



NOTICE OF LAND USE DECISION

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

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

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 (ORS 215.513) REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FORWARDED TO THE PURCHASER.

Date of Notice: **Thursday, May 20, 2021**
File No: PLA-21-013
Proposal: Request for a land use authorization for a Property Line Adjustment
Applicant(s): MCMAHON FAMILY TRUST
MCMAHON, JOHN A.; ETAL, TRUSTEE
PO BOX 2069
BANDON, OR 97411-2069

Staff Planner: Crystal Orr, Planner I

Decision: **Approved with Conditions.** All decisions are based on the record. This decision is final and effective at close of the appeal period unless a complete application with the fee is submitted by the Planning Department at 5 p.m. on **Tuesday, June 01, 2021**. Appeals are based on the applicable land use criteria. Civil matters including property disputes outside of the criteria listed in this notice will not be considered. For more information please contact the staff planner listed in this notice.

Property Information

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

The purpose of this notice is to inform you about the proposal and decision, where you may receive more information, and the requirements if you wish to appeal the decision by the Director to the Coos County Hearings Body. Any person who is adversely affected or aggrieved or who is entitled to written notice may appeal the decision by filing a written appeal in the manner and within the time period as provided below pursuant to Coos County Zoning and Land Development Ordinance (CCZLDO) Article 5.8. If you are mailing any documents to the Coos County Planning Department the address is 250 N. Baxter, Coquille OR 97423. Mailing of this notice to you precludes an appeal directly to the Land Use Board of Appeals.

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment roll was prepared shall not invalidate an ordinance.

The application, staff report and any conditions can be found at the following link: <https://www.co.coos.or.us/planning/page/applications-2021-2>. The application and all documents and evidence contained in the record, including the staff report and the applicable criteria, are available for inspection, at no cost, in the Planning Department located at 225 North Adams Street, Coquille, Oregon. Copies may be purchased at a cost of 50 cents per page. The decision is based on the application submittal and information on record. The name of the Coos County Planning Department representative to contact is Crystal Orr, Planner I and the telephone number where more information can be obtained is (541) 396-7770.

Failure of an issue to be raised in a hearing, in person or in writing, or failure to provide statements of evidence sufficient to afford the Approval Authority an opportunity to respond to the issue precludes raising the issue in an appeal to the Land Use Board of Appeals.

Reviewed by: 
Crystal Orr, Planner I

Date: Thursday, May 20, 2021 .

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

EXHIBITS

- Exhibit A: Conditions of Approval
- Exhibit B: Vicinity Map
- Exhibit C: Before & After Maps

The Exhibits below are mailed to the Applicant only. Copies are available upon request or at the following website: <http://www.co.coos.or.us/Departments/Planning/PlanningDepartment-Applications2018.aspx> or by visiting the Planning Department at 225 N. Baxter, Coquille OR 97423. If you have any questions please contact staff at (541) 396-7770.

- Exhibit D: PLA-21-013 Staff Report -Findings of Fact and Conclusions
- Exhibit E: Application Submitted

EXHIBIT "A"
CONDITIONS OF APPROVAL

The applicant shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of the county. If the applicant fails to comply or maintain compliance with the conditions of approval the permit may be revoked as allowed by the Coos County Zoning and Land Development Ordinance. Please read the following conditions of approval and if you have any questions contact planning staff.

1. All applicable mapping and filing requirements shall be complied with as listed below. If a map is required it shall be submitted to the Surveyor's office with the deeds. The deeds shall not be filed and that map has the appropriate signatures. Copies of all recorded deeds shall be submitted as the final step in the process.
2. Shall comply with any requirements from Coos County Surveyor or Assessor's Office.
3. Must submit a Compliance Determination for the structure(s) that were sited without planning approval prior to staff signing off on the property line adjustment map.

