

**1107 PROPERTY LINE ADJUSTMENTS**

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1107.01 PURPOSE AND APPLICABILITY

Section 1107 is adopted to provide standards, criteria, and procedures under which a property line adjustment may be approved.

1107.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a property line adjustment shall include a tentative plan for the proposed property line adjustment. The plan shall be drawn to a scale of not less than one inch equals 20 feet and not more than one inch equals 200 feet and shall include the following information:

- A. Lot line dimensions and size in square feet or acres of the two lots of record that are the subject of the application;
- B. Identification of the area(s) proposed to be adjusted from one lot of record to the other;
- C. North arrow;
- D. Adjacent roads (noting whether public or private), including road names and road rights-of-way or easement widths;
- E. Locations and dimensions of existing and proposed driveways;
- F. Location of wells or name of water district;
- G. Location of on-site wastewater treatment systems or name of sanitary sewer district;
- H. Easements, including widths and types, labeled as existing or proposed, specifically noting whom they serve; and
- I. Existing structures and the distance from each structure to existing and proposed lot lines.

1107.03 GENERAL APPROVAL CRITERIA

A property line adjustment requires review as a Type I application pursuant to Section 1307, *Procedures*, except that an application filed pursuant to Subsection 1107.04(B)(2)(b), 1107.04(B)(2)(c), or 1107.04(C)(3) requires review as a Type II application pursuant to Section 1307. A property line adjustment shall be subject to the following standards and criteria:

- A. A property line adjustment is subject to the minimum and maximum lot size standards of the applicable zoning district, as may be modified pursuant to Subsection 1013.06(D) or 1014.04, except as follows:
1. If a lot of record is smaller than the minimum lot size standard, as may be modified pursuant to Subsection 1013.06(D) or 1014.04, its size may be reduced, provided that it is not in an EFU, TBR, or AG/F District. Notwithstanding this provision, a lot of record that is larger than 3,000 square feet shall not be reduced to less than 3,000 square feet, unless such a reduction complies with the minimum lot size standard of the applicable zoning district, as may be modified pursuant to Subsection 1013.06(D) or 1014.04.
  2. If a lot of record is larger than the maximum lot size standard, as modified by Subsection 1014.04, its size may be reduced even if the reduction is not sufficient to comply with the maximum lot size standard.
  3. If a lot of record in an EFU, TBR, or AG/F District is smaller than the minimum lot size standard, its size may be reduced subject to Subsection 1107.04.
- B. Subsequent subdivision or partition (or development of dwelling units subject to Section 1012, *Density*) of a lot of record that was the subject of a property line adjustment shall be limited as follows:
1. A property line adjustment shall not be used to later permit development that exceeds the maximum density established by Section 1012. In calculating density, all lots or parcels (or dwelling units subject to Section 1012) within both lots of record that were the subject of the property line adjustment shall be included.
  2. In a zoning district not subject to Section 1012, a property line adjustment shall not be used to later permit a subdivision or partition that reduces the minimum average lot size below the minimum lot size standard. In calculating the minimum average lot size, all lots or parcels within both lots of record that were the subject of the property line adjustment shall be included.
- C. A property line adjustment is subject to the minimum yard depth standards of the applicable zoning district, except that if a lawfully established nonconforming yard depth exists, the property line adjustment may be approved if it does not reduce that depth. Prior to Planning Director approval of the final property line adjustment record of survey map required pursuant to Subsection 1107.06, yard depths for all existing structures on the subject property shall be verified by a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist, the surveyor may submit a stamped letter so stating.

