

FLOODPLAIN (FP)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - TSUNAMI (NHTHO)
NATURAL HAZARD - WILDFIRE (NHWF)
WETLANDS (WET)

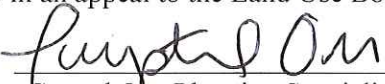
The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written 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 two (2) property line adjustment between three (3) lawfully created parcels, under application file number PLA-19-011 & PLA-19-012

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 December 2, 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: November 20, 2019
Crystal Orr, Planning Specialist

Authorized by:  Date: November 20, 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-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 D: PLA-19-011 & PLA-19-012 Staff Report
- Exhibit E: Surveyor & Assessor 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. An after the fact compliance determination for the illegal addition to the dwelling on tax lot 200 must be submitted prior to any adjustment plats being signed.
4. An after the fact compliance determination will need to be submitted for the structure sited without planning approval on tax lot 1400 prior to any adjustment plats being signed.

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



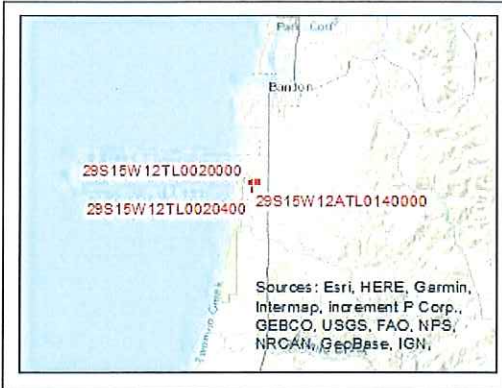
COOS COUNTY PLANNING DEPARTMENT

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-19-011/PLA-19-012

Property Owners: Lowell Meyer Revocable Trust/Mary Meyer
John Meyer/

Date: November 18, 2019

Location: Township 29S Range 15W
Section 12/12A TL 200, 204 / 1400

Proposal: Property Line Adjustment

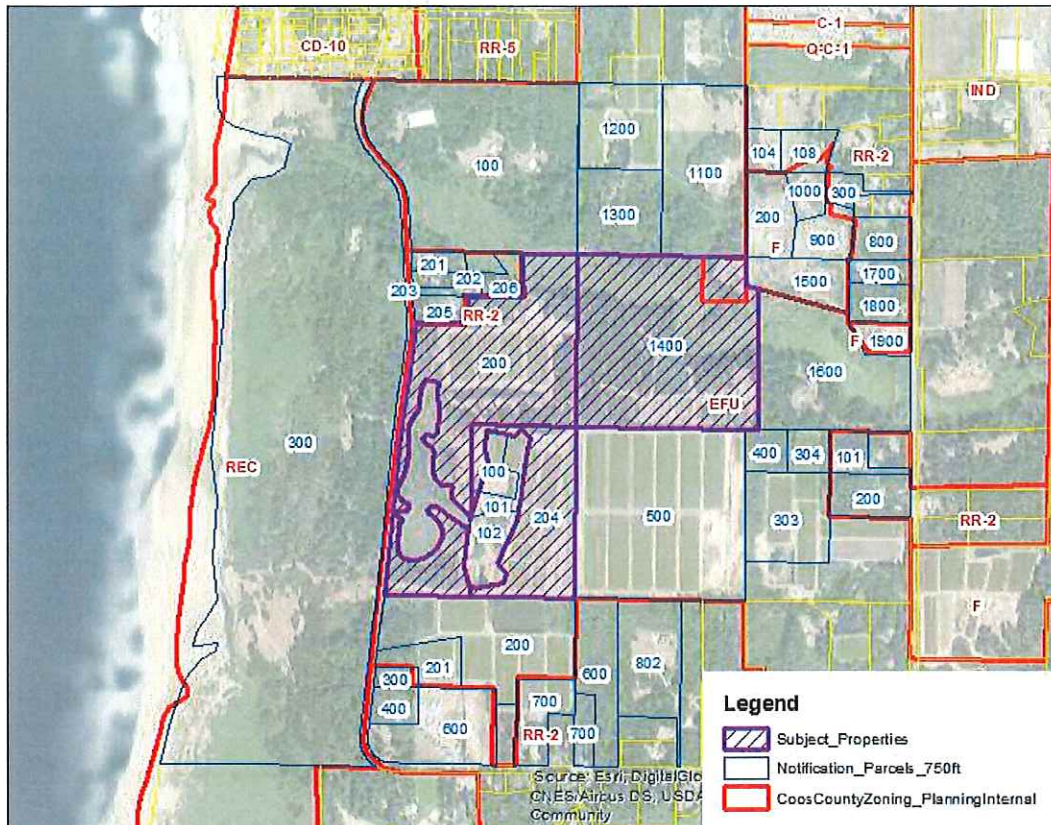
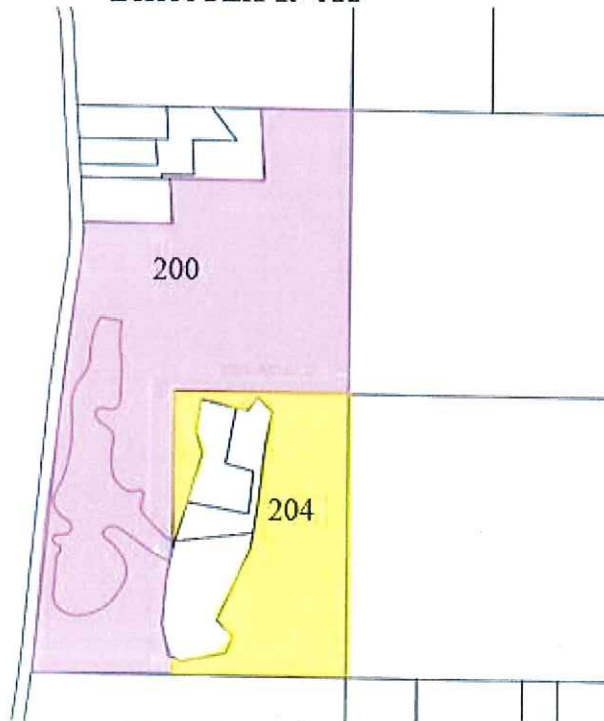
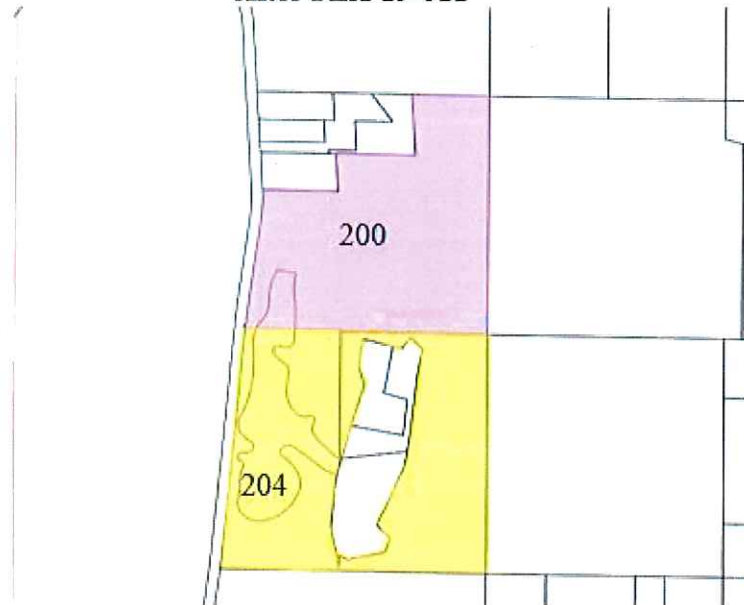