Mapping and Filing Requirements

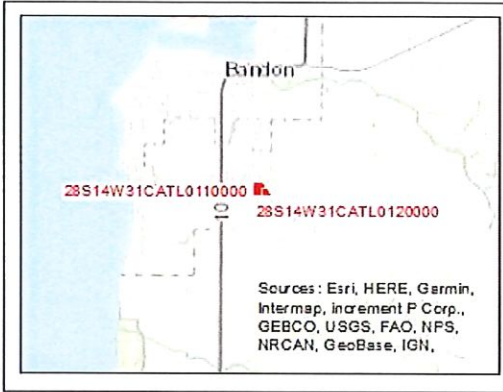
1. Map and Monuments Required:
 - a. For any resulting lot or parcel ten acres or less, a survey map that complies with ORS 209.250 shall be prepared;
 - b. The survey map shall show all structures within ten (10) feet of the adjusted line;
 - c. The survey shall establish monuments to mark the adjusted line.
2. Approval and Filing Requirements:
 - a. Upon determination that the requirements of this section have been met, the Director shall advise the applicant in writing that the line adjustment is tentatively approved;
 - b. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required. If no map is required, the applicant shall submit proof that the requirements of the tentative approval have been met. The Director shall indicate final approval by endorsement upon the map, if any, or if no map is required the Director shall advise the applicant in writing that final approval has been granted;
 - c. Once endorsed by the Director, the map shall then be submitted to the County Surveyor. When the map is filed, the County Surveyor shall indicate the filing information on the map;
 - d. A line adjustment shall be effective when the map is filed by the County Surveyor and an instrument (e.g. deed or covenant) is recorded with the County Clerk. If no map is required, then the line adjustment shall be effective when final approval is granted by the Director and an instrument is recorded with the County Clerk;
 - e. If a survey is required, the Deed shall be recorded and the Survey Map shall be filed simultaneously. The survey map, with the signature of the Coos County Planning Director shall be submitted to the County Surveyor along with the required filing fee. The survey map will be given a filing number which will be added to the Property Line Adjustment deed. The deed will then be recorded whereupon the recording number for said deed will be added to the face of the survey map. Said map will then be filed with the County Surveyor, completing the process.
 - f. The property line adjustment deed must be submitted on the exact format found in § 6.3.175.f.

