



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

05/21/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: Coos County Plan Amendment
DLCD File Number 007-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, June 03, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Patty Evernden, Coos County
Doug White, DLCD Community Services Specialist
Katherine Daniels, DLCD Farm/Forest Specialist
Dave Perry, DLCD Regional Representative

<paa> YA/

Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DEPT OF

MAY 14 2009

LAND CONSERVATION
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **Coos County**

Local file number: **AM-08-07**

Date of Adoption: **5/13/2009**

Date Mailed: **5/13/2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 9/22/2008

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Repeal current provisions for property line adjustments and adopt new provisions consistent with ORS Chapter 92 and 2008 Special Session Amendments. Also, housekeeping changes to hearing procedures, land divisions, and urban road standards. Amendment language enclosed.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **County Wide**

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. See First Page

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Patty Evernden, Planning Director** Phone: **(541) 396-3121** Extension: **210**
Address: **250 N. Baxter St** Fax Number: **541-756-8630**
City: **Coquille, OR** Zip: **97423-** E-mail Address: **pevernden@co.coos.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

BEFORE THE BOARD OF COMMISSIONERS
OF THE COUNTY OF COOS, OREGON

IN THE MATTER OF AMENDING THE COOS)
COUNTY ZONING & LAND DEVELOPMENT) FINAL DECISION AND
ORDINANCE) ORDINANCE 08-09-009PL
(PROPERTY LINE ADJUSTMENTS AND)
HOUSEKEEPING AMENDMENTS))

This matter came before the Coos County Board of Commissioners sitting for the transaction of business on the 29th of April, 2009, concerning amendments to the Coos County Zoning and Land Development Ordinance (CCZLDO).

WHEREAS, on September 9, 2008, the Coos County Board of Commissioners initiated a legislative amendment to consider amendments to the CCZLDO to amend property line adjustment provisions of 3.3.150 to comply with the 2008 Special Session amendments to ORS Chapter 92. The Board also initiated housekeeping amendments to Section 5.7.300(5) Submission of Written Evidence, Section 6.5.300(2) Review of Tentative Plan and Section 7.3.100(1) concerning urban road standards applicable to land divisions.

WHEREAS, the proposed amendments were considered by the Planning Commission at public hearing on December 4, 2008, and following deliberation, the Planning Commission recommended the Board of Commissioners approve the proposal with some edits;

WHEREAS, Coos County Zoning and Land Development Ordinance Article 1.2 specifies the process to approve a change in the text of said Ordinance.

WHEREAS, the Board considered the recommendation of approval from the Coos County Planning Commission as well as testimony from interested parties; and,

WHEREAS, the Board has received the Planning staff report, the Planning Commission recommendation and reviewed the materials submitted and the facts of the proposal at the public hearings on February 24, 2009, March 24, 2009, April 9, 2009 and April 29, 2009,

WHEREAS, the Board approved the proposed amendments at the conclusion of the April 29, 2009, hearing.

ADOPTED this 13th day of May, 2009.

BOARD OF COMMISSIONERS

Mike Whitty

Commissioner

Steve Turner

Commissioner

Robert "Bob" Main

Commissioner

ATTEST:

Jill Ralfe

Recording Secretary

APPROVED AS TO FORM:

[Signature]

Office of County Counsel

Ordinance 08-09-009PL

SECTION 3.3.150. PROPERTY LINE ADJUSTMENTS. A property line adjustment is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel and where an existing unit of land that is reduced in size by the adjustment complies with all other provisions of this Ordinance. Property line adjustments may be permitted in any zone or across zones, or between lots or parcels in a recorded subdivision or partition plat.

SECTION 3.3.151. PROCEDURE. A single adjustment of one line between two abutting properties will be approved as a ministerial act.

Multiple adjustments between more than two abutting properties will be processed as a land use decision and may be approved as a single application on condition that each adjustment is completed prior to the next, in accordance with ORS Chapter 92. Land owners seeking property line adjustment(s) must file with the Planning Department:

1. A scaled plot plan shall be submitted with an application for a property line adjustment showing:
 - a. All existing property lines;
 - b. The proposed location of the adjusted property line;
 - c. The location of existing buildings, with distances to the existing and the proposed property line;
 - d. The location of septic systems, wells and easements, and their distances from the existing and the proposed property line; and
 - e. The existing size and the proposed size of each lot or parcel, in square feet or acres.
2. Written consent from all owners of the properties that will be modified by the property line adjustment.
3. If the application is approved, the adjusted property line must be surveyed and monumented by an Oregon licensed surveyor in accordance with the procedures of ORS 92, except, a survey and monumentation are not required when:
 - a. all parcels will be greater than 10 acres or when the property line adjustment involves the sale; or
 - b. there is a grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right-of-way purposes property.
4. If required, a survey complying with ORS 209.250 must be filed with the County Surveyor within one year of the date of final approval of an application for a property line adjustment.

5. Within one year of the date of final approval of an application for a property line adjustment a deed must be recorded with the County Clerk. The deed shall contain the names of the parties, the description of the adjusted property line, references to original recorded documents, and signatures of all parties with proper acknowledgement (ORS 92.190). The deed shall also contain a separate description of the area being conveyed from one parcel to the other and shall contain a statement that the conveyance is part of a property line adjustment.

