



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: December 4, 2019

File No: PLA-19-013

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

Applicant(s): Kenneth & Mary Shelton
63733 East Bay Rd
North Bend, OR 97459

Troy Rambo
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 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 291600, 291505
Map Numbers 25S123000-00100, 25S123000-00500

Property Owners SHELTON, KENNETH E. & MARY
63733 EAST BAY RD
NORTH BEND, OR 97459-8211

Situs Addresses 63733 EAST BAY RD NORTH BEND, OR 97459

Acreages 36.16 Acres and 13.38 Acres

Zonings FOREST (F), RURAL RESIDENTIAL-2 (RR-2), EXCLUSIVE FARM USE (EFU)

Special Considerations ARCHAEOLOGICAL SITES (ARC)
BIRD SITE MEETS GOAL 5C REQ RMT (B5C)
FOREST MIXED USE (MU)
NAT HAZARDS EARTHFLOW & SLUMP (HZE)

Notice shall be posted from December 4, 2019 until 5 pm on December 19, 2019

NATIONAL WETLAND INVENTORY SITE (NWI)
NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL)
NATURAL HAZARD - TSUNAMI (NHTHO)

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-19-013

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 19, 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: December 4, 2019
Crystal Orr, Planning Specialist

Authorized by:  Date: December 4, 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-19-013 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.

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.
 - d. The Coos County Surveyor reserves the right to require monumentation and mapping on parcels greater than ten acres in size.
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**