**EXHIBIT "B"
VICINITY MAP**

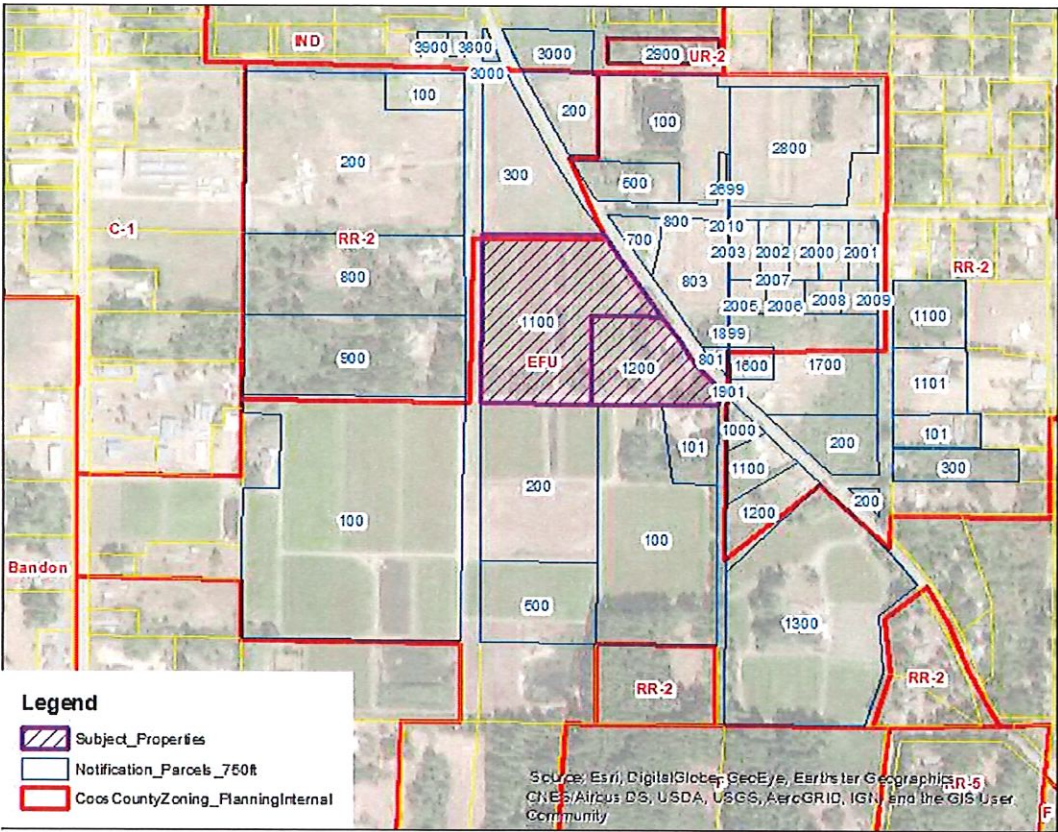


COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 250 N. Baxter, Coos County Courthouse, Coquille, Oregon 97423
 Physical Address: 225 N. Adams, Coquille Oregon
 Phone: (541) 396-7770
 Fax: (541) 396-1022/TDD (800) 735-2900



File: PLA-19-024
 Applicant / Owner / Surveyor: John McMahon / McMahon Family Trust / Troy Rambo
 Date: March 14, 2020
 Location: Township 28S Range 14W Section 31CATL 1100 & 1200
 Proposal: Property Line Adjustment



**EXHIBIT “D”
STAFF REPORT
FINDINGS OF FACT AND CONCLUSIONS**

VI. PROPOSAL

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

II. BACKGROUND INFORMATION

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

On April 1, 2020 a Property Line Adjustment (PLA-19-024) was approved. The applicants decided to adjust the line in a different configuration and therefore staff is required to send out a new notice of decision. It has come to staff’s attention that one (1) or more structures were built without permits that are not currently being assessed. An after the fact Compliance Determination will need to be submitted prior to staff signing off on the property line adjustment map.

III. PROPERTY DESCRIPTION AND PROPOSAL

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

LAWFULLY CREATED:

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

IV. APPLICABLE CRITERIA & FINDINGS OF FACT

• **SECTION 6.3.125 PROCEDURE:**

1. *An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:*
 - a. *Reason for the line adjustment;*
 - b. *Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways;*
 - c. *A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten (10) feet of the proposed adjusted line;*
 - d. *A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable.*
 - e. *A notice of application and decision will be provided to any and all lien holders of record for the property that will be affected by the proposed adjustment. Applicants should consult with any and all such lien holders prior to submittal of an application.*

FINDING: The applicant stated that the reason for the adjustment is to adjust the property so that the cranberry bogs are all on one parcel. A complete application with a plot plan

showing the existing and proposed location of the new line as well as a current property report was supplied. Neither tax lot has a lien. Therefore, these criteria have been addressed.

2. *A line adjustment is permitted only where an additional unit of land is not created and where the lot or parcel reduced in size by the adjustment complies with the requirements of the applicable zone except that a line adjustment for the purpose of exchange or transfer of land between resource land owners shall be allowed so long as:*
 - a. *No parcel is reduced in size contrary to a condition under which it was formed;*
 - b. *The resulting parcel sizes do not change the existing land use pattern (e.g. two conforming parcels must remain conforming); and*
 - c. *Two non-conforming parcels may remain non-conforming; and, two parcels, one conforming and one non-conforming, may remain as such regardless of which parcel is non-conforming after the exchange or transfer).*

FINDING: The minimum lot size for the zoning district of the two parcels in question is 80 acres. Both parcels are under the minimum lot size, which makes them legal nonconforming units of land. The property line adjustment will not affect the conformance status of the properties. Both parcels will remain nonconforming after the adjustment.

Therefore, this request complies with the criteria under this section.

3. *An encroachment of existing or planned structures will not be created within required setbacks as a result of the line adjustment.*

FINDING: No encroachment of existing structures will be created by adjusting the property boundary line. Therefore, this criterion has been met. Any future structures will be required to comply with the setback requirements in the applicable zoning district.

4. *A line adjustment for a lot or parcel that contains a dwelling, not on a public sanitation system, and is less than an acre before the adjustment and further reduced as a result of the adjustment shall obtain documentation from Department of Environmental Quality (DEQ) that the sanitation system will still meet their requirements.*

FINDING: Both parcels will be over an acre after the adjustment. Therefore, this condition does not apply.

5. *In resource lands, a unit of land containing a dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling.*
 - a. *A resource unit of land less than 160 acres and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;*
 - b. *A resource unit of land 160 acres or greater and containing a (preexisting) dwelling, or approved for construction of a dwelling, cannot be adjusted below 160 acres with a vacant resource unit of land for the purpose of qualifying the vacant unit for a 160-acre dwelling;*
 - c. *A resource unit of land 160 acres or greater and containing a dwelling approved as a 160-acre dwelling, or approved for construction of a 160-acre dwelling, cannot be*

reduced below 160 acres for the purpose of qualifying the vacant unit for a 160-acre dwelling.

FINDING: The purpose of this adjustment is not to qualify for a dwelling. Therefore, this criterion does not apply.

6. *Same Designation: A line adjustment shall only be permitted where the sale or transfer of ownership is made between abutting owners of like designated lands, residential lands, commercial lands, industrial lands, resource lands, and estuary zoned lands unless an existing structure encroaches over an existing property boundary or the boundary line adjustment is required to comply with requirements of the State Department of Environmental Quality for a subsurface sewage system.*

FINDING: The zoning districts will not change. Therefore, this criterion has been met.

- **SECTION 6.3.150 EASEMENTS AND ACCESS:**

A line adjustment shall have no affect on existing easements or access. Access shall not be eliminated through a property line adjustment process. If an access is potentially affected then an easement may be created for access to comply with this criterion.

FINDING: There will be no affect on existing easements. Therefore, this criterion has been met.

VI. DECISION:

The proposed Property Line Adjustment meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions as listed above. This is a tentative approval that is valid for up to one year. To finalize this decision the applicant shall comply with the approval and filing requirements found in the conditions of approval in Exhibit "A" of this report.

EXHIBIT "D"
Application Submitted



PROPERTY LINE ADJUSTMENT
SUBMIT TO COOS COUNTY PLANNING DEPT. AT 225 N. ADAMS STREET OR MAIL TO:
COOS COUNTY PLANNING 250 N. BAXTER, COQUILLE OR 97423. EMAIL
PLANNING@CO.COOS.OR.US PHONE: 541-396-7770

FILE NUMBER: PLA-21-013

Date Received: 4/14/21 Receipt #: 224327 Received by: mb

This application shall be filled out electronically. If you need assistance please contact staff. If the fee is not included the application will not be processed.
(If payment is received on line a file number is required prior to submital)

LAND INFORMATION

A. Land Owner(s) McMahon Family Trust/Jeff McMahon
Mailing address: 36150 Cold Spring Road, Crabtree, OR 97335
Phone: _____ Email: _____

Township: Range: Section: ¼ Section: 1/16 Section: Tax lot:
28S 14W 31 C A 01100

Tax Account Number(s): 2351200 Zone: Select Zone Exclusive Farm Use (EFU)

Acreage Prior to Adjustment: 8.57 Acreage After the Adjustment 10.24

B. Land Owner(s) McMahon Family Trust/Jeff McMahon
Mailing address: 36150 Cold Spring Road, Crabtree, OR 97335
Phone: _____ Email: _____

Township: Range: Section: ¼ Section: 1/16 Section:
28S 14W 31 C A 01200

Tax Account Number(s) 2352100 Zone Exclusive Farm Use (EFU)

Acreage Prior to Adjustment: 3.40 Acreage After the Adjustment 1.20

C. Surveyor Troy Rambo
Mailing Address P.O. Box 809, North Bend, OR 97459
Phone #: 541-751-8900 Email: mandrllc@frontier.com

Any property information may be obtained from a tax statement or can be found on the County Assessor's webpage at the following links: [Map Information](#) Or [Account Information](#)

Please check off that all the required documents have been submitted with the application. Failure to submit documents will result in an incomplete application or denial.

Purpose of the Property Line Adjustment:

The purpose of the adjustment is adjust the area containing the cranberry bog into Tax Lot 1100.

