



## Coos County Planning Department

60 E. Second St., Coquille OR 97423 (LOCATION)

225 N. ADAMS ST. COQUILLE OR 97423 (MAILING)

PHONE: 541-396-7770 EMAIL: PLANNING@CO.COOS.OR.US

## LAWFULLY CREATED UNIT OF LAND DETERMINATION FORM

Date Received: \_\_\_\_\_ Receipt #: \_\_\_\_\_ Received by: \_\_\_\_\_

Application File Number

Planner Assigned:

**This application shall be filled out electronically. If you need assistance please contact staff**

*Please be aware if the fees are not included the application will not be processed.*

*(If payment is received on line a file number is required prior to submittal)*

### LAND INFORMATION

#### Land Owner(s)

Mailing address:

Phone:

Email:

#### Applicant(s)

Mailing address:

Phone:

Email:

Type of Ownership: Choose an

#### PROPERTY INFORMATION:

Township: Range: Section:  $\frac{1}{4}$  Section:  $\frac{1}{16}$  Section: Tax lot:

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choose

Tax Account Number(s):

Any account information may be found on the Coos County Assessor's Webpage, by contacting staff or on your tax statement. Any incomplete application will not be processed.

SUPPLEMENTAL QUESTIONS AND CRITERIA FOR A LAWFULLY CREATED (DISCRETE) UNIT OF LAND DETERMINATION.

I. The following questions are required to be answered:

1. How was the unit of land created?
2. When was the unit of land created?
3. Provide the deed numbers were used to determine the unit(s) was lawfully created?
4. How many lawfully created parcels are you requesting confirmation on?
5. How are these units of land accessed?

II. The following is required to be submitted as part of the application:

1. All deeds used to determine the Lawfully Created Units of Land (this need to be readable).
2. Map(s) of the Lawfully Created Units of Land with access point, roads and development.
3. Findings to the criteria listed in Section III of this application form.
4. All fees will be collected with the exception of any recording fees.

III. SECTION 6.1.125 LAWFULLY CREATED

“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.

FINDINGS: