



NOTICE OF LAND USE DECISION

You may have received this because you are an adjacent property owner, and this notice is required to be provided pursuant to ORS 215.416. The proposal is identified in this decision and will be located on the subject property.

Coos County Planning
60 E. Second St.
Coquille, OR 97423
<http://www.co.coos.or.us/>
Phone: 541-396-7770
planning@co.coos.or.us

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. Please read all information carefully as this decision. (See attached vicinity map for the location of the subject property).

Date of Notice: **Tuesday, February 15, 2022**
File No(s): D-21-013, PLA-21-043 and PLA-21-044

Proposal: Request for a Land Use Determination for a Lawfully Created Units of Land Application and Property Line Adjustments.

Applicant(s): KASPER, JEREMIAH D & BRIDGET R
PO BOX 2070
BANDON, OR 97411-2070

Staff Planner: Jill Rolfe, Planning Director

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 **February 28, 2022**. Pursuant to Section 5.8.100 Lawfully Created Unit of Land Applications and Property Line Adjustments are appealable within twelve (12) days the written notice is mailed. Appeals are based on the applicable land use criteria. Lawfully Created Unit of Land applications are subject to Coos County Zoning and Land Development Ordinance (CCZLDO) General Compliance with *Sections 1.1.300 Compliance with Comprehensive Plan and Ordinance Provisions, CCZLDO Article 6.1 Lawfully Created Lots and Parcels. Property Line Adjustments are subject to the Coos County Zoning and Land Development Ordinance (CCZLDO) Article 6.3 Property Line Adjustments. 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

The subject property currently consists of four (4) tax lots, Township 29S Range 14W Range 8; Tax Lots 300, 301, 302 and 303. These tax lots comprise of the tract owned by the applicants, Jeremiah & Bridget Kasper. The properties are zoned Exclusive Farm Use and Forest Mixed Use. They are located south of the City of Bandon accessed by Circle City Lane, via Barnekoff Lane off Rosa Road.

Map Number Township, Range, Section Tax Lot	Account Number	Number of lawfully created units of land
29S140800-00300	1207601	1 unit of land (IV)
29S140800-00301	1207603	2 units of land (VIII & III)
29S140800-00302	1207604	3 units of land (I, II, VII)
29S140800-00303	1207605	2 units of land (VI, V)

The second portion of the proposal is to adjust the two property boundary lines. Adjustment one is between lawfully created units I and II within tax lot 302. The second adjustment will be between lawfully created units II and III within tax lots 301 and 302.

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

This notice shall be posted from February 15, 2022 to February 28, 2022

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. 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.

The application, staff report and any conditions may 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 60 E. Second St., Coquille, Oregon; however, an appointment is required to be setup for viewing purposes. 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: _____
Jill Rolfe, Planning Director

Date: Tuesday, February 15, 2022 .

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

The following exhibits are on file at the Coos County Planning Department and may be accessed by contacting the department. All noticeable decisions are posted on the website for viewing when possible.

Exhibit C: Staff Report –Findings of Fact and Conclusions

Exhibit D: Comments Received

Exhibit E: Application

EXHIBIT “A”
CONDITIONS OF APPROVAL

The applicant (applicant includes property owner and any successor) 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.

Conditions of Approval for the Lawfully Created Units of Land Determination

Please read the following conditions of approval and if you have any questions contact planning staff. This is a tentative decision and will become final if the conditions of approval are completed correctly and any required survey maps and/or deeds are completed.

1. Each of the acknowledged lawfully created units of land shall include in the deed or other instrument conveying or contracting to convey fee title a reference to this land use decision along with a reference of the original deed documents that describe said property.
2. These properties shall be placed on separate deeds within ninety days of the date of the final decision which is calculated in Section 5.0.250. 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.
3. Current access to the properties is provided by an easement and at the time of development (if developed) the property owner will be required to bring any roads or driveways to current design standards to support the proposed development.

Conditions of Approval for the Property Line Adjustment

This is a tentative decision and will become final if the conditions of approval are completed correctly and any required survey maps and/or deeds are completed.

1. Shall comply with any requirements from Coos County Surveyor or Assessor’s Office.
 - a. The Coos County Survey stated the newly adjusted line will require a survey and monuments.
 - b. The Coos County Assessor’s Office did not provide formal comments but at the time the deed is reviewed there will be comments.
2. 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; and
 - b. The survey map shall show all structures within ten (10) feet of the adjusted line; and
 - c. The survey shall establish monuments to mark the adjusted line; and
 - d. 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.
3. Within one year from the date of tentative approval, the applicant shall prepare and submit to the Planning Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required.
4. **Final approval** - The applicant shall submit proof that the requirements of the tentative approval have been met. Upon submittal by the applicant that all conditions of approval have been met along with the deed and map, if required, have been provided along with the recording fee to the Planning Director a final determination will be made. the Director shall advise the applicant in writing if the documents submitted are sufficient or if amendments are required.
 - a. **The following items shall be submitted to the Coos County Planning Department prior to one year of the tentative decision:**

- i. A supplemental document explaining how all conditions of approval have been completed and the applicant is ready for a final determination; and
 - ii. The applicant or applicant's surveyor shall prepare and submit to the Planning Director any map required by Section 6.2.800(4) and Section 6.2.800(5) if a survey is required as explained under the Surveyor's comments; and
 - iii. A deed following the exact format found in Figure 1 of Section 6.3.175.
 - iv. Each property line adjustment shall be filled separately and in the order reviewed.
- b. Once the required documents are received by the County Planning Department, they will be forwarded to the County Surveyor and Cartographer for final comments. If revisions are required, the applicant and/or representative will be notified as soon as the revisions are identified. If there are no revisions required Staff will sign the map and route the map and deed on the Surveyor's Office for completion and recording along with the recording fee. If there is no Survey Map required Planning Staff will submit the deed to the County Clerk's Office with the fee to be recorded.
- c. The applicant shall comply with the comments from the Coos County Surveyor.

EXHIBIT "B"
VICINITY MAP



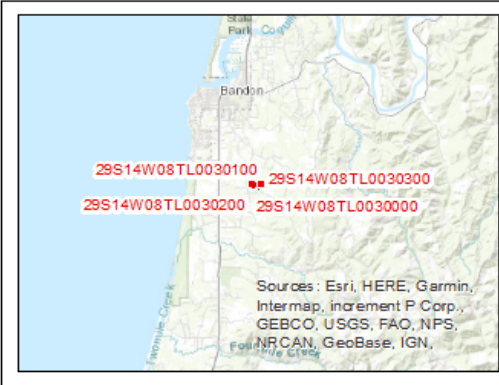
COOS COUNTY PLANNING DEPARTMENT

Mailing Address: 225 N. Adams, Coquille, Oregon 97423

Physical Address: 60 E. Second, Coquille Oregon

Phone: (541) 396-7770

TDD (800) 735-2900



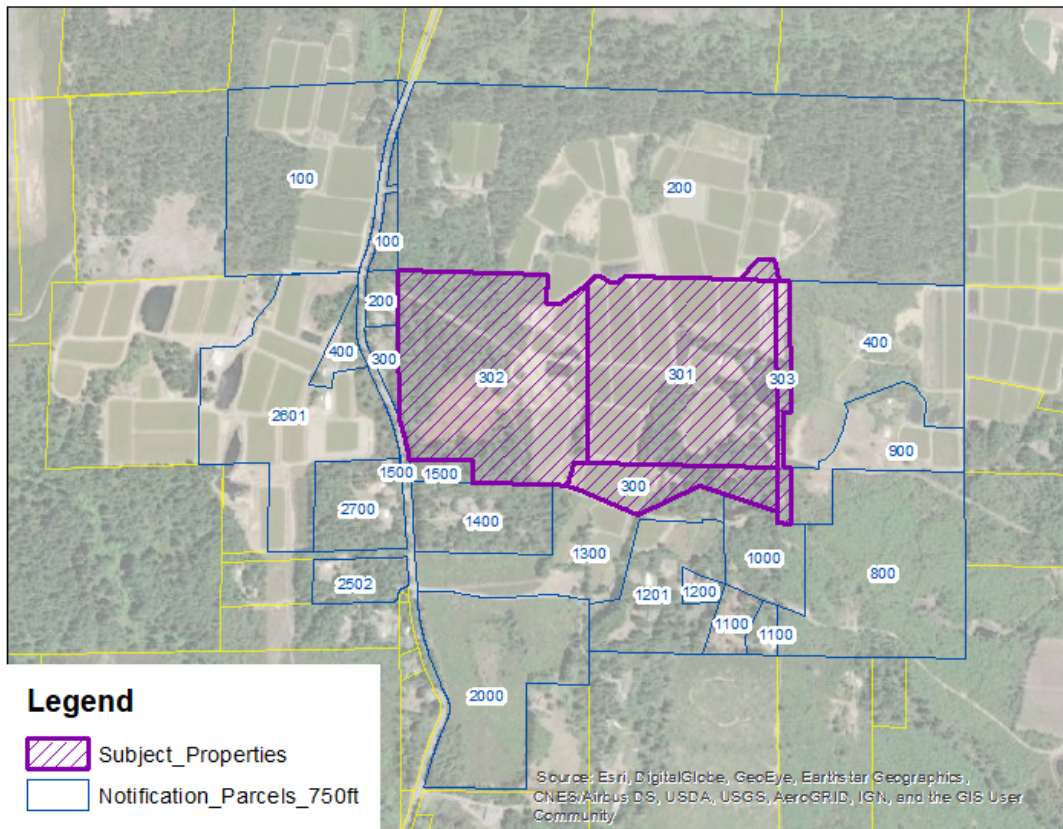
File: D-21-013/PLA-21-043/PLA-21-044

Applicant/
Owner: Jeremiah & Bridget Kasper

Date: February 15, 2022

Location: Township 29S Range 14W
Section 08 TL 300, 301, 302, & 303

Proposal: Lawfully Established Parcel
Determination & Property Line
Adjustments



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

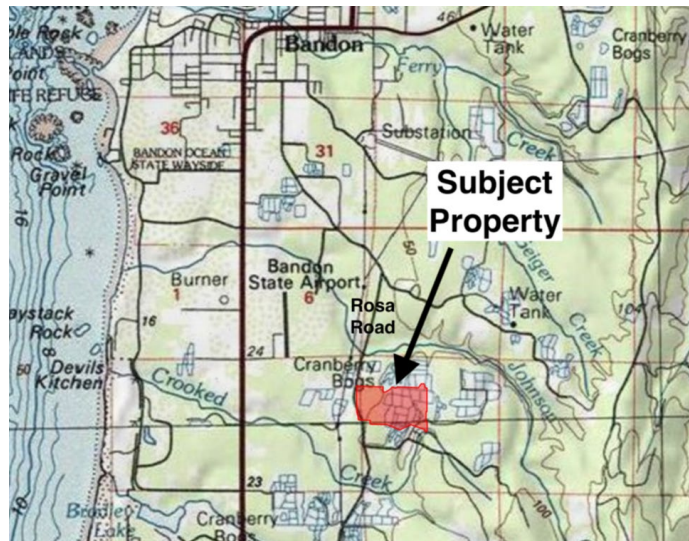
I. PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. Proposal: The proposal is a request for Planning Director Approval of Lawfully Created Units of Land Determination and two Single Property Line Adjustments.

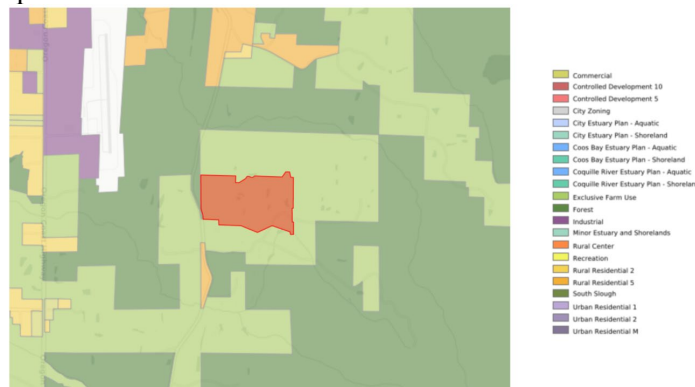
B. BACKGROUND INFORMATION:

A portion of this project was rezoned in December 2021 from Exclusive Farm Use to Forest Mixed Use. During that review process it was discovered an Agricultural Structure had not received property permits. Since that time the applicant has applied for the appropriate permits that property is currently in compliance with land use laws. During the rezone application a neighbor did send a comment about a logging operation that was occurring. Logging is a permitted use in both Farm and Forest Zones and harvesting trees on Farm and Forest properties is under the jurisdiction of Oregon Forest Practice Act which is regulated by Oregon Department of Forestry and not Coos County Planning.

C. LOCATION: The subject property is located south of the City of Bandon accessed by Circle City Lane, via Barnekoff Lane off of Rosa Road.



D. ZONING: The properties are zoned Exclusive Farm Use and abut Forest/Mixed Use to the west.



E. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

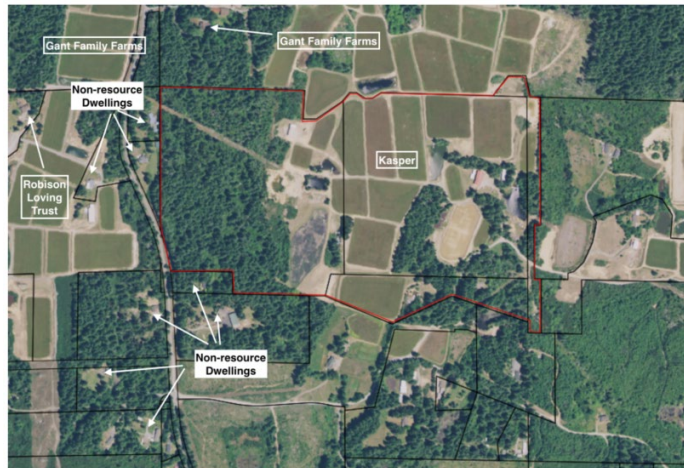
SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

These properties do not list any Special Development Consideration and/or Overlay Zones. The proposal does not include any type of earth moving or structural development; therefore, even if the property was in a Special Development Consideration and/or Overlay Zone it would not be required to be addressed.

F. SITE DESCRIPTION AND SURROUNDING USES:

The applicants provide a map of ownership and surrounding uses below. The properties have both tree vegetation and cranberry bogs. The portions of the property that under review are not improved with the exception of tax lot 300 which has a pre-existing Dwelling. Surrounding the properties is more cranberry operations, dwellings and treed land.



G. COMMENTS:

Comments were requested from the County Surveyor and Assessor’s Office. The Surveyor comments are found at Exhibit D. There were no public comment on this particular application received prior to the release of the decision.

II. STAFF FINDINGS AND CONCLUSIONS:

- A. *COMPLIANCE PURSUANT TO SECTION 1.1.300: It shall be unlawful for any person, firm, or corporation to cause, develop, permit, erect, construct, alter or use any building, structure or parcel of land contrary to the provisions of the district in which it is located. No permit for construction or alteration of any structure shall be issued unless the plans, specifications, and intended use of any structure or land conform in all respects with the provisions of this Ordinance.*

FINDING: Staff has reviewed the property history and the county files to determine at the time of this report the portions of the properties subject to review are compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-compliant.

B. LAWFULLY CREATED CRITERIA:

• **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 UNIT OF LAND**

“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 interviewing 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.*

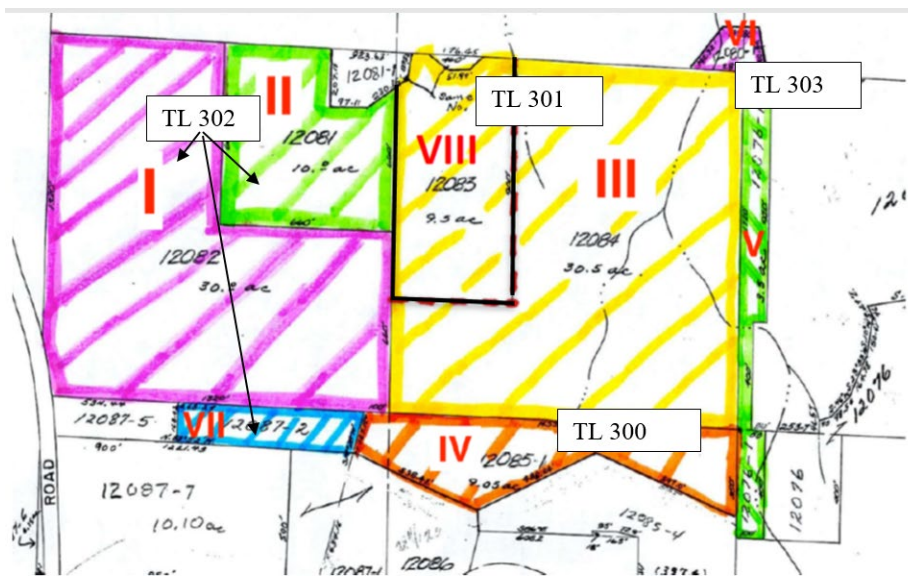
- **SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:**

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.

Finding: The Lawfully Created Unit of Land Determination was received at the same time the application for rezone. The application was held until the rezone was finalized. The application was found to meet the submittal requirements. All notices are provided as required by this section.



Units of land VIII (#12083) and III (#12084) were found to be lawfully created units of land through a prior land use approval in 1996 (ACU-96-012) Account 12083 was described in Book 139, Page 278 of the Coos County Deed of Records and Account 12084 was described in Book 139, Page 528 of the Coos County Deed of Records. Therefore, these two units of land remain discrete unless are identified as Parcel III on Deed #69-5-3847. These remain discrete unless the lot or parcel lines are vacated, or the lot or parcel is further divided, as provided by law, which they have not.

The rest of the units of land have not official been validated by Coos County as Lawfully Created. Therefore, this application is necessary.

The applicant’s tract of land consists of eight lawfully created units of land. Two were found discrete through a prior application (within tax lot 301). The rest are described in Deed #69-5-38647.

Tax lot 300 is one lawfully created discrete unit of land with approximately 5 acres (Account 12085-1, Parcel IV)

Tax lot 301 was acknowledge in 1996 as containing two lawfully created discrete parcels.

Tax lot 302 has three lawfully created discrete units of land as follows:

- Account Number 12081 (Unit II) with approximately 10 acres;
- Account Number 12082 (Unit I) with approximately 30 acres; and
- Account Number 12087-2 (Unit VII) with approximately 3.5 acres.

Tax lot 303 contains two lawfully created discrete units of land as follows:

- Account Number 12080-1 (Unit VI) with approximately .75 of an acre; and
- Account Number 12076-1 (Unit V) with approximately 3.5 acers.

Therefore, staff has confirmed based on the evidence in the record that there are eight lawfully created units of land. As a condition of approval, a deed description of each unit shall be recorded to separate each unit of land. The applicant has addressed the road access portion the County Roadmaster has not required additional road improvements in conjunction with request.

C. PROPERTY LINE ADJUSTMENTS:

I. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

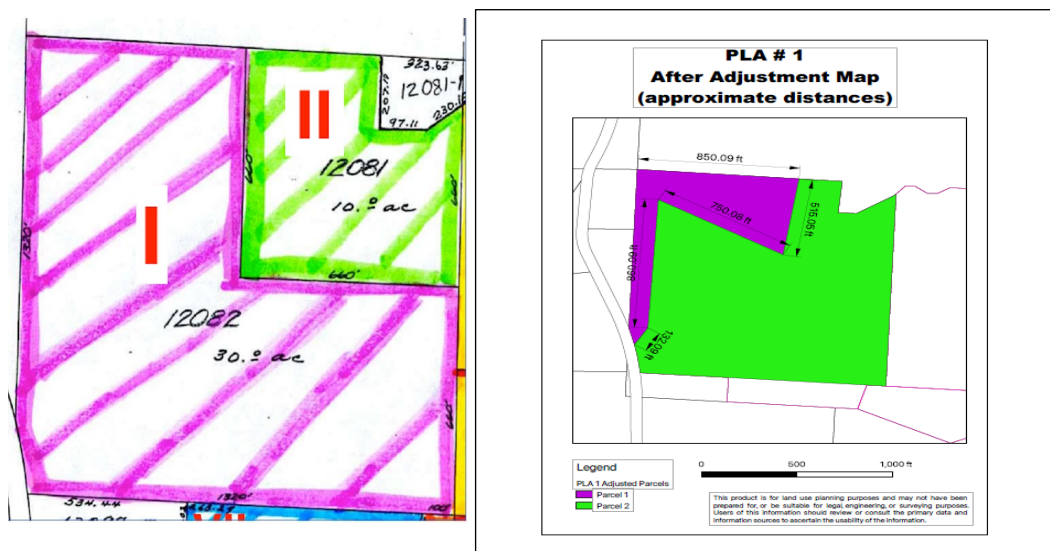
The proposal is for Planning Director Approval of two Single Property Line Adjustment between lawfully created units of land. The proposal is subject to Coos County Zoning and Land Development (CCZLDO) Article 6.3 Property Line Adjustments.

