

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: Wednesday, February 16, 2022

File No(s): D-21-014

Proposal: Request for a land use determination and approval for a Lawfully Created Unit of

Land Application.

Landowner(s): Smith River Land & Cattle Co.

19678 Lower Smith River Rd

Reedsport, OR 97647

Applicant(s): Troy Rambo

PO Box 809

North Bend, OR 97459

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 **Monday, 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. 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

File Numbers	Map Number(s)	Account Number	Zoning	Total Property Acreage
D-21-014	25S1334B0-01201	392000	UR-1	3.11
Lawfully Created Unit of	25S1334B0-01300	392102	F/UR-1	25.62
Land Determination	25\$1334B0_01400	302102	IIR_1	0.83

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

Mailed notices to owners of real property required by ORS 215 shall be deemed given to those owners named in an affidavit of mailing executed by the person designated by the governing body of a county to mail the notices. The failure of the governing body of a county to cause a notice to be mailed to an owner of a lot or parcel of property created or that has changed ownership since the last complete tax assessment

roll was prepared shall not invalidate an ordinance. 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:		Date: Wednesday, February 16, 202		
-	Jill Rolfe, Planning Director			

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

EXHIBITS

Exhibit A: Conditions of Approval

Exhibit B: Vicinity Map

Exhibit C: Lawfully Created Unit Map and Deeds

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 D: D-21-014 Staff Report -Findings of Fact and Conclusions

EXHIBIT "A" CONDITIONS OF APPROVAL

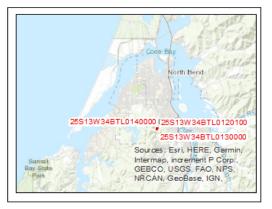
The applicant (applicant includes property owner and any successor) shall comply with the following conditions of approval with the understanding that all costs associated with complying with the conditions are the responsibility of the applicants and that the applicants are not acting as an agent of 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. 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. Once the appeal period has expired and no appeal have been filed, the applicant shall record the deed descriptions for the units of land and record them 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.
- 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. Easements will need to be provide for each lawfully created unit of land that does not directly access a public right-of-way, 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.



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-21-014

Troy Rambo Applicant/

Owner: Smith River Land & Cattle Co.

Date: February 15, 2022

Location:

Township 25 S Range 13W Section 34B TL 1201/1300/1400

Proposal: Lawfully Established Parcel

Determination & Property Line Adjustments

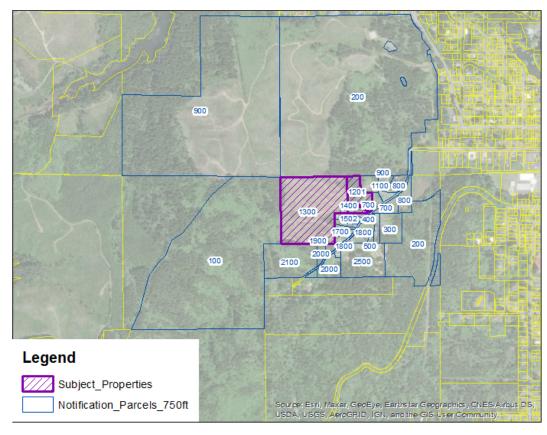
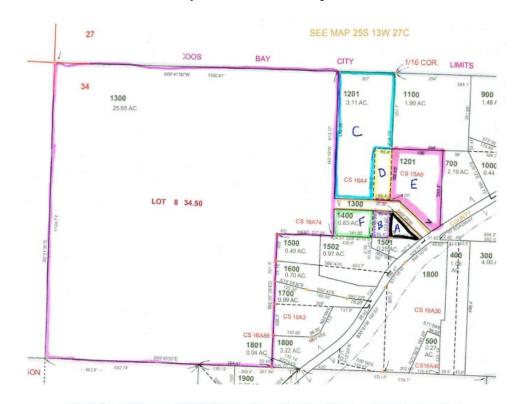


EXHIBIT "C" Lawfully Created Parcel Maps & Deeds



MULKINS & RAMBO, LLC

P.O. BOX 809 NORTH BEND, OR 97459 PHONE (541) 751-8900 FAX (541) 751-9000

October 27, 2021

Coos County Planning Dept. 250 N. Baxter Street Coquille, OR 97423

RE: Discrete Parcel Certification - Tax Lots 1201, 1300 & 1400 - Map 25S-13W-34B

Based on the attached deeds I, Troy Rambo LS 2865, hereby certify that Tax Lot 1201 consists of 3 discrete parcels, Tax Lot 1400 consists of 3 discrete parcels and Tax Lot 1300 consists of 2 discrete parcels.

Tax Lot 1201 - C - Bk. 262 Pg. 694 - Parcel 1

D - Bk. 262 Pg. 694 - Parcel 2 E - Bk. 262 Pg. 694 - Remainder of Parcel 3

Tax Lot 1300 – 40' Road – MR# 65-11-3253 Main Parcel – MR# 65-11-3254

Tax Lot 1400 - A - MR# 67-4-17046 - Parcel 1 B - MR# 67-4-17046 - Parcel 2

C - Bk. 262 Pg. 694 - Remainder of Parcel 1

Please find the attached maps and record deeds.

Troy Rambo, LS 2865

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That ROBERT J. GRAY and SHARON LOUISE GRAY, husband and wife, hereinafter known as the Grantors, in consideration of Ten Dollars (\$10) and other valuable consideration to them paid by J. A. PHILLIPS and ESTHER G. PHILLIPS, husband and wife, hereinafter known as the Grantees, do hereby sell, grant, and convey unto the said Grantees, their heirs and assigns all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Coos, State of Oregon, bounded and described as follows, to-wit:





Beginning at the iron pipe at the Northeast corner of the Northwest quarter (NW1/4) of the Northwest quarter (NW1/4) of Section Thirty-four (34), Township Twenty-five (25) South, Range Thirteen (13) West; Willamette Meridian, Coos County, Oregon; thance along the North line of the said Section Thirty-four (34) South 89° 41' 50" West a distance of 207.00 feet; thence South 0° 16' East a distance of 472.35 feet to an iron pipe the true point of beginning of the following described tract; thence North 89° 44' East a distance of 235.25 feet; thence South 49° 44' East a distance of 163.78 feet, more or less, to the Northwest line of a county road; being the center line of a county road; being the center line of a 40 foot roadway.



TO HAVE AND TO HOLD the above described and granted premises unto the said Grantees, their heirs and assigns, forever as tenants by the entirety with the right of survivorship between them.

And the Grantors above named do covenant to and with the above named Grantees, their heirs and assigns, that they are lawrully seised in fee simple of the above granted premises; that the above granted premises are free from all encumbrances; and that they will and their heirs, executors, and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof against the lawful claims and demands of all persons whomsoever.

WITNESS our hands and seals this 10 May of November. HOTARY PUBLIC 10 4, 1965. November

Personally appeared Robert J. Gray and Sharon Louise Gray, husband and wife, and acknowledged that they executed the foregoing instrument freely and voluntarily.

Before me:

My commission expires: #/21/67 RECORDED Kon-12:1945 AT FAY F. CRABTREE, COUNTY CLERK

D-21-014

65-1|- 3254

KNOW ALL MEN BY THESE PRESENTS, That VANCE EAGER and GLADYS EAGER, husband and wife, and VALETA WILSON, a widow, not remarried, rereinafter known as the Grantors, in consideration of Ten Dollars (\$10) and other valuable consideration to them paid by J. A. PHILLIPS and ISTHER G. PHILLIPS, husband and wife, hereinafter known as the Grantees, do foreby sell, grant, and convey unto the said Grantees, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Coos, State of Oregon, bounded and described as follows, to-wit:



Beginning at an iron pipe at the Northwest corner of Section Thirty-four (3%). Township Twenty-five (25) South, Range Thirteen (13) West of the Willamette Meridian, Coos County, Oregon; thence along the West line of said Section Thirty-four (3%), South 0° 21° 30" East a distance of 110%,73 feet to an iron pipe on the North line of the Plat of Roosevelt Heights, thence along the said North line, South 85° 49° 50" East a distance of 592.7% feet to an iron pipe at the Northwest corner of Block "C" of said Plat; thence along the North line of said Block "C", South 89° 49° 50" East a distance of 284,41 feet to an iron pipe; thence North 0° 10° 12" East a distance of 592.06 feet to an iron pipe; thence South 89° 40′ 10" East a distance of 217.91 feet to an iron pipe; thence South 89° 40′ 10" East a distance of 1612.17 feet to an iron pipe on the North line of said Section Thirty-four (3%), said point lying South 89° 41′ 50" West a distance of 20° 70° 70° feet from the iron pipe at the Northeast corner of the Northwest quarter (NWI/%) of the South 89° 41′ 50" West a distance of 1,100.51 feet to the point of beginning.

TO HAVE AND TO HOLD the above described and granted premises unto the said Grantees, their heirs and assigns, forever as tenants by the entirety with the right of survivorship between them.

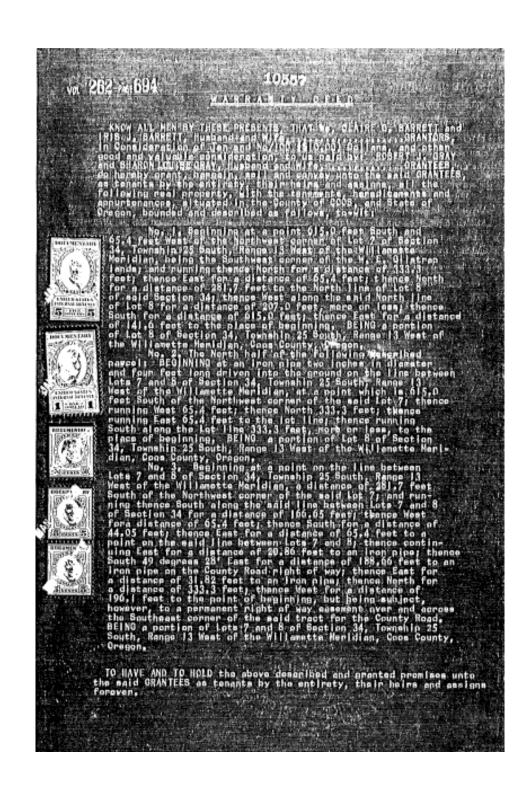
And the Grantors above named do ocyenant to and with the above named Grantees, their heirs and assigns, that they are lawfully seised in fee simple of the above granted premises; that the above granted premises are free from all encumbrances, except the following:

(1) Rights of the public in and to any portion of the above property lying within limits of public roads or highways;

and that they will and their heirs, executors, and administrators, shall warrant and forever defend the above granted premises, and

65-11- 3255

every part and parcel demands of all persons	thereof, against the lawful claims and whomsoever.
WITNESS our November, 1965.	hands and seals this 9 day of
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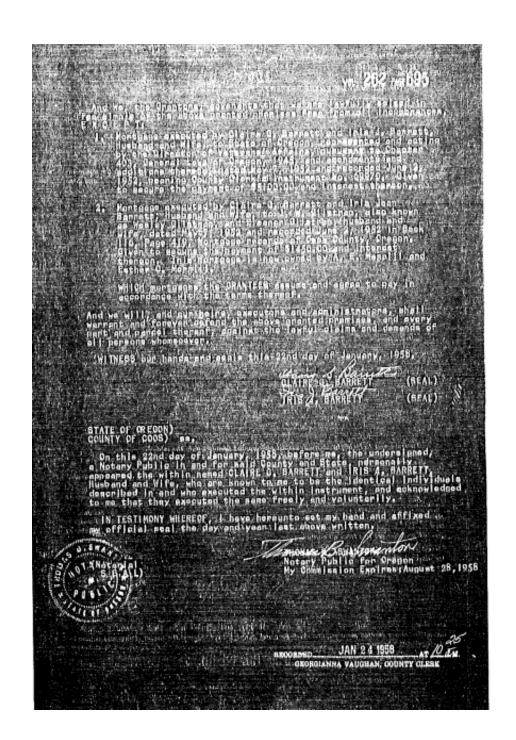


