



**Coos County  
Planning Department  
Property Line Adjustment  
Application**

Official Use Only  
Fee 300.00  
Receipt No. 219245  
Check No./Cash 3985  
Date 5/5/2020  
Received By J.R.  
File No. PLA-20-11  
reconsideration

### Introduction

The purpose of a property line adjustment application is to review changes in property lines when no new lots are being created. Property lines may be changed to account for the location of fences, driveways, gardens and buildings. For example, a property owner may discover that a fence is located on a neighbor's property. As a solution, the affected property owners may agree to relocate their property lines. A property line adjustment review is needed to make sure the change is consistent with zoning standards.

In addition to filling out the application form, the applicant needs to draw a plot plan. The plot plan will show the property lines and dimensions, and the location of all buildings, wells, septic tanks and drain field for the parcels which are being adjusted.

The applicants need to submit the application to the Planning Department. Once the application and plot plan are accepted, staff will review the proposal.

A single adjustment of one line between two abutting properties will be approved as an administrative 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.

Approval will become final after the applicant(s) complies with the approval criteria including completion of surveys when required and recording of the property line adjustment deed(s). These must be completed within one year of the approval.

This information is provided as a courtesy and is not intended to replace the provisions of Article 6.3.

If you have any questions about this application, please feel free to contact this office at 541-396-7770 or visit us at 225 North Adams Street in Owen Building in Coquille, Oregon.

Please complete the following sections:

**A. Property 1:**

Owner(s): Heath & Kami Godfrey Telephone: 541-260-2061  
Address: 95184 Sithum Ln  
City/State: Myrtle Point OR Zip Code: 97458  
Lien Holder(s): Shellpoint Mortgage Servicing  
Address: PO Box 10826  
City/State: Greenville SC Zip Code: 29603-0826  
Township: 29 Section: 09D  
Range: 12 Tax Lot: 1900  
Tax Account: 1126400 Zoning District: UR-1  
Initial Lot Size: 8.72 Adjusted Lot Size: 6.48

**B. Property 2:**

Owner(s): Heath & Kami Godfrey Telephone: 541-260-2061  
Address: 95184 Sithum Ln  
City/State: Myrtle Point OR Zip Code: 97458  
Lien Holder(s): Shellpoint Mortgage Servicing  
Address: PO Box 10826  
City/State: Greenville SC Zip Code: 29603-0826  
Township: 29 Section: 09DC  
Range: 12 Tax Lot: 100 & 400  
Tax Account: 1125600 & 1125300 Zoning District: R-1  
Initial Lot Size: 9.24 / 1.50 Adjusted Lot Size: 6.48 / 6.48



**C. Applicant:**

Name: Heath + Kami Godfrey Telephone: 541-260-2061  
Address: PO Box 188  
City/State: Myrtle Point Zip Code: 97458

**D. Surveyor**

Name/Company: Mulkins + Rambolla Telephone: \_\_\_\_\_  
Address: PO Box 809  
City/State: North Bend OR Zip Code: 97459

**E. Purpose of the Property Line Adjustment**

To adjust the boundaries of 3 discrete parcels

**F. Criteria from Article 6.3**

**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.

**SECTION 6.3.125 PROCEDURE:**

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

- or other liens against the property, easements, restrictive covenants and rights-of-way, and ownerships of the property of the proposed development. A title report is acceptable.
- e. A notice of application and decision will be provided to any and all lien holders of record for the property that will be affected by the proposed adjustment. Applicants should consult with any and all such lien holders prior to submittal of an application.
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).
  3. An encroachment of existing or planned structures will not be created within required setbacks as a result of the 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.
  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.
  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.



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.

#### **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.

#### **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.
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.

**G. Authorization: All areas must be initialed by all applicant(s) prior to the Planning Department accepting any application.**

I hereby attest that I am authorized to make the application for a discretionary decision 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.

HG KSI  
Property 1

HG KSI  
Property 2

**FEES**

The Coos County Board of Commissioners has adopted a schedule of fees and if the property owners understand they are subject to the fee. If a hearings officer is required to review this matter the property is responsible for actual cost of processing the application.

HG KSI  
Property 1

HG KSI  
Property 2

I understand it is the function of the Planning Department 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.

HG KSI  
Property 1

HG KSI  
Property 2



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.

AG ~~KH~~  
Property 1

AG ~~KH~~  
Property 2

As the applicant(s) I/we acknowledge pursuant to Section 6.3.175(2), the property line adjustment deed must be recorded with the County Clerk within one year from the date of final approval from the Planning Department.

