CHAPTER 33.667
PROPERTY LINE ADJUSTMENT

(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 177701, effective 8/30/03; Ord. No. 178657, effective 9/3/04; Ord. No. 180619, effective 12/22/06; Ord. No. 182429, effective 1/16/09; Ord. No. 183598, effective 4/24/10)

Sections:

33.667.010 Purpose
33.667.050 When these Regulations Apply
33.667.100 Method of Review
33.667.200 Application Requirements
33.667.300 Regulations
33.667.400 Recording an Approval

33.667.010 Purpose

This chapter states the procedures and regulations for property line adjustments. A Property Line Adjustment (PLA) is the relocation or elimination of a common property line between two abutting properties. A Property Line Adjustment does not create lots. The regulations ensure that:

- A Property Line Adjustment does not result in properties that no longer meet the requirements of this Title;
- A Property Line Adjustment does not alter the availability of existing services to a site; and
- A Property Line Adjustment does not result in properties that no longer meet conditions of approval.

33.667.050 When These Regulations Apply

A Property Line Adjustment is required to relocate a common property line between two properties. If a public agency or body is selling or granting excess right-of-way to adjacent property owners, the excess right-of-way may be incorporated into abutting property through a Property Line Adjustment. A Property Line Adjustment may be used to remove a common property line between two properties.

33.667.100 Method of Review

Property Line Adjustments are reviewed through a non-discretionary, administrative procedure. The decision of the Director of BDS is final.

33.667.200 Application Requirements

No more than three property line adjustments may be requested on a site within one calendar year. The application must contain the following:

A. Application form. Two copies of the completed application form bearing an accurate legal description, tax account numbers and location of the property. The application must include the name, address, telephone number, and original signatures of the applicant and all property owners and the nature of the applicant's interest in the property.

B. Surveys.

1. Three paper copies of a property line survey. The survey must be prepared, stamped and signed by a registered land surveyor to meet ORS 92.050. The survey must show all existing and proposed property lines and all existing lot lines. The survey may not be larger than 18 inches by 24 inches in size. The survey must be drawn to a scale no less than 1 inch = 200 feet, and no greater than 1 inch = 20 feet;

2. One copy of the property line survey that is 8-1/2 by 11 inches in size; and

3. One paper copy of a survey of the proposed PLA prepared, stamped, signed, and attested to for accuracy by a registered land surveyor, showing the location, dimensions and setbacks of all improvements on the site. This survey map must be drawn to a scale at least 1 inch = 200 feet.

C. Legal description. Two copies of the legal description for each adjusted property and each exchange parcel. The legal descriptions must be prepared and signed by a registered land surveyor.

33.667.300 Regulations
A request for a Property Line Adjustment will be approved if all of the following are met:

A. Properties. For purposes of this subsection, the site of a Property Line Adjustment is the two properties affected by the relocation of the common property line.

1. The properties will remain in conformance with regulations of this Title, including those in Chapters 33.605 through 33.615 except as follows:

   a. If a property or development is already out of conformance with a regulation in this Title, the Property Line Adjustment will not cause the property or development to move further out of conformance with the regulation;

   b. If both properties are already out of conformance with maximum lot area standards, they are exempt from the maximum lot area standard;

   c. If one property is already out of conformance with maximum lot area standards, it is exempt from the maximum lot area standard; and

   d. If at least one lot is already out of conformance with the minimum lot area standards and the site is in the R5 zone, the minimum lot area is 1600 square feet and the minimum width is 36 feet, if:

      (1) At least one lot is a corner lot;

      (2) The adjusted property line must be perpendicular to the street lot line for its entire length; and

      (3) New houses must meet the standards of 33.110.213. Existing houses are exempt from the standards of 33.110.213.

      See Figure 667-1.

2. The Property Line Adjustment will not configure either property as a flag lot, unless the property was already a flag lot;

3. The property line Adjustment will not result in the creation of a buildable property from an unbuildable lot remnant;

4. The Property Line Adjustment will not result in the creation of street frontage for a land-locked property;

5. If any portion of either property is within an environmental overlay zone, the provisions of Chapter 33.430 must be met;

6. The Property Line Adjustment will not result in a property that is in more than one base zone, unless that property was already in more than one base zone; and