II. CRITERIA AND STANDARDS FOR PROPERTY LINE ADJUSTMENTS

• SECTION 6.3.100 PROPERTY LINE ADJUSTMENTS:

As set forth in ORS 92.190(3), the common boundary line between lots or parcels 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 lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The Director has authority to approve a line adjustment as an Administrative Action unless the application is required to correct an encroachment. In that circumstance the only applicable criteria is Sections 6.3.125.1, 6.3.150 and 6.3.175. Encroachments do not require notice.

➤ **ADJUSTMENT 1 - PLA-21-043 (Adjustment between Parcel I and Parcel II)**



• **SECTION 6.3.125 PROCEDURE:**

1. *An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:*
 - a. *Reason for the line adjustment;*
 - b. *Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways;*
 - c. *A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten (10) feet of the proposed adjusted line;*
 - d. *A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable. The Planning Director may waive any portion of this requirement if the property is large and does not have a lien holder.*
 - d. *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 application was receive with other applications but held upon completion. The application was found to be complete when submitted.**

According to the applicant the purpose of this property line adjustment is to adjust a parcel of land less than ten (10) acres in the newly rezoned portion of the Parcel I and II.

There are no adjacent subdivisions or partitions. There are no structures currently located within ten (10) feet of the property line under the current configuration, nor will there be any current structures located within ten (10) feet of any property line after the adjustment. There are no liens or loan holders on Parcel I or II of the subject property, therefore the applicants request the property report to be waived. Therefore, staff has waived the requirements for the lien holder report.

Therefore, all submittal criteria have been satisfied and staff will follow the proper procedure for notice of decision.

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: **Both units of land I and II are below the minimum size of 80 acres for the either EFU or FMU zoning districts. The proposal is to reconfigure the unit I to under 10**

acres of size, and unit II will remain well under 80 acres in size after the adjustment. Therefore, both will remain non-conforming in size before and after 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: This adjustment will not create an encroachment. Therefore, this request complies with this criterion under this section.

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: Neither parcel will be reduced to less than an acre. Therefore, this request complies with the criteria under this section.

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: There are no dwelling, or approvals for construction of a dwelling, on either Parcel I or II at this time. The applicants acknowledge that subsections a, b and c will apply to any future approvals of any dwellings. Therefore, this has been addressed.

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 parcels are both resourced zoned; therefore, this criterion has been met.

- **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.

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

➤ **ADJUSTMENT 2 - PLA-21-044 (Adjustment between Parcel II and Parcel III)**



• **SECTION 6.3.125 PROCEDURE:**

2. *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;*
 - e. *A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable. The Planning Director may waive any portion of this requirement if the property is large and does not have a lien holder.*
 - d. *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 application was receive with other applications but held upon completion. The application was modified on December 9 and found to be complete when submitted.

According to the applicant the purpose of this property line adjustment to create a parcel of land greater than ten (10) acres in the newly rezoned FMU portion of the Parcel II.

There are no adjacent subdivisions or partitions. There are no structures currently located within ten (10) feet of the property line under the current configuration, nor will there be any current structures located within ten (10) feet of any property line

after the adjustment. There are no liens or loan holders on Parcel I or II of the subject property, therefore the applicants request the property report to be waived. Therefore, staff has waived the requirements for the lien holder report.

Therefore, all submittal criteria have been satisfied and staff will follow the proper procedure for notice of decision.

7. *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: Parcel II and III are both below the minimum size of 80 acres for the either EFU or FMU zoning districts. The proposal is to reconfigure the Parcel II to 13 acres of size. Parcel III will be approximately 50.5 acres, which remains under 80 acres in size, after the adjustment. It is noteworthy to mention that Parcel III will contain a greater majority of the existing cranberry bogs, primary farm dwelling, and all the agricultural buildings. Therefore, both parcels will remain non-conforming in size before and after adjustment.

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

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

FINDING: This adjustment will not create an encroachment. Therefore, this request complies with this criterion under this section.

9. *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: Neither parcel will be reduced to less than an acre. Therefore, this request complies with the criteria under this section.

10. *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: There are no dwelling, or approvals for construction of a dwelling at this time. The applicants acknowledge that subsections a, b and c will apply to any future approvals of any dwellings. Therefore, this has been addressed.

11. *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 parcels are both resourced zoned; 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 effect on existing easements. Therefore, this criterion has been met.

D. SPECIAL DEVELOPMENT CONSIDERATIONS AND OVERLAYS:

SECTION 4.11.125 Special Development Considerations: The considerations are map overlays that show areas of concern such as hazards or protected sites. Each development consideration may further restrict a use. Development considerations play a very important role in determining where development should be allowed In the Balance of County zoning. The adopted plan maps and overlay maps have to be examined in order to determine how the inventory applies to the specific site

SECTION 4.11.200 Purpose: Overlay zones may be super-imposed over the primary zoning district and will either add further requirements or replace certain requirements of the underlying zoning district. The requirements of an overlay zone are fully described in the text of the overlay zone designations. An overlay zone is applicable to all Balance of County Zoning Districts and any zoning districts located within the Coos Bay Estuary Management Plans when the Estuary Policies directly reference this section.

FINDING: The proposal does not include any type of earth moving or structural development; therefore, even if the property was in a Special Development Consideration and/or Overlay Zone it would not be required to be addressed.

III. DECISION:

The proposed Lawfully Created Unit of Land Discrete Determination and the Property Line Adjustments meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit "A" of this report.

IV. EXPIRATION:

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 once the appeal period has expired and an appeal has not been filed.

Once lawful parcels or lots have been established pursuant to LDO Section 6.1.125 those units of land shall remain lawfully created or discrete 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. The units of land subject to this review shall be deeded out as explained in the conditions of approval.

The property line adjustments are 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 once the appeal period has expired and an appeal has not be filed.

V. NOTICE REQUIREMENTS:

A notice of decision will be provided to property owners within 750 feet of the subject properties and the following agencies, special district, or parties:

- Applicants/Owners, County Surveyor, County Assessor's Cartography Staff, Planning Commission and Board of Commissioners will receive a complete copy of the Staff Report and Attachments;
- Adjacent property owners will receive a Notice of Decision, Conditions of Approval, and Maps but all other attachments can be found by contacting the Planning Department or visiting the website. If not found on the website the public may contact the department to view the official record.
- Special Districts will received a copy of the same documents as adjacent property owners:
Bandon RFPD

**EXHIBIT “D”
COMMENTS RECEIVED**

Reply Reply All Forward
Wed 11/10/2021 11:25 AM

 **Mike Dado**
RE: PLA-21-043 & PLA-21-044 Kasper

To Amy Dibble
Cc Dezeri Royce
You replied to this message on 11/10/2021 11:42 AM.

Phish Alert + Get more add-ins

Amy,

Because of the lack of real survey information supplied with these applications, I really don't have a lot of comments. I will say that on PLA 21-044, even though the smaller parcel will be 13.6 acres in size I would require that it be surveyed. That should not prove to be an excessive burden on the Kaspers since the smaller parcel in PLA 21-043 is only 8.6 acres in size and will have to be surveyed anyway, and the two parcels share a large portion of common boundary.

Thank you

Michael L. Dado
Coos County Surveyor & Land Agent
250 N. Baxter
Coquille, OR 97423
mdado@co.coos.or.us

EXHIBIT "E"
APPLICATIONS RECEIVED



**Coos County
Planning Department
Lawfully Established Parcel
Determination Application**

Official Use Only

Fee _____
Receipt No. 228661
Check No./Cash _____
Date 10/26/21
Received By JMB
File No. D-21-013

The following application must be completed in full. An application **will not** be processed for a land use request without this information. The County will use these answers in its analysis of the merits of the application. Please submit readable deeds. A signed consent form will be required if the applicant and owner are not the same.

A. PLEASE PRINT OR TYPE (please attach additional sheets, if necessary):

Owner(s): Jeremiah & Bridget Kasper Telephone: (916) 580-4416
Address: PO Box 2070
City: Bandon, OR Zip Code: 97411
Email: jeremiahkasper4@gmail.com

Applicant(s): Jeremiah & Bridget Kasper Telephone: (916) 580-4416
Address: PO Box 2070
City: Bandon, OR Zip Code: 97411
Email: jeremiahkasper4@gmail.com

B. PROPERTY INFORMATION:

Township: 29S Section: 14W
Range: 08 Tax Lot: 300/301/302/303
Tax Account: 1207601 / 1307603 Zoning District: EFU
1207604 / 1207605

C. SUBMISSION REQUIREMENTS:

- Completed application form with appropriate fee
- A copy of the current deed of record
- A copy of each deed being used as evidence to support the application
- A detailed map indicating the relation of the existing property boundary to the discrete parcel boundaries

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.

D. AUTHORIZATION: All areas must be initialed by all owners/applicant prior to the Planning Department accepting any application.

JK

I hereby attest that I am authorized to make the application for an administrative review and the statements within this application are true and correct to the best of my knowledge and belief. I affirm that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by Coos County may be revoked if it is determined that the action was issued based upon false statements or misrepresentation.

JK

ORS 215.416 Permit application; fees; consolidated procedures; hearings; notice; approval criteria; decision without hearing.

(1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

The Coos County Board of Commissioners has adopted a schedule of fees which reflects the average review cost of processing and set-forth that the Planning Department shall charge the actual cost of processing an application. Therefore, upon completion of review of your submitted application/permit a cost evaluation will be done and any balance owed will be billed to the applicant(s) and is due at that time. By signing this form you acknowledge that you are responsible to pay any debt caused by the processing of this application. Furthermore, the Coos County Planning Department reserves the right to determine the appropriate amount of time required to thoroughly complete any type of request and, by signing this page as the applicant and/or owner of the subject property, you agree to pay the amount owed as a result of this review. If the amount is not paid within 30 days of the invoice, or other arrangements have not been made, the Planning Department may chose to revoke this permit or send this debt to a collection agency at your expense.

JK

I understand it is the function of the planning office to impartially review my application and to address all issues affecting it regardless of whether the issues promote or hinder the approval of my application. In the event a public hearing is required to consider my application, I agree I bear the burden of proof. I understand that approval is not guaranteed and the applicant(s) bear the burden of proof to demonstrate compliance with the applicable review criteria.

JK

As applicant(s) I/we acknowledge that is in my/our desire to submit this application and staff has not encouraged or discouraged the submittal of this application.

JK

As the applicant(s) I/we acknowledge, pursuant to CCZLDO Section 6.1.150, a deed describing any recognized lawfully created parcels must be recorded with the County Clerk within one year from the date of final approval from the Planning Department.

E. SIGNATURES:

Jeremiah Kasper
Applicant(s) Original Signature

10/23/21
Date

Bridget L Kasper
Applicant(s) Original Signature

10/28/21
Date

Applicant(s) Original Signature

Date

Applicant(s) Original Signature

Date

CCZLDO	§ 6.1.125	LAWFULLY CREATED LOTS OR PARCELS:
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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 interviewing 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.

