



NATURAL HAZARD - TSUNAMI (NHTHO)  
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 a property line adjustment between two lawfully created parcels, under application file number PLA-19-015.

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 December 30, 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 13, 2019  
Crystal Orr, Planning Specialist

Authorized by:  Date: December 13, 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-19-015 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-19-015  
 Applicant/ Owner: Michael Lovas/ Bandon Black Moon Farms  
 Date: December 12, 2019  
 Location: Township 30S Range 14W Section 15 TL 500 & 602  
 Proposal: Property Line Adjustment

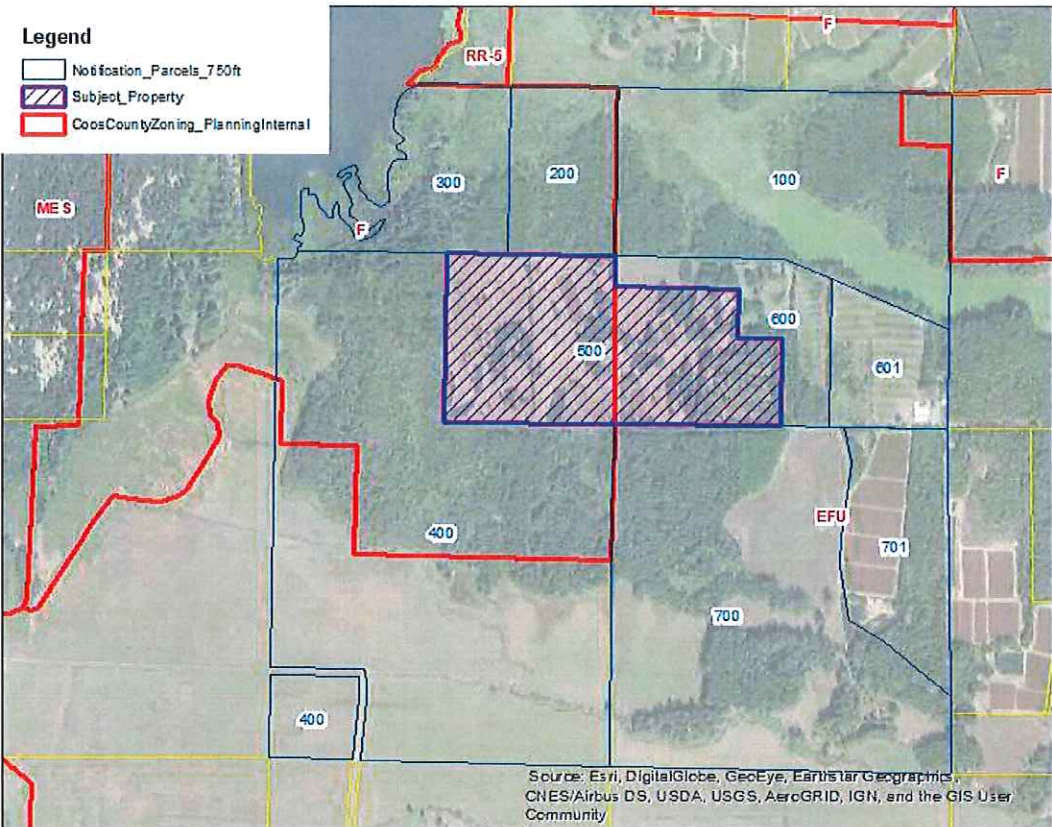
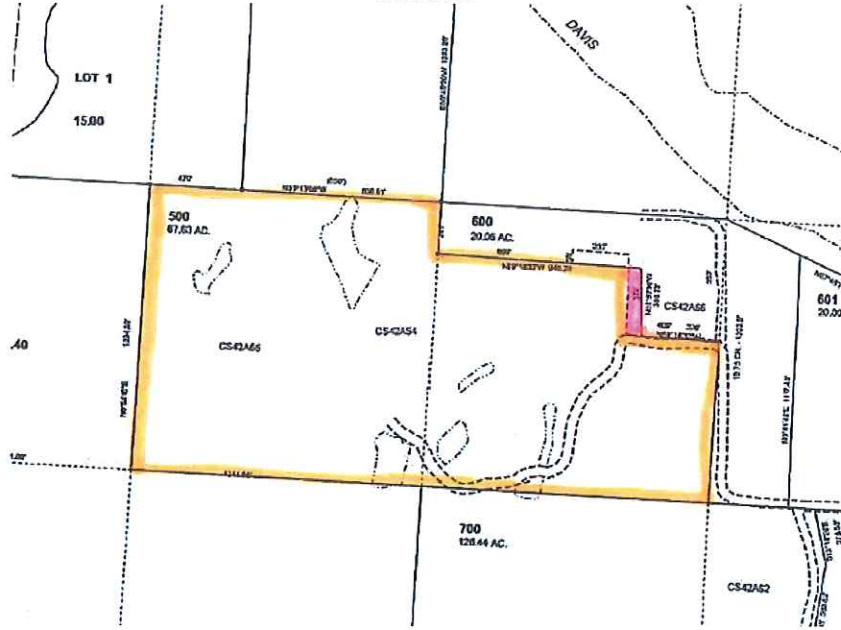
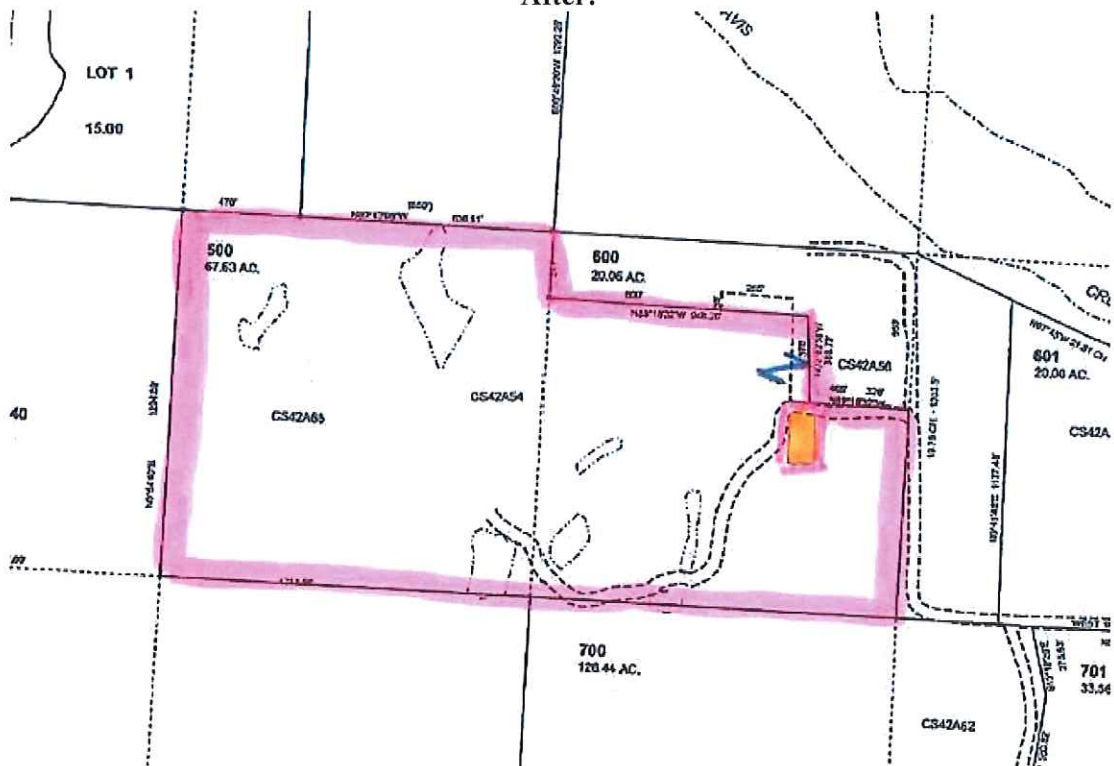