AG ~~KH~~  
Property 1

AG ~~KH~~  
Property 2


\_\_\_\_\_  
Applicant(s) Original Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant(s) Original Signature

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Applicant(s) Original Signature  
5/15/2020  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Applicant(s) Original Signature  
5-15-20  
\_\_\_\_\_  
Date





# CITY OF MYRTLE POINT

*In the Heart of the Myrtlewoods*

424 5<sup>th</sup> Street, Myrtle Point, OR 97458  
Ph: (541) 572-2626 | Fax: (541) 572-3838  
[cityofmyrtlepoint@yahoo.com](mailto:cityofmyrtlepoint@yahoo.com)

Mayor:  
Bill Schaefer

Councilors:  
Samantha Clayburn  
Michael Hogan  
Stephanie Martell  
Daniel Martin  
Gary Sullivan  
Mike Wood

March 18, 2020

Heath & Kami Godfrey  
P.O. Box 188  
Myrtle Point, OR 97458

**RE: Property Line Adjustment  
T29S, R12W, 9DC, Tax Lots 100 and 400**

Dear Mr. & Mrs. Godfrey,

The City of Myrtle Point received your Property Line Adjustment application and Plot Plan for the above referenced tax lots in 2008, along with a Consent to Annexation form for a portion of T29S, R12W, 9D, Tax Lot 1900. The City Recorder/Planning Official at the time processed the applications, including a required Public Hearing before the Myrtle Point Planning Commission and approval by the Myrtle Point City Council concerning the Annexation. At its regular meeting on October 20, 2008, the City Council unanimously approved both the Annexation and Property Line Adjustments as depicted on the attached Plot Plan.

Your Property Line Adjustment is therefore considered approved based on actions taken by the Planning Commission and City Council in 2008. Please furnish this letter to the Coos County Clerk along with the plot plan when recording the Property Line Adjustments. A copy of the approved Property Line Adjustment Application also is enclosed for reference. Please contact me with any questions.

Sincerely,

Darin Nicholson  
City Manager/Planning Official

Attachment: Plot Plan  
Property Line Adjustment Application







# CITY OF MYRTLE POINT

*In the Heart of the Myrtlewoods*

424 Fifth Street  
Myrtle Point, Oregon 97458  
(541) 572-2626  
Fax (541) 572-3838  
cityofmyrtlepoint@yahoo.com

Mayor:  
Mike Johnson

Councilors:  
Doug Veysey  
Barbara Carter  
Denise DeWald  
Mike Lyon  
Jay Westrum

## FINAL ORDER NOTICE OF CITY COUNCIL DECISION AND ORDER

**DATE:** October 22, 2008

**APPLICATION:** Annexation, Rezoning, and Property Line Adjustments

**APPLICANT:** Heath & Kami Godfrey

**OWNER:** Heath & Kami Godfrey  
2116 Maple St.  
Myrtle Point, OR. 97458

**LOCATION:** 29 12 9D tax lot 1900 (Partial Annexation & Rezoning) and 29 12 9DC tax lots 100 & 400 (Property Line Adjustments)

**ORDER:** Approved on Monday October 20, 2008.

City Council Final Vote:  
**Ayes:** Mayor Ed Cook, Councilors: Mike Lyon, Denise DeWald, Joe Bouska, Mike Johnson, Barbara Carter and Jay Westrum.  
**Nayes:** None  
**Abstain:** None

### DECISION CRITERIA AND THE ADOPTED FINDINGS OF FACT, CONCLUSIONS, AND CONDITIONS:

#### FINAL ACTION

The City Council approved the annexation of a portion of your property by Ordinance 1252. The rezoning of the subject property was also approved. The Property Line Adjustments on property located at 29 12 9DC Tax Lots 100 & 400 was also approved.

The City Council approved the requested annexation, rezoning, and property line adjustments at the recommendation of the Planning Commission and based on the following criteria:

## STATEMENTS OF FACT AND FINDINGS

**DECISION CRITERIA #1:** All requests were supported by the City's Comprehensive Plan, Oregon Revised Statutes and City Ordinances.

**DECISION CRITERIA #2:** No letters of objection were received from surrounding property owners in response to the Public Notices mailed.

**DECISION CRITERIA #3:** There was concern by the Planning Commission and addressed by the City Council, regarding further development and streets. The applicants were told that the streets would be required to meet city subdivision standards if any further splitting of either parcel was requested.

**CONCLUSION:** The Myrtle Point Planning Commission recommended the City Council approve the annexation, rezoning, and property line adjustments on the subject property. The City Council unanimously approved all requests.

### **EFFECTIVE DATE OF PERMIT APPROVAL**

The Myrtle Point City Council approved the annexation, rezoning and property line adjustments October 20, 2008.



