

1107 PROPERTY LINE ADJUSTMENTS

1107.01 APPLICABILITY

Section 1107 applies to property line adjustments.

[Amended by Ord. ZDO-230, 9/26/11]

1107.02 DEFINITIONS

- A. Property Line Adjustment: A relocation of a common property line between two abutting lots of record, where an additional lot of record is not created, and any existing lot of record reduced in size by the adjustment complies with the provisions of this Ordinance.
- B. Lot of Record: See definition in Section 202. As used in this section, the words “lot” and “parcel” are synonymous with the term “lot of record”.
- C. Lot: A single unit of land created by the subdivision of land including the recording of an approved subdivision plat under the provisions of Oregon Revised Statutes (ORS) Chapter 92 and Section 1105.
- D. Parcel: A single unit of land created by the partitioning of land including the recording of an approved partition plat under the provisions of ORS Chapter 92 and Section 1106.
- E. Plat: A final recorded subdivision plat, replat or partition plat consistent with ORS Chapter 92 and this Ordinance.
- F. Property Line: The division line(s) between two abutting lots of record.
- G. Replat: The act of platting the lots, parcels, tracts and/or easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat, or to increase or decrease the number of lots in the subdivision or partition.
- H. Undersized Lot or Parcel: A lot of record that does not satisfy the district land area requirement established in Subsection 1012.04 or the minimum lot size established in the underlying zoning district. A lot or parcel of land that is less than the district land area requirement or the minimum lot size and approved pursuant to the flexible-lot-size development provisions of Subsection 1014.04(B) shall not be considered an undersized lot or parcel.

[Amended by Ord. ZDO-230, 9/26/11]

1107.03 GENERAL PROVISIONS

Property line adjustments shall be consistent with the following provisions:

- A. Property line adjustments involving lots or parcels of land shall satisfy the setback and lot size provisions of the underlying zoning district except, when located within an urban or rural zoning district, an adjustment between undersized lots or parcels may be granted when the adjustment is consistent with all remaining provisions of this subsection. A lot or parcel exceeding the minimum lot or parcel size of the underlying zoning district shall not be reduced to less than the minimum lot or parcel size of the underlying zoning district. An existing lot or parcel containing at least 3,000 square feet of area shall not be reduced in size such that the resulting size of the lot or parcel is less than 3,000 square feet.
- B. Property line adjustments involving lots or parcels of land with nonconforming setbacks shall be granted provided the adjustment does not further reduce the setback and the adjustment satisfies the remaining provisions Section 1107. Setbacks for all existing structures shall be verified by a stamped site plan, or a stamped letter stating that no structures exist, prepared by a registered professional land surveyor prior to final Planning Director approval of the required plat or property line adjustment “Record of Survey” map.
- C. A property line adjustment shall be prohibited between lots or parcels of land separated by Urban, Rural, Forest, or Agriculture Plan boundaries, as identified on Comprehensive Plan Map IV-3, *Lake Oswego Land Use Plan Map*, IV-4, *West Linn Land Use Plan Map*, IV-5, *Oregon City Land Use Plan Map*, IV-6, *North Urban Area Land Use Plan Map*, or IV-7, *Non-Urban Area Land Use Plan*, and *Mt. Hood Corridor Land Use Plan*, except an adjustment may be granted when it results in an increase in the size of a lot or parcel of land within a natural resource zoning district. Approval of such an adjustment shall not result in the property qualifying for a rural/natural resource land division pursuant to Subsection 902.01.
- D. A property line adjustment shall not be permitted between lots or parcels of land separated by the Portland Metropolitan Urban Growth Boundary or a Mount Hood urban area village boundary.
- E. A property line adjustment shall not be used to exceed the base density in the underlying zoning district(s).
- F. A property line adjustment application shall not be used to replat duly recorded subdivision or partition plats. For purposes of this section, any proposal to reconfigure property lines within a plat that effectively vacates lots, parcels, tracts, easements, or roads; or increases or decreases the number

of lots or parcels; or results in a significant reconfiguration of the plat, as determined by the Planning Director, shall be considered a replat and reviewed pursuant to the subdivision or partition provisions of this Ordinance.

- G. Property line adjustments shall satisfy the requirements of Oregon Revised Statutes Chapter 92.

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1107.04 AGRICULTURAL LANDS ZONING DISTRICTS

- A. A property line adjustment shall not be used to reconfigure a lot, parcel, or tract of land, the effect of which is to qualify a lot, parcel, or tract for the siting of a dwelling.
- B. A property line adjustment for a lot, parcel, or tract of land in areas designated Agriculture on Comprehensive Plan Map IV-7, *Non-Urban Area Land Use Plan*, and *Mt. Hood Corridor Land Use Plan* without an approved homestead, nonfarm use, or farm or forest management plan may be permitted pursuant to the following provisions:
 - 1. A property line adjustment for a lot, parcel, or tract of land exceeding 80 acres may be approved when the adjustment does not reduce any lot, parcel, or tract of land to less than 80 acres.
 - 2. A property line adjustment for a lot, parcel, or tract of land less than 80 acres may be approved pursuant to the following provisions:
 - a. The property line adjustment will:
 - i. Not reduce an undersized lot, parcel, or tract of land more than five percent; and
 - ii. Only one reduction is approved pursuant to this provision; or
 - b. The resulting configuration (size) is determined to be at least as appropriate for the continuation of the existing commercial agricultural enterprise on each property, as compared to the original configuration, provided:
 - i. It is consistent with applicable provisions of this Ordinance and state regulations;
 - ii. Previous land use decisions, if any, are modified consistent with applicable provisions of this Ordinance; and

