

## CHAPTER VI LOTS AND PARCELS

## **ARTICLE 6.1 LAWFULLY CREATED LOTS AND PARCELS**

A legal lot is a lot or parcel created in compliance with the current state and county regulations for land divisions. Lots are created through subdivisions (4 or more lots is a subdivision) and parcels are created through a partition (3 or less parcels is a partition). Additionally, this ordinance recognizes that parcels may be created through other means that were consistent with a prior county ordinance or state law such as the adoption of different land division provisions [December 6, 1962 - December 31, 1985 ordinances in place prior to acknowledgement of the Coos County Comprehensive Plan (CCCP)]. Parcels created prior to the adoption of the current acknowledged CCCP (1986) may require an application to determine the legality of said parcel.

Once lawful parcels or lots have been established pursuant to LDO Section 6.1.125 those lots or parcels shall remain lawfully created or discrete lots or parcels unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law. If a parcel or lot is reconfigured by a property line adjustment that becomes the new discrete lot or parcel and the official date of creation.

### **SECTION 6.1.100 WHAT IS NOT A LAWFULLY CREATED LOT OR PARCEL:**

A unit of land shall not be considered a separate parcel simply because the subject tract of land;

1. Is a unit of land created solely to establish a separate tax account;
2. Includes properties that have divided interest;
3. Lies in different counties;
4. Lies in different sections or government lots;
5. Lies in different land use or zoning designations; or
6. Is dissected by a public or private road.

### **SECTION 6.1.125 LAWFULLY CREATED LOTS OR PARCELS:**

“Lawfully established unit of land” means:

1. The unit of land was created:
  - a. Through an approved or pre-ordinance plat;
  - b. Through a prior land use decision including a final decision from a higher court. A higher court includes the Land Use Board of Appeals;
  - c. In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations at the time it was created.
  - d. By a public dedicated road that was held in fee simple creating an intervening ownership prior to January 1, 1986;
  - e. By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations that prohibited the creation.
  - f. By the claim of intervening state or federal ownership of navigable streams, meandered lakes or tidewaters. “Navigable-for-title” or “title-navigable” means that ownership of the waterway, including its bed, was passed from the federal government to the state at statehood. If a waterway is navigable-for-title, then it also is generally open to public use for navigation, commerce, recreation, and fisheries.
2. Creation of parcel previously approved but not acted upon (92.178).

- a. The governing body of a county may approve an application requesting formation of one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994, and:
- b. A plat implementing the previous land use decision was not recorded; or
- c. A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not satisfied by a previous owner of the land.
- d. An application under this section is not subject to ORS 215.780.
- e. Approval of an application under this section does not affect the legal status of land that is not the subject of the application.

**SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:**

An application to establish a lawfully created unit of land shall be submitted in the case of Section 6.1.125.1.d, e and f and Section 6.1.125.2. This is an administrative land use decision. If County Counsel is required to review information to determine legal status of the unit of land additional fees may be charged.

All notices will be provided in accordance with LDO Section 5.0.

Once it is determined that a lawfully created unit of land exists it shall be separated out on its own deed prior to any reconfiguration such as a property line adjustment. A copy of that deed needs to be provided to the Planning Department showing the process has been completed. If there are more than two lawfully created units of land (discrete parcels) found to exist a road may be required to provide access. The applicable road standards in Chapter VII will apply.

**SECTION 6.1.175 VALIDATION OF A UNIT OF LAND NOT LAWFULLY ESTABLISHED:**

This section does not condone or encourage illegal land divisions, and as a penalty, this process will be charged a triple fee. Road requirements will be at the discretion of the Roadmaster.

1. The Planning Director may approve an application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land if the unit of land:
  - a. Is not a lawfully established unit of land pursuant to LDO Section 6.1.125; and
  - b. Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.
2. Notwithstanding subsection (1)(b) of this section, the Planning Director may approve an application to validate a unit of land under this section if the Planning Department or Hearings Body approved a discretionary decision for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the Planning Director must determine that the dwelling qualifies for replacement under the criteria listed below.
  - a. The dwelling must contain:
    - i. Intact exterior walls and roof structure;

- ii. Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
  - iii. Interior wiring for interior lights; and
  - iv. A heating system
- 3. Coos county may approve an application for an Administrative Conditional Use Permit for the continued use of a dwelling or other building on a unit of land that was not lawfully established if:
  - a. The dwelling or other building was lawfully established prior to January 1, 2007; and
  - b. The permit does not change or intensify the use of the dwelling or other building.
- 4. An application to validate a unit of land under this section shall be reviewed as an Administrative Conditional Use, pursuant to LDO Article 5.2. An application to Coos county under this section is not subject to the minimum lot or parcel sizes established for the applicable zoning district.
- 5. A unit of land becomes a lawfully established parcel when the Planning Director validates the unit of land under this section if the owner of the unit of land causes a Final Plat meeting the applicable requirements of LDO Section 6.2.800 FINAL PLAT REGULATION AND REQUIREMENTS to be recorded within 90 days after the date the Planning Director validates the unit of land.

## **ARTICLE 6.2 LAND DIVISIONS**

As authorized by law, including ORS Chapters 92, 197 and 215, subdivisions, land partitions and streets created for the purpose of partitioning land shall be approved in accordance with this Ordinance. This Article applies to all land within the unincorporated territory of the County. A person desiring to subdivide land, to partition land, or to create a street or a private road shall submit preliminary plans and final documents for approval as provided in this ordinance and state statutes.

### **SECTION 6.2.100 GENERAL PURPOSE:**

All divisions of land shall conform to the Comprehensive Plan of Coos County with respect to the type and intensity of use, population densities, locations and sizes of public areas, rights-of-way and improvements of streets, and any other aspects governed by Comprehensive Plan goals, policies, or maps.

### **SECTION 6.2.125 APPROVAL OF PARTITIONS, PLANNED UNIT DEVELOPMENTS (RESIDENTIAL AND RECREATIONAL) AND SUBDIVISIONS REQUIRED:**

1. No person shall divide land, except after approval of such division pursuant to this Article.
2. No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition or declaration of partition described in Section 6.2.825 has been acknowledged and recorded with the recording officer of Coos County.
  - a. No person shall negotiate to sell any lot in a subdivision until a tentative plan has been approved.
  - b. A person may negotiate to sell any parcel in a partition prior to the approval of the tentative plan.
  - c. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition, a person may use the approved tentative plan for such subdivision or partition. [OR-92-07-012PL]
3. No person shall create a road or street for the purpose of land division without the approval of the County.
4. Coos County shall refrain from issuing any permit or approval for any application other than approval pursuant to this Section, including building permits or verification letters for any parcel of land not complying with this Section. [OR-93-12-017PL 2/23/94]
5. A Traffic Impact Study (TIS) may be required in accordance with § 7.1.350

**SECTION 6.2.150 CONFORMITY WITH THE ZONING ORDINANCE AND COMPREHENSIVE PLAN:**

1. All divisions of land, regardless of the number of lots or parcels, shall conform in all respects with the applicable regulations and specifications of Chapters 3, 4 and 7, including uses of land, lot size and dimensions, space for off-street parking, landscaping and other requirements as may be set forth; and
2. Whenever any department of the County finds that the provisions of a Article have apparently been or may be violated by any person, the director of said department shall report such findings to the Planning Department Director for investigation and enforcement.

**SECTION 6.2.175 REDEVELOPMENT PLAN:**

1. In subdividing or partitioning land into large lots or parcels which at some future time could be further divided, the Director may require that the lots and parcels shall be of such size and shape, be so divided into lots and parcels, and meet such building site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel or lot into a smaller size which shall have the minimum lot frontage on a street.
2. No lot in a platted subdivision or partition shall be reduced in size from that shown on the recorded plat if the newly created lot or parcel will have less than the minimum lot area for the zone in which it is located.
3. Any lot in a platted subdivision or partition may be enlarged to approximate more closely the minimum lot area for the zone in which the lot is located, provided that no leftover lot areas shall be less than the minimum lot area for the zone.
4. Any person dividing land into large lots or parcels which at some future time could be further divided and still meet the minimum lot or parcel size requirement of the zone in which the land is located shall provide suitable road access to each created lot or parcel so that the future development of each lot or parcel will provide access for redevelopment of the lots or parcels.
5. Redevelopment Plans shall be noted in the property records of the Planning Department. In order to assure that access, utility placement and building locations are sited in a manner appropriate for urban densities, future development in urban areas where a redevelopment plan applies shall be consistent with that plan. Applications or development inconsistent with the redevelopment plan shall require an amended redevelopment plan to be reviewed as a minor amendment to the subject subdivision or partition.

## **SECTION 6.2.200 APPLICATION FOR LAND DIVISIONS:**

All applications for land divisions shall be submitted to the Planning Department as required by this Article.