CCZLDO	§ 6.1.150	APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS
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Discrete Parcel Application

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 interviewing 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.*

Applicant’s Response: The applicant’s subject property consists of seven discrete parcels, that are identified as discrete parcels on Deed #69-5-38647. The historic tax lot numbers for these six parcels are #12082 (Parcel I), #12081 (Parcel II), #12083 (Parcel III), #12084 (Parcel III), #12080-1 (Parcel VI), #12076-1 (Parcel V), #12085-1 (Parcel IV), #12087-2 (Parcel VII).

Tax lot #12083 (BK 139, PG 278) and #12084 (BK 139, PG528) are identified as Parcel III on Deed #69-5-3847. These two taxes lots were found as a discrete parcel during the processing of ACU-96-012. This application was for placing a manufactured dwelling to be use as High Value Income Test dwelling. Please find the applicable findings for that parcel determination in the record for ACU-96-012.

Thus, the remaining parcels has not formally acknowledged thru a discrete parcel determination yet. This application is requesting that these discrete parcels be recognized at this time.

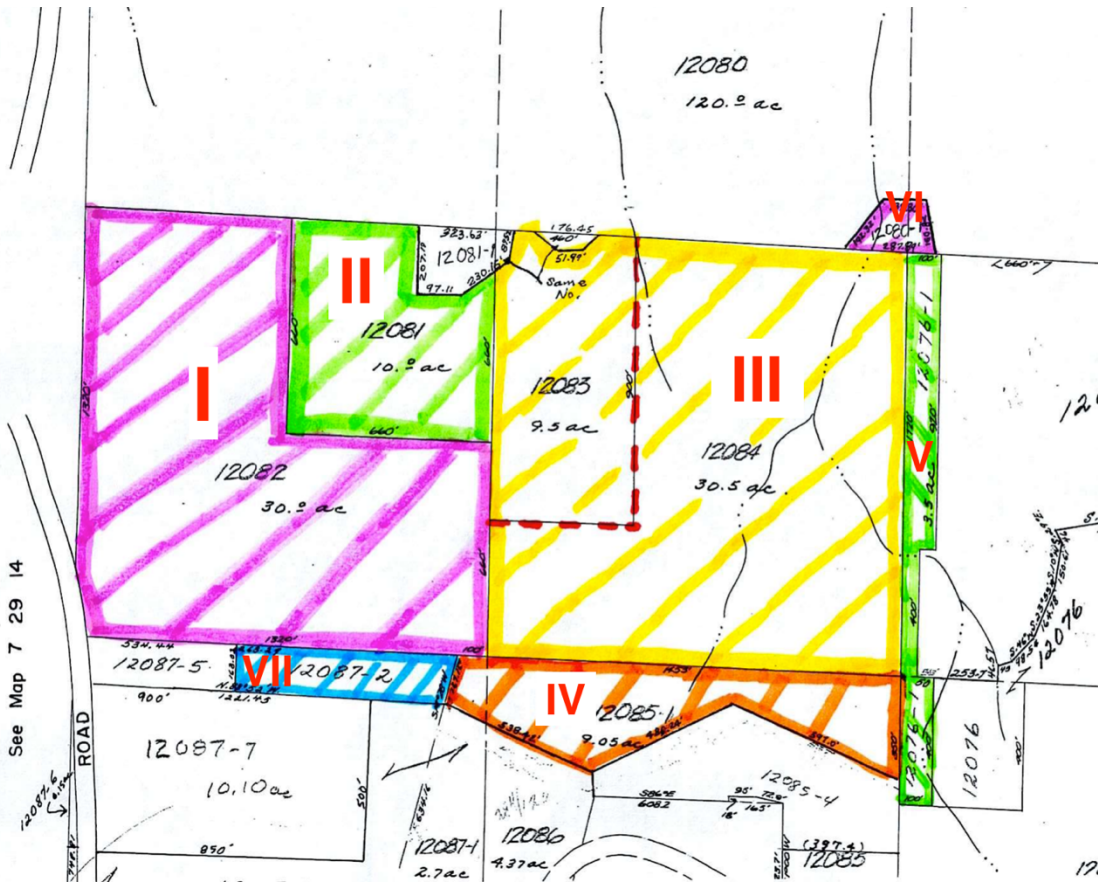


Figure 1: Approximate parcel configuration using 1970's era Assessor map

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.

Applicant's Response: Other than Parcel III, there has been no previous planning approvals on Parcel I, Parcel II, Parcel IV, Parcel V, Parcel VI, or Parcel VII. There have not been any previously approved plats on these parcels. There was no condition of approval on ACU-96-012 regarding combining the other parcels into a single consolidated parcel. In fact, the notification map for ACU-96-012 identified discrete portion per BK 147, PG 528. ORS 215.780 relates to the minimum lot size. All the parcels are zoned Exclusive

Farm Use, which has a minimum lot size of 80 acres. These lots all are currently non-conforming and all under 80 acres in size.

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.

Applicant's Response: All these parcels were created under Section 6.1.25.1 (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." This discrete parcel determination is being requested to be process the Coos County Planning Commission as a Hearing Body Conditional Use application. The applicants agreed to the application being process in accordance with the Section 5.0 notification requirements.

The applicants agree to record a new deed for each discrete parcel prior to any requested PLA. Each newly recorded deed will be presented to the Planning Department showing the process has been completed. Please see the attached easement #69-4-38148. This easement provides access to the two dwellings from Rosa County Road by the traveling over Circle City Lane and Barnekoff Lane, which are private roads. The manufactured home (permitted under ACU-96-012) required a driveway confirmation be completed prior to requesting the Zoning Compliance Letter. The 1974 dwelling on Parcel IV was built before road standards were required. The rest of the requested parcels are currently being utilized for resource uses (either timber or farm use) and the road access to these parcels comply with Section 7.1.450 Forestry, Mining, or Agricultural Access. Because of easement regulations relating to the 'doctrine of merger', easements cannot be recorded on the remaining discrete parcels until the parcels are transferred into a different name.

FORM No. 423—WARRANTY DEED.

69-5-38646

STOCKING 1975 LAW, PUF, CO., PORTLAND, ORE.

1967/50

KNOW ALL MEN BY THESE PRESENTS, That GEORGE V. COX and VIOLA COX,
 husband and wife,
 hereinafter called the grantor, for the consideration hereinafter stated,
 to grantor paid by GEORGE FREDERICK COX and BARBARA JEAN COX,
 husband and wife
 hereinafter called the grantee,
 does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that
 certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, sit-
 uated in the County of COOS and State of Oregon, described as follows, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF
 together with an easement for ingress and egress recorded
 April 28, 1969, in Book of Records 69-4-38148, Coos County

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.
 And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that
 grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances
 Except Reservation of minerals as set out in Deed 128/425 and 165/121,
 and Easements in Book of Records 68-7-29761 and 69-4-38148

and that
 grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the law-
 ful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.
 The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 40,000.00
 part of the consideration (indicate which) the whole

In construing this deed and where the context so requires, the singular includes the plural.
 WITNESS grantor's hand this 15th day of May, 1969.



STATE OF OREGON, County of COOS) ss. May 15th, 1969
 Personally appeared the above named George V. Cox and Viola Cox,
 husband and wife,
 and acknowledged the foregoing instrument to be their voluntary act and deed.

Before me: [Signature]
 Notary Public for Oregon
 My commission expires 8-19-1971

NOTE—The sentence between the symbols () if not applicable, should be deleted. See Chapter 482, Oregon Laws 1967, as amended by the 1967 Special Session.

WARRANTY DEED

No. _____

TO _____

AFTER RECORDING RETURN TO _____

118 69-5-38646 118
 State of Oregon
 County of Coos
 hereby certify that the within instrument
 was filed for record
 MAY 16 8 34 AM '69
 and recorded in Book of Records
 Microfilm Reel No. 69-5-38646-42
 of said County.
 WITNESS my hand and Seal of County
 affixed.
 Pay to _____ Coos County Clerk
 By [Signature] Deputy
 Return to [Signature]
 Fee 3.00

633

PARCEL I

The West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), Township Twenty-nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon. Except that part lying within public roads.

PARCEL II & III

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) in Section Eight (8), Township Twenty-nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, less parcels A and B described as follows:

PARCEL A

Beginning at a 1" pipe located on the East-West 1/16 line through the center of the said Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), said pipe being located 27.18 feet South and 1080.52 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go South 05°55 $\frac{1}{2}$ ' West, 207.19 feet to a 1" pipe; thence East 97.11 feet to a 1" pipe; thence North 55°52' East, 230.16 feet to a 1" pipe; thence East 97.11 feet to a 1" pipe; thence North 39°47' East, 89.52 feet to a 1" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33 $\frac{1}{2}$ ' West, 323.62 feet, along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning.

PARCEL B

Beginning at a 1" pipe located on the East-West 1/16 line through the center of the said Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), said pipe being located 36.55 feet South and 1453.35 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go South 56°45' East, 80.39 feet to a 1" pipe; thence North 87°48' East, 51.99 feet to a 1" pipe; thence North 56°39' East, 68.49 feet to a 2" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33 $\frac{1}{2}$ ' West, 176.45 feet, along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning.

PARCEL IV

A parcel of land located in the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all in Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, described as follows, according to a survey made in December, 1965: Beginning at the Northeast corner of the said NW $\frac{1}{4}$ of the Southwest quarter of Section 8; run thence North 88°52 $\frac{1}{2}$ ' West 100 feet along the North boundary of the said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8; thence South 14°00 $\frac{1}{2}$ ' West 167.16 feet; thence South 67°38 $\frac{1}{2}$ ' East a distance of 538.42 feet along the North boundary of the Loris A. Willett and wife bog and the South boundary of the George V. Cox and wife bog; thence North 64°55' East a distance of 488.24 feet; thence South 71°25 $\frac{1}{2}$ ' East a distance of 597.01 feet to the North-South quarter section line through the center of said Section 8; thence North 00°28' West a distance of 320.96 feet, along said North-South Quarter Section line to the center of said Section 8; thence North 88°52 $\frac{1}{2}$ ' West a distance of 1363.28 feet along the North boundary of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8 to the point of beginning.

PARCEL V

Beginning at a point 400 feet South of the Southwest corner of the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon; thence 100 feet East; thence 400 feet North; thence West 50 feet; thence North 400 feet; thence East 50 feet; thence North 920 feet; thence West 100 feet; thence South 1720 feet to place of beginning; all being in the East half (E $\frac{1}{2}$) of Section Eight (8), Township Twenty nine (29) South Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon.