- iii. The application is reviewed pursuant to Subsection 1305.02; or
 - c. The undersized lot, parcel, or tract of land satisfies the provisions for siting a dwelling not in conjunction with a farm use as required by Oregon Administrative Rules (OAR) 660-33-100(11) and the underlying zoning district, and the application is reviewed pursuant to Subsection 1305.02.
- C. A property line adjustment for a lot, parcel, or tract of land in areas designated Agriculture on Comprehensive Plan Map IV-7 with an approved homestead or nonfarm use may be approved pursuant to the following:
- 1. Both properties have an approved homestead or nonfarm use; or
 - 2. The adjustment affects only one property line and does not result in an increase in the size of the homestead or nonfarm use property; or
 - 3. The adjustment satisfies the provisions for siting a dwelling not in conjunction with a farm use as required by OAR 660-33-100(11) and the underlying zoning district, and the application is reviewed pursuant to Subsection 1305.02.

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1107.05 FOREST LANDS ZONING DISTRICTS

- A. A property line adjustment shall not be used to reconfigure a lot, parcel, or tract of land, the effect of which is to qualify a lot, parcel, or tract for the siting of a dwelling.
- B. Property line adjustments for a lot, parcel, or tract of land without an approved homestead, nonforest use, or farm/forest management plan in areas designated Forest on Comprehensive Plan Map IV-7, *Non-Urban Area Land Use Plan*, and *Mt. Hood Corridor Land Use Plan*, may be permitted when the adjustment is consistent with these provisions:
 - 1. Property line adjustments for lots, parcels, or tracts of land exceeding 80 acres may be approved when the adjustment does not reduce any lot, parcel, or tract of land to less than 80 acres.
 - 2. Property line adjustments for lots, parcels, or tracts of land less than 80 acres may be approved pursuant to the following provisions:
 - a. The property line adjustment will:
 - i. Not reduce an undersized lot, parcel, or tract of land more than five

percent; and

ii. Only one reduction is approved pursuant to this provision.

C. A property line adjustment for a lot, parcel, or tract of land with an approved homestead or nonforest use in areas designated Forest on Comprehensive Plan Map IV-7 may be approved pursuant to the following:

1. Both properties have an approved homestead or nonforest use; or
2. The adjustment affects only one property line and does not result in an increase in the size of the homestead or nonfarm use property.

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1107.06 SUBMITTAL REQUIREMENTS

A. Applications for property line adjustments shall be submitted to the Planning Division on forms provided by the Planning Director.

B. Each application shall be accompanied by a tentative plan drawn to scale of not less than one inch equals 20 feet nor more than one inch equals 200 feet, and containing at a minimum, the following:

1. Complete names, addresses, and phone numbers of the owners of the tracts to be adjusted;
2. Description of the subject properties by Tax Lot Numbers, Quarter Section, Section, Township, and Range and if available, addresses;
3. Dimensions and size in square feet or acres of all proposed tracts to be adjusted;
4. Identification arrows showing the property proposed to be transferred;
5. Adjacent tracts under the same ownership as the subject properties, including description by Tax Lot Numbers, Quarter Section, Section, Township, and Range and, if available, addresses;
6. North arrow;
7. Adjacent roads (noting whether public or private), including name and road width;
8. Location of wells or name of water district, if applicable;

9. Type of sewage disposal or name of sewer district, if applicable;
10. Zoning;
11. All existing structures on the tracts and their setbacks to property lines.
Note whether property lines referred to are existing or proposed;
12. Location of any septic tanks and drainfields;
13. Natural drainage ways, streams, wetlands, or other significant natural features of the tracts;
14. Other pending applications, including building permits, on the subject tracts; and
15. All easements, including widths and types, labeled as existing or proposed, specifically noting the use and whom they serve.

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1107.07 REVIEW PROCESS

- A. Procedural Criteria: An application for a property line adjustment shall be processed pursuant to Subsection 104.01(C), except when processing pursuant to Subsection 1305.02 is specifically required by Section 1107.
- B. Approval Period: Approval of a property line adjustment application is valid for two years from the date of the final written decision. If the County's final written decision is appealed, the approval period shall commence on the date of the final appellate decision. During this two-year period, the requirements of Subsection 1107.07(E) shall be satisfied, or the approval will become void.
- C. Draft Record of Survey or Plat: Prior to filing of the final property line adjustment "Record of Survey" map (record of survey) or recordation of the final plat, a copy of a draft record of survey or plat shall be submitted to the Planning Director for review.
- D. Final Planning Director Approval of the Record of Survey or Plat: If the record of survey or plat is consistent with the approved tentative plan, and if all conditions of planning approval have been satisfied, the Planning Director shall sign the record of survey or plat.
- E. Filing and Recording of the Record of Survey and Deed(s), or Recordation of the Plat: The record of survey shall be filed with the County Surveyor's Office pursuant to the standards and procedures of that office, the County Code and the relevant provisions of Oregon Revised Statutes (ORS) Chapters

92 and 209. Additionally, revised legal descriptions of the properties affected by the adjustment shall be prepared by a registered professional land surveyor, refer to the record of survey that is filed at the County Surveyor's Office, and be recorded with the County Clerk. Alternatively, if required, a plat consistent with the County Surveyor's standards and procedures, County Code, and the relevant provisions of ORS Chapters 92 and 209 shall be recorded with the County Clerk.

- F. Deed Requirements: A property line adjustment deed shall 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.
- G. Building Permits: No building permits shall be issued for a tract that is dependent upon a property line adjustment until the record of survey and the revised legal descriptions of the subject properties have been submitted to the County Surveyor's Office and recorded with the County Clerk, or until the plat is recorded with the County Clerk.

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