EXHIBIT "D" STAFF REPORT

FINDINGS OF FACT AND CONCLUSIONS

PROPOSAL AND BACKGROUND/PROPERTY HISTORY INFORMATION:

A. Proposal: The proposal is a request for Planning Director Approval of Lawfully Created Units of Land. This application contains six (6) lawfully discrete determinations.

B. BACKGROUND INFORMATION:

On October 29, 2021 the application was received. The applications were deemed complete on November 23, 2021. The deemed complete process is a review that all the materials have been submitted as explained in the applications. This is not full review of the criteria as the burden of proof rest with the applicant and the details of the application are reviewed during the review period.

C. LOCATION:

T.

These units of land are located southcentral of the City of Coos Bay. The subject properties are located in the Blossom Gulch area. The properties are accesses by Anderson Lane, which becomes Anderson Ave in the City of Coos Bay. The map below shows a general location of the properties.

D. ZONING:

There is both Forest (F) Urban Residential-1 (UR-1) zoning on the subject properties.

ARTICLE 4.2 – ZONING PURPOSE AND INTENT

SECTION 4.2.100 – Residential - Urban Residential (UR)

There are three Urban Residential (UR) zoning districts: Urban Residential-1 (UR-1); Urban Residential-2 (UR-2); and Urban Residential – Multi Family (UR-M). The intent of the Urban Residential Districts is to include conventional, urban density housing (single family/multi-family) plus cluster housing and planned unit developments.

The purpose of the "UR-1" district is to provide for urban residential areas that are exclusively limited to conventional single family dwellings. Detached conventional single family dwellings clustered in planned unit developments are consistent with the objectives of the "UR-1" district. This district shall only be used within Urban Growth Boundaries and Urban Unincorporated Community boundaries.

Section 4.2.500 Resource Zones - Forest (F)

Forest (F) - The intent of the Forest District is to include all inventoried "forestlands" not otherwise found to be needed (excepted) for other uses. The purpose of the Forest zone is to conserve and protect forest land for forest uses. Some of the areas covered by the "F" zone are exclusive forest lands, while other areas include a combination of mixed farm and forest uses.

Forest Mixed Use (FMU)

The purpose of the Forest Mixed Farm-Forest Areas ("MU" areas) is to include land which is currently or potentially in farm-forest use. Typically such lands are those with soil, aspect, topographic features and present ground cover that are best suited to a combination of forest and grazing uses. The areas generally occupy land on the

periphery of large corporate and agency holdings and tend to form a buffer between more remote uplands and populated valleys. In addition, these "mixed use" areas contain ownership of smaller size than in prime forest areas. Some are generally marginal in terms of forest productivity, such as areas close to the ocean.

If land is in a zone that allows both farm and forest uses, a dwelling may be sited based on the predominate use of the tract on January 1, 1993. If a use is only allowed in the mixed use zone it will be explained in the text. Otherwise the uses listed are allowed in both the Forest and Forest Mixed Use zones.