PARCEL VI

A parcel of land lying in the North half (N $\frac{1}{2}$) of Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, described as follows: Beginning at a 1 $\frac{1}{2}$ " pipe located on the East-West 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of said Section Eight (8), said pipe being located 61.94 feet South and 2462.30 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go North 38°20' East, 192.32 feet to a 3/4" pipe; thence East, 138.31 feet to a 2" pipe; thence South 10°41' East, 160.82 feet to a 3/4" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33 $\frac{1}{2}$ ' West, 287.87 feet along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning.

69-5-38648

NOTE AND MORTGAGE

THE MORTGAGOR, GEORGE FREDERICK COX and BARBARA JEAN COX,
Husband and Wife

mortgages to the STATE OF OREGON, represented and acting by the Director of Veterans' Affairs, pursuant to ORS 407.030, the following described real property located in the State of Oregon and County of COOS
SEE ATTACHED EXHIBIT "A"

together with the tenements, hereditaments, rights, privileges, and appurtenances including roads and easements used in connection with the premises; electric wiring and fixtures; furnace and heating system, water heaters, fuel storage receptacles; plumbing, ventilating, water and irrigating systems; screens, doors, window shades and blinds, shutters; cabinets, built-ins, linoleums and floor coverings, built-in stoves, ovens, electric sinks, air conditioners, refrigerators, freezers, dishwashers; and all fixtures now or hereafter installed in or on the premises; and any shrubbery, flora, or timber now growing or hereafter planted or growing thereon; and any replacements of any one or more of the foregoing items, in whole or in part, all of which are hereby declared to be appurtenant to the land, and all of the rents, issues, and profits of the mortgaged property;

to secure the payment of Thirty Nine Thousand Five Hundred and No/100 ----- Dollars

\$39,500.00 -----, and interest thereon, evidenced by the following promissory note:

I promise to pay to the STATE OF OREGON Thirty Nine Thousand Five Hundred and No/100 ----- Dollars \$39,500.00 ----- with interest from the date of initial disbursement by the State of Oregon, at the rate of four percent per annum, principal and interest to be paid in lawful money of the United States at the office of the Director of Veterans' Affairs in Salem, Oregon, as follows:
\$ 2,326.00 ----- on or before December 1, 1969 ----- and \$ 2,326.00 on each December 1st ----- thereafter, plus ----- the ad valorem taxes for each successive year on the premises described in the mortgage, and continuing until the full amount of the principal, interest and advances shall be fully paid, such payments to be applied first as interest on the unpaid principal, the remainder on the principal.
The due date of the last payment shall be on or before December 1, 1998.
In the event of transfer of ownership of the premises or any part thereof, to anyone other than a qualified veteran under ORS 407.010 to 407.210 who assumes the indebtedness in his own right, I will continue to be liable for payment and from date of such transfer.
This note is secured by a mortgage, the terms of which are made a part hereof.
Dated at Bandon, Oregon
May 15th 19 69
George Frederick Cox
Barbara Jean Cox

The mortgagor or subsequent owner may pay all or any part of the loan at any time without penalty.

The mortgagor covenants that he owns the premises in fee simple, has good right to mortgage same, that the premises are free from encumbrance, that he will warrant and defend same forever against the claims and demands of all persons whomsoever, and this covenant shall run with the land.

MORTGAGOR FURTHER COVENANTS AND AGREES:

1. To pay all debts and moneys secured hereby;
2. Not to permit the buildings to become vacant or unoccupied; not to permit the removal or demolition of any buildings or improvements now or hereafter existing; to keep same in good repair; to complete all construction within a reasonable time in accordance with any agreement made between the parties hereto;
3. Not to permit the cutting or removal of any timber except for his own domestic use; not to commit or suffer any waste;
4. Not to permit the use of the premises for any objectionable or unlawful purpose;
5. Not to permit any tax, assessment, lien, or encumbrance to exist at any time;
6. Mortgagee is authorized to pay all real property taxes assessed against the premises and add same to the principal, each of the advances to bear interest as provided in the note;
7. To keep all buildings unceasingly insured during the term of the mortgage, against loss by fire and such other hazards in such company or companies and in such an amount as shall be satisfactory to the mortgagee; to deposit with the mortgagee all such policies with receipts showing payment in full of all premiums; all such insurance shall be made payable to the mortgagee; if the mortgagor fails to effect the insurance, the mortgagee may secure the insurance and the cost shall be added to the principal, deemed a debt due and shall be secured by this mortgage; insurance shall be kept in force by the mortgagor in case of foreclosure until the period of redemption expires;

69-5-38649

8. Mortgagee shall be entitled to all compensation and damages received under right of eminent domain, or for any security voluntarily released, same to be applied upon the indebtedness;

9. Not to lease or rent the premises, or any part of same, without written consent of the mortgagee;

10. To promptly notify mortgagee in writing of a transfer of ownership of the premises or any part or interest in same, and to furnish a copy of the instrument of transfer to the mortgagee; any purchaser shall assume the indebtedness, and purchaser not entitled to a loan or 4% interest rate under ORS 407.010 to 407.016 shall pay interest as prescribed by ORS 408.070 on all payments due from the date of transfer; in all other respects this mortgage shall remain in full force and effect, no instrument of transfer shall be valid unless same contains a covenant of the grantee whereby the grantee assumes the covenants of this mortgage and agrees to pay the indebtedness secured by same.

The mortgagee may, at his option, in case of default of the mortgagor, perform same in whole or in part and all expenditures made in so doing (including the employment of an attorney to secure compliance with the terms of the mortgage or the note shall draw interest at the rate provided in the note and all such expenditures shall be immediately repayable by the mortgagor without demand and shall be secured by this mortgage.

Default in any of the covenants or agreements herein contained or the expenditure of any portion of the loan for purposes other than those specified in the application, except by written permission of the mortgagee given before the expenditure is made, shall cause the entire indebtedness at the option of the mortgagee to become immediately due and payable without notice and this mortgage subject to foreclosure.

The failure of the mortgagee to exercise any options herein set forth will not constitute a waiver of any right arising from a breach of the covenants.

In case foreclosure is commenced, the mortgagor shall be liable for the cost of a title search, attorney fees, and all other costs incurred in connection with such foreclosure.

Upon the breach of any covenant of the mortgage, the mortgagee shall have the right to enter the premises, take possession, collect the rents, issues and profits and apply same, less reasonable costs of collection, upon the indebtedness and the mortgagee shall have the right to the appointment of a receiver to collect same.

The covenants and agreements herein shall extend to and be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

It is distinctly understood and agreed that this mortgage is subject to the provisions of Article XI-A of the Oregon Constitution, ORS 407.018 to 407.019 and any subsequent amendments thereto and to all rules and regulations which have been issued or may hereafter be issued by the Director of Veterans' Affairs pursuant to the provisions of ORS 407.020.

WORDS: The masculine shall be deemed to include the feminine, and the singular the plural where such connotations are applicable herein.

IN WITNESS WHEREOF, The mortgagors have set their hands and seals this 15th day of May, 1969.

George Frederick Cox (Seal)
Barbara Jean Cox (Seal)

ACKNOWLEDGMENT

STATE OF OREGON, County of Coos } ss.
 Before me, a Notary Public, personally appeared the within named George Frederick Cox and Barbara Jean Cox, his wife, and acknowledged the foregoing instrument to be their voluntary



[Signature]
 Notary Public for Oregon
 My Commission expires August 19, 1971

MORTGAGE

FROM _____ TO Department of Veterans' Affairs 1-67617
 STATE OF OREGON, County of _____ } ss.
 I certify that the within was received and duly recorded by me in _____ County Records, Book of Mortgages, No. _____ Page _____ on the _____ day of _____ County _____
 By _____ Deputy.
 Filed _____ at o'clock _____ M.
 County _____ By _____ Deputy.

After recording return to:
 DEPARTMENT OF VETERANS' AFFAIRS
 General Services Building
 Salem, Oregon 97310
 Form L-4 (7-65)
 27-68867-71

EXHIBIT #69-5-38650

PARCEL I

The West half (W $\frac{1}{2}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Southeast quarter (SE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), Township Twenty-nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon. Except that part lying within public roads.

PARCEL II & III

The Northeast Quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) and the Southeast quarter (SE $\frac{1}{4}$) of the Northwest quarter (NW $\frac{1}{4}$) in Section Eight (8), Township Twenty-nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, less parcels A and B described as follows:

PARCEL A

Beginning at a 1" pipe located on the East-West 1/16 line through the center of the said Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), said pipe being located 27.18 feet South and 1080.52 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go South 05°55' West, 207.19 feet to a 1" pipe; thence East 97°11' feet to a 1" pipe; thence North 55°52' East, 230.16 feet to a 1" pipe; thence North 39°47' East, 89.52 feet to a 1" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33' West, 323.62 feet, along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning.

PARCEL B

Beginning at a 1" pipe located on the East-West 1/16 line through the center of the said Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), said pipe being located 36.55 feet South and 1453.35 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go South 56°45' East, 80.39 feet to a 1" pipe; thence North 87°48' East, 51.99 feet to a 1" pipe; thence North 56°39' East, 68.49 feet to a 2" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33' West, 176.45 feet, along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning.

PARCEL IV

A parcel of land located in the Northwest quarter (NW $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$) and the Northeast quarter (NE $\frac{1}{4}$) of the Southwest quarter (SW $\frac{1}{4}$), all in Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, described as follows, according to a survey made in December, 1965: Beginning at the Northeast corner of the said NW $\frac{1}{4}$ of the Southwest quarter of Section 8; run thence North 88°52' West 100 feet along the North boundary of the said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8; thence South 14°00' West 167.16 feet; thence South 67°38' East a distance of 538.42 feet along the North boundary of the Loris A. Willett and wife bog and the South boundary of the George V. Cox and wife bog; thence North 64°55' East a distance of 488.24 feet; thence South 71°25' East a distance of 597.01 feet to the North-South quarter section line through the center of said Section 8; thence North 00°28' West a distance of 320.96 feet, along said North-South Quarter Section line to the center of said Section 8; thence North 88°52' West a distance of 1363.28 feet along the North boundary of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 8 to the point of beginning.

PARCEL V

Beginning at a point 400 feet South of the Southwest corner of the Southwest quarter (SW $\frac{1}{4}$) of the Northeast quarter (NE $\frac{1}{4}$) of Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon; thence 100 feet East; thence 400 feet North; thence West 50 feet; thence North 400 feet; thence East 50 feet; thence North 920 feet; thence West 100 feet; thence South 1720 feet to place of beginning; all being in the East half (E $\frac{1}{2}$) of Section Eight (8), Township Twenty nine (29) South Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon.