EXHIBIT "C"  
BEFORE & AFTER MAPS

Before:



After:



**EXHIBIT "D"**

**STAFF REPORT**

File Number                    PLA-19-015

Applicant                     Bandon Black Moon Farms

Account Numbers            1367200  
Map Numbers                30S151400-00500

Property Owners            BANDON BLACK MOON FARMS, LLC  
                                  219 BRANNAN ST #UNIT 11D  
                                  SAN FRANCISCO, CA 94107-4037

Situs Addresses            86814 SYDNAM LN BANDON, OR 97411  
                                  86812 SYDNAM LN BANDON, OR 97411

Acreages                     67.63 Acres

Zoning                        EXCLUSIVE FARM USE (EFU)  
                                  FOREST (F)

Special Considerations    FLOODPLAIN (FP)  
                                  FOREST MIXED USE (MU)  
                                  NATIONAL WETLAND INVENTORY SITE (NWI)  
                                  NATURAL HAZARD - TSUNAMI (NHTHO)  
                                  WETLANDS (WET)

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Reviewing Staff:            Crystal Orr, Planning Specialist  
Date of Report:             December 13, 2019

**VI. PROPOSAL**

The proposal is a request for Planning Director Approval of a Property Line Adjustment between two Lawfully Created Parcels to reconfigure the lots to separate the portion of the property that the marijuana production is occurring on from the farm land.

**II. BACKGROUND INFORMATION**

- July 24, 1981 Permit issued to repair existing septic system.
- April 12, 1990 VL-90-185 Permit issued to construct a single family dwelling. The existing dwelling was to be removed or rendered uninhabitable prior to occupation of the new dwelling.
- Secember 23, 1994 VL-94-699 Permit issued to construct a 20 x 50 farm building accessory to the farm use. Shed to be used for tools and storage for farm.
- October 14, 2015 ZCL-15-277 - Clearance to replace an existing dwelling, this zoning clearance letter was not implemented.
- May 10, 2016 Land Use Compatibility Statement signed off for indoor production of marijuana
- April 17, 2019 ZCL-19-128 was issued for clearance to have a septic site evaluation.
- August 30, 2019 D-19-005 approved certifying two discrete parcels.

**III. PROPERTY DESCRIPTION AND PROPOSAL**

**LOCATION:** These parcels are located south of the City of Bandon near the Coos-Curry boundary.

**LAWFULLY CREATED:**

Both tax lots were lawfully created pursuant to Section 6.1.125.b as they were created through a prior land use decision (D-19-005).

**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 reconfigure the lots to separate the portion of the property that the marijuana production is occurring on from the farm land. 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. Neither of the properties 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 Exclusive Farm Use (EFU) and Forest (F) zoning districts is 80 acres. Tax lot 500 has 67.63 acres and tax lot 602 has .47 acres. Therefore, both parcels are non conforming and will remain so after the adjustment. Tax lot 500 will have 67.51 acres and tax lot 602 will have .12 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:** Tax lot 602 is less than an acre and is being further reduced, but does not contain a dwelling. Tax lot 500 does contain a dwelling but is well over an acre and will remain so 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. 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)

December 6, 2019

PLA-19-015  
Bandon Black Moon Farms  
30-15- 14, TL 500  
Bandon Black Moon Farms  
30-15- 14, TL 602

Crystal,

I have no objections to this proposed Property Line Adjustment. I am having a problem locating Tax Lot 602 on the Before and After drawings that were submitted. I assume it's the small pink parcel, but the Assessor's Map doesn't indicate a separate Tax Lot. So if I am correct, the only comments I would have are that the new small parcel will need to be surveyed in its entirety and an easement will need to be established in order for that parcel to have legal access. 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".

Michael L. Dado |