## **SECTION 6.2.225 AMENDMENT OF SUBDIVISION PLAT OR PARTITION PLAT:**

1. Any plat of a subdivision or partition filed and recorded under provisions of ORS 92.010 to 92.190 may be amended by an affidavit of correction:
  - a. To show any courses or distances omitted from the subdivision or partition plat;
  - b. To correct an error in any courses or distances shown on the subdivision or partition plat;
  - c. To correct an error in the description of the real property shown on the subdivision or partition plat; or
  - d. To correct any other errors or omissions where the error or omission is ascertainable from the data shown on the final subdivision or partition plat as recorded.
2. Nothing in this Section shall be construed to permit changes in courses or distances for the purpose of redesigning lot or parcel configurations.
3. The affidavit of correction shall be prepared by the registered professional land surveyor who filed the plat of the subdivision or partition. In the event of the death, disability, or retirement from practice of the surveyor who filed the subdivision or partition plat, the County Surveyor may prepare the affidavit of correction. The affidavit shall set forth in detail the corrections made and show the names of the present fee owners of the property materially affected by the correction. The seal and signature of the registered professional land surveyor making the correction shall be affixed to the affidavit of correction.
4. The County Surveyor shall certify that the affidavit of correction has been examined and that the changes shown on the certificate are permitted under this Section.
5. The surveyor who prepared the affidavit of correction shall cause the affidavit to be recorded in the office of the County Recorder where the subdivision or partition plat is recorded. The County Clerk shall promptly provide a recorded copy of the affidavit to the County Surveyor. The County Surveyor shall note the correction and the recorder's filing information with permanent ink, upon the original subdivision or partition plat and upon any true and exact copies filed in accordance with ORS 92.120(3). The corrections and filing information shall be marked in such a manner so as not to obliterate any portion of the subdivision or partition plat.
6. For recording the affidavit in the County deed records, the County Clerk shall collect a fee set by the County governing body. The County Clerk also shall collect a fee set by

the County governing body to be paid to the County Surveyor for services provided under this Section.

### **SECTION 6.2.250 REPLATTING:**

The act of replatting shall allow the reconfiguration of lots and public easements within a recorded plat. Upon approval by Coos County, pursuant to the process prescribed in Article 6.5, replats will act to vacate the platted lots, parcels, and easements within the replat areas with the following conditions:

1. A replat, as defined in Section 2.1.200 shall apply only to a recorded plat.
2. When the replat is replatting all of an undeveloped subdivision as defined in ORS 92.225, Coos County shall notify in writing each owner of record (of land described in the plat) not later than 30 days before the date of a hearing to determine whether the undeveloped subdivision should be replatted.
3. Notice, consistent with County approval of a tentative plan of a subdivision plat or partition plat, shall be provided by Coos County to the owners of property adjacent to the exterior boundaries of the tentative replat.
4. When a utility easement is proposed to be realigned, reduced in width, or omitted by a tentative replat approval, all affected utility companies or public agencies shall be notified, consistent with notice to owners of property contiguous to the tentative plat.
5. A replat shall comply with all applicable subdivision and partition plat provisions of this Ordinance.

### **SECTION 6.2.275 DEFINITIONS:**

1. **BENCHMARK:** A mark on a permanent object indicating elevation and serving as a reference in topographic surveys and tidal observations. The term is generally applied to any item used to mark a point as an elevation reference. Frequently brass or aluminum disks are set in stone or concrete, or on rods driven deeply into the earth to provide a stable elevation point. The height of the benchmark is calculated relative to the level datum of the area, typically mean sea level.
2. **COMMON OPEN SPACE:** Land and facilities which are shared by all the individual owners in a planned unit development or recreational planned unit development and managed generally by a home owners' association. Common property may include undeveloped land, parks, tennis courts, pools, community buildings, and other amenities for the convenience and enjoyment of the residents.
3. **CONTROL STRIP:** (also known as street plugs) The creation of a one (1) foot wide strip of land contiguous to a road, whereby such strip of land would be deeded to the County for the purpose of restricting access to said road from an adjacent lot or parcel.



4. EASEMENT: A grant of one or more property rights by a property owner to, or for use by, the public or another person or entity.
5. FINAL PLAT: A plat for the partitioning of land, duly submitted to the Planning Director and conforming in all respects to the requirements of this Ordinance and meets the requirements in Article 6.7.
6. FOOT ACCESS: A private way, other than a street or road, legally created to provide access across the entire parcel or lot of land lying within the shoreland boundary from a water body to an “upland” lot or parcel which shall abut the coastal shoreland boundary. Said access shall terminate at the shoreland boundary and shall have an improved permeable surface as deemed appropriate by the Coos County Roadmaster (i.e. sand, gravel, etc.).
7. LAND DIVISION: The act of dividing property into a partition or subdivision.
8. PARCEL: A unit of land that is created by a partitioning of land.
9. PARENT PARCEL: The most recent legal lot, parcel or tract of land including all contiguous lots, parcels or tracts of land under the same ownership, prior to or at a given point in time.
10. PARTITION: Means either an act of partitioning land or an area or tract of land partitioned.
11. PARTITION LAND: Means to divide land into two or three parcels of land within a calendar year, but does not include:
  - a. A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or
  - b. An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with all applicable provisions of this Ordinance; or
  - c. A sale or grant by a person to a public agency or public body for state highway, county road or other right-of-way purposes provided that such road or right-of-way complies with the applicable sections of this ordinance and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property divided by the sale or grant of property for state highway, for a county road, for a city street or other right-of-way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned. [OR 92-07-012PL]

12. PARTITION PLAT: Includes a final map and other writing containing all the descriptions, locations, dedications, specifications, provisions, and information concerning a partition. [OR 92-07-012PL]
13. PARTITIONER: Person or Applicant that submits a partition application.
14. PLANNED UNIT DEVELOPMENT (also referred to as a planned community): (ORS 94.550) means any subdivision under ORS 92.010 to 92.170, which results in a pattern of ownership of real property and all the buildings, improvements and rights located on or belonging to the real property in which:
  - a. There is a homeowner's association responsible for the maintenance, operation, insurance and property taxes relating to any common property of the planned community or for the exterior maintenance of any property that is individually owned; and
  - b. Owners of individual lots, by virtue of their ownership, automatically are members of the homeowner's association and assume liability for membership fees.
15. PUBLIC ROAD: The entire right-of-way of any road over which the public has the right of use or any right-of-way held by the state or a political subdivision of the state for road purposes that is open for public use.
16. LOT: A unit of land created by a subdivision of land or a planned community. A lot lawfully created shall remain a discrete lot, unless the lot lines are changed or vacated or the lot is further divided as provided by this Ordinance. A parcel, tract, or area of land whose boundaries have been established by some legal instrument, and which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.
17. LOT, FLAG. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way.
18. LOT, PARCEL, OR TRACT DEPTH: The horizontal distance from the mid-point of the front lot line to the mid-point of the rear lot line.
19. LOT, PARCEL, OR TRACT FRONT LOT LINE: In the case of an interior lot, parcel, or tract, a line separating the lot, parcel or tract from the street; in the case of a corner lot, parcel or tract, a line separating a lot, parcel or tract from the street on which the improvement or contemplated improvement will face.
20. LOT, PARCEL OR TRACT SIDE LOT LINE: A lot line which is not a front or rear lot line.

21. LOT, PARCEL OR TRACT WIDTH: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot line.
22. SUBDIVIDE LAND: To divide a lot, parcel, area or tract of land into four or more lots within a calendar year except, for the purpose of this definition, "lot, parcel, area or tract of land" shall be interpreted as not necessarily having to include all contiguous ownership in the subdivision plat. A portion of a large contiguous ownership may be subdivided, provided the residual parcel (that portion of the contiguous ownership proposed to be excluded from the plat) meets the following criteria:
- a. the residual parcel conforms to all other development standards of this Ordinance;
  - b. the residual parcel shall not be rendered "landlocked";
  - c. the residual parcel shall not be bisected by the creation of a subdivision access road;
  - d. the residual parcel must either be:
    - i. zoned as resource land; or
    - ii. must have an area greater than or equal to ten (10) acres.
23. SUBDIVIDER: Person or applicant that submits the subdivision.
24. SUBDIVISION: Either an act of subdividing land or an area, lot, parcel or tract of land subdivided as defined in these definitions.
25. SUBDIVISION PLAT: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
26. TECHNICAL REVIEW COMMITTEE: A committee established to act in a technical review capacity for the Board of Commissioners, which has the responsibility to examine all partition plats, subdivision plats, planned community plats. The committee will assist the Planning Director or reviewing body in rendering a decision relating to the approval, conditional approval, or disapproval of said applications.
27. TENTATIVE PLAN MAP: A map setting forth the proposed plan of partitioning, subdivision or planned community in conformance with the provisions of this Ordinance and subject to review and modification. [OR 92-07-012PL]
28. UPLAND LOT OR PARCEL: A lot or parcel not abutting a waterway and partially or totally outside a coastal shoreland boundary.
29. USED FOR THE PURPOSES OF LAND DIVISION: When a road or street is used to provide access to a parcel in a partition, or a lot in a subdivision or planned community.

### **SECTION 6.2.300 GENERAL OUTLINE:**

The following is a general outline of the process for the review of land divisions in Coos County:

1. Application is filed and reviewed for completeness pursuant to §5.0.200; and
2. Technical Review Committee (TRC) reviews tentative plans within 30 days from the date the application has been deemed complete. The Planning Director may extend this timeline if needed; and
3. Planning Director makes a decision unless subject to limited land use notice. If subject to limited land use notice pursuant to Article 5.0 a notice of decision will be mailed out within seven days of the expiration of the limited land use notice; and
4. Applicant submits construction drawings for any new public roads or access easements to the Roadmaster. The County Roadmaster reviews construction drawings and applicable specifications for public roads and access easements; and
5. Applicant constructs or bonds for required improvements; and
6. County Roadmaster inspects construction unless improvements are bonded; and
7. Applicant submits final plat after all conditions of approval have been completed; and
8. Planning Department coordinates review of final plat by affected County Departments; and
9. Board of Commissioners reviews final plats for subdivisions and for partitions proposing public dedications; and
10. Planning Director reviews final plats for partitions not proposing public dedications; and
11. If the final plat is approved, the applicant shall comply with Section 6.2.825 and file the plat with the County Clerk. (OR 92-07-012PL)

### **SECTION 6.2.325 PRE-APPLICATIONS:**

Application may be submitted pursuant to Section 5.0.100. The applicant may choose to have a pre-application meeting but it is not a requirement. Along with the application request the applicant shall submit to the Planning Department a sketch plan(s) of the proposed partition or subdivision. The sketch plan(s) shall be clearly and legibly drawn in a manner which may be photo copied without loss of detail. The overall size of the plans or map shall not be less than 11" x 17". The Planning Department will schedule a meeting with all applicable agencies and the applicant.