- D. A property line adjustment is prohibited between lots of record separated by a Comprehensive Plan land use plan designation boundary, 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*, if the boundary separates an Urban, Unincorporated Community, or Rural Plan designation from an Agriculture or Forest Plan designation, except an adjustment may be granted when it results in an increase in the size of the lot of record with the Agriculture or Forest Plan designation. However, approval of such an adjustment shall not result in a reconfigured lot of record qualifying for a land division pursuant to Subsection 902.01(B)(5).
- E. A property line adjustment is prohibited between lots of record separated by the Portland Metropolitan Urban Growth Boundary or the unincorporated community boundary of Government Camp, Rhododendron, Wemme/Welches, Wildwood/Timberline, or Zigzag Village.
- F. A property line adjustment shall not result in the adjustment of a dwelling from one lot of record to the other unless the lot of record receiving the dwelling otherwise complies with all applicable standards of this Ordinance for the siting of a dwelling.
- G. A property line adjustment shall comply with Oregon Revised Statutes Chapter 92.

1107.04 EFU, TBR, AND AG/F DISTRICT APPROVAL CRITERIA

In addition to the standards and criteria in Subsection 1107.03, a property line adjustment in the EFU, TBR, or AG/F District shall be subject to the following standards and criteria:

- A. A property line adjustment shall not be used to reconfigure a lot of record or tract, the effect of which is to qualify a lot of record or tract for the siting of a dwelling.
- B. A property line adjustment for a lot of record without an approved homestead, nonfarm use, nonforest use, farm management plan, or forest management plan may be approved pursuant to the following provisions:
  - 1. A property line adjustment for a lot of record larger than 80 acres may be approved if the adjustment does not reduce the lot of record to less than 80 acres.
  - 2. A property line adjustment for a lot of record smaller than 80 acres may be approved pursuant to the following provisions:
    - a. The property line adjustment will:

- i. Not reduce the size of the lot of record by more than five percent; and
  - ii. Only one reduction is approved pursuant to this provision; or
  - b. Both lots of record are in the EFU District and the resulting configuration (size) is determined to be at least as appropriate for the continuation of the existing commercial agricultural enterprise on each lot of record, as compared to the original configuration; or
  - c. Both lots of record are in the EFU District and the adjustment complies with the provisions for siting a dwelling not in conjunction with a farm use as required by Oregon Administrative Rules (OAR) 660-33-100(7) and Section 401, *Exclusive Farm Use District*.
- C. A property line adjustment for a lot of record with an approved homestead, nonfarm use, or nonforest use may be approved pursuant to the following provisions:
1. Both lots of record have an approved homestead, nonfarm use, or nonforest use; or
  2. The adjustment does not result in an increase in the size of the homestead, nonfarm use, or nonforest use lot of record; or
  3. Both lots of record are in the EFU District and the adjustment complies with the provisions for siting a dwelling not in conjunction with a farm use as required by OAR 660-33-100(7) and Section 401.

#### 1107.05 APPROVAL PERIOD

Approval of a property line adjustment is valid for two years from the date of the final decision. If the County's final 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 1107.06(C) shall be satisfied, or the approval will become void.

#### 1107.06 RECORD OF SURVEY MAP REVIEW

If a property line adjustment application is approved, finalizing the adjustment requires the filing of a record of survey map unless the County Surveyor waives this requirement. The applicant shall comply with the following:

- A. Draft Record of Survey Map: Prior to filing of the final property line adjustment record of survey map, a copy of a draft record of survey map shall be submitted to the Planning Director for review.

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- B. Final Planning Director Approval of the Record of Survey Map: If the record of survey map is consistent with the approved tentative plan, and if all conditions of approval have been satisfied, the Planning Director shall sign the record of survey map.
- C. Filing and Recording of the Record of Survey Map and Deeds: The record of survey map shall be filed with the County Surveyor's Office pursuant to the standards and procedures of that office and the relevant provisions of Oregon Revised Statutes (ORS) Chapters 92 and 209. Additionally, revised legal descriptions of the properties affected by the adjustment (for new deeds) shall be prepared by a registered professional land surveyor, refer to the record of survey map that is filed at the County Surveyor's Office, and be recorded with the County Clerk.
- D. Deed Requirements: A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents, and signatures of all parties with proper acknowledgement.

[Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-253, 6/1/15]