



NOTICE OF LAND USE DECISION

Coos County Planning
225 N. Adams St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
Fax: 541-396-1022

This decision notice is required to be sent to the property owner(s), applicant(s), adjacent property owners (distance of notice is determined by zone area – Urban 100 feet, Rural 250 feet, and Resource 750 feet), special taxing districts, agencies with interest, or person that has requested notice. The development is contained within the identified property owners land. Notice is required to be provided pursuant to ORS 215.416. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

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.

Date of Notice: **Tuesday, March 17, 2020**

File No: PLA-19-024

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

Applicant(s): MCMAHON FAMILY TRUST
MCMAHON, JOHN A.; ETAL, TRUSTEE
PO BOX 2069
BANDON, OR 97411-2069

Staff Planner: Crystal Orr, Planner I

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Wednesday, April 01, 2020**. Appeals are based on the applicable land use criteria. Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.

Property Information

Account Numbers	2351200	2352100
Map Numbers	28S1431CA-01100	28S1431CA-01200
Property Owners	MCMAHON FAMILY TRUST MCMAHON, JOHN A.; ETAL, TRUSTEE PO BOX 2069 BANDON, OR 97411-2069	MCMAHON FAMILY TRUST MCMAHON, JOHN A.; ETAL, TRUSTEE PO BOX 2069 BANDON, OR 97411-2069
Situs Addresses	NO SITUS ADDRESS	55000 ROSA RD BANDON, OR 97411
Acreages	8.57 Acres	2.39 Acres
Zonings	EXCLUSIVE FARM USE (EFU)	EXCLUSIVE FARM USE (EFU)


This notice shall be posted from March 17, 2020 to April 1, 2020

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.

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 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.

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, Planner I and the telephone number where more information can be obtained is (541) 396-7770.

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.

Reviewed by:  Date: Tuesday, March 17, 2020 .
Crystal Orr, Planner I

This decision is authorized by the Coos County Planning Director, Jill Rolfe based on the staff's analysis of the Findings of Fact, Conclusions, Conditions of approval, Application and all evidence associated as listed in the exhibits.

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-19-024 Staff Report -**Findings of Fact and Conclusions**

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. Shall comply with any requirements from Coos County Surveyor or Assessor's Office.