## **SECTION 6.2.350 TENTATIVE PLAT REQUIREMENTS (TENTATIVE PLAN):**

### 1. Application Requirements

- a. An application and a tentative plat for approval shall be initiated as provided in Section 5.0.150 of this ordinance.
- b. The applicant shall file with the Director the original and four (4) additional copies of the tentative map on 11" X 17" paper for partitions and 18" x 24" paper for subdivisions.
- c. The tentative plat shall be clearly and legibly drawn. It shall show all required information to scale so that the Approving Authority may have an adequate understanding of what is proposed. Under ordinary circumstances, the scale shall use a typical engineer scale (example 1" = 50').

### 2. Information required for tentative plat.

#### a. All Land Divisions

- i. North arrow, scale and date of the drawing.
- ii. Appropriate identification clearly stating the map is a tentative plat.
- iii. Names and addresses of the landowners, subdivider/partitioner and the engineer, surveyor, land planner or landscape architect responsible for designing.
- iv. The tract designation or other description according to the real estate records of Coos County [Township, Range, Section, Tax Lot Number(s), and Assessor's Tax Account Number(s)].
- v. The boundary line (accurate in scale) of the tract to be divided and approximate acreage of the property.
- vi. Contours with intervals of forty (40) feet or less referred to United States Geological Survey (or mean sea level) datum.
- vii. The names of adjacent subdivisions or the names of recorded owners of adjoining parcels of unsubdivided land.
- viii. The location, widths, and names of existing or platted streets or other public ways (including easements) within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as section lines, political subdivision boundary lines and school district boundaries.
- ix. Existing sewers, water mains, culverts, drainage ways or other underground utilities or structures within the tract or immediately adjacent thereto, together with pipe sizes, grades and locations indicated.
- x. Location, acreage and dimensions of land to be dedicated for public use or reserved in the deeds for the common use of property owners in the proposed land division, together with the purpose of conditions or limitations of such reservations, if any.
- xi. Easements, together with their dimensions, purpose and restrictions on use.
- xii. Zoning classification of the land and Comprehensive Plan map designation.
- xiii. Draft of proposed restrictions and covenants affecting the plat.
- xiv. Predominant natural features such as water courses and their flows, marshes, rock outcropping, and areas subject to flooding, sliding or other natural hazards.

- xv. 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.
- b. Subdivisions (must address subsection a & b)
  - i. The proposed name of the subdivision must be on the plat.
  - ii. The proposed street pattern or layout showing the name and widths of proposed streets and alleys.
  - iii. Private streets and all restrictions or reservations relating to such private streets.
  - iv. Proposed Subdivision proposed lots, approximate dimensions, size and boundaries. Residential lots shall be numbered consecutively. Lots that are to be used for other than residential purposes shall be identified with letter designations.
  - v. Parks, playgrounds, recreation areas, parkways, and open space for public use, clearly identified.
  - vi. The location of existing or proposed bicycle and/or pedestrian facilities if required under Article VII of this Ordinance.
  - vii. Proposed means and location of sewage disposal and water supply systems.

### 3. Development Phasing

#### a. Subdivisions shall:

- i. provide for platting in as many as three (3) phases. The preliminary plan must show each phase and be accompanied by proposed time limitations for approval of the final plat for each phase.
- ii. Time limitations for the various phases must meet the following requirements:
  - 1. Phase 1 final plat shall be approved within twenty-four (24) months of preliminary approval.
  - 2. Phase 2 final plat shall be approved within thirty-six (36) months of preliminary approval.
  - 3. Phase 3 final plat shall be approved within forty-eight (48) months of preliminary approval.

#### b. Partitions shall:

- i. Provide all phasing for partitions. If phasing is proposed then road standards for subdivisions shall apply.
- ii. If a land division is proposed on a property that has been partitioned in the prior three years then the partition shall be reviewed pursuant to subdivision criteria.

## **SECTION 6.2.375 REVIEW OF TENTATIVE PLAN:**

1. Distribution to Affected Bodies. The Planning Department shall furnish a copy of the tentative plan to all affected special districts and cities which have a coordination agreement with Coos County; and
2. Within twenty (20) days of postmark, each city, special district and County Department receiving a copy of the tentative plan should submit a written statement to the Planning Department with respect to any matter, information, or recommendation deemed necessary for the applicant's or public's benefit.
3. The Planning Department shall make copies of all written statements available to the applicant and others interested.
4. Planning Director Review. The Planning Director, after reviewing the tentative plan and comments, may approve, conditionally approve, or disapprove any application. The Planning Director shall take action within forty-five (45) days of the date the application was accepted as complete, unless additional time is deemed necessary to complete the review.
5. Criteria for Approval of tentative land division plan
  - a. A decision on the tentative land division plan application shall be made and notices shall be processed as required in Chapter 5.0 of this ordinance.
  - b. The preliminary subdivision plan shall be approved if the Approving Authority finds the following:
    - i. The information required by this Article has been provided;
    - ii. The design and development standards this chapter have been met; and
    - iii. Applicable transportation standards in chapter VII have been or will be complied with;
    - iv. Minimum parcel/lot sizes and requirements have been complied with for the zoning district.
    - v. If the preliminary plan provides for development in more than one phase, the Approving Authority makes findings and conclusions that such phasing is necessary due to the nature of the development, and that the applicant will be able to comply with the proposed time limitations.
  - c. In granting tentative approval, the Approving Authority may impose conditions of approval deemed necessary to carry out the Comprehensive Plan and the provisions of this ordinance. Such conditions may include the construction of offsite public improvements, or money equivalent, deemed necessary, either immediately or in the future, as a result of the proposed development and shall be reasonably conceived to fulfill public needs emanating from the proposed development in the following respects:
    - i. Protection of the public from the potentially deleterious effects of the proposed development; or

- ii. Fulfillment of the need for public service demands created by the proposed development.
6. Conditional Approval. The Planning Director may impose special conditions upon the approval of a tentative plan when it is established that such conditions are necessary to protect health, safety or welfare. Conditions may include but are not limited to the following:
- a. roadway and plat design modifications;
  - b. utility design modifications;
  - c. conditions deemed necessary to provide safeguards against documented geologic hazards;
  - d. other conditions deemed necessary to implement the objectives of the Comprehensive Plan.
7. Effective Date. Unless the action of the Planning Director is appealed, the action shall be effective upon the expiration of the appeal period pursuant to Article 5.8. Following approval of a tentative plan, the applicant may proceed with preparation of any required construction drawings. Development as per the tentative plan may yet be subject to approval of the supplemental information as required by Section 6.5.250(5) and approval of construction drawings as required by Section 6.5.350. [OR-92-07-012PL]
8. Duration of Preliminary Subdivision Plan Approval
- a. Approval of a preliminary subdivision plan shall be valid for twenty-four (24) months from the date of approval of the preliminary plan, provided that if the approved preliminary plan provides for phased development, the approval shall be valid for the time specified for each phase. Each phase shall be valid for an additional twenty-four (24) months from the date of approval of the preliminary plan. For example if there were three phases each phase has 24 months from the date of the decision of the prior phase (decision of the first phase was on 10/11/13 then phase two has until 10/11/15 and phase three would have until 10/11/17 to be completed).  
An applicant may choose to set a lesser time limit but this represents the maximum time allowed for phasing.
  - b. If any time limitation is exceeded, approval of the tentative plan, or of the phase of the preliminary tentative plan, and any subsequent phases, shall be void. Any subsequent proposal by the applicant for division of the property shall require new Administrative Action.
9. Granting of Extensions.
- a. An applicant may request an extension of the validity of a tentative land division plan approval or, if the preliminary plan provides for phased development, an extension of the validity of a tentative approval with respect to the phase the applicant is then developing. Such request shall be considered a Ministerial Action and shall be submitted to the Director, in writing, prior to expiration of such approval, stating the reason why an extension should be granted.



- b. The Director may grant an extension of up to twelve (12) months in the validity of a tentative plan approval or, if the tentative plan provides for phased development, an extension of up to twelve (12) months in the validity of a tentative plan approval with respect to the phase then being developed, if it is determined that a change of conditions, for which the applicant was not responsible, would prevent the applicant from obtaining final plat approval within the original time limitation.

**SECTION 6.2.400 ACCESS IN CONJUNCTION WITH A LAND DIVISION:**

All access shall conform to the provisions under Article 6.2 and Chapter VII.

**SECTION 6.2.425 ROADS /STREETS/PEDESTRIAN WAYS:**

The standards of Chapter VII shall apply.

**SECTION 6.2.450 CONTROL STRIP:**

The County may require the creation of a 1 (one) foot wide strip of land contiguous to a road, whereby such strip of land would be deeded to the County for the purpose of restricting access to said road from an adjacent lot or parcel. Control strips shall not be regarded as a lot or parcel but shall be platted. Control strips may be permitted for any of the following reasons:

1. To prevent access to abutting land at the end of a road right-of-way in order to assure the proper extension of the road pattern and the orderly division of land lying beyond the road;
2. To prevent access to the side of a road where additional width or improvement is required or future partition or subdivision action is needed;
3. To prevent access to the side of a road from abutting property that is not part of the division until proportional road construction costs are conveyed to the appropriate developer.