Note: the record 2.39 acres for Tax Lot 1200 should be 3.40 acres.

A before and after vicinity map locating the proposed line adjustment or elimination in relocation to adjacent subdivisions, partitions, other units of land and roadways.

A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan needs reflect structures as follows:

1. Within Farm and Forest at least within 30 feet of the property boundaries.
2. Within Rural Residential at least 10 feet of the property boundaries.
3. Within Controlled Development at least within 20 feet of the boundaries.
4. Within Estuary Zones at least within 10 feet of the boundaries.
5. Within Commercial and Industrial within 10 feet of the boundaries.

If there is no development within distance listed above the plan needs to indicate not development within the required distance.

A current property report (less than 6 months old) indicating any taxes, assessment or liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property. A title report is acceptable. ***This shall be for both properties.*** At the minimum a deed showing the current lien holders, reference to easements, covenants and ownership will be accepted for both properties. A notice will be provided to any lien holder as part of this process.

Please list all Lien Holders names and addresses:

Property 1: No Lien Holder

Property 2: No Lien Holder

Please answer the following:

- | | | |
|--|------------------------------|--|
| Will the adjustment create an additional Unit of land? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Does property 1 currently meet the minimum parcel/lot size ? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Does property 2 currently meet the minimum parcel/lot size? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

Was property one created through a land division? Yes No

Was property two created through a land division? Yes No

Are there structures on the property? Yes No

If there are structures please provide how far they are in feet from the adjusted boundary line: 45 feet

Is there a sanitation system on the one or both properties, if so, please indicate the type of system
Yes No
Onsite Septic System Public Sewer

Is property one going to result in less than an acre and contain a dwelling? Yes No

Is property two going to result in less than an acre and contain a dwelling? Yes No

Is one or both properties zoned Exclusive Farm Use or Forest? Yes No

Will the property cross zone boundaries? If so, a variance request will be required. Yes No

Will the property line adjustment change the access point? Yes No

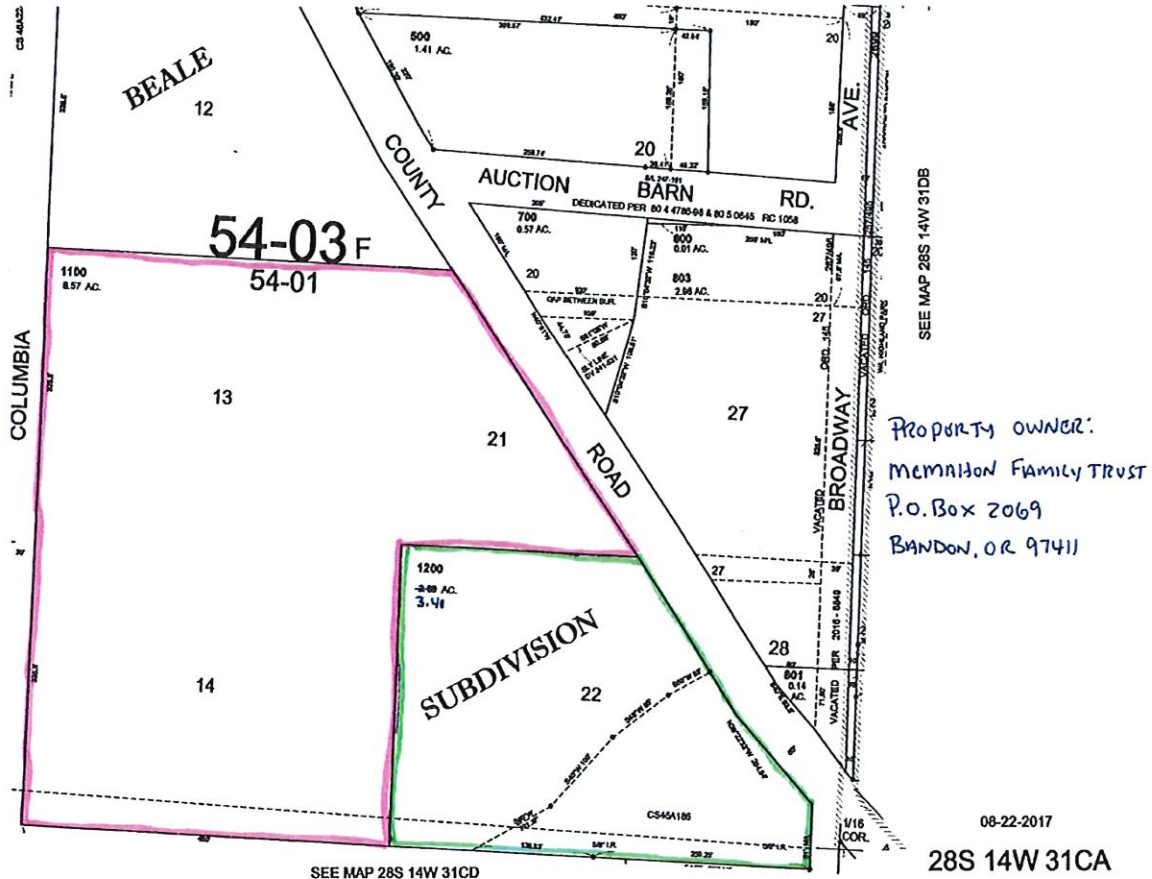
Section 5.0.150 Application Requirements: Applications for development (includes land divisions and relocation of property boundary) or land use actions shall be filled on forms prescribed by the County and shall include sufficient information and evidence necessary to demonstrate compliance with the applicable criteria and standards of this ordinance and be accompanied by the appropriate fee.