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**



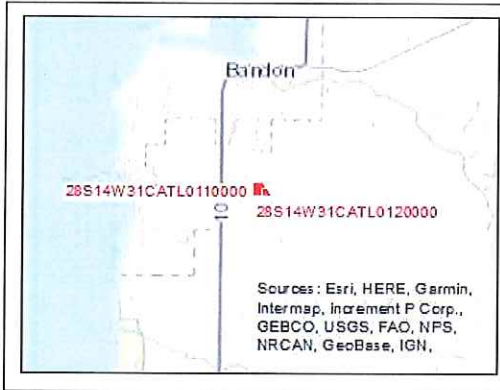
COOS COUNTY PLANNING DEPARTMENT

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-19-024

Applicant: / John McMahon /
Owner: / McMahon Family Trust /
Surveyor: Troy Rambo

Date: March 14, 2020

Location: Township 28S Range 14W
Section 31CA TL 1100 & 1200

Proposal: Property Line Adjustment

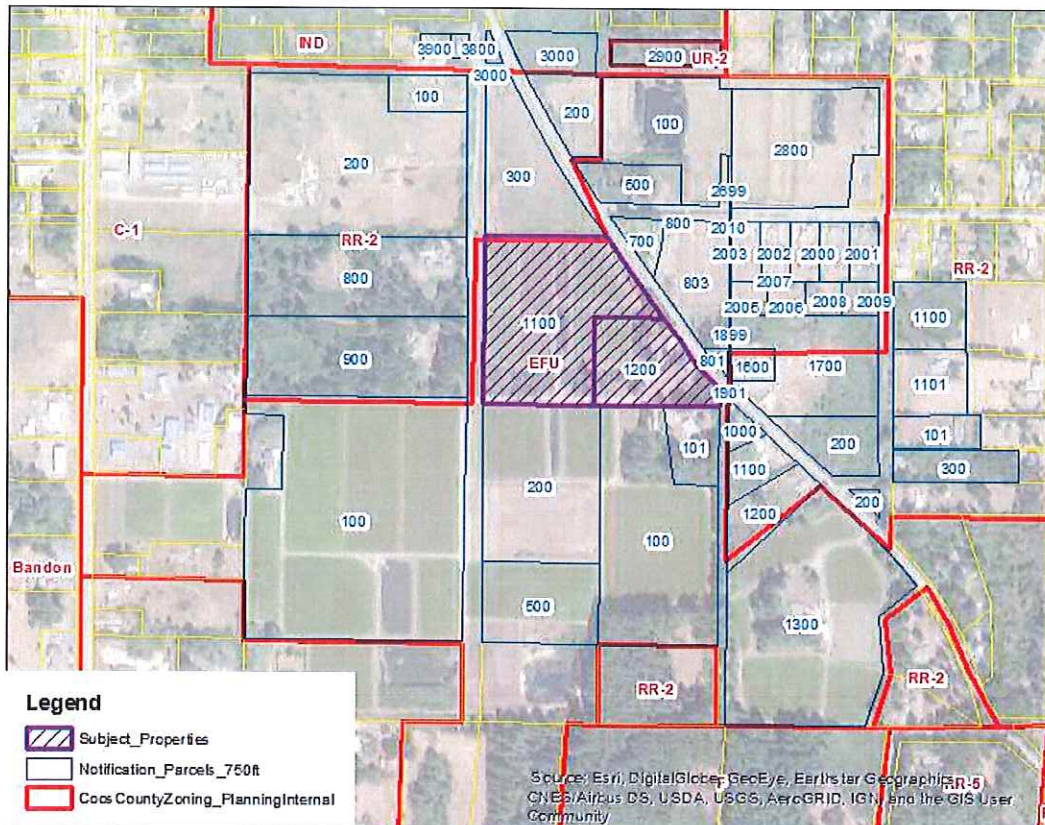
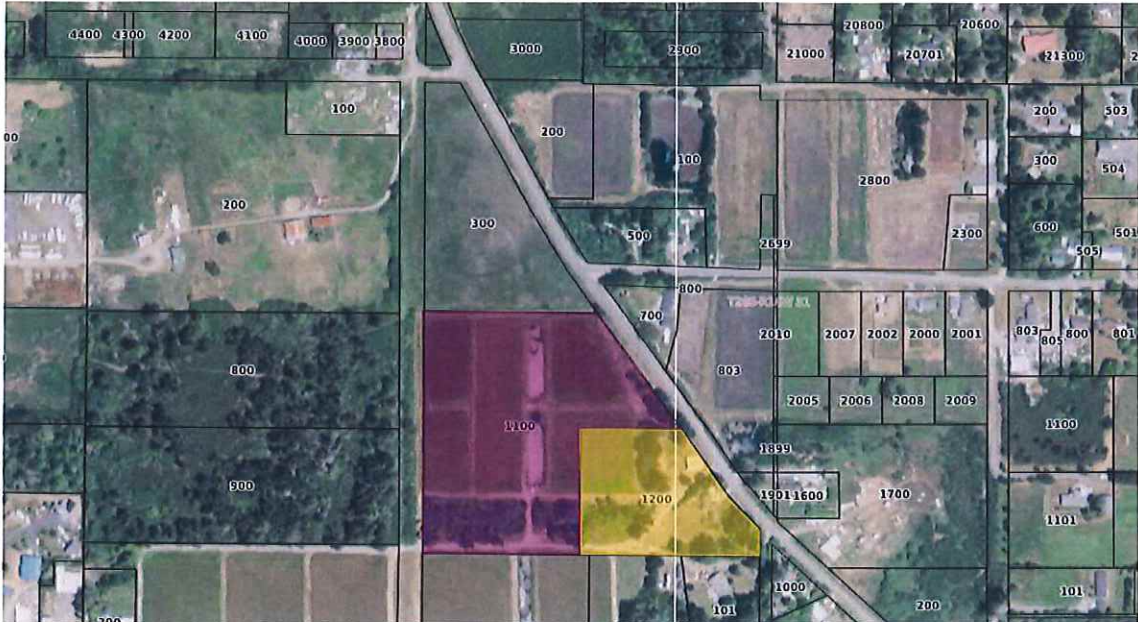