**SECTION 6.2.475 ACCESS:**

Each unit of land proposed to be created shall have access by way of a County road except as provided below:

1. Local Access Road: A unit of land created by subdivision or partitioning may have access by way of an existing local access road provided:
  - a. The local access road was open to public use on January 1, 1986.
  - b. Use of the local access road is not restricted by adopted policies of the Comprehensive Plan.
  - c. The local access road is constructed to the private road standard contained in Article VII. However, if the road will, or could in the future, provide service to more than

- three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the finished top surface width shall be a minimum of 18 feet and turnouts shall not be required.
- d. If the Approving Authority determines that the existing development pattern, topography, physical characteristics of the land, applicable land use regulations, or other circumstances affecting the area served by the local access road prevent the road from being used to provide access to more than three (3) units of land in an urban unincorporated area or more than ten (10) units of land in a rural residential area, the Approving Authority may allow the local access road to be constructed to the same standards that are required for private roads, pursuant to Article VII.
  - e. Additional right-of-way is provided along the frontage of the subject property when such is required to meet the minimum right-of-way requirements for a County road.
  - f. The applicant agrees to participate in a private maintenance program for the local access road and executes any documents required by the Approving Authority to insure such participation.
  - g. The applicant agrees to participate in any local improvement district which may be formed under ORS 371.605 to 371.660 or the Coos County Local Assessment Ordinance to improve the local access road to County Road standards. The applicant shall execute any documents required by the Approving Authority, including a waiver of remonstrance, to insure such participation.
2. In addition to the requirements above, approval of a subdivision served by a local access road shall require:
    - a. All interior streets in the subdivision that require dedication shall be built to the County standard such that they may be incorporated into the County road maintenance system.
    - b. The subdivision shall be subject to adequate restrictive covenants or other similar device which require interior streets to be maintained by lot owners in accordance with County standards. Such restrictive covenants shall be enforceable by the County.
  3. Any access approval request under this section shall be reviewed to assure that no development occurs in known natural hazard areas without appropriate safeguards. The Planning Director or designee may condition its approval of a request on the provision of such safeguards, or otherwise condition approval of such requests to insure compatibility with the objectives of this ordinance, and the Coos County Comprehensive Plan.

#### **SECTION 6.2.500 EASEMENTS:**

Easements may include but are not limited to the following:

1. Private Road Access information is found in Chapter VII (Roads or Streets).
2. Utility Easements. Easements including but not limited to sewers, water mains and electrical lines shall be at least fifteen (15) feet wide, except for utility pole tieback easements which may be reduced to six (6) feet in width.

3. Pedestrian and Bicycle Ways. When necessary for public convenience, safety or if designated on an adopted County or State recreation or transportation system plan, the County Planning Director will require a developer of a subdivision, PUD, and office park complex to dedicate to the public, public access easements ten (10) feet in width. Said easements may be deemed necessary to provide access:
  - a. through unusually long or oddly shaped lots or parcels;
  - b. to schools, parks, or other public areas;
  - c. for pedestrian travel adjacent to streets;
  - d. to water bodies or other natural amenities;
  - e. between streets or cul-de-sacs; or
  - f. between office structures and through parking facilities.
4. Slope Easements. Necessary when right-of-way slope construction extends outside of the normal right-of-way.

#### **SECTION 6.2.525 LOTS AND PARCELS:**

1. Lot and parcel sizes shall meet the minimum lot sizes as established by the applicable zoning district.
2. Within an Urban Growth Boundary no lot area, yard, offstreet parking and loading area or other open space which is required by this Ordinance for one use shall be used as the required lot area, yard or other open space for another use, such as utility easements, access easements, road and street right-of-ways or septic drain fields.
3. Outside of the urban growth boundary no lot area, yard, offstreet parking and loading area or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use. This does not include utility easements, private road access easements or septic drainfields; but does include all public road and street right-of-ways.
4. Panhandle lots or parcels shall be an acceptable method of land division. More than two contiguous panhandles (as opposed to the panhandle “lots” themselves) shall not be permitted. Where two panhandles are contiguous, the County may require easements and construction of an access road. Panhandles are also referred to flag lots.
5. Dimensional Standards. The property will comply with development standards set out in the applicable zoning districts.

## **SECTION 6.2.550 IMPROVEMENT SPECIFICATIONS:**

Improvements shall conform to the following standards:

1. Proof of an adequate supply of potable water. Water supply systems, both public and private, shall conform to the requirements of state law. Adequate water supply may be accomplished with storage tanks. Water requirement of Section 6.2.800(3)(o).
2. Sewage disposal systems, both public and private, shall conform to the requirements of state law.
3. Grading shall be performed and drainage facilities installed (i.e. French drains, catch basins, etc.) as is necessary to provide proper drainage within the partitioned area.
4. The installation of storm sewers may be required where necessary to insure proper drainage, to conform to an established or proposed drainage system or to eliminate threat to the public health and safety.
5. Streets or roads shall conform to the improvement standards stated in Chapter VII of this Ordinance. The county may deny, approve or approve with conditions a development proposal in order to minimize impacts to and protect transportation facilities. Any application that is expected to impact the state highway system must be provided to the Oregon Department of Transportation for their review and comment regarding conformance with state access management and mobility standards.
6. Sidewalks of an all-weather material not less than five (5) feet in width, nor more than eight (8) feet in width shall be constructed as close to the center of pedestrian and bicycle ways as practical, when required.
7. Erosion prevention. When necessary to prevent erosion all cuts and fills and other graded areas shall be protected from erosion by appropriate seeding or planting of grass shrubs, trees or other soil stabilizing vegetation. (OR 98-12-009PL)

## **SECTION 6.2.575 LAND DIVISION TECHNICAL REVIEW COMMITTEE:**

1. Establishment. The land division Technical Review Committee (TRC) is established to act in a technical review capacity for the Board of Commissioners, and is authorized to perform such functions as provided for in this Ordinance. The TRC shall meet within 30 days of the application being deemed complete. The TRC shall consist of the following members **or their duly authorized representatives**:
  - a. Director or Planning Staff Member, who shall serve as Chair;
  - b. Director – County Public Works (i.e., Roadmaster);
  - c. County Surveyor;
  - d. County Assessor;
  - e. County Counsel;

- f. Health Department Staff (water and sanitation issues);
  - g. County Planning Commission Chairman;
  - h. Department of Environmental Quality (DEQ);
  - i. Oregon Department of Transportation (if access is proposed from a state facility)
  - j. Representative of Affected City (if located in an urban growth area); and
  - k. Representative of Affected Special District.
2. Responsibility of TRC. The TRC shall examine all tentative (preliminary) partition plats, subdivision plats, and planned unit development plats, and assist the Planning Director in rendering a decision relating to the approval, conditional approval, or disapproval of said applications. In case of a variance request, the TRC shall form a committee recommendation to the Planning Director. The applicant shall be given notice of any TRC meeting pertaining to his or her request. In the event a committee member is unable to attend the meeting written comments should be made prior the meeting.

### **SECTION 6.2.600 PLANNED UNIT DEVELOPMENTS (PUD):**

The provisions of this Article shall be known as the Planned Unit Development requirements and procedures. Its purpose is to set forth the objectives, principles, standards, and procedures to be used in developing a Planned Unit Development (PUD). The Planned Unit Development Article is designed to permit the flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individualized site planning. It is intended to provide flexibility in the application of certain regulations in a manner consistent with the general intent and provisions of the Comprehensive Plan for Coos County and this Ordinance, thereby promoting a harmonious variety of uses, the economy of shared services and facilities, compatibility of surrounding areas and the creation of attractive, healthful, efficient and stable environments for living, shopping, recreation, or working.

Planned Unit Development, for purposes of this Article, is described as: an optional approach to community development which allows modification of more or less rigid setback, lot size specifications, and land use provisions of Chapter IV (Zoning) of this Ordinance, and instead establishes broad standards and goals to be followed, thus enabling and encouraging flexibility of design and development. Often based on the concept of cluster planning, it allows single-family houses and multiple-family dwellings of varying sizes, and appropriate institutional, and commercial uses to be built in the same development, thus inviting considerable variety in both tract and building design and uses, the possible retention of natural settings or community recreational areas, and reduced street and utility installation cost. Although the density of the total area remains consistent with that of conventional development, emphasis is placed on the relationship between buildings, uses, and open space, and the most efficient use of both natural and development resources, rather than planning on a lot-by-lot or building-by-building basis. All PUD proposals shall comply with ORS 94 and meet platting requirements set forth in this Article. If there are four or more dwelling units then the subdivision requirements apply.

**SECTION 6.2.625 PUD OBJECTIVES:**

Coos County’s intent is to provide flexibility in the application of certain regulations in a manner consistent with the general intent and provisions of the Comprehensive Plan for Coos County, and this Ordinance, thereby promoting a harmonious variety of residential and mixed residential and recreationally-related structures and uses.

