



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

Official Use Only
Fee \$ 700
Receipt No. 214437
Check No./Cash 4107
Date 11/25/19
Received By C. O. M.
File No. PLA-19-024

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): MEMMATHON FAMILY TRUST Telephone: _____
Address: P.O. Box 2069
City/State: BANDON, OR Zip Code: 97411
Lien Holder(s): N/A
Address: _____
City/State: _____ Zip Code: _____
Township: 285 Section: 31 CA
Range: 14W Tax Lot: 1100
Tax Account: 2351200 Zoning District: EFU
Initial Lot Size: 8.57 ac Adjusted Lot Size: 9.22 ac.

B. Property 2:

Owner(s): MEMMATHON FAMILY TRUST Telephone: _____
Address: P.O. Box 2069
City/State: BANDON, OR Zip Code: 97411
Lien Holder(s): N/A
Address: _____
City/State: _____ Zip Code: _____
Township: 285 Section: 31 CA
Range: 14W Tax Lot: 1200
Tax Account: 2352100 Zoning District: EFU
Initial Lot Size: 2.39 ac Adjusted Lot Size: 1.74 ac.

C. Applicant:

Name: JOHN McMAHON Telephone: _____
Address: P.O. Box 2069
City/State: BANDON, OR Zip Code: 97411

D. Surveyor

Name/Company: TROY RAMBO Telephone: 541-751-8900
Address: P.O. Box 809
City/State: NORTH BEND, OR Zip Code: 97459

E. Purpose of the Property Line Adjustment

THE PURPOSE IS TO ADJUST THAT PORTION OF THE BOG ON
T.L. 1200 TO T.L. 1100

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.

J. A. M.
Property 1

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.

J. A. M.
Property 2

J. A. M.
Property 1

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.

J. A. M.
Property 2

J. A. M.
Property 1

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.

J. A. M.
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.

J. A. M.
Property 1

J. A. M.
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.

J. A. M.
Property 1

J. A. M.
Property 2

Applicant(s) Original Signature

J. A. M. - [Signature]
Date 11-22-19

Applicant(s) Original Signature

11-22-19
Date

Applicant(s) Original Signature

Date

Applicant(s) Original Signature

Date

93 06 1172

Mail tax statements to:
and
After recording, mail to:
JOHN A. McMAHON and
BARBARA J. McMAHON, Trustees,
THE McMAHON FAMILY TRUST
P.O. Box 815
Bandon, OR 97411

RECORDING # 93061172
I, Mary Ann Wilson,
Coos County Clerk, certify
the within instrument
was filed for record at



3:49 ON 06/24/1993
By M. BRIGHT Deputy

CONSIDERATION: None

pages 2 Fee \$ 39.00

BARGAIN AND SALE DEED

JOHN A. McMAHON and BARBARA J. McMAHON, Grantors,
convey to JOHN A. McMAHON and BARBARA J. McMAHON as Trustees for
THE McMAHON FAMILY TRUST, Grantees, all right, title and interest
in the following parcels of real property in the County of Coos,
State of Oregon, described as follows:

1. Tax Account No. 10263.01

Beginning at the Southeast corner of the North half of the Northwest Quarter
of the Southwest Quarter of the Southwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$); thence
North 270'; thence West 84'8"; thence South 70'; thence West 40'; thence South
200'; thence East 124'8" to the point of beginning, in Section 31, Township 28
South, Range 14 West of the Willamette Meridian, Coos County, Oregon.
(also by Instrument No. 54805, Vol. 310 Page 247)
also

Starting at the SW corner of Section 31 in Township 28 south Range 14 WNW in
Coos County, Oregon, and running thence East along the Section line 700 feet
more or less to the West line of the Bean & Randleman tract, thence North
along said West line 695.2 feet to the place of beginning; thence North 275
feet to the South line of the Panter tract (now E. Lee), thence West 700 feet
more or less to the center of Highway No. 101; thence South along center line
325 feet thence East 260 feet thence North 50 feet thence East 440 feet more
or less to the point of beginning, containing therein four and one-half ($4\frac{1}{2}$)
acres, more or less, excepting from the land to be conveyed a strip of land 30
feet in width extending North and South across the West end of said tract,
used for a highway. The Grantors, partners doing business as Norton and Dean,
reserve therefrom an easement for road purposes, which shall be approximately
20 ft. in width and 15 ft. South of the North side and parallel thereto,
coinciding with the presently established road.
(also by Instrument No. 58382, Vol 314 Page 213)

2. Tax Account No. 12078.00 and 12078.90 (split codes)

Described in Instrument No. 81-5-5279

3. Tax Account No. 12091.00 and 12091.90 (split codes)

Described in Instrument No. 88-11-0128

4. Tax Account No. 23504.00

Lot 5, Beale-McDonald Subdivision, Coos County, Oregon.

5. Tax Account No. 23506.01

Starting at the NW corner of Lot 7 of the Beale-McDonald Subdivi-
sion of Coos County, Oregon, according to the map and plat there-
of on file and of record in the office of the County Clerk of
Coos County, Oregon, and running thence South 75 feet to the
place of beginning; thence East 150 feet, thence South 300 feet,
thence West 150 feet, thence North 300 feet to the point of
beginning, containing one acre, more or less.

(Described in Instrument No. 58381, Vol 314 Page 212)

2624

- 6. Tax Account No. 23509.00
Lot 10, Beale-McDonald Subdivision, Bandon, Coos County, Oregon.
- 7. Tax Account No. 23510.00
Lot 11 and 12, Beale-McDonald Subdivision, City of Bandon, Coos County, Oregon.
- 8. Tax Account No. 23512.00
Lot 13, 14, and 21, Beale-McDonald Addition to the City of Bandon, Coos County, Oregon.
- 9. Tax Account No. 23514.00
Lot 15 and 16, Beale-McDonald Subdivision, City of Bandon, Coos County, Oregon.
- 10. Tax Account No. 23517.00
Lot 18, Beale-McDonald Subdivision, City of Bandon, Coos County, Oregon.
- 11. Tax Account No. 23521.00
Lot 22, Beale-McDonald Subdivision, Bandon, Coos County, Oregon.
- 12. Tax Account No. 23522.00
Lots 24 and 25, and a portion of Lot 23, Beale-McDonald Subdivision to the City of Bandon, Coos County, Oregon.
- 13. Tax Account No. 23522.01
A portion of Lot 23, Beale-McDonald Subdivision, Bandon, Coos County, Oregon. (with Mobile home, Account No. X118643)

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate city or county planning department to verify approved uses.

The true and actual consideration for this conveyance is NONE. This conveyance is for the purpose of transferring ownership of property owned by the parties to a family trust.

DATED this 16th day of June, 1993.

John A. McMahon
JOHN A. MCMAHON

Barbara J. McMahon
BARBARA J. MCMAHON

STATE OF OREGON)
) ss.
County of Coos)

June 16, 1993

Personally appeared the above-named JOHN A. MCMAHON and BARBARA J. MCMAHON who acknowledged the foregoing instrument to be their voluntary act and deed.



[Signature]
Notary Public for Oregon

2625

