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## Chapter 310 PROPERTY LINE ADJUSTMENTS

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### **310.01 Purpose.**

The purpose of this chapter is to provide the rules, regulations, and criteria governing approval of property line adjustments.

### **310.02 Approval Process.**

- A. Decision-making process. Property line adjustments shall be reviewed by means of a Type I procedure, as governed by Chapter 205, using the approval criteria in Section 310.04.
- B. Time limit on approval. The property line adjustment approval by the Planning Director shall be effective for a period of one year from the date of approval.
- C. Lapsing of approval. The property line adjustment approval by the Planning Director shall lapse if:
  - 1. The property line adjustment has not been recorded within one year of approval or has been improperly recorded with the Baker County Clerk; or
  - 2. The final recording is a departure from the approved plan.
- D. Extension. Upon written request by the applicant and payment of the required fee, the Planning Director shall grant an extension of the approval period not to exceed one year by means of a Type I

procedure as governed by Chapter 205, providing that:

- 1. No changes are made on the original plan as approved by the Planning Director.
- 2. The applicant can show intent to record the approved line adjustment within the one-year extension period; and
- 3. There have been no changes in the applicable ordinance provisions on which the approval was based.

### **310.03 Application Submission Requirements.**

The following information shall be provided:

- A. Property Line Adjustment Form (one copy) as provided by the Planning Director, including the following information as a minimum:
  - 1. Applicant's name and address.
  - 2. Name and address of all property owners of all lots or parcels to be adjusted.
  - 3. Legal descriptions, tax lot numbers, zoning, tax reference numbers, and sizes of all lots or parcels to be adjusted.
  - 4. Proposed final size of all lots or parcels to be adjusted.
  - 5. "Statement of Understanding" as stated on the form, read and initialed by the applicant.
  - 6. Signatures/written authorizations of all property owners involved.
- B. Documentation of ownership such as a certified judicial transfer or deed (one copy).

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C. Preliminary plan drawn to scale with sufficient detail that clearly illustrates the conditions of the site, illustrating the proposed property line adjustment, including the parent parcel, the parcel remnant being transferred and the receiving parcel (three copies). The preliminary plan shall include as a minimum:

1. Total square footage (or acreage) of each of the lots or parcels to be adjusted.
2. Property line dimensions (or acreage) of each of the newly-configured lots or parcels.
3. Setback dimensions of existing buildings from current and proposed property lines.

D. Preliminary plan reduced to 8-1/2" X 11" (one copy).

E. Filing fee.

### **310.04 Approval Criteria.**

A. Approval criteria. The Planning Director shall approve or deny a request for a property line adjustment in writing based on whether the following criteria are satisfied:

1. An additional parcel is not created by the property line adjustment.
2. A property line adjustment may be made between two abutting properties only if:
  - (a) Both of the abutting properties are at least as large as the minimum lot or parcel size for the applicable zone after the relocation or elimination of the common property line; or
  - (b) One or both of the abutting properties are smaller than the minimum lot or

parcel size for the applicable zone before the relocation or elimination of the common property line, and after the elimination or relocation of the line, one or both properties are as large or larger than the minimum lot or parcel size for the applicable zone; or

(c) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the relocation or elimination of the common property line.

3. Any primary or accessory structure(s) or other site development on either of the newly-reconfigured lots or parcels continues to comply with the applicable setbacks in the underlying zoning district unless a concurrent variance is sought, per Subsection (C) below.

4. Each of the newly-reconfigured lots or parcels shall front and have access to an approved public or private road and shall have a road frontage of not less than 220 feet, except a parcel or lot on the radius of a curbed street or facing the circular end of a cul-de-sac shall have frontage of not less than 30 feet upon a street, measured on the arc of the right-of-way. Such frontage shall be subject to the standards set forth in Chapter 340.

5. Where a common drive is to be provided to serve both lots, a reciprocal easement to ensure access and maintenance rights shall be recorded with the approved property line adjustment. Such an access way shall be subject to the standards set forth in Chapter 340. A line adjustment shall have no affect on existing easements.

B. Exemptions from dedications. A property line adjustment is not considered a development action for the purposes of determining whether a flood

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plain or right-of-way dedication is required.

- C. Variance to development standards. An applicant may request a concurrent variance to the standards of the underlying zoning district as they apply to the newly-reconfigured lots or parcels in accordance with Chapter 240, Variances.

## **310.05 Recording Property Line Adjustments.**

A.

### Recording requirements.

1. Upon the Planning Director's approval of the proposed property line adjustment, the applicant shall have a legal survey of the newly-reconfigured lots or parcels prepared if required, if not already completed, and shall record the property line adjustment with the County Clerk.
2. A survey shall not be required under the following circumstances:
  - a. Survey and monuments are not required when only one or two abutting property lines are adjusted. If four or more units of land are changed, this would be defined as a "subdivision" and would require a subdivision or replat of an existing subdivision. ORS 92.060 (8)(9).
  - b. Any newly-configured lot or parcel modified by the property line adjustment that is 80-acres or larger is exempt from the requirement for a legal survey;
  - c. The affected properties are each greater than 10 acres, per ORS 92.060(8); or
  - d. The adjusted property line is a distance of even width along the common boundary, per ORS 92.060(9).

B. Upon determination that the requirements of the property line adjustment have been met, the Planning Director shall advise the applicant by signature and date that the line adjustment is approved.

- C. After signature by the County Treasurer and the Planning Director, the applicant shall file the necessary documents with the County Clerk for recording. The recording shall describe conveyances conforming to the approved line adjustment, and shall include the following documents:

1. Property Line Adjustment Form;
2. New deeds for each of the newly configured lots or parcels that contain the names of the parties, the description of the adjusted line, references to the original recorded documents and signatures of all parties with proper acknowledgement; and
3. A map or maps of the newly configured lots or parcels locating the proposed line adjustment in relation to adjacent subdivisions, partitions, other units of land and roadways. The plot plan or map shall identify 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 or map shall also show the approximate location of all structures within ten feet of the proposed adjusted line, and

~~4. A Water Rights Information and Approval Form, and~~

~~5.4.~~ A copy of an easement for access (if necessary).

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- D. No property line adjustment shall be recorded with the County Clerk unless all ad valorem taxes, interest, and penalties imposed on land disqualified for any special assessments, fees or other charges required by law to be placed upon the tax roll have been paid which have become a lien upon the land or which will become a lien during the tax year.
- E. Time limit. The applicant shall submit a copy of the recorded survey map to the Planning Department within 15 days of recording for incorporation into the file. No building permits for development on the newly-reconfigured parcels shall be issued until this documentation is received.
- F. Surveyor's affidavit. The plat shall contain a surveyor's affidavit by the surveyor who surveyed the lots or parcels, that the land represented on the plat has been correctly surveyed and marked with the proper monuments as provided by ORS Chapter 92.060. The affidavit shall indicate the initial point of the survey, and give the dimensions and kind of such monument and its reference to a corner established by the U.S. Geological Survey or giving two or more objects for identifying its location.
- G. Notification to the County Assessor  
Upon final approval and recording, a copy of the property line adjustment and deeds shall be submitted to the County Assessor.