The general objectives of the Planned Unit Development are *to*:

1. Encourage innovations and variety in the development or re-use of communities in the County;
2. Maximize choice in the type of environment available in Coos County;
3. Encourage a more efficient use of land and of public services and facilities;
4. Take advantage of and promote advances in technology, architectural design, and functional land use design;
5. Provide for the enhancement and preservation of property with unique features (i.e. historical, topographical, and natural landscape).
6. Simplify processing of development proposals for developers by providing for concurrent review of land use, subdivision, public improvements, and siting considerations;
7. Enable special problem areas or sites in the County to be developed or improved, in particular where these areas or sites are characterized by special features of geography, topography, size, shape, or historical legal non-conformance;
8. Provide an environment of stable character in harmony with surrounding development or use, or proposed development or use;
9. Permit flexibility of design that will create desirable public and private common open spaces, a variety in type, design, and layout of buildings, and utilize to the best possible extent the potentials of individual sites;
10. Assist in reducing the public service costs of development.
11. In addition Recreational Planned Unit Developments:
  - a. Encourage and provide for local recreational opportunities,
  - b. Encourage and provide significant diversification of the local economy by increasing the attraction of tourists to the County.
  - c. Provide incentives to stimulate the development of resort complexes; and
  - d. Provide complementary protection of significant open space and natural resource areas.
  - e. Provide flexibility needed to encourage the appropriate development of tracts of land that are large enough to allow the use of individualized site planning to fulfill an identified need for intense recreational opportunities. These may include tourist-

oriented uses such as motels, restaurants, etc. All R-PUD proposals shall comply with ORS 94.

### **SECTION 6.2.650 PUD USES:**

The buildings and uses permitted in a Planned Unit Development shall be governed by the parent district, pertinent floating zones, and special considerations map restrictions. In addition to the uses permitted by the parent district, the following uses shall also be permitted:

1. Multiple-family dwelling
2. Two-family dwelling (Duplex)
3. Low intensity recreation
4. High intensity recreation
5. Recreational Planned Unit Developments shall contain at least 25% primary owner occupancy or long term rental dwellings (more than 30 days).
6. Retail and service establishments that provide a convenience designed to primarily serve the residents of the PUD with goods and services, and not intended to serve a larger trade or service area.
7. Accessory structures and uses to the extent necessary and normal to the uses permitted in this Section.

### **SECTION 6.2.675 LAND COVERAGE FOR PUD:**

1. In a Planned Unit Development at least 40% of the gross land area, excluding existing and proposed parking and roads shall be devoted to open space and shall be designated as common property.
2. The overall density of a Planned Unit Development shall not exceed the density of the parent zoning district, floating zone, or special consideration restrictions.
3. The minimum lot area, width, depth, height and setback requirements of Chapter IV applicable to the zoning district in which the Planned Unit Development is proposed shall not dictate the strict guidelines for development within the Planned Unit Development and may therefore be waived. Individual buildings and accessory buildings, shall maintain the required parent district's setback from all exterior plat boundary lines, so as to provide the minimum buffering deemed necessary to protect the integrity of adjacent properties.
4. When Coos County determines that topographical or other existing barriers, or the design of the Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the Planned Unit Development, Coos County shall require that:

- a. structures located near the perimeter of a Planned Unit Development are designed and located so as to protect the privacy and amenity of adjacent existing uses; and/or
  - b. a permanent screening be established either by appropriate structure or vegetation or both, along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses.
5. The location, shape, size and character of required open space shall be consistent with the standards set forth below, and shall be maintained only for those uses so specified:
- a. Open space may be maintained for scenic, landscaping, outdoor recreational purposes, sound, solar availability or buffering;
  - b. Open spaces shall be developed and improved to the extent that it will serve the purpose for which it is designated. Outdoor areas containing natural features, existing trees, and groundcover worthy of preservation may be left unimproved; and
  - c. Open space shall be reserved for common facilities and open to the residents or occupants of the PUD.
  - d. In a Recreational PUD the Open Space Standards requires open space not be developed except for active and passive recreational activities, non-motorized vehicle or pedestrian trails, hazard control structures, and vegetative alteration such as golf courses and landscaped grounds. Clustering of intensive or build-up uses shall be encouraged to provide maximum retention of open space and to provide sufficient access to the recreational resource.
6. Maintenance of Common Open Space and Facilities. Whenever any lands or facilities, including streets or ways, are shown on the final development plan as being held in common, Coos County shall require that an association of owners or tenants be created into a non-profit corporation under the laws of the State of Oregon, and that such corporation shall adopt articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on such common areas and facilities to the satisfaction of Coos County. Said association shall be formed and continued for the purpose of maintaining such common open space and facilities. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levies to maintain said areas and facilities for the purposes intended.
7. Dedication. Coos County may, as a condition of approval for any development, require that portions of the Planned Unit Development be set aside, improved, conveyed, or dedicated for the following uses:
- a. easements necessary to the orderly extension of public utilities;
  - b. streets and pedestrian ways necessary to the proper development of either the Planned Unit Development and/or adjacent properties;
  - c. recreational areas or open spaces suitable for the owners, residents, employees, or patrons of the Planned Unit Development of the general public.



8. Construction Standards. Except as expressly provided by this Article, the provisions of this Ordinance and all other County Ordinances and codes shall apply to and control all design and construction of improvements within a Planned Unit Development.
9. Perimeter Standards for Recreational Planned Unit. When Coos County determines that topographical or other existing barriers, or the design of the Recreational Planned Unit Development, does not provide adequate screening or privacy necessary for properties adjacent to the R-PUD, Coos County shall require that:
  - a. Structures located near the perimeter of a R-PUD are designed and located so as to protect the privacy and amenity of adjacent existing uses; or
  - b. Permanent screening be established either by appropriate structure or vegetation or both, along those portions of the site boundaries requiring such screening to assure compatibility with adjacent existing or prospective land uses.

**SECTION 6.2.700 RESERVED**

**SECTION 6.2.725 RESERVED**

**SECTION 6.2.775 RESERVED**

**SECTION 6.2.800 FINAL PLAT REGULATION AND REQUIREMENTS:**

1. Action upon a final subdivision plat by the Director is a ministerial action and must be undertaken within thirty (30) days of receipt of the final plat. No final plat may be submitted for consideration and approval unless a tentative plan, and any required construction drawings for the proposed land division have been submitted previously and approved by the County pursuant to this Article.
  - a. Before expiration of the validity of the tentative plat approval, the applicant shall cause an Oregon registered professional land surveyor to survey the subdivision and to prepare a final plat, in conformance with the approved preliminary plan.
  - b. The applicant shall initiate a request for final plat approval by filing with the Director a final plat, and other supporting documents as described in Subsections 2 to 6 of this section, and the appropriate fees as established by the Board.
  - c. Construction Plans and Specifications:
    - i. After approval of a tentative plan, and if the tentative plan includes the creation of access roadways, the applicant shall submit to the Planning Department five (5) copies of the following construction plans:
      1. Road or street profiles, cross-sections and drawings pursuant to Chapter VII. In lieu of cross-sections and profiles, the Roadmaster may field check the proposed road and if the subject topography does not warrant the requirement of cross-sections and profiles such requirements may be waived by the Roadmaster; and
      2. Applicable specifications for required utilities, road, streets, bike paths, parking and monumentation, provided the applicant intends to bond for said improvements.
    - ii. It shall be the responsibility of the County Road Department to review the drawings and submittals relevant to road or street and utility construction.

The Road Department shall also be responsible for reviewing the specifications pertaining to roads or streets and utilities pursuant to bonding.

- iii. It shall be the responsibility of the County Surveyor to review the drawings and submittals relevant to surveying. The Surveyor shall also be responsible for reviewing the specifications pertaining to surveying and monumentation pursuant to bonding.
  - iv. The County Roadmaster and County Surveyor shall within twenty (20) days after receipt of the construction drawings return the completed approval form to the Planning Director. If all approval forms are positive, the Planning Director shall approve the construction drawings.
  - v. If any approval form is negative or with conditions, the applicant shall if necessary resubmit new construction drawings revised to correct any discrepancies. Upon approval of the construction drawings, the Planning Director shall within five (5) days of approval notify the applicant, County Roadmaster and County Surveyor.
- d. Following approval of the construction drawings, the applicant may proceed with bounding or other security arrangements or construction of improvements and monumentation. Any construction of further site work shall be in conformance with the approved construction drawings and specifications. A sample bond can be found at the end of this Article for land divisions (Figure 6.2).
- i. Before the final plat may be approved, the subdivider shall either:
    - 1. Install required monumentation, improvements and repair existing streets and other public facilities damaged in construction of the subdivision or partition;
    - 2. Execute and file with the County Surveyor or Roadmaster an agreement between the applicant and the County. Interior Monuments: If the corners of partition or subdivision are to be monumented on or before a specified date after the recording of the plat, a bond, surety, cash or other security deposit at the option of the Surveyor shall be furnished prior to the recording of the plat. The estimated cost of performing the work shall be prepared by the surveyor or engineer performing the work on the described plat and shall be approved by the County Surveyor. When the subdivider wishes to bond for improvements and post-monumentation of the plat, the following notes and calculations will be submitted with the plat in addition to those listed in Section 8.1.400 (Survey Calculations)
    - 3. copies of all original field notes made in connection with the survey of the plat; or
    - 4. calculation sheets for:
      - a. bearings;