SECTION 3.3.152 APPROVAL CRITERIA. A property line adjustment may be approved if it complies with all of the following:

1. The existing lots or parcels were lawfully created in accordance with Section 3.3.800;
2. No new parcels will result from the adjustment;
3. All buildings and improvements (e.g., septic systems, wells, etc.) will comply with the minimum setback requirements from the adjusted property line, unless the building or improvement does not currently comply, in which case the building or improvement shall not be rendered more nonconforming by the adjustment;
4. All adjusted parcels shall be large enough to accommodate a use allowed in the zone where the property is located, including an on-site septic system.
5. Resulting lots or parcels shall comply with all applicable zoning ordinance provisions after the adjustment, unless the adjustment meets one of the following exceptions:
 - a. One or both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or
 - b. Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment, or
 - c. Property line adjustments by a public body for the purpose of incorporating excess right-of-way property into adjacent property shall not be subject to minimum lot size requirements.
6. Property line adjustments on land zoned Exclusive Farm Use, Forest and Forest Mixed Use may not be used to:
 - a. Decrease the size of a lot or parcel that, before the relocation or elimination of

the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

- b. Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or
 - c. Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.
- 7. The adjustment shall not result in parcel(s) that overlap a city limit or county line.
 - 8. The adjustment shall not result in the loss of access to any parcel unless alternative access complying with Article 7.1 is provided.
 - 9. If any of the parcels involved in the lot line adjustment(s) is subject to conditions of a prior land use permit, then the area added to that parcel shall be subject to any conditions imposed under the permit.

SECTION 5.7.300. Quasi-Judicial Land Use Hearings Procedures.

- 4. Representatives
 - B. Any person presenting testimony on behalf of a group, company or any other organization, except an attorney, must enter written evidence into the record establishing that the person is authorized to appear on behalf of the organization. Such written authorization must:
 - (1) Be written on the group, company, or organization's official letterhead;
 - (2) Name the person authorized to appear on behalf of the group, company or organization;
 - (3) Specify the scope of the authorization; and
 - (4) Contain the signature of a person with authority to grant the authorization.
- 5. Submission of Written Evidence
 - C. E-mail testimony may be submitted; however, it is the responsibility of the

person submitting the testimony to verify it has been received by Planning Staff by the applicable Deadline.

- D. All written testimony must contain the name of the person(s) submitting it and current mailing address for mailing of notice.
- E. The applicant bears the burden of proof that all of the applicable criteria have been met; however, in the case of an appeal, the appellant bears the burden of proving the basis for the appeal, such as procedural error or that applicable criteria have not in fact been met.

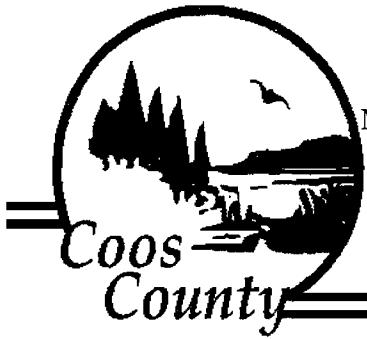
SECTION 6.5.300. Review of Tentative Plan.

- 2. Within 7 days of the mailing date, each city, special district and County Department receiving a copy of the tentative plan should submit a written statement to the Planning Department with respect to any matter, information, or recommendation deemed necessary for the applicant's or public's benefit.

ARTICLE 7.3 URBAN ROAD STANDARDS (CITY-UGB'S and UUC's)

SECTION 7.3.100 Requirements for New Roads to be Created in Conjunction with a Partition, Subdivision or Planned Unit Development. The following standards shall apply to any proposed road that is to be created in conjunction with a land division within a City-UGB:

- 1. The provisions of Table 7.3 are applicable within the City-UGB or Urban Unincorporated Communities. The minimum road standards of Table 7.3 may be modified in the discretion of the County Roadmaster.



Coos County Planning Department

Coos County Courthouse Annex, Coquille, Oregon 97423

Mailing Address: Planning Department, Coos County Courthouse, Coquille, Oregon 97423

(541) 396-3121 Ext.210

FAX (541) 396-2690 / TDD (800) 735-2900

PATTY EVERNDEN

PLANNING DIRECTOR

CERTIFIED MAIL 7000 1530 0006 2168 6067

May 13, 2009

Larry French
Plan Amendment Specialist
Dept. of Land Conservation & Development
635 Capitol St. NE, Ste. 150
Salem, Oregon 97301-2540

RE: Coos County File #AM-08-07

Enclosed please find DLCD Notice of Proposed Amendment, Form2. The amendment is to repeal current provisions for property line adjustments and adopt new provisions consistent with ORS Chapter 92 and 2008 Special Session Amendments. Also proposed are housekeeping changes to hearing procedures, land divisions, and urban road standards.

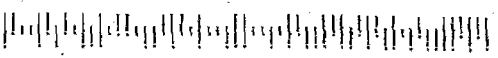
If you have any questions, please contact the Planning Department at (541) 396-3121, extension 210.

Sincerely,

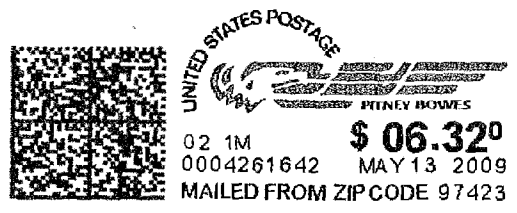
COOS COUNTY PLANNING DEPARTMENT

Jill Rolfe
Jill Rolfe, Administrative Planner

c: David Perry, DLCD
file



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UNITED STATES POSTAGE



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Larry French, Plan Amendment Specialist
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