It shall be the duty of the Planning Director or his/her authorized representative to enforce the provisions of the Coos County Zoning and Land Development Ordinance pertaining to zoning, land use, the construction, erection, location or enlargement of any structure and land divisions including the relocation of boundary lines within Coos County under the jurisdiction of this Ordinance. Therefore, if any violations of the ordinance are found to exist the application will not be processed unless other resolutions are possible.

Acknowledgment Statement: I hereby declare that I am the legal owner of record or an agent having consent of the legal owner of record and I am authorized to obtain land use approvals. The statements within this form and submittal information provided are true and correct to the best of my knowledge and belief. I understand that any authorization for land use approval may be revoked if it is determined that it was issued based on false statements, misrepresentation or in error.

Property Owner

DocuSigned by:
Jeff McMahon Successor Trustee of the McMahon Family Trust
4/12/2021 11:51 AM PDT



SEE MAP 28S 14W 31CD

SEE MAP 28S 14W 31DB

Property owner:
MEMRISON FAMILY TRUST
P.O. Box 2069
BYNDON, OR 97411

08-22-2017
28S 14W 31CA

BEFORE ADJUSTMENT

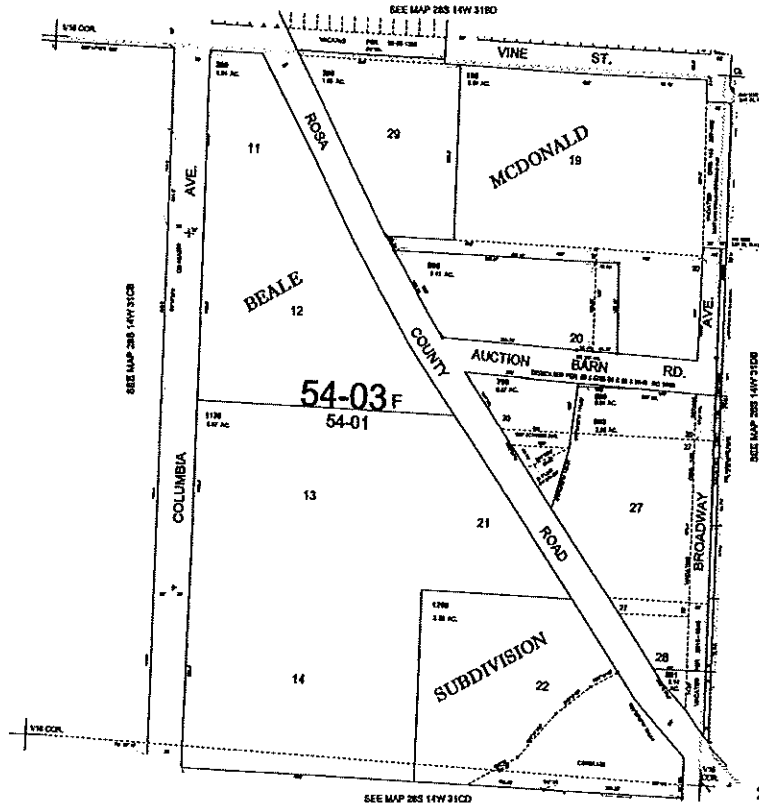
NE1/4 SW1/4 SEC. 31 T28S R14W W.M.
COOS COUNTY
1" = 100'