PARCEL VI

A parcel of land lying in the North half (N $\frac{1}{2}$) of Section Eight (8), Township Twenty nine (29) South, Range Fourteen (14) West of the Willamette Meridian, Coos County, Oregon, described as follows: Beginning at a 1 1/2" pipe located on the East-West 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of said Section Eight (8), said pipe being located 61.94 feet South and 2462.30 feet East of the North 1/16 corner on the Section line between Sections Seven (7) and Eight (8); go North 38°20' East, 192.32 feet to a 3/4" pipe; thence East, 138.31 feet to a 2" pipe; thence South 10°41' East, 160.82 feet to a 3/4" pipe located on the said 1/16 line running East-West through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8); thence North 88°33' West, 287.87 feet along said 1/16 line through the Northwest quarter (NW $\frac{1}{4}$) of Section Eight (8), to the point of beginning. Also an easement for ingress and egress recorded April 28, 1969, in Book of Records 69-4-38148, Coos County.

PARCEL VII

Lots One (1) and Four (4), Block Thirty-four (34) Woodland Addition to the City of Bandon, Coos County, Oregon.

2 69-5-38648-50
State of Oregon } ss 118
County of Coos }
I hereby certify that the within instrument
was filed for record

MAY 16 8 34 AM '69

and recorded in Book of Records
Microfilm Reel No. 69-5-38648-50
of said County
WITNESS my hand and Seal of County

69-4-38148

EASEMENT

THIS INSTRUMENT, Made this 22 day of April, 1969, by and between L. A. Willet and Irene Willet, husband and wife, Robert H. Stolz and Barbara L. Stolz, husband and wife, as Grantors, George Fredrick Cox and Barbara J. Cox, husband and wife, as Grantees;

WITNESSETH: That the Grantors, for and in consideration of the sum of Ten Dollars to them hand paid by the Grantees, the receipt of which is hereby acknowledged, do by these presents grant, bargain, sell and convey unto the Grantees, their heirs and assigns, a perpetual right-of-way and easement for roadway purposes through, over and across a roadway as presently located of the following described real property, to-wit:

The North half of the Northeast quarter of the Southwest quarter, the South half of the Northeast quarter of the Southwest quarter, the South half of the Northwest quarter of the Southwest quarter, all in Section 8, Township 29 South, Range 14 West of the Willamette Meridian, in Coos County, Oregon.

for ingress and egress to the lands of the Grantees located in the Southeast quarter of the Northwest quarter of Section 8, Township 29 South, Range 14, West of the Willamette Meridian, as the ingress and egress to the lands of the Grantees.

The privileges of this easement shall extend to and bind the parties hereto, their heirs, executors, administrators, and assigns.

To Have and Hold the above mentioned and described rights for the purposes hereinabove described unto the Grantees, their heirs and assigns forever.

u. 307.8

69-4-38149

IN WITNESS WHEREOF, the said Grantors hereunto set their hands and seals for the day and year herein written.

Robert H. Stolz (SEAL)

Barbara L. Stolz (SEAL)

Louis A. Willett (SEAL)

Irene E. Willett (SEAL)

STATE OF OREGON,)
County of Coos)

BE IT REMEMBERED, that on this 23 day of April, 1969, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named L. A. Willett and Irene Willett, husband and wife, Robert H. Stolz and Barbara L. Stolz, husband and wife, who are known to me to be the identical individuals described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and Notarial Seal the day and year last above written.

Thomas C. Sant
Notary Public for Oregon
My commission expires 1/9/73



118 69-4-38148 4452
6247

State of Oregon ss
County of Coos
I hereby certify that the within instrument was filed for record

APR 28 2 34 PM '69

and recorded in Book of Records
Microfilm Reel No. 69-4-38148-9
of said County.

WITNESS my hand and Seal of County affixed.
Fay F. Crabtree, Coos County Clerk
By Fay F. Crabtree Deputy

Return to TAT

Fee 3.00

Discrete Parcel Application

Attached below is supplemental information regarding Parcel III originally identified on D-21-03 application.

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.*

Applicant Response: The applicant’s original application identified two discrete parcels combined as one single parcel identified as Parcel III. The following supplemental information is also being submitted. Parcel III while identified as one parcel on Deed #69-5-38647 is really two separate discrete parcels. One parcel is described by Book 139, Page 273 and the second parcel is described as Book 147, Page 528.

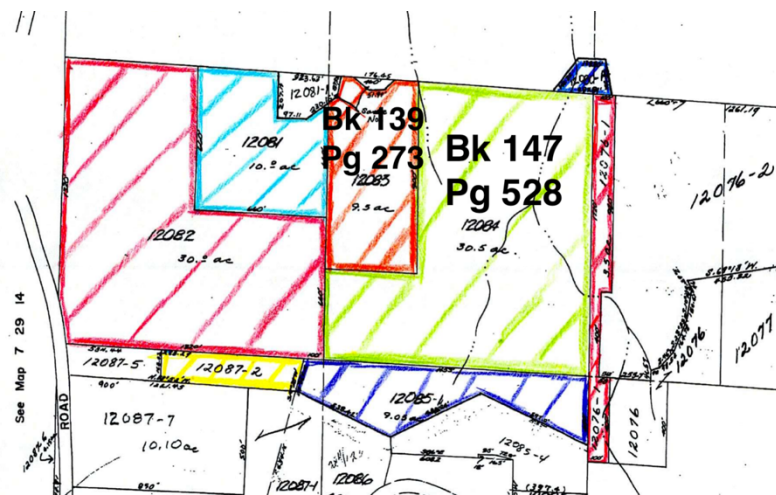


Figure 1: 1970's era Assessor tax lot map

147-528

8276- KNOW ALL MEN BY THESE PRESENTS, That Mabel C. Howard, an unmarried woman, of Bandon, Coos County, Oregon, in consideration of Ten 00/100 Dollars, to her paid by Warren Albertson does hereby grant, bargain, sell and convey unto said Warren Albertson, his heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Coos and State of Oregon, bounded and described as follows, to-wit:

The Southeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 8, Township 29 South, Range 14 West of the Willamette meridian less approximately 9 $\frac{1}{2}$ acres sold out of the northwest corner thereof to J. J. Damron and Mae Damron, the deed to them being the same date as this deed, and containing approximately 30 $\frac{1}{2}$ acres of land more or less, conveyed herein to said Warren Albertson.

TO HAVE AND TO HOLD, the above described and granted premises unto the said Warren Albertson, his heirs and assigns forever.

IN WITNESS WHEREOF, the grantor above named hereunto set her hand and seal this 21 day of June, A. D. 1943.

Executed in the Presence of
John Nielson

Mabel C. Howard

(Seal)

STATE OF OREGON
County of Coos :ss. BE IT REMEMBERED, That on this 21st day of June, A.D. 1943 before me, the undersigned, a notary public in and for said County and State, personally appeared the within named Mabel C. Howard, an unmarried woman, who is known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that her executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

Recorded Sept. 1, 1943, 10:30 A.M.
L. W. Oddy, County Clerk
Gtee's Address: Reedsport, Oreg.

John Nielson
Notary Public for Oregon
My Commission expires April 21, 1947
(Notarial Seal)

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.*

Applicant’s Response: There have not been any previously approved plats on these parcels. There was no condition of approval on ACU-96-012 regarding combining the other parcels into a single consolidated parcel. In fact, the notification map for ACU-96-012 identified discrete portion per BK 147, PG 528. ORS 215.780 relates to the minimum lot size. All the parcels are zoned Exclusive Farm Use, which has a minimum lot size of 80 acres. These lots all are currently non-conforming and all under 80 acres in size.

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.

Applicant’s Response: All these parcels were created under Section 6.1.25.1 (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.” The applicants agreed to the application being process in accordance with the Section 5.0 notification requirements.

The applicants agree to record a new deed for each discrete parcel prior to any requested PLA. Each newly recorded deed will be presented to the Planning Department showing the process has been completed. Please see the attached easement #69-4-38148. This easement provides access to the two dwellings from Rosa County Road by the traveling over Circle City Lane and Barnekoff Lane, which are private roads. The manufactured home (permitted under ACU-96-012) required a driveway confirmation be completed prior to requesting the Zoning Compliance Letter. The 1974 dwelling on Parcel IV was built before road standards were required. The rest of the requested parcels are currently being utilized for resource uses (either timber or farm use) and the road access to these parcels comply with Section 7.1.450 Forestry, Mining, or Agricultural Access. Because of easement regulations relating to the ‘doctrine of merger’, easements cannot be recorded on the remaining discrete parcels until the parcels are transferred into a different name.



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-21-043

Date Received: 10/26/21 Receipt #: 228661 Received by: UMB

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 submittal)

LAND INFORMATION

A. Land Owner(s) Jeremiah & Bridget Kasper

Mailing address: PO Box 2070, Bandon, OR 97411

Phone: (916) 580-4416 Email: jeremiahkasper4@gmail.com

Township: 29S Range: 14W Section: 08 1/4 Section: Select 1/16 Section: Select Tax lot: 302 PARCEL I

Tax Account Number(s): 1207604 Zone: Select Zone Exclusive Farm Use (EFU)

Acreage Prior to Adjustment: 30 Acreage After the Adjustment 8.6 FMU

B. Land Owner(s) Same as Applicants

Mailing address:

Phone: Email:

Township: 29S Range: 14W Section: 08 1/4 Section: Select 1/16 Section: Select TL 302 / PARCEL II

Tax Account Number(s) 1207604 Zone EFU / FMU

Acreage Prior to Adjustment: 11 Acreage After the Adjustment 32.4

C. Surveyor TBD

Mailing Address

Phone #: Email:

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:

See Attached Response

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.

Resource Zoned Property - No development with 30 ft of current or proposed property lines

A current property report (less than 6 months old) indicating any taxes, assessment or liens against the property. easemnts, 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: None

Property 2: None

Please answer the following:

Will the adjustment create an additional Unit of land? Yes No

Does property 1 currently meet the minimum parcel/lot size ? Yes No

Does property 2 currently meet the mimimum parcel/lot size? Yes No

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: 170ft

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
Resource (EFU) to Resource (FMU)

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

Jeremiah Kasper *10/23/21* *Bridget R Kasper* *10/23/21*

Property Line Adjustment #1

(Adjustment between Parcel I and Parcel II)

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 lots or parcels 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 lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The Director has authority to approve a line adjustment as an Administrative Action unless the application is required to correct an encroachment. In that circumstance the only applicable criteria is Sections 6.3.125.1, 6.3.150 and 6.3.175. Encroachments do not require notice.