Vicki Strader

Planning Coordinator – City of Myrtle Point



PLOT PLAN

PROPERTY LINE ADJUSTMENT - LOCATED IN THE SE1/4 OF SECTION 9, T.29S., R.12W., W.M., COOS COUNTY, OREGON

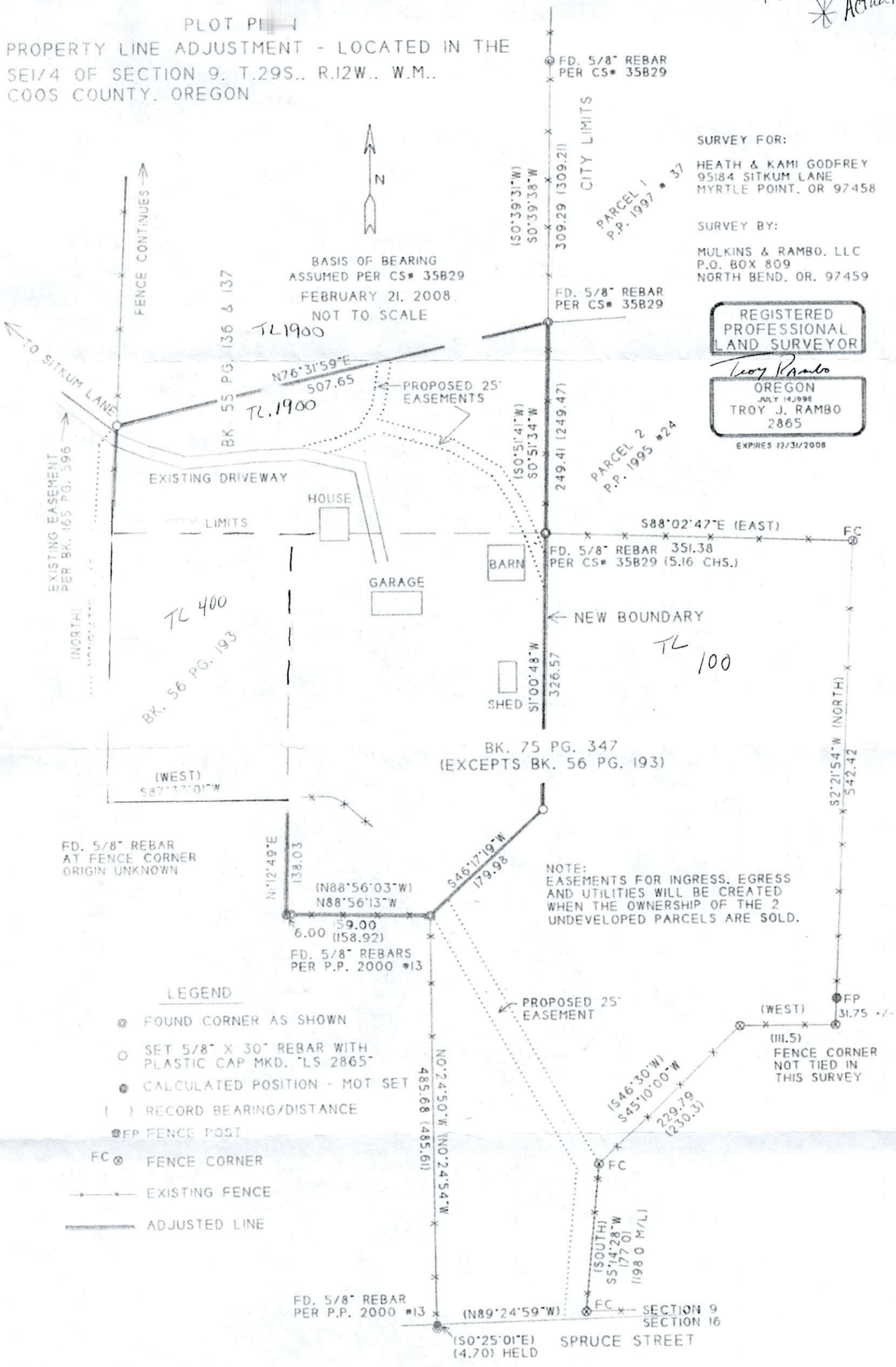
SURVEY FOR:  
HEATH & KAMI GODFREY  
95184 SITKUM LANE  
MYRTLE POINT, OR 97458

SURVEY BY:  
MULKINS & RAMBO, LLC  
P.O. BOX 809  
NORTH BEND, OR. 97459

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Troy Rambo  
OREGON  
JULY 14, 1998  
TROY J. RAMBO  
2865  
EXPIRES 12/31/2008

BASIS OF BEARING  
ASSUMED PER CS# 35B29  
FEBRUARY 21, 2008  
NOT TO SCALE



NOTE:  
EASEMENTS FOR INGRESS, EGRESS  
AND UTILITIES WILL BE CREATED  
WHEN THE OWNERSHIP OF THE 2  
UNDEVELOPED PARCELS ARE SOLD.

LEGEND

- ⊙ FOUND CORNER AS SHOWN
- SET 5/8" X 30" REBAR WITH PLASTIC CAP MKD. "LS 2865"
- CALCULATED POSITION - NOT SET
- ( ) RECORD BEARING/DISTANCE
- FP FENCE POST
- FC ⊙ FENCE CORNER
- EXISTING FENCE
- ADJUSTED LINE

FD. 5/8" REBAR PER P.P. 2000 #13  
(N89°24'59"W)  
(S0°25'01"E) (4.70) HELD  
SECTION 9  
SECTION 16  
SPRUCE STREET