28S 14W 31CA

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY

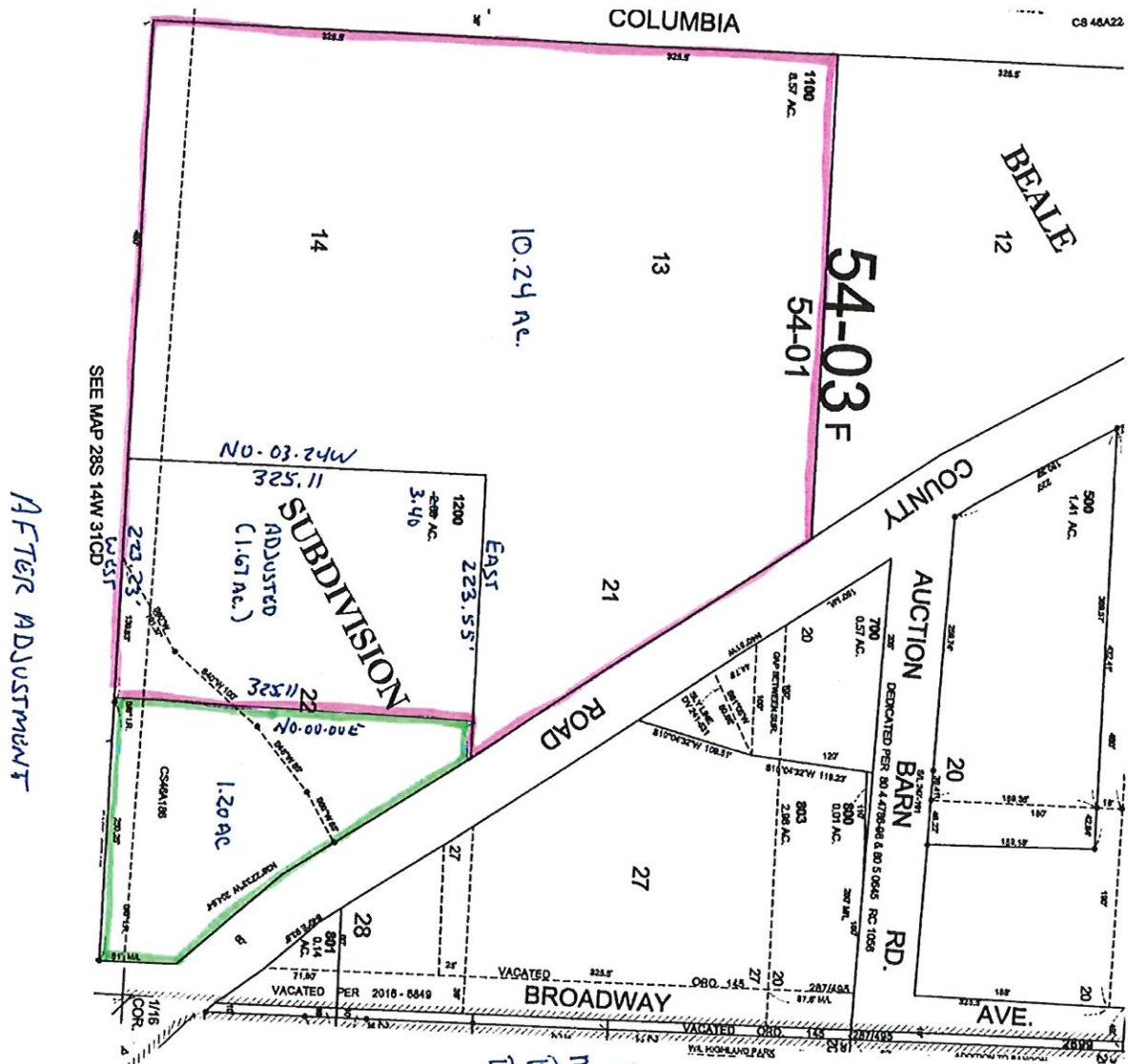
CANCELLED NO.