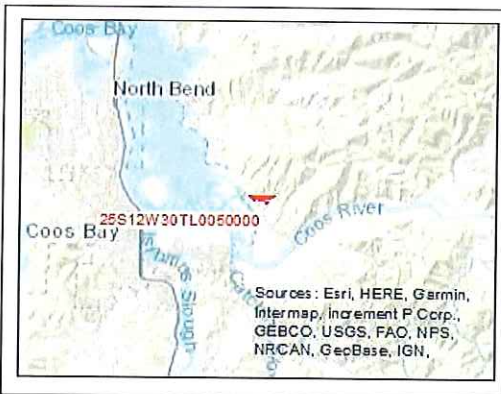
COOS COUNTY PLANNING DEPARTMENT

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-19-013

Applicant/ Owner: Kenneth & Mary Shelton/
Kenneth Shelton & Casey Fellows

Date: December 3, 2019

Location: Township 25S Range 12W
Section 30 TL 500

Proposal: Property Line Adjustment

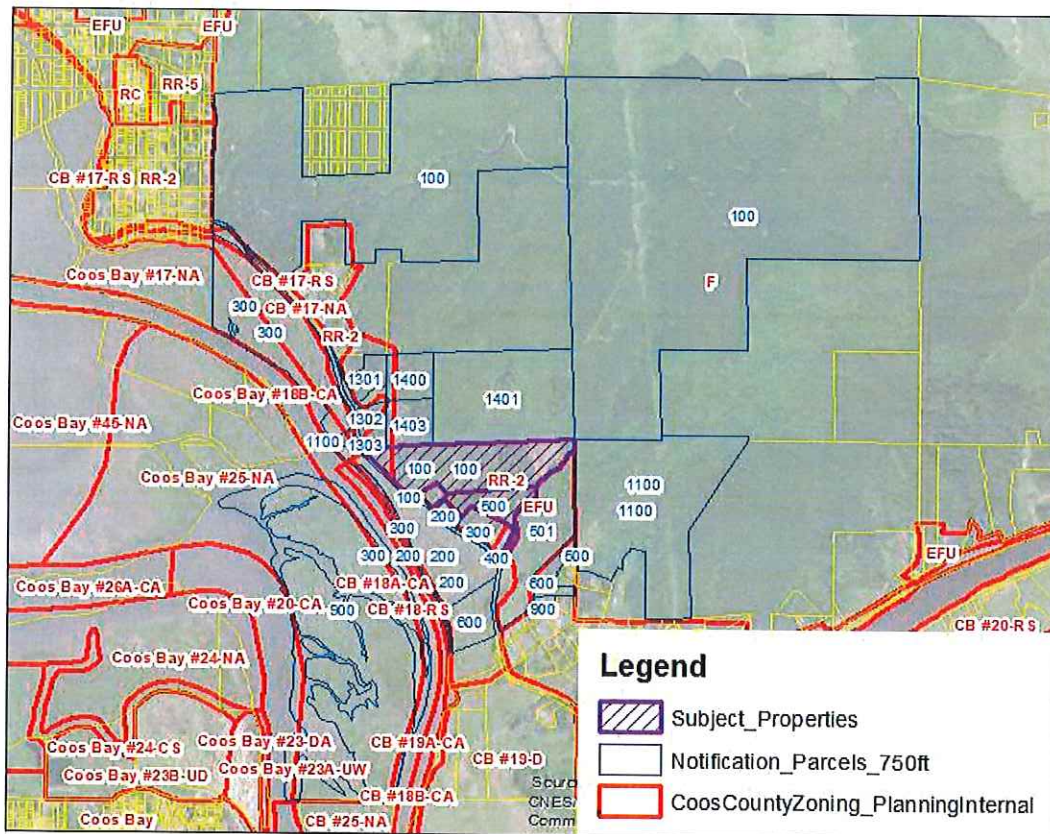
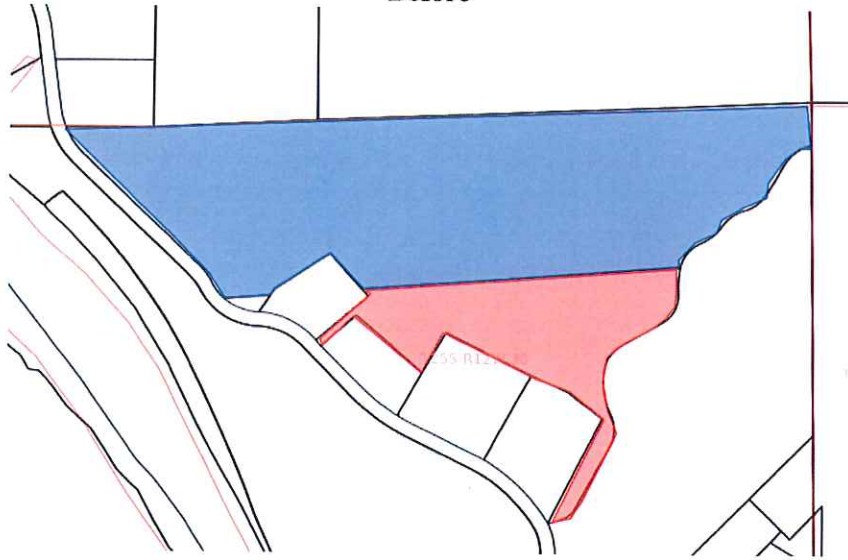