- b. bearings adjustments;
  - c. traverse;
  - d. traverse adjustment;
  - e. All other calculations made in connection with the survey of the subdivision.
  - f. Bonding for roads can be found in Chapter VII.
2. Final Plat Requirements.
- a. Prior to submission for final approval, the final plat shall be signed by all persons who own land in the subdivision or partition and the mortgagees, or by their authorized representatives or any titleholder. The plat shall bear the signature and seal of the registered professional land surveyor responsible for its preparation and certification that the plat has been correctly surveyed and properly monumented. All signatures must be in archival quality black ink.
  - b. All plats shall be drawn using archival quality black ink, approved by the County Surveyor, on archival quality drafting material. One shall be 18 inches by 24 inches (Clerk's office) and one shall be 18 inches by 27 inches with the 3 inch extension on the left that is suitable for binding purposes (Surveyor's office). The quality of said drafting material and any other drafting particulars will be subject to the County Surveyor's approval. No diazo process may be used. No drafting shall come nearer any edge than one inch and no nearer the left or binding edge than four inches.
  - c. The plat shall be drawn to a typical engineer scale (example 1" = 50'). Any deviation from this scale shall be allowed only with the approval of the County Surveyor.
3. Information required in the Final Plat. The following information shall be included on the final plat or in the supporting documents, and the plat shall otherwise comply with ORS 209.250
- a. The final plat map shall be clearly titled as being a final:
    - i. partition plat;
    - ii. subdivision plat; or
    - iii. planned community.
  - b. For Subdivision or Planned Community (PUD) the plat shall be named and that name shall be displayed on the plat;
  - c. North arrow, scale and date the plat was prepared;
  - d. Legal description of the boundaries, area of the lots in acres, and the location of the subdivision by one-fourth section and Township and Range;
  - e. Names and addresses of the subdivider or partitioner, owner, mortgagee, if any, and the person preparing the plat;
  - f. Lot boundary lines and street right-of-way and center lines with dimensions to the nearest 1/100th of a foot, bearings or deflection angles, radii, arc, points of curvature, chord bearings and distances, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest second with basis of bearings;
  - g. Each street shall be named and shown. The plat shall also show the names and width of the portion of streets subject to an offer to sell, dedication or offer to dedicate, the width of any existing right-of-way, and the width on each side of the

center line. For streets on curvature, curve data shall be based on the street center line. In addition the center line dimensions, the radius and central angle shall be indicated, length of curve, chord bearing and distance;

- h. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.
- i. Locations and widths of drainage channels, railroad rights-of-way, reserve strips at the end of stubbed streets or along the edge of partial width streets on the boundary of the subdivision;
- j. Parcel or Lot numbers shall be consecutively starting with number "1";
- k. Zoning classification of the property within the subdivision or PUD;
- l. The course of all lines traced or established, giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner, donation land claim corner in Township and Range, a lot corner of a recorded subdivision, a boundary corner of a PUD, or a parcel corner of a recorded partition;
- m. Space for date and signature of the County officials, see declaration subsection;
- n. Any conditions specified by the Approving Authority upon granting preliminary approval;
- o. For urban development, proof that sewer service is available to each lot in the subdivision and installed according to the specifications of the sewer service provider;
- p. All lots shall be served from an established public or private water system or private source with the water available at each lot prior to recording the plat. The water quality shall be in accordance with the requirements of the Oregon Health Division, the Oregon Water Resources Department, and the Oregon Department of Environmental Quality.

If this is not a serial partition then the Planning Director, Planning Commission or Board of Commissioners can waive this requirement. In the case of a waiver proof needs to be provided that water could be provided in the future. Acceptable information may be well logs for the area.

When the water supply is distributed through a community system the proposed method of assuring the continued maintenance of the water system shall be provided.

If a waiver is granted the following statement shall be shown on the plat: a statement that no domestic water supply facility will be provided to the purchaser of any lot or parcel depicted in the proposed land division, even though a domestic water supply source may exist. This statement must be shown on the face of the final plat.

It is the responsibility of the applicant to deliver a copy of the statement to each

prospective purchaser of a lot or parcel depicted in the land division pursuant to ORS 92.090(4)(c).

If the waiver is not being applied for then an applicant shall submit and comply with one of the following options:

- i. A certification by a city-owned domestic water supply system or by the owner of a privately owned domestic water supply system that water will be available to the lot line of each and every lot or parcel depicted in the proposed land division;
- ii. Where the proposed source of water is by individual or community wells, proof of an adequate supply of potable water for all anticipated needs of the platted area shall be presented. Proof of an adequate supply of potable water may consist of:
  1. Test wells, must have at least one well per five lots or parcels, or, in the case of lots or parcels averaging less than two acres, one well per ten acres. The test wells shall produce at least 1,000 gallons per day for two consecutive days for each proposed single-family residential site; and
  2. A hydrology report documenting the availability of potable water by describing the average depth, yield and quality and by giving a general history of wells in the area.
- iii. Where the proposed source of water is by a spring, creek, stream, pond, lake or other natural or man-made surface water impoundment, the following information shall be provided:
  1. Certificate of the water as potable by the County Health Department, appropriate state agency or by an approved private laboratory.
  2. Whether the source will be distributed through a community water system or through individual delivery systems;
  3. Whether water rights exist to the supply and, if so, the names of persons holding such rights and amounts allotted to each;
  4. The location of the sources of water supply;
  5. The year-round or seasonal nature of the water supply;
  6. Proof of an adequate water supply for all anticipated needs of the proposed development.
- iv. Storage tanks can be used to serve individual lots or parcels if needed. The tank needs to be a minimum of 1200 gallons to serve one single family dwelling.
- q. Provide written evidence that an on-site septic system(s) that is intended to remain in use after final approval was authorized by an approving authority; or, if written evidence is not available, provide a septic system evaluation (prepared by a professional qualified under ORS 700) that certifies the existing system(s) to be properly functioning and meets the requirements in OAR 340-071-0000. In any

case, it must be shown that the existing septic system(s) is either located entirely on the same lot containing an existing dwelling, or that proper easements are provided to allow the continued use and maintenance of the system(s);

- r. A copy of the covenants, if any, that will be placed on the subdivision, including the volume and page(s) of recording with Coos County;
  - s. A copy of all documents relating to establishment and maintenance of private facilities, common areas and easements, including the volume and page(s) of recording with Coos County;
  - t. A copy of all documents relating to additional requirements or restrictions required by the County as a condition of approval;
  - u. A certificate signed and acknowledged by all parties having any record title interest in the land consenting to the preparation and recording of the plat;
  - v. A certificate signed and acknowledged by all parties having any record title interest in the land dedicating all land intended for public use and common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan;
  - w. A narrative per ORS 209.250(2);
  - x. Planning Department file number;
  - y. If the property is wholly or partially within the boundaries of an irrigation district, drainage district, water control district, water improvement district, or district improvement company, then a certification from the district or company must be received by the County which states that the subdivision is either entirely excluded from the district or company or is included within the district or company for purposes of receiving services and subjecting the subdivision to the fees and other charges of the district or company;
4. Certificates The following certificates, which may be combined where appropriate, must be included on the final plat or on an additional sheet pursuant to this section.
- a. If the plat contains the creation of a private road, the following statement shall be presented in the form of a certificate signed and acknowledged by all parties having any record title interest in the land being developed:

“As a condition of approval of this map/plat the undersigned hereby agrees that he/she will hold Coos County harmless from and indemnify the County for any liability for damage which may occur to the undersigned or his/her property or to any other persons or property whatsoever as a result of the undersigned’s failure to build, improve or maintain roads in this proposed land division.”

This certificate shall include a statement as to whether any roads depicted on the final subdivision or partition plat that provide access to the lots or parcels are public or private and if they are publicly or privately maintained. If they are publicly or privately maintained, then the statement shall identify who is responsible for the maintenance.

IT IS SO AGREED THIS \_\_\_\_\_ day of \_\_\_\_\_

DEVELOPER (Signature.) \_\_\_\_\_

- b. A certificate with the signature and seal of the engineer or the surveyor responsible for the survey and final plat. The certificate shall state that the surveyor has correctly surveyed and marked with proper monuments the lands as represented, and has placed a proper monument indicating the initial point of beginning and has indicated the dimensions and kind of monuments and their location in accordance with ORS 92.060(1), and has accurately described the tract of land upon which the parcels or lots are laid out. (OR 00-05-014PL)
- c. A certificate with signature block for the County Road Department's approval that the partitioner or subdivider has complied with the following:
  - i. all improvements have been installed in accordance with the requirements of these regulations; or
  - ii. an agreement has been executed to ensure completion of the required improvements.
- d. A certificate with a signature block for the County Surveyor's approval, to-wit:
  - i. The plat complies with the requirements for accuracy and completeness and that all monuments have been set pursuant to this Ordinance; or
  - ii. An agreement has been executed as provided to ensure completion of the required monumentation.
- e. A certificate with a signature block for County Assessor's approval, to-wit:
  - i. "all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed upon the tax roll which have become a lien upon the lot or parcel, have been paid or which will become a lien during the tax year have been paid."
  - ii. A certificate with a signature block for the approval of the Planning Director indicating that the plat is in conformity with the requirements of this Ordinance.
- f. For all subdivision, and for partition plats with public dedication a certificate with a signature block for the Board of Commissioners indicating that:
  - iii. The Board determines that the plat is in conformity with the requirements of this Ordinance; and
  - iv. The Board accepts any and all dedications as represented on the final plat.
  - v. If the plat contains the creation of a private road the following statement shall precede the Board of Commissioners signature certificate:

“Coos County hereby gives notice to all developers, purchasers, potential purchasers and all third parties whatsoever that the County disclaims any liability whatsoever for any damage which may occur as a result of the failure of the developer to construct, improve or maintain roads in this proposed land division.”