SECTION 6.3.125 PROCEDURE:

1. *An application for a line adjustment or elimination shall be filed by the owners of all lots or parcels affected. The application shall be accompanied by an appropriate fee and contain the following information:*
 - a. *Reason for the line adjustment;*
 - b. *Vicinity map locating the proposed line adjustment or elimination in relation to adjacent subdivisions, partitions, other units of land and roadways;*
 - c. *A plot plan showing the existing boundary lines of the lots or parcels affected by the line adjustment and the approximate location for the proposed adjustment line. The plot plan shall also show the approximate location of all structures within ten (10) feet of the proposed adjusted line;*
 - d. *A current property report (less than 6 months old) indicating any taxes, assessment or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable. The Planning Director may waive any portion of the this requirement if the property is large and does not have a lien holder.*
 - e. *A notice of application and decision will be provided to any and all lien holders of record for the property that will be affected by the proposed adjustment. Applicants should consult with any and all such lien holders prior to submittal of an application.*

Applicant Response: The purpose of this property line adjustment is to adjust a parcel of land less than ten (10) acres in the newly rezoned portion of the Parcel I and II. If this PLA is approved, an administrative conditional use for a template dwelling on Parcel I will be applied for later this Planning Commission request. Parcel I is planned to be sold to an immediate family member that will help with operation of the cranberry farm.

Please see the attached map of the adjusted property line. There are no adjacent subdivisions or partitions. There are no structures currently located within ten (10) feet of the property line under the current configuration, nor will there be any current structures located within ten (10) feet of any property line after the adjustment. There are no liens or loan holders on Parcel I or II of the subject property, therefore the applicants request the property report to be waived.

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).*

Applicant Response: Both Parcel I and II are below the minimum size of 80 acres for the either EFU or FMU zoning districts. The proposal is to reconfigure the Parcel I to under 10 acres of size, and Parcel II will remain well under 80 acres in size after the adjustment. Therefore, both parcels will remain non-conforming in size before and after adjustment.

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

Applicant Response: There are no existing structures located on Parcel I, and only one agricultural structure located on Parcel II. Based on the proposed adjustment map, no encroachments to the existing structures will be created by the proposed property line adjustment.

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.*

Applicant Response: There are no dwellings located on either Parcel I or Parcel II at this time.

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.*

Applicant Response: There are no dwelling, or approvals for construction of a dwelling, on either Parcel I or II at this time. The applicants acknowledge that subsections a, b and c will apply to any future approvals of any dwellings.

- 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.*

Applicant Response: Both Parcel I and II are zoned similar resource lands.

- 7. *Property line adjustments 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.*

Applicant Response: The applicants understand there is appeal period for property line adjustments.

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.

Applicant Response: The proposed adjustment will give Parcel II direct access onto Rosa Road, while Parcel I maintains access to Rosa Road.

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.*

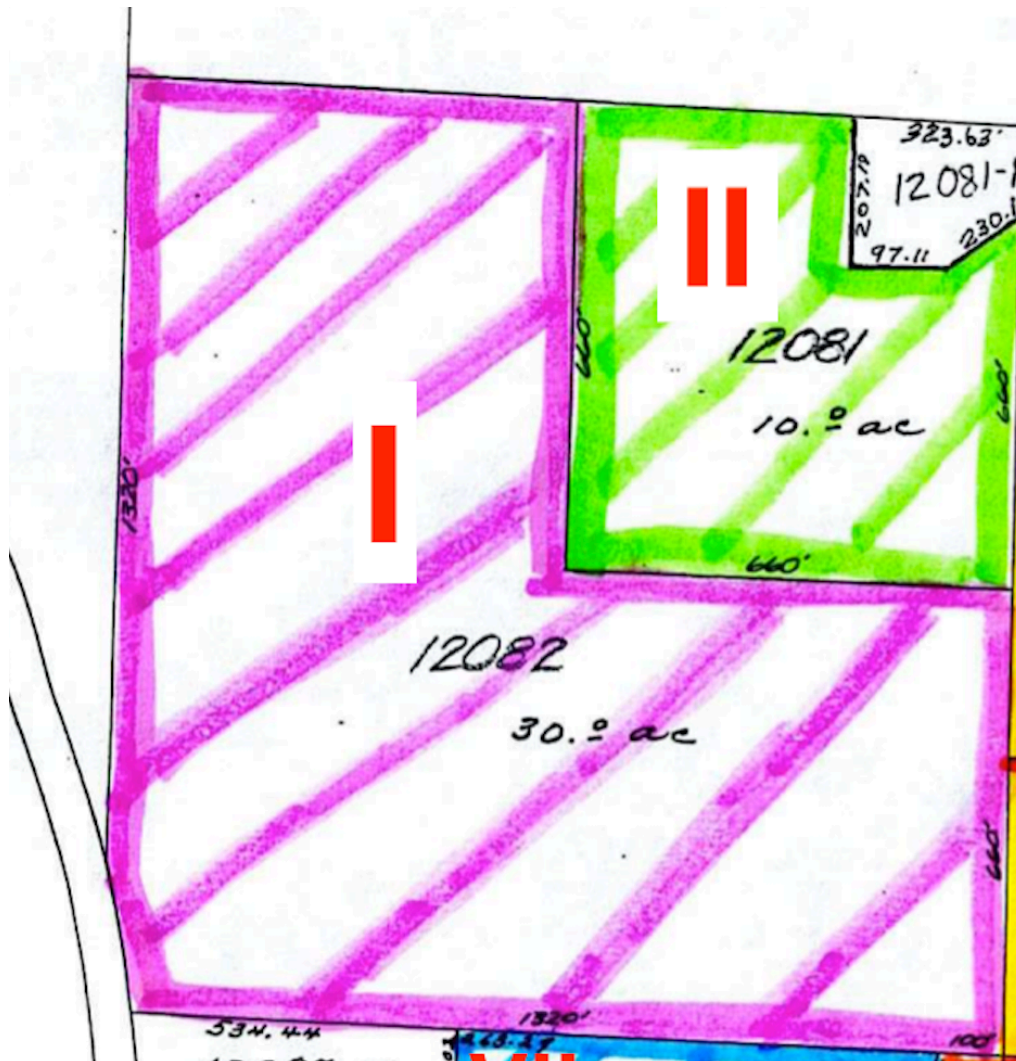
2. Approval and Filing Requirements:

- 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.

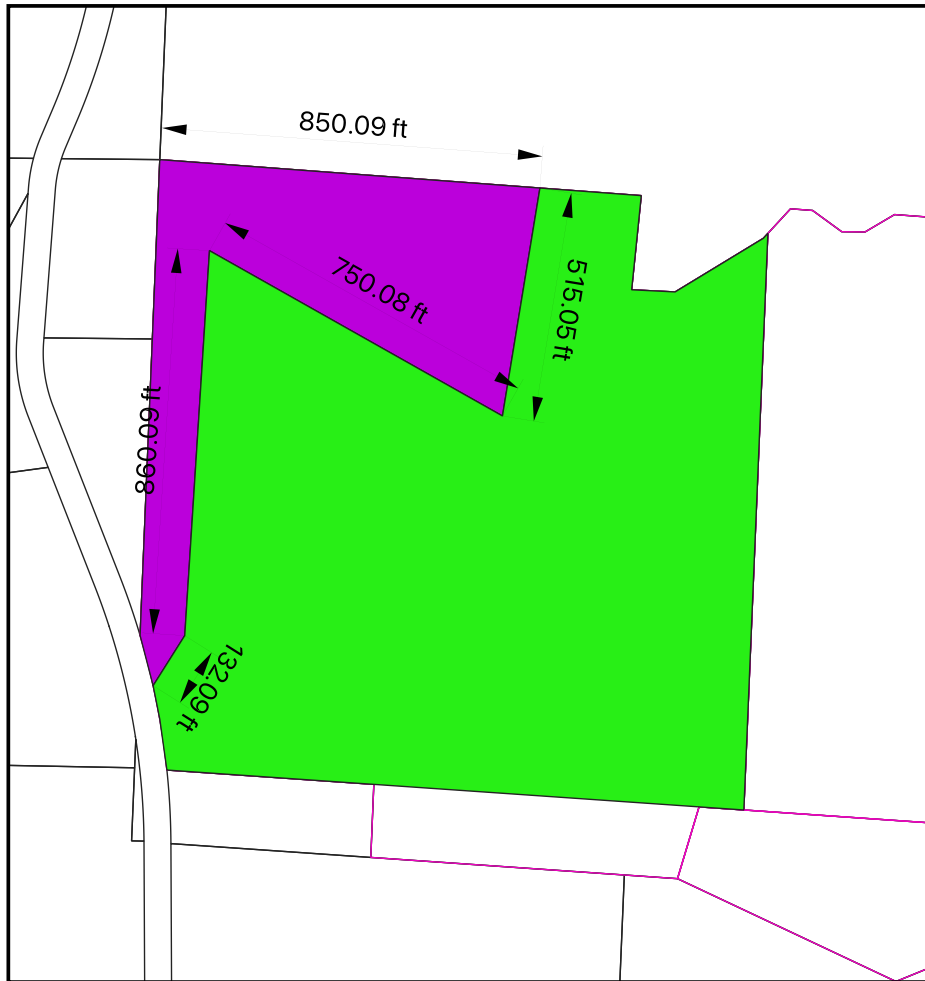
Applicant Response: The applicants acknowledge the any final adjusted parcel under 10 acres in size will require a survey map to be filed. The proposed Parcel I is to be under 10 acres in size. The applicants further understand that the final adjusted map must be signed by the Planning Director and filed with the County Surveyor. Deeds will then be recorded with the County Clerk's office and copies all final documents will be sent to the Planning Department for their files.

Before Adjustment Map



After Adjustment Map

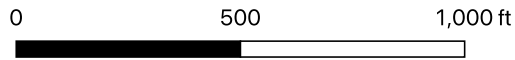
PLA # 1 After Adjustment Map (approximate distances)



Legend

PLA 1 Adjusted Parcels

- Parcel 1
- Parcel 2



This product is for land use planning purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.



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-21-044

Date Received: 10/26/21 Receipt #: 228661 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 submittal)

LAND INFORMATION

A. Land Owner(s) Jeremiah & Bridget Kasper

Mailing address: PO Box 2070, Bandon, OR 97411

Phone: (916) 580-4416

Email: jeremiahkasper4@gmail.com

Township: 29S Range: 14W Section: 08 ¼ Section: Select 1/16 Section: Select Tax lot: 302 **PARCEL II**

Tax Account Number(s): 1207604 Zone: Select Zone **EFU / FMU**

Acreage Prior to Adjustment: 32.4 Acreage After the Adjustment 13.6

B. Land Owner(s) Same as Applicants

Mailing address: _____

Phone: _____

Email: _____

Township: 29S Range: 14W Section: 08 ¼ Section: Select 1/16 Section: Select **TL 301 / PARCEL III**

Tax Account Number(s) 1207603 Zone EFU

Acreage Prior to Adjustment: 39.75 Acreage After the Adjustment **50.5**

C. Surveyor TBD

Mailing Address _____

Phone #: _____

Email: _____

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:

See Attached Response

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.