EXHIBIT "C"
BEFORE & AFTER MAPS

Before



After

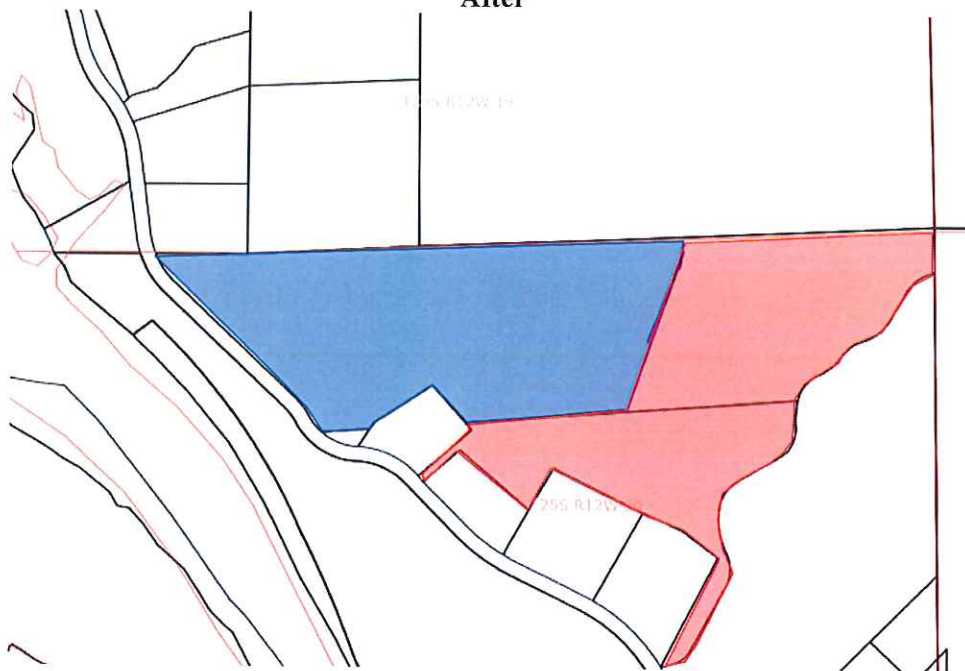


EXHIBIT "D"
STAFF REPORT

File Number	PLA-19-013
Applicant	Ken Shelton
Account Numbers	291600, 291505
Map Numbers	25S123000-00100, 25S123000-00500
Property Owners	SHELTON, KENNETH E. & MARY 63733 EAST BAY RD NORTH BEND, OR 97459-8211
Situs Addresses	63733 EAST BAY RD NORTH BEND, OR 97459
Acreages	36.16 Acres, 13.38 Acres
Zoning	FOREST (F), RURAL RESIDENTIAL-2 (RR-2), EXCLUSIVE FARM USE (EFU)
Special Considerations	ARCHAEOLOGICAL SITES (ARC) BIRD SITE MEETS GOAL 5C REQRMT (B5C) FOREST MIXED USE (MU) NAT HAZARDS EARTHFLOW & SLUMP (HZE) NATIONAL WETLAND INVENTORY SITE (NWI) NATURAL HAZARD - EARTHQUAKE - LIQUEFACTION (NHEQL) NATURAL HAZARD - TSUNAMI (NHTHO)

Reviewing Staff:	Crystal Orr, Planning Specialist
Date of Report:	December 4, 2019

VI. PROPOSAL

The proposal is a request for Planning Director Approval of a Property Line Adjustment between two Lawfully Created Parcels to create a more desirable boundary line.

II. BACKGROUND INFORMATION

Tax Lot 100

- February 2, 1976 a Zoning Clearance letter was issued to site a mobile home and install a septic system. The zoning clearance letter noted no existing improvements.
- June 20, 1991 a Zoning Clearance Letter (ZCL-91-284) was issued giving approval to construct a pole building for accessory use. The zoning clearance letter listed a dwelling as an existing improvement.
- April 14, 1995 a Zoning Clearance Letter (ZCL-95-128) was issued giving approval to site an agricultural building. The zoning clearance letter listed a dwelling and garage as existing improvements.

- January 30, 1996 a Zoning Clearance Letter (ZCL-96-037) was issued giving approval to replace the mobile home with a manufactured dwelling and a farm/ag structure. The zoning clearance letter listed a dwelling garage and shop as existing improvements.
- October 2, 2018 an Amendment/Rezone application was approved rezoning this parcel to Forest from Exclusive Farm Use. There is no development on this property. The Board of Commissioners approved the Amendment/Rezone Ordinance No 18-09-010PL with the effective date of adoption October 2, 2018.

Tax lot 500

- October 2, 2018 an Amendment/Rezone application was approved rezoning this parcel to Forest from Exclusive Farm Use. There is no development on this property. The Board of Commissioners approved the Amendment/Rezone Ordinance No 18-09-010PL with the effective date of adoption October 2, 2018.
- October 30, 2018 a Conditional Use application was approved to allow a forest template dwelling.

III. PROPERTY DESCRIPTION AND PROPOSAL

LOCATION: These parcels are located east of the City of Coos Bay and accessed through a private road via East Bay Road. The purpose of the property line adjustment is to allow for an area with little slope and better access to site a dwelling.

LAWFULLY CREATED:

Both tax lots were considered to be lawfully created pursuant to Section 6.1.125.1.b through a prior land use decision (AM-18-006/RZ-18-005).

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: The applicant stated that the reason for the adjustment is to give the units of land a more desirable boundary line for future management of the properties. 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. Tax Lot 100 has a lien through South Coast ILWU Federal Credit Union and a copy of this report will be mailed to them. Tax lot 500 does 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 involved within the line adjustment of the two parcels in question is 80 acres. Both tax lots are legal non conforming tax lots and will remain so after the adjustment. One parcel will contain 21.16 acres and the other will contain 29.38 acres.

Tax lot 100 has a small portion of Rural Residential-2 (RR-2) zoning, the minimum lot size within RR-2 is two (2) acres. This adjustment is not within the Rural Residential portion of the parcel and therefore does not apply to this application.

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. However, by moving the line it creates a buildable area that allows for better access and less slope. 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, the transfer of property is within the Forest and Exclusive Farm Use zoned portion of the property only. 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-19-013
Kenneth & Mary Shelton
25-12-30, TL 100
Kenneth Shelton & Casey Fellows
25-12-30, TL 500

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

Michael L. Dado