EXHIBIT "C"
Tentative Before and After Maps

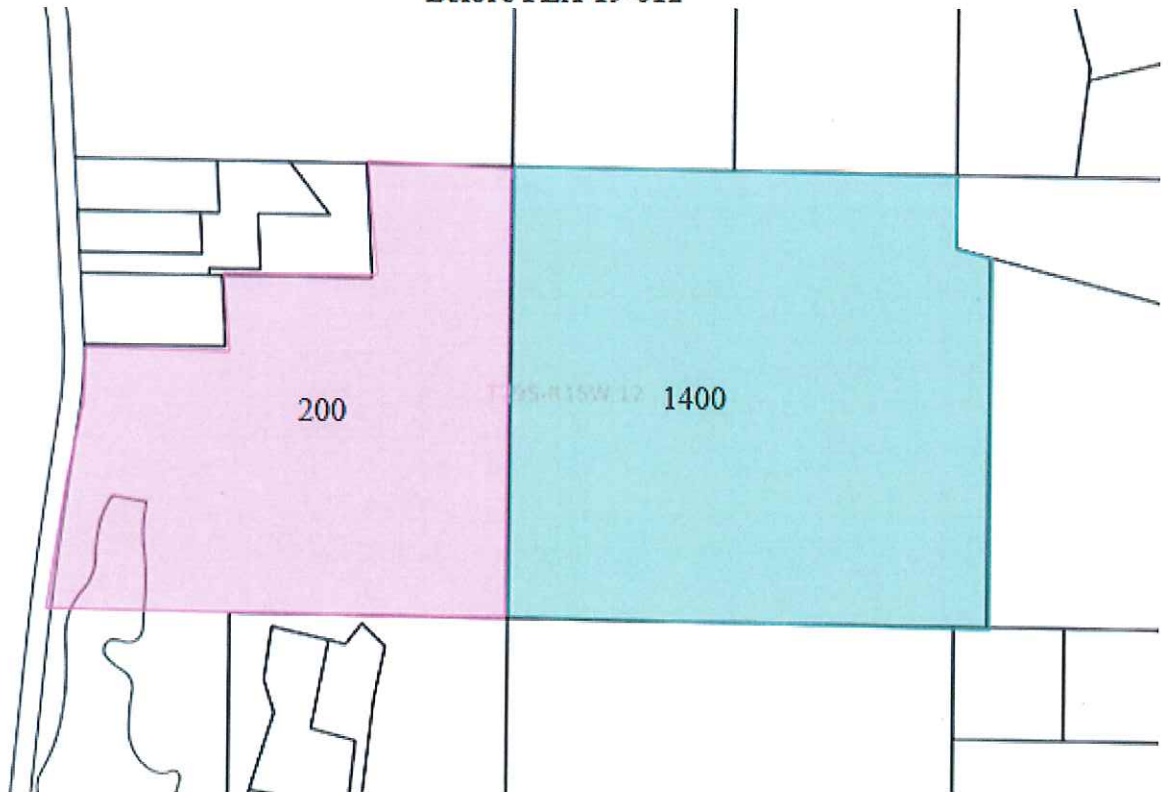
Before PLA-19-011



After PLA-19-011



Before PLA-19-012



After PLA-19-012

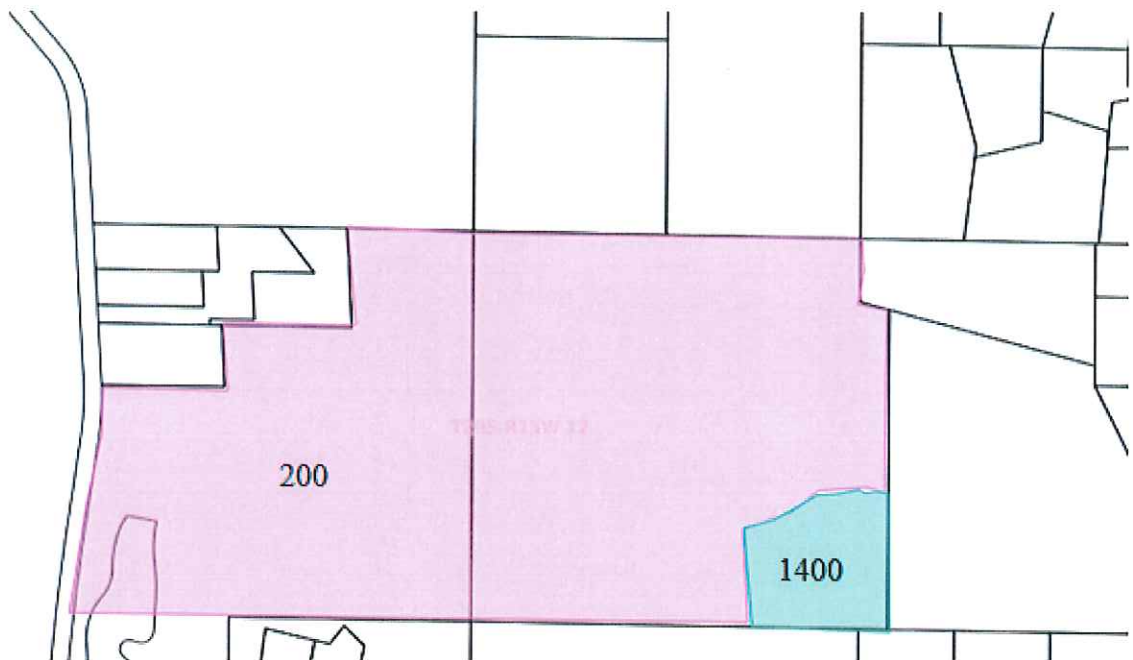


EXHIBIT "D"

STAFF REPORT

File Number PLA-19-011 & PLA-19-012

Applicant(s) John Meyer

Account Numbers 1236600, 1236606, 1235802
Map Numbers 29S151200-00200, 29S151200-00204, 29S1512A0-01400

Property Owners MARY R. MEYER REVOCABLE TRUST
MEYER, LOWELL & MARY, TRUSTEES
@ MEYER, JOHN L.
PO BOX 1624
BANDON, OR 97411-1624

Situs Addresses 54305 BEACH LOOP RD BANDON, OR 97411

Acreages 49.21 Acres, 15.02 Acres, 42.46 Acres

Zoning EXCLUSIVE FARM USE (EFU)

Special Considerations ARCHAEOLOGICAL SITES (ARC)
BANDON AIRPORT CONICAL ZONE (ABC)
BANDON AREA OF MUTUAL INTEREST (BMI)
COASTAL SHORELAND BOUNDARY (CSB)
FLOODPLAIN (FP)
NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - TSUNAMI (NHTHO)
NATURAL HAZARD - WILDFIRE (NHWF)
WETLANDS (WET)

Reviewing Staff: Crystal Orr, Planning Specialist
Date of Report: November 20, 2019

VI. PROPOSAL

The proposal is a request for Planning Director Approval of two (2) Property Line Adjustments.

