforming use, the following criteria shall apply:

1. The change in the use will be of no greater adverse impact to the neighborhood;
2. The change in a structure or physical improvements will cause no greater adverse impact to the neighborhood; and
3. Other provisions of this ordinance, such as property development standards, are met.

For the purpose of verifying a nonconforming use, an applicant shall provide evidence establishing the existence, continuity, nature and extent of the nonconforming use for the 10-year period immediately preceding the date of the application, and that the nonconforming use was lawful at the time the zoning ordinance or regulation went into effect. Such evidence shall create a rebuttable presumption that the nonconforming use lawfully existed at the time the applicable zoning ordinance or regulation was adopted and has continued uninterrupted until the date of the application.

SECTION 5.6.130 GENERAL EXCEPTIONS TO MINIMUM PROPERTY SIZE REQUIREMENTS:

If a single parcel, lot or contiguous units of land existing in a single ownership were created in compliance with all applicable laws and ordinances in effect at the time of their creation and have an area or dimension which does not meet the property size requirements of the zone in which the property is located, such lots or units may be occupied by a use permitted in the zone.

1. Nothing in this ordinance shall be interpreted to limit the conveyance of such lots or contiguous units of land, provided that such holdings are sold as a single ownership.

2. Nothing in this ordinance shall be deemed to prohibit construction of conforming uses on such lots or units or the sale of such lots or units within subdivisions or land partitioning approved prior to the adoption of this ordinance, subject to other requirements of this ordinance.

FINDING: All five (5) lawfully created parcels (which were created prior to January 1, 1986) and are considered legal nonconforming units of land. Each unit is under the 80 acre minimum Exclusive Farm Use (EFU) and Forest (F) Zone making them nonconforming. The applicant submitted this application to reconfigure the nonconforming units of land along with the nonconforming dwelling that would not customarily be allowed as of right in the farm or forest zones. The plan is to sell or divide up the ownership between family members; therefore, it is necessary to review the nonconformance of the units of land through a replat method similar to a land division but due to the fact that the units of land were not created through a subdivision plat the maps are required to follow the property line adjustment mapping requirements.

There will be no change in a structure or physical improvements at this time but there will be a change in the size of the property which requires an analysis of setbacks. Staff has reviewed the plans, application, assessment information and all of the records on file to determine that the reconfiguration of the non-conforming units of land will not cause a greater adverse impact to the neighborhood. The units of land have been in existence reconfiguring the properties will allow the applicants to take advantage of their M49 claim and site the dwellings outside of any hazard area.

Therefore, staff finds that the reconfiguration of lots and changing ownerships will not impact the neighborhood.

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

June 11, 2019

PLA-19-009
Lorenzo T. & Laura A. Craig
97204 ~~Stian~~ Smith Lane
Coos Bay, OR 97420

Sierra,

I have no objections to this proposed Administrative Conditional Use for a multiple Property Line Adjustment. Each entire new line will need to be monumented as shown on the Proposed Plan. I'm not sure what is going on in the lower right hand corner on Lot 5, where the tentative plat is showing a dashed line where a solid line should be. I also would need further clarification as to what monuments were going to remain calculated, and which ones need to be set. I am sure that Troy and I can work that part out. I would also need to see the proposed PLA deeds before the Final can be approved. I have no further comments at this time.

Very truly yours

Michael L. Dado

From: Jorene J. Smith
Sent: Monday, June 17, 2019 7:47 AM
To: Sierra Brown
Subject: RE: request for comments ACU-19-019 Craig

I do have questions, I am not sure exactly what is happening with this one, is it a "plat" or will it be a serial pla? I cannot really give it a review until I know more of what we are actually going to do if they are doing multiple pla deeds or if they are going to record some kind of newfangled "PLA PLAT" as shown with Lot #'s and will it have the same requirements as a subdivision plat i.e a name etc? I have spoken with Troy a little and my understanding thus far is that "if accepted" it will be a plat, but I will need to be informed of what requirements you guys are making in order to accomplish that as I have never heard of such a thing and am not quite sure how to comment.

Thanks,

Jorene Smith

Jorene Smith
Cadastral Cartographer
Coos County Assessors Office
Phone: (541)396-7908
Fax: (541)396-1027
Email: jjsmith@co.coos.or.us
<http://www.co.coos.or.us/Departments/Assessors.aspx>

Not Legal Advice: I am not an attorney and I am not permitted to give legal advice. Nothing in this communication is intended to provide legal advice and you should not interpret the contents as such.