7. The Property Line Adjustment will not create a nonconforming use.

B. Services. The availability of services to the properties may not change.

C. Conditions of previous land use reviews. All conditions of previous land use reviews must be met.

33.667.400 Recording an Approval
The Property Line Adjustment application, survey, legal descriptions, and the deed for the exchange parcel must be recorded with the County Recorder and Surveyor within 90 days of the final decision.
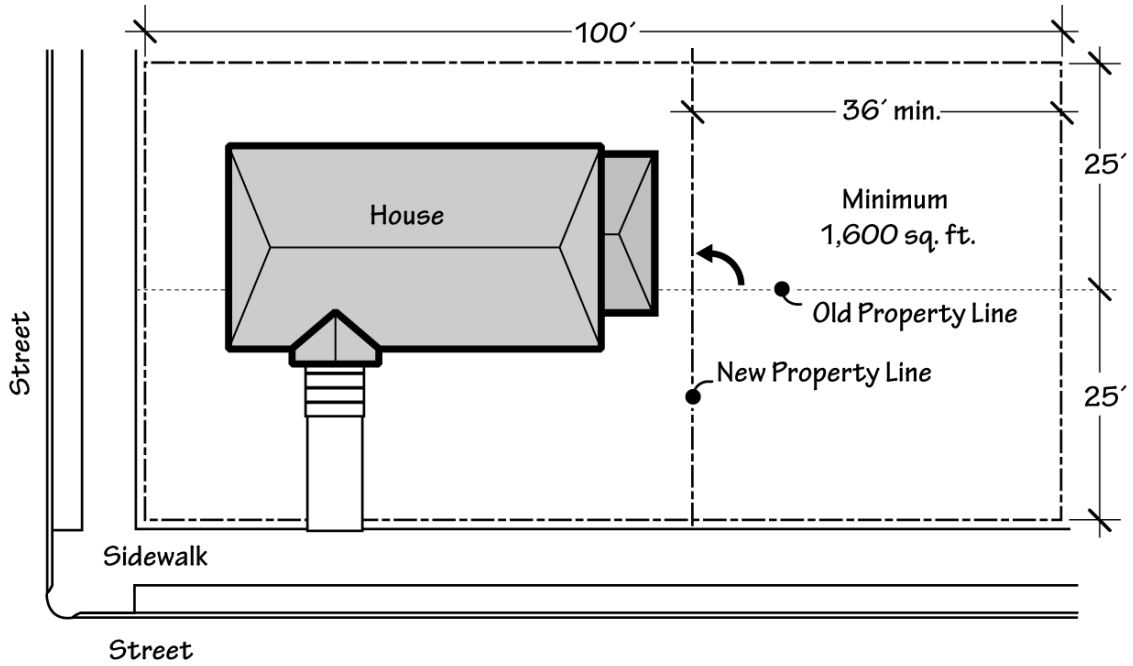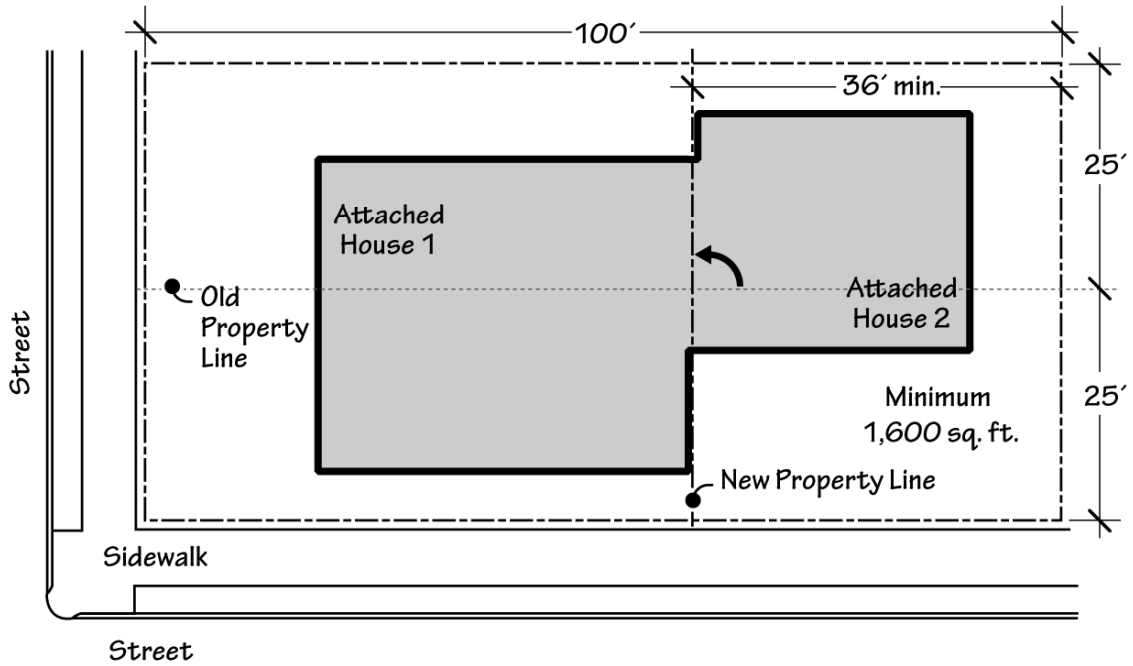
Figure 667-1
Property Line Adjustment on Corner Site in R5 Zone