5. Survey Requirements for all final plats:
  - a. Survey Accuracy:
    - i. The survey for the plat shall be done in a manner to achieve such accuracy that measurements may be taken between monuments within one-tenth of a foot or one ten-thousandth of the distance shown on the plat, whichever is greater;
    - ii. The survey for the plat shall be of such accuracy that the error of closure shall not exceed 1 foot in 10,000 feet. Any lesser accuracy shall be allowed only with the approval of the County Surveyor; and
    - iii. The dimensions shown on the plat shall be of such accuracy that the error of closure of any portion shall not exceed 1 foot in 10,000 feet.
  - b. Measurements: The plat shall contain the following measurements:
    - i. The boundary lines with distances and bearing the exact location and width of existing or recorded streets intersecting the boundary; and
    - ii. The central angle, radius, length and bearing, and distance of the long chord; and
    - iii. Bearing and distance for all tangents; and
    - iv. Lot numbers and lot lines with dimensions in feet and hundredths and bearings and angles to street and alley lines; and
    - v. The area of each lot in either acres, to the nearest 1/100th of an acre, or square feet; and
    - vi. All bearings or measured angles and distances separately indicated from those of record; and
    - vii. All monuments set and their relation to older monuments found. A detailed description of monuments found and set shall be included and all monuments set shall be separately indicated from those found. Any additional information shall be typed or printed in narrative form.
  - c. Monuments:
    - i. The plat shall contain the location, material, and size of all monuments which have been set. A monument shall be set at every angle point along the boundary lines, any exceptions shall be allowed only with the written approval of the County Surveyor. All monuments on the exterior boundaries of a subdivision shall be set where changes in the direction of the boundary occur and referenced on the plat before the plat is offered for approval. The remaining monuments need not be set prior to the approval of the plat. Special symbols shall be used to designate and describe points where the remaining monuments will be set;
    - ii. Monuments shall meet the specifications of the County Surveyor and shall be no less than those required by ORS 92.060;
    - iii. Monuments shall be set with such accuracy that measurements may be taken between monuments within one-tenth of a foot or within one ten-thousandth of the distance shown on the subdivision plat, whichever is greater;
    - iv. If the remaining monuments are not set prior to the approval of the plat:



1. The person performing the survey work shall, by affidavit, on the plat, certify that the interior monuments will be set by a date specified by him or her, such a date not exceeding one year from the date of submission of the plat for approval. The County Surveyor may extend the one year period and such extension shall be in writing. The County Surveyor shall submit a written copy of the extension to the Director;
  2. The subdivider shall furnish to the Coos County Surveyor's Office a bond, cash deposit, or other security at the option of the Coos County Surveyor's Office in the amount equal to not more than 120% of the cost to perform the work for the remaining monumentation;
  3. Upon completion of the remaining monumentation, the person performing the survey shall notify the County Surveyor within five (5) days;
  4. The County Surveyor shall check the remaining monumentation, and, if the conditions required on the tentative plan have been complied with, he or she shall so certify on the subdivision plat in the Clerk's Office and the exact copy filed in the County Surveyor's Office;
  5. The person performing the survey work shall certify by affidavit on the plat that he has correctly surveyed and marked with proper monuments the land as represented.
- v. Flood Plain Monumentation for Subdivision, PUD and Partitions. For subdivisions and partitions involving land in a flood plain, the following specifications shall apply:
1. A standard Bench Mark shall be a minimum of 36" in depth and 8" in diameter, constructed of concrete with a brass cap set in the center. The brass cap shall bear the name of the Bench Mark, the year set and the agency or Registered Land Surveyor's license number. The Bench Mark shall be set at least 30" in the ground in a stable, protected area of the partition or subdivision. The elevation established shall be 3rd order or higher;
  2. The Bench Mark location shall be indicated on the face of the Plat or Final Survey Map along with its name and elevation and the name, year, and elevation of the Bench Mark upon which the elevation is based;
  3. The level notes or a copy thereof shall be filed with the final map. Any exceptions shall be allowed only with the approval of the County Surveyor.

d. Field notes and closure copies to County Surveyor:

- i. Copies of all lot closures and plat closures of the subdivision shall be furnished to the County Surveyor upon his request.
  - ii. If the interior monuments are not set prior to the approval of the plat, the field notes or legible copies for the original survey of the subdivision shall be furnished to the County Surveyor upon his request.
- e. County Surveyor Fees: The subdivider shall pay a fee to the County Surveyor as provided in ORS 92.100(2). If the interior monuments are not set prior to the approval of the plat, the subdivider shall pay an additional fee to the County Surveyor equal to 50% of that fee provided in ORS 92.100(2), to cover the second field check as provided in post monumentation. In the event a second field and/or office check becomes necessary because of substantial discrepancies found in the first check, the County Surveyor may, at his discretion, charge a second fee or partial fee.

## 6. Agreement for Improvements

- a. Before approval of the final plat, the applicant shall either install the improvements required by the preliminary plan approval and repair existing streets and other public facilities damaged in the development of the subdivision, or shall execute and file with the County an agreement between himself or herself and the County specifying the period within which required improvements and repairs will be completed. The agreement may provide for the construction of the required improvements in phases. The agreement shall provide that if work is not completed within the period specified, the County may complete the work and recover the full cost and expense thereof from the applicant;
- b. An applicant may request an extension of time for completion of required improvements. Such request will be considered an application for ministerial action. Such extension shall be approved only if changed conditions for which the applicant is not responsible and has made it impossible to fulfill the agreement within the original time limit(s).

## 7. Performance Bond

- a. To assure full performance of the improvement agreement, an applicant shall provide one of the following:
  - i. a surety bond executed by a surety company authorized to transact business in the State of Oregon on a form approved by the County Counsel; or
  - ii. cash deposit with the County Treasurer; or
  - iii. certification or letter of assurance by a bank or other reputable lending institution that money is being held to cover the cost of improvements and incidental expenses, and that said money will be released only upon the direction of the Roadmaster. The bank certification or letter of assurance shall be approved by the County Counsel; or
  - iv. cash deposit with an escrow agent authorized to transact business in the

State of Oregon subject to escrow instructions that require the escrow agent to release the money only upon the direction of the Roadmaster. Escrow instructions shall be approved by the County Counsel.

- b. Such assurance of full and faithful performance shall be for a sum determined by the Roadmaster to be sufficient to cover the cost of the improvements and repairs that may be required prior to approval of the final plat, including related engineering, and may include an additional percentage as determined by the Roadmaster to cover any inflationary costs which may be incurred during the construction period prior to the full and final completion of the project;
  - c. If the applicant fails to carry out provisions of the improvement agreement and the County has unreimbursed costs or expenses resulting from such failure, the County shall call on the bond, cash deposit, certification or letter of assurance or escrow deposit for reimbursement. If the amount of the bond, cash deposit, certification or letter of assurance or escrow deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond, cash deposit, certification or letter of assurance or escrow deposit is less than the cost and expense incurred, the applicant shall be liable to the County for the difference.
8. Development Phasing: If the preliminary subdivision plan approval pursuant to §6.3.100 of this ordinance provided for phasing of development, the applicant may request final plat approval for an individual phase of the subdivision by filing with the Director a final plat and supporting documents, as provided in Subsections 1 through 6 of this section, for that phase only.
9. Standards for Final Subdivision Plat Approval:
- a. The Director shall grant final subdivision plat approval if it is determined that the final plat and supporting documents are in substantial conformance with the approved preliminary plan, including any conditions imposed by the Approving Authority. Substantial conformance means that any differences between the preliminary and final plans are "minor amendments," as defined by this ordinance;
  - b. The granting of final plat approval shall not be affected by a change in the zone or plan map designation of the subject property made after approval of the preliminary subdivision plan;
  - c. Approval of a final plat by the Approving Authority shall constitute an acceptance by the public of the dedication of any street shown on the plat. Acceptance of a street by approval of the final plat shall not constitute an acceptance to maintain the street. Acceptance for maintenance of any street by virtue of approval of the final plat shall be by a separate process of petitioning the Board for acceptance of road maintenance. Approval of the final plat shall not act as an acceptance by the public of any other land for public purposes;
  - d. The granting of approval, or withholding approval, or a determination of conformance with the preliminary approval of a final subdivision plat is not a land use decision or a limited land use decision, as defined in ORS 197.015;
  - e. Information or requirements, shown either graphically or by notation, which may

be subject to administrative change or variance, may be placed on a plat with authorization from the County Surveyor.

10. Filing and Recording of Final Plat:

- a. After final plat approval, the applicant shall submit without delay the final plat for signatures of the following County officials, in the order listed:
  - 1) Director, on behalf of the Planning Department;
  - 2) Board of Commissioners if there any dedications;
  - 3) Assessor in accordance with the provisions of ORS 92.095;
  - 4) Surveyor, in accordance with the provisions of ORS 92.100; and
  - 5) Coos County Roadmaster.
- b. The final plat shall be recorded within thirty (30) days of the date received unless there are corrections needed;
- c. The original plat may not be corrected or changed after it is recorded with the County Clerk.



Figure 6.2  
 Estimate of Cost for the Construction of Streets, Structures, Monumentation and other  
 Improvements

DATE: \_\_\_\_\_

Coos County Board of Commissioners  
 Coos County Courthouse  
 Coquille, OR 97423

RE: (Exact Land Developments Name)

Township \_\_\_\_\_ Range \_\_\_\_\_ Section \_\_\_\_\_ Tax Lot(s) \_\_\_\_\_

Dear \_\_\_\_\_:

Herewith is an estimate of cost for the improvements within the development for the purpose of obtaining a performance bond, said improvements to be constructed in accordance with the approved plans and specifications for said development on file with the Coos County Planning Department.