- 400
- 1000
- 800
- 1300
- 1400
- 501
- 800
- 802
- 101
- 102
- 502
- 103



08-22-2017

28S 14W 31CA

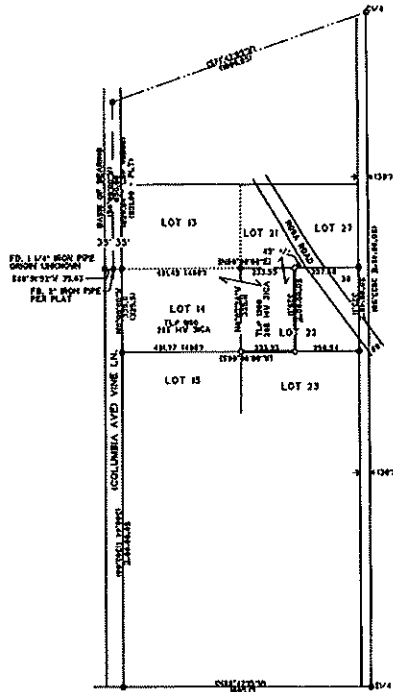


AFTER ADJUSTMENT

PROPERTY OWNER:
 MEMPHIS FAMILY TRUST
 P.O. Box 2069
 BARDON, OR 97411

28S 14W 31CA
 08-22-2017

PROPERTY LINE ADJUSTMENT SURVEY - LOCATED IN THE SW1/4
 OF SECTION 1, T.28S., R.14W., W.M., COOS COUNTY, OREGON
 (LOTS 14 & 22, PLAT OF BEALE-McDONALD SUBDIVISION)



BASE OF BEARING
 ASSUMED PER
 CIV 61844
 NOT TO SCALE
 APRIL 12, 2011

- LEGEND**
- ⊙ FD. 2" IRON PIPES PER PLAT
 - SET 2/8" X 30" REBAR WITH A PLASTIC CAP STAMPED "LS 3185"
 - ⊙ CALCULATED POSITION - NOT SET
 - | RECORD BEARING/DISTANCE
 - | RECORD PLAT BEARING - HELD
 - ADJUSTED LINE
 - OLD LINE

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO SET THE CORNERS AS SHOWN TO A DESCRIPTION FOR PROPERTY LINE ADJUSTMENT OVER CORNER RE-APPEARANCE CONTROL FOR THIS SURVEY WAS BASED ON THE PLAT OF BEALE-McDONALD SUBDIVISION AND CIV 61844.
 THE RECORD BEARINGS AND DISTANCES FOR CIV 61844 WERE HELD TO CALCULATE THE POSITIONS OF THE SW1/4 AND THE SOUTH LINE OF SECTION 1. THE NORTH-SOUTH DISTANCES WERE THEN PROPORTIONED ACCORDINGLY AS SHOWN.
 THE FIELD WORK WAS PERFORMED BY MYSELF.

COOS COUNTY SURVEYOR
 DATE RECEIVED: _____
 DATE ACCEPTED/FILED: _____
 COOS COUNTY SURVEYOR

SURVEYED FOR:
 McMAHON FAMILY TRUST
 P.O. BOX 2069
 SANDOZ, OR 97411
 SURVEYED BY:
 WALKERS & RAMBO, LLC
 P.O. BOX 818
 NORTH BEND, OR 97459



PLANNING DEPT. FILE NO. PLA-21-011
 PLANNING DEPT. APPROVAL DATE _____
 DEED RECORDING NO. 3151 _____