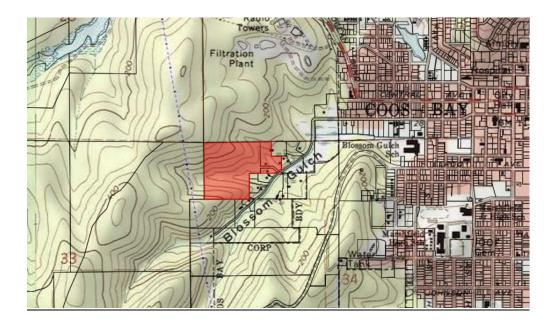
E. SITE DESCRIPTION AND SURROUNDING USES:

Tax lot 1201 currently consists of 3.11 acres, tax lot 1300 currently consists of 25.65 acres, tax lot 1400 currently consists of 0.83 acres. Based on aerial imagery, the subject properties in this area are used for forest uses. There are residential development alongside Anderson Lane.



F. LOCATION:

These units of land are located southcentral of the City of Coos Bay. The subject properties are located in the Blossom Gulch area. The properties are accesses by Anderson Lane, which becomes Anderson Ave in the City of Coos Bay. The map below shows a general location of the properties.



II. Property Compliance:

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 finds to determine at the time of this report that this property is compliant. This does not mean that there is not additional information that was unavailable during this review that would make the properties non-compliant.

III. STAFF FINDINGS AND CONCLUSIONS:

A. SUMMARY OF PROPOSAL AND APPLICABLE REVIEW CRITERIA:

The proposal is for Planning Director Approval of a Lawfully Created Unit of Land is subject to Coos County Zoning and Land Development (CCZLDO) Article 6.1.

B. COMMENTS:

Comments were requested from the Coos County Assessor's and Surveyor's Office but not were received.

C. LAWFULLY CREATED:

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.
- 2. Creation of parcel previously approved but not acted upon (92.178).
 - a. The governing body of a county may approve an application requesting formation of one parcel if the county issued a land use decision approving the parcel prior to January 1, 1994, and:
 - b. A plat implementing the previous land use decision was not recorded; or
 - c. A condition of approval of the previously approved land use decision requiring consolidation of adjacent lots or parcels was not satisfied by a previous owner of the land.
 - d. An application under this section is not subject to ORS 215.780.
 - e. Approval of an application under this section does not affect the legal status of land that is not the subject of the application.

• SECTION 6.1.150 APPLICATIONS ESTABLISHING LAWFULLY CREATED LOTS OR PARCELS:

An application to establish a lawfully created unit of land shall be submitted in the case of Section 6.1.125.1.d, e and f and Section 6.1.125.2. This is an administrative land use decision. If

County Counsel is required to review information to determine legal status of the unit of land additional fees may be charged.

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

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

Finding: The Lawfully Created Unit of Land application was received on October 29, 2021 and deemed incomplete August 26, 2021. The missing information was received and the application was deemed complete for the purpose of review on November 23, 2021.

Troy Rambo submitted information to certify that there are lawfully created units of land within tax lots 1201, 1300 & 1400 in Township 25, Range 13, Section 34B. Four (4) lawfully created units of land are described in deed document book 262 page 694. One (1) lawfully unit of land is described in microfilm reel #65-11-3253. One (1) lawfully unit of land is described in microfilm reel #65-11-3254. Two (2) lawfully units of land are described in microfilm reel #67-4-17046.

Therefore, after reviewing all of the evidence Planning Staff can acknowledge that the units of land identified within the below map are lawfully created units of land.



IV. DECISION:

The proposal meets the requirements of the Coos County Zoning and Land Development Ordinance, with conditions listed in Exhibit "A" of this report.

V. EXPIRATION:

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. Therefore, there is not expiration for this type of application.

VI. 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: There are no special districts.

A Notice of Decision and Staff Report will be provided to the following: Applicants/Owners; Coos County Surveyor, Coos County Assessor's Office, Oregon Department of Land Conservation and Development; Coos County Planning Commission; and the Board of Commissioners.

Adjacent property owners will receive a Notice of Decision 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 to receive notice: There are no special districts that required notice for these units of land.

EXHIBIT "E" APPLICATIONS RECEIVED