<u>Item</u>	<u>Item Description</u>	<u>Unit</u>	<u>Quantity</u> (In Place)	<u>Unit Price</u>	<u>Total Cost</u>
1	Excavation	CY	_____	\$ _____	\$ _____
2	Culvert _____" Diameter	LF	_____	\$ _____	\$ _____
3	Culvert _____" Diameter	LF	_____	\$ _____	\$ _____
4	Curb & Gutter	LF	_____	\$ _____	\$ _____
5	Catch Basins	EA	_____	\$ _____	\$ _____
6	Manholes	EA	_____	\$ _____	\$ _____
7	Aggregate Sub-base	TN	_____	\$ _____	\$ _____
8	Aggregate Base	TN	_____	\$ _____	\$ _____
9	Hot Mix Asphalt Concrete	TN	_____	\$ _____	\$ _____
10.	Exterior Monumentation	EA	_____	\$ _____	\$ _____
11.	Interior Monumentation	EA	_____	\$ _____	\$ _____
	Sub Total				\$ _____
	20% Contingencies and Engineering				\$ _____
	TOTAL				\$ _____

Yours Truly,

\_\_\_\_\_  
 (Signature of Developer)

\_\_\_\_\_  
 Authorized by Roadmaster

\_\_\_\_\_  
 Authorized by Surveyor

## **ARTICLE 6.3 PROPERTY LINE ADJUSTMENTS**

### **SECTION 6.3.100 PROPERTY LINE ADJUSTMENTS:**

As set forth in ORS 92.190(3), the common boundary line between lawfully created units of land may be adjusted in accordance with this section without the replatting procedures in ORS 92.180 and 92.185 or the vacation procedures in ORS Ch. 368. Once a boundary line has been adjusted, the adjusted line shall be the boundary or property line, not the original line.

The criteria for property line adjustments will set when an Administrative or Ministerial Action is required. All notice requirements will follow process in Article 5.0.

### **SECTION 6.3.125 PROCEDURE:**

#### 1. General.

- a. No person may relocate all or a portion of a property line without review and approval of a property line adjustment application.
- b. Tax lot boundaries do not necessarily represent property boundaries. Tax lot boundaries are established by the County Assessment for purposes of assessment and taxation. Tax lots may or may not coincide with legal property boundaries. Only boundaries of lawfully established units of land can be adjusted through the provisions of this chapter.
- c. A line adjustment is permitted only where an additional unit of land is not created; and
- d. A property line adjustment involving a parcel authorized by a Measure 49 waiver cannot increase parcels larger than:
  - i. Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or
  - ii. Five acres if not on high value farm or forest land; unless
  - iii. The property increasing in size is the remainder parcel and is already larger than the two or five acre maximum parcel size.

#### 2. Submittal Requirements: An application for a line adjustment or elimination shall be filed by the owners of all units of land affected. The application shall be accompanied by an appropriate fee and contain the following information:

- a. A property line adjustment must include a tentative map drawn on 8 ½" x 11" or 11" x 17" size paper. The map shall contain the following information:
  - i. North arrow and Scale – The property boundaries and any other required detail shall be provided to scale.
  - ii. Existing and proposed property line dimensions and size in square feet or acres of the lawfully established units of land that are subject of the application. The existing and proposed property configurations will be shown on separate sheets of paper as before and after maps and shall contain acreage before an after adjustments.
  - iii. Identification, size, and dimensions of the area(s) proposed to be adjusted from one property to the other.
  - iv. Roads abutting and located within the subject properties, including names and road right-of-way or easement widths, and labeled as either public or private.
  - v. Location of on-site wastewater treatment systems or name of sanitary sewer district. This includes drain field and repair areas. All on-site wastewater improvements are to remain on the same unit of land as the structure it is serving.
  - vi. Easements, shown with dimensions, type, labeled as existing or proposed, and specifically noting to whom they benefit
  - vii. Existing structures and the distance from each structure to the existing and proposed property lines. Setbacks for all structures within 50 feet of the proposed

property line (130 feet if property is zoned Forest or Forest Mixed Use) must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist within the specified area, the surveyor can submit a stamped letter so stating.

- b. A preliminary title report or title search for each property, to determine ownership and any recorded deed restrictions.
  - c. Evidence to show that the units of land are lawfully created pursuant to Section 6.1 Lawfully Created. If the conformance of the unit of land is unknown, then a Lawfully Created Determination application will be required either prior or in conjunction with a property line adjustment application. If a Lawfully Created Unit of Land Determination is required, then this will be treated as an Administrative Action.
  - d. Upon completion of the Property Line Adjustment Review the mapping and filing requirements of Section 6.3.157 shall be followed.
3. General Criteria - A Property Line Adjustment requires application pursuant to Ministerial Application (Type I) procedures according to Article 5.0, unless otherwise specified by this section. An application for multiple property line adjustments can be made under one application, so long as the deeds are recorded in the correct sequence. All property line adjustments are subject to the following standards and criteria, unless previously stated in this section:
- a. The property line adjustment cannot:
    - i. Create an additional unit of land; or
    - ii. Violate any applicable specific conditions of previous land use approvals or recorded deed restrictions. An example would be if parcels were required to meet a minimum acreage or have an accessory structure and adjustment would remove the primary use or structure.
  - b. All properties affected by the proposed adjustment are legal units of land unless this adjustment is to correct an improperly formed unit of land or to correct an encroachment issue.
  - c. A property line adjustment is subject to the minimum lot or parcel size standards of the applicable zoning district, except in the following circumstances:
    - i. One or both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or
    - ii. Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.
  - d. Split-zoned properties: The adjustment will not create a split-zoned unit of land that does not comply with the standards for creation of a parcel in each zone unless the property owner provides for the recording of a restrictive covenant in the deed records for the subject property that prohibit the property from being partitioned along the zoning boundary until such time as each parcel would comply with the minimum standards for the creation of a unit of land (meeting the criteria for land division) in each zone. If a split-zone unit of land is created, it shall not be used to justify a rezone in the future.
  - e. All required setback for the applicable zoning districts has been mapped as required and comply. An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment
4. Resource Zoned Properties: In addition to the General Criteria in subsection 3 the following additional criteria is required to be addressed.
- a. All property line adjustments that are less than 200 acres (before and after the property line adjustment) are subject to an Administrative Action (Type II Review). If there is no



structural development on either unit of land and the purpose of the application is not to qualify for a dwelling then it can be reviewed as a Ministerial Action (Type I).

- b. A property line adjustment cannot be used to:
  - i. Separate a temporary hardship dwelling, relative farm help dwelling, home occupation, or processing facility from the primary residential or other primary use without land use approval to change the accessory use to a primary use; or
  - ii. As prohibited by ORS 92.192(4)(a) through (c), in a manner that would:
    1. Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;
    2. Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling.
    3. Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard. Or
    4. Allow for change in configuration to qualify for a Forest Template Dwelling. The adjustment may require a template test prior and after any adjustments made after January 1, 2019 at the time a Forest Template Dwelling Application is received.
5. Property Line Adjustments that require an Administrative Action are subject to a twelve (12) day appeal period. If appealed, this will be treated as a Planning Director's decision and the procedures in Article 5.8 will be followed. A notice of the decision will be mailed to the applicant and to all neighborhood or community organizations recognized by the County and whose boundaries include the site. Notice of the decision will also be mailed to the owners of record of property on the most recent property tax assessment roll where such property is located:
  - a. Within 100 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is wholly or in part within an urban growth boundary;
  - b. Within 250 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is outside an urban growth boundary and not within a farm or forest zone;
  - c. Within 750 feet of the exterior boundaries of the contiguous property ownership which is the subject of the notice if the subject property is within a farm or forest zone.

### **SECTION 6.3.150 EASEMENTS AND ACCESS:**

A line adjustment shall have no effect 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.

### **SECTION 6.3.175 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 Figure 1 below.

Figure 1 – PLA Deed

Send tax statements to:

After recording return to:

PROPERTY LINE ADJUSTMENT DEED

\_\_\_\_\_ GRANTOR(s) conveys and warrants to

\_\_\_\_\_ GRANTEE(s) the following described real property,  
situated in the County of Coos, State of Oregon:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT “A”

Subject to and excepting:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

Coos County real property Tax Account No. \_\_\_\_\_.

The consideration for this conveyance stated in terms of dollars is \_\_\_\_\_.

This is a property line adjustment deed. In compliance with ORS 92.190, the following information is furnished:

1. The names of the parties to this deed are as set forth above.

2. The description of the adjusted line is as follows:

SEE LEGAL DESCRIPTION ON ATTACHED EXHIBIT “B”

3. The deed whereby Grantor acquired title to the transferred property is recorded in Microfilm Reel No. \_\_\_\_\_ of the Deed of Records of Coos County, Oregon.

4. The deed whereby Grantee acquired title to the property to which the transferred property is joined is recorded in Microfilm Reel No. \_\_\_\_\_ of the Deed Records of Coos County, Oregon.

5. The survey and monumentation, as required by ORS 92.060 and ORS 209.250, were done by \_\_\_\_\_. His survey is filed with the County Surveyor under Coos County Surveyor’s Records, Map No. \_\_\_\_\_.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

DATED this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**STATE OF OREGON )**

)ss.

**County of Coos )**

This instrument was acknowledged before me on \_\_\_\_\_, 20 \_\_,

by \_\_\_\_\_.

\_\_\_\_\_  
Notary Public of Oregon

My Commission expires: \_\_\_\_\_

**ACCEPTANCE**

The undersigned grantee(s) hereby accept(s) this property line adjustment deed and signs this acceptance in accordance with ORS 92.190(4).

\_\_\_\_\_  
Name

\_\_\_\_\_  
Name

**STATE OF OREGON )**

)ss.

**County of Coos )**

This instrument was acknowledged before me on \_\_\_\_\_, 20 \_\_,

by \_\_\_\_\_

\_\_\_\_\_  
Notary Public of Oregon

My Commission expires: \_\_\_\_\_