Resource Zoned Property - No development with 30 ft of current or proposed property lines

A current property report (less than 6 months old) indicating any taxes, assessment or liens against the property. easemnts, 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: None

Property 2: None

Please answer the following:

Will the adjustment create an additional Unit of land? Yes No

Does property 1 currently meet the minimum parcel/lot size ? Yes No

Does property 2 currently meet the mimimum parcel/lot size? Yes No

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:

Is there a sanitation system on the one or both properties, if so, please indicate the type of system 250 ft

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
Resource (EPU) to Resource (FNU)

Will the property line adjustment change the access point? Yes No
Dwelling will continue to utilize Circle City Ln at this home

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

Jeremiah Unger 10/23/21 *Bridget R Kasper* 10/23/21

Date: December 9, 2021
RE: PLA-21-044

Property Line Adjustment #2

(Adjustment between Parcel II and Parcel III)

SUPPLEMENTAL **INFORMATION**

Supplemental information identified below in color Red

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 lots or parcels 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 lot or parcel line has been adjusted, the adjusted line shall be the boundary or property line, not the original line. The Director has authority to approve a line adjustment as an Administrative Action unless the application is required to correct an encroachment. In that circumstance the only applicable criteria is Sections 6.3.125.1, 6.3.150 and 6.3.175. Encroachments do not require notice.

SECTION 6.3.125 PROCEDURE:

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

this requirement if the property is large and does not have a lien holder.

- e. A notice of application and decision will be provided to any and all lien holders of record for the property that will be affected by the proposed adjustment. Applicants should consult with any and all such lien holders prior to submittal of an application.*

Applicant Response: The purpose of this property line adjustment to create a parcel of land greater than ten (10) acres in the newly rezoned FMU portion of the Parcel II. If this PLA is approved, an administrative conditional use for a template dwelling on Parcel II will be applied for later this Planning Commission request. Parcel II is planned to be sold to a different immediate family member at this time.

Please see the attached map of the adjusted property line. There are no adjacent subdivisions or partitions. There are no structures currently located within ten (10) feet of the property line under the current configuration, nor will there be any current structures located within ten (10) feet of any property line after the adjustment. There are no liens or loan holders on Parcel II or III of the subject property, therefore the applicants request the property report to be waived.

- 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).**

Applicant Response: Parcel II and III are both below the minimum size of 80 acres for the either EFU or FMU zoning districts. The proposal is to reconfigure the Parcel II to 13 acres of size. Parcel III will be approximately ~~60~~ **50.5** acres, which remains under 80 acres in size, after the adjustment. It is noteworthy to mention that Parcel III will contain a greater majority of the existing cranberry bogs, primary farm dwelling, and all the agricultural buildings. Therefore, both parcels will remain non-conforming in size before and after adjustment.

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

Applicant Response: There is one existing agricultural building located on Parcel II, and the primary farm dwelling and two agricultural structures are located on Parcel III. Based on the proposed adjustment map, all the building will be on Parcel III after the adjustment

and no encroachments to the existing structures will be created by the proposed property line adjustment.

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.*

Applicant Response: There is the primary farm dwelling located in the middle of Parcel III, which is ~~39.75~~ 30.5 acres at this time. There are no dwellings located on Parcel II.

After the adjustment, Parcel III will be approximately ~~60~~ 50.5 acres in size, therefore no documentation from DEQ is required.

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.*

Applicant Response: There is currently a primary farm dwelling located on Parcel III. This dwelling was approved thru ACU-96-012, which was based on farm income from the commercial cranberry farming operation. There are no dwellings located on Parcel II. The applicants will be applying for a template dwelling on the newly reconfigured Parcel II. This request for dwelling approval will be based on the criteria for ORS 215.750 alternative forestland dwelling. The applicants acknowledge that subsections a, b and c will apply to any future approvals of any dwellings.

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.*

Applicant Response: Both Parcel II and III are zoned similar resource lands.

7. *Property line adjustments 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.*

Applicant Response: The applicants understand there is appeal period for property line adjustments.

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.

Applicant Response: The proposed adjustment will give Parcel II direct access onto Rosa Road, while maintaining Parcel III current access to Rosa Road.

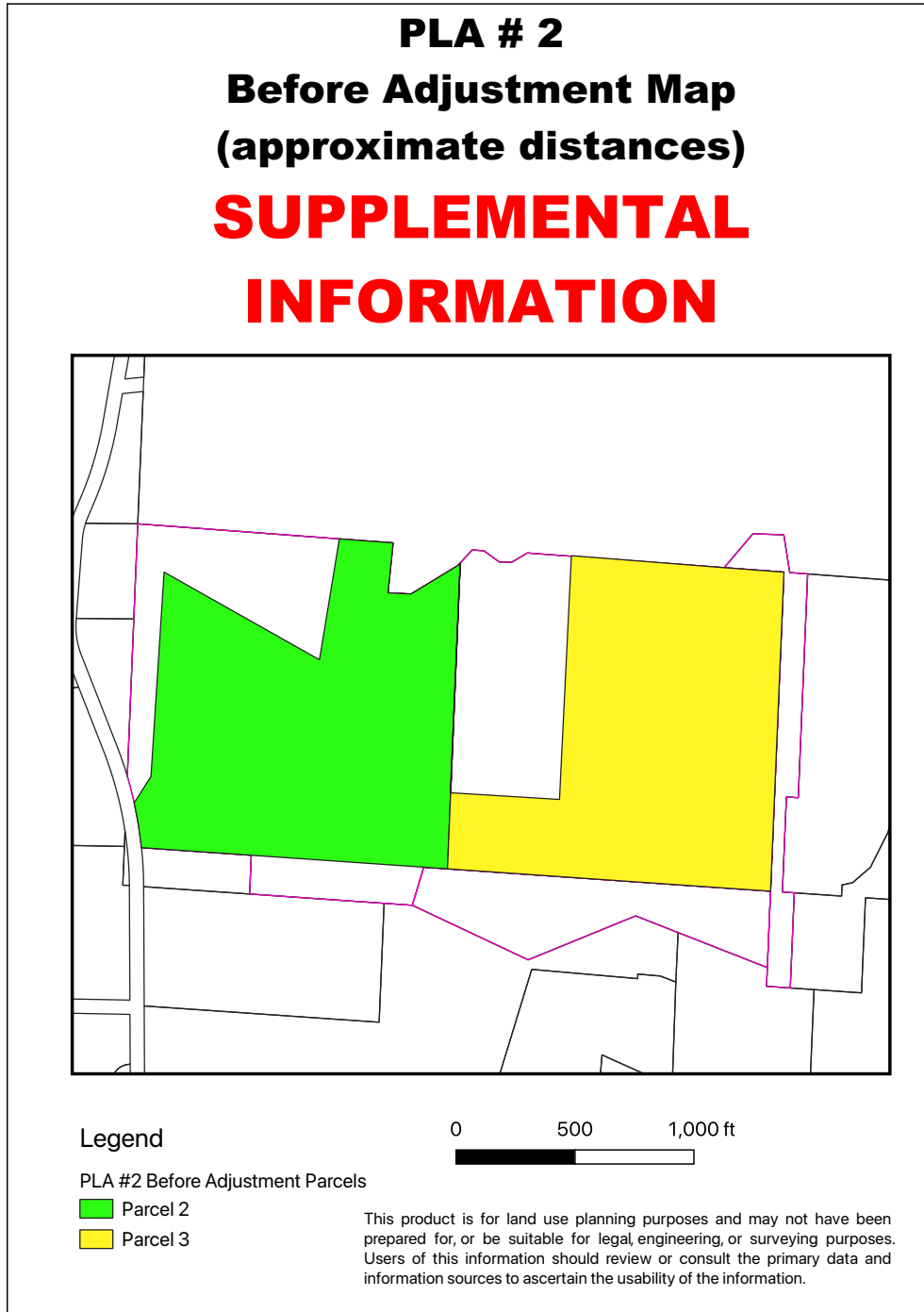
SECTION 6.3.175 MAPPING AND FILING REQUIREMENTS:

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.*

Applicant Response: The applicants acknowledge that any final adjusted parcels under 10 acres in size will require a survey map to be filed. The applicants' proposed Parcel II and Parcel III will be over 10 acres in size. Deeds will then be recorded with the County Clerks office and copies all final documents will be sent to the Planning Department for their files.

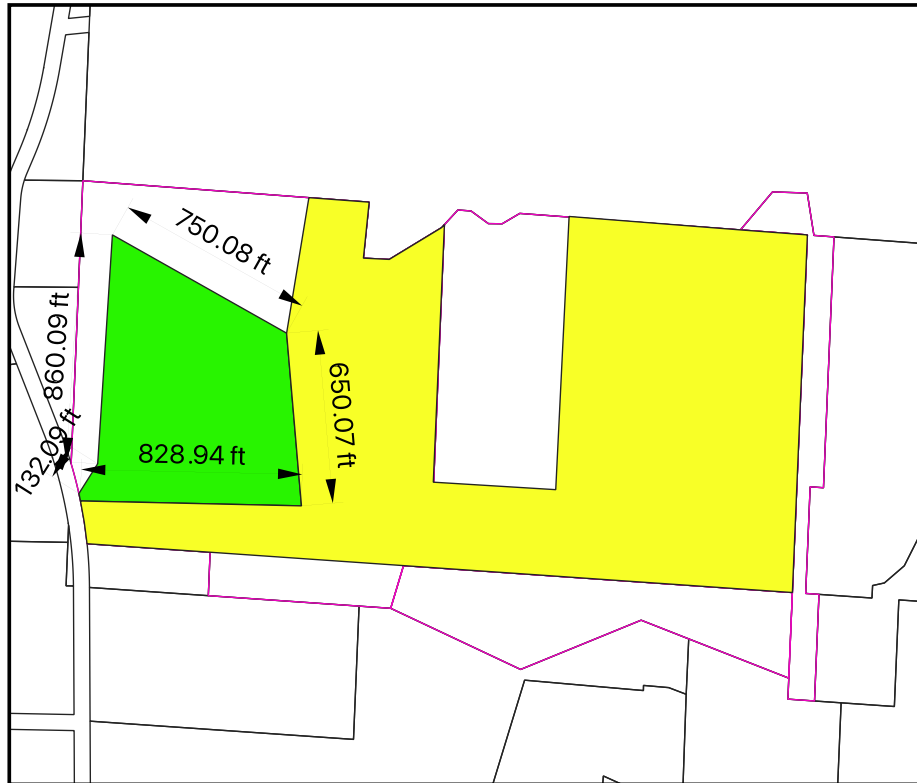
Supplemental Before Adjustment Map



Supplemental After Adjustment Map

PLA # 2 After Adjustment Map (approximate distances)

SUPPLEMENTAL INFORMATION



Legend

PLA #2 After Adjustment Parcels

Parcel 2

Parcel 3

0 500 1,000 ft



This product is for land use planning purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.