II. BACKGROUND INFORMATION

Tax lot 200

- A Conditional Use application (ACU-88-57) was approved to allow a farm related dwelling on September 22, 1988. On September 27, 1988 a Zoning Clearance Letter was issued to allow the property owner to site a stick built dwelling or mobile home. On September 13, 1993 a Zoning Clearance Letter (ZCL-93-532) was issued to replace the mobile home with a stick built dwelling.

Tax Lot 204

- A Measure 49 Claim was approved on May 24, 2010.

Tax Lot 1400:

- On December 29, 1976 a Zoning Clearance Letter was issued to allow evaluation and permit to replace the existing septic system. At this time a dwelling, workshop and septic was marked as existing improvements.
- On January 8, 1986 a Zoning Clearance Letter (ZCL-86-03) was issued to construct foundation under existing dwelling.
- On July 11, 1990 a Zoning Clearance Letter (ZCL-90-360) was issued to allow a septic system replacement.
- On April 9, 2014 a Zoning Clearance Letter (ZCL-14-79) was issued to allow the existing dwelling to be replaced with a new single family dwelling. Clearance was also given to replace the septic system if needed.

It appears that the dwelling on tax lot 200 was altered with an addition sometime between 2004 and 2019 without planning approval. An after the fact compliance determination for the addition must be submitted prior to any adjustment plats being signed. (See Below)



An accessory structure was sited without planning approval on tax lot 1400. As a condition of approval an after the fact compliance determination will need to be submitted for the structure prior to any adjustment plats being signed. (See below)



III. PROPERTY DESCRIPTION AND PROPOSAL

LOCATION: These parcels are located south of the City of Bandon and are accessed via Highway 101, which is a state owned and maintained highway.

LAWFULLY CREATED:

Tax lot 200 is lawfully discrete pursuant to Section 6.1.125.1.e by deed prior to applicable planning zoning or subdivision ordinances (deed document number 82-3-6040). Tax lot 204 is lawfully discrete pursuant to Section 6.1.125.1.e by deed prior to applicable planning zoning or subdivision ordinances

(deed document number 81-41209). Tax lot 1400 is lawfully discrete pursuant to Section 6.1.125.1.e by deed prior to applicable planning zoning or subdivision ordinances (deed document number 86-3-3252).

IV. APPLICABLE CRITERIA & FINDINGS OF FACT

- **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. The Planning Director may waive any portion of this requirement if the property is large and does not have a lien holder.*
 - 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: This application is found to be complete and contain all documents required by this section. The purpose of the property line adjustment is for estate purposes. There is not a lien holder for any of the applying properties. Therefore, these criteria have been addressed.

1. *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 size within the Exclusive Farm Use (EFU) and Forest (F) zone is 80 acres. All of the parcels are legal non conforming units of land. After the adjustment all of the parcels will remain legal non conforming. Tax lot 200 will be left with 75.46 acres, tax lot 204 will have 26.20 acres and tax lot 140 will have 5 acres. Therefore, this request complies with the criteria under this section.

2. *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.

3. *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: None of the parcels will be less than an acre after the adjustment. Therefore, this condition does not apply.

4. *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.

5. *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. 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

September 9, 2019

PLA-19-011
Lowell & Mary R. Meyer
29-15- 12, TL 200 & TL 204

Amy,

I have no objections to this proposed Property Line Adjustment.
Because all parcels are greater than 10 acres in size, a survey
will not be required.
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



COOS COUNTY SURVEYOR

250 N. Baxter Street, Coquille, Oregon 97423

Michael L. Dado

541-396-7586

Email coosurvey@co.coos.or.us

September 9, 2019

PLA-19-012

John Meyer & Mary R. Meyer

29-15- 12A, TL 1400 & 29-15- 12, TL 200

Amy,

I have no objections to this proposed Property Line Adjustment. The 5 acre tract created at the Southeast corner of Tax Lot 1400 will need to be monumented and some sort of access easement will need to be provided and described. I have no further comments at this time.

Very truly yours

Michael L. Dado