EXHIBIT "C"
BEFORE & AFTER MAPS
Before

Yellow= Tax Lot 1200
Purple= Tax Lot 1100



After

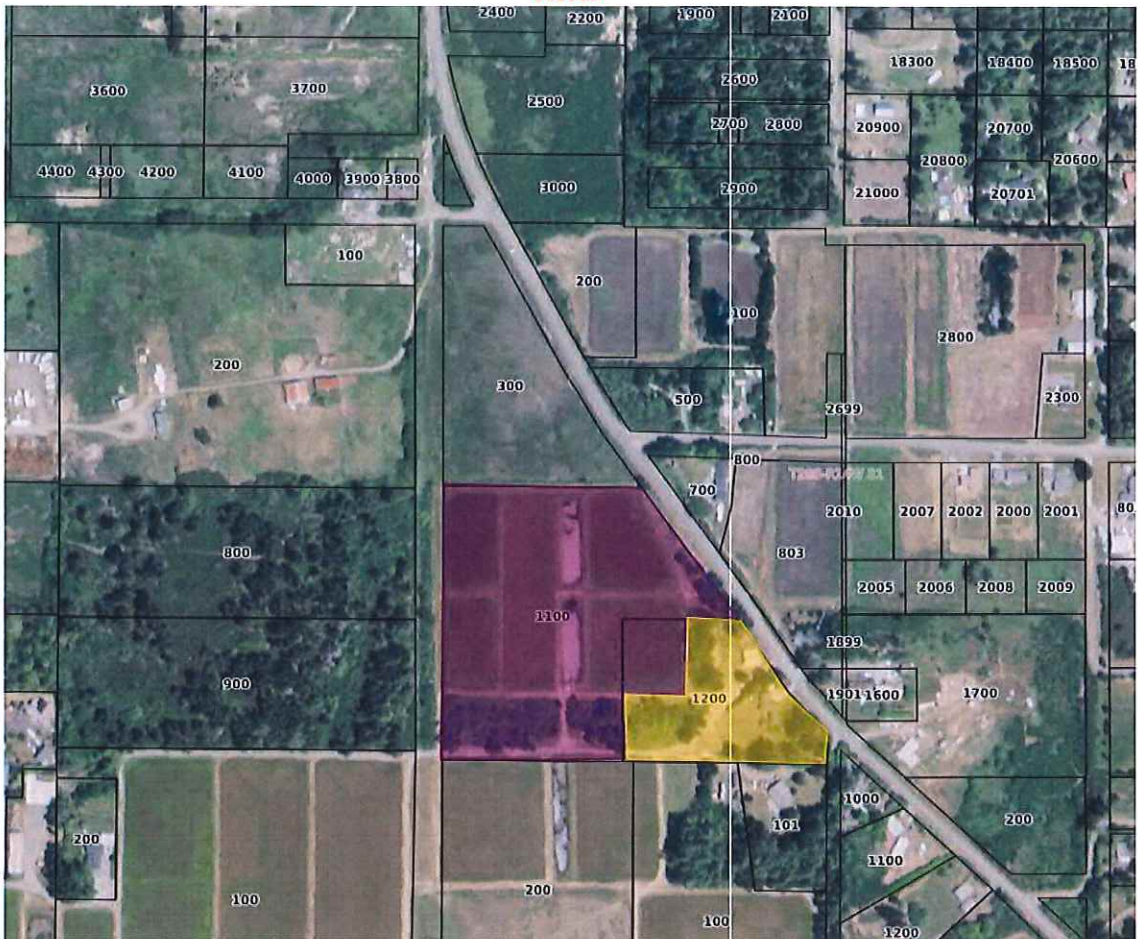


EXHIBIT "D"
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS

VI. PROPOSAL

The proposal is a request for Planning Director Approval of a Property Line Adjustment between two Lawfully Created Parcels to add the cranberry bogs to the farm property.

II. BACKGROUND INFORMATION

Tax lot 1100 has no existing development and contains cranberry bogs. Tax lot 1200 has a single family dwelling with an assessed year built of 2008 that was permitted as a replacement dwelling and a shed that has an assessed year built of 1965, which was prior to the Coos County Zoning and Land Development Ordinance.

III. PROPERTY DESCRIPTION AND PROPOSAL

LOCATION: These parcels are located south of the City of Bandon. Both tax lots have access through a Coos County Maintained public road, Rosa Road.

LAWFULLY CREATED:

Both tax lots were lawfully created pursuant to 6.1.125.1.C by deed prior to applicable planning, zoning subdivision or partition ordinances at the time it was created (Deed document numbers 261/148 & 79-64106).

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.*
 - 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 adjust the property so that the cranberry bogs are all on one parcel. 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 tax lot has 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 80 acres. Both parcels are under the minimum lot size, which makes them legal nonconforming units of land. The property line adjustment will not affect the conformance status of the properties. Both parcels will remain nonconforming after the adjustment.

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. 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.