



## LAND MANAGEMENT DIVISION

# PROPERTY LINE ADJUSTMENTS

PUBLIC WORKS DEPARTMENT 3050 NORTH DELTA HIGHWAY, EUGENE OR 97408

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*This guide outlines the standards and the process for property line adjustments. This guide is for informational purposes only and is not to be considered a substitute for the language of state or local regulations. Specific language may be found in Lane Code 13.130.*

### WHAT IS A PROPERTY LINE ADJUSTMENT?

A "property line adjustment" or "PLA" means the relocation or elimination of a common property line between abutting properties, where an additional unit of land is not created, and where the existing properties, reduced in size by the adjustment, complies with applicable zoning ordinances.

**WHAT ARE MY OPTIONS?** : There are three potential options available for property line adjustment review: exempt, Type I review, or Type II review.

Before determining what review option the proposed property line adjustment is subject to, first review the general provisions of LC 13.130(1):

- (a) No person may relocate all or a portion of a property line without review and approval of a property line adjustment application or as otherwise provided by LC Chapter 13.
- (b) Tax lot boundaries do not necessarily represent property boundaries. Tax lot boundaries are established by the Lane County Assessment and Taxation Department for purposes of assessment and taxation. Tax lots may or may not coincide with legal property boundaries. Only boundaries of lawfully established units of land can be adjusted through the provisions of this chapter.
- (c) An adjustment is not required to comply with zoning regulations if a Court of Competent Jurisdiction issues an order mandating ownership be transferred, but must comply with the procedures in LC 13.130.
- (d) The elimination of a property line outside of a recorded plat requires recordation of a deed calling out the line being eliminated and a consolidated description of the resultant lawfully established unit of land pursuant to ORS 92, and must comply with the following:
  - (i) If both lawfully established units of land are vacant and not approved for development, the elimination is exempt from review;
  - (ii) If one lawfully established unit of land is developed and one is vacant and not approved for development, the elimination is exempt from review; or
  - (iii) If both lawfully established units of land are developed or approved for development, application pursuant to Type II procedures according to LC Chapter 14 is

required for the elimination to review consistency with zoning regulations.

- (e) The elimination of a property line within a recorded plat requires application pursuant to Type II procedures according to LC Chapter 14, to review the proposed elimination for consistency with the original conditions of approval of the approved land division.
- (f) A property line adjustment of a common property line between two abutting F-1 zoned properties where each lawfully created unit of land is vacant and larger than 200 acres before and after the property line adjustment is exempt from review by the Director, but must still comply with ORS Chapter 92 provisions.

**Option 1: Exempt from Planning Review.** For property line adjustments that comply with LC 13.130(1)(f), no application is required to be submitted to Lane County Planning for review. It is the owner's responsibility to record and file the necessary paperwork associated with the property line adjustment in accordance with ORS Chapter 92.

**Option 2: Type I (Ministerial) Review.** For property line adjustment applications to qualify for the Type I (ministerial) application, they must comply with LC 13.130(3):

Multiple adjustments can be processed under one application.

All property line adjustments are subject to the following standards and criteria, unless previously stated in this section:

- (a) The property line adjustment cannot create an additional lot or parcel; or violate any applicable specific conditions of previous land use approvals or recorded deed restrictions.
- (b) All properties affected by the proposed adjustment are legal lots pursuant to LC 13.140. *This may require a separate Legal Lot Verification.*
- (c) A property line adjustment must comply with ORS Chapter 92 and Lane County Surveyor's office policies.
- (d) A property line adjustment in an F-1, F-2, or EFU Zone must also comply with subsection (4) of this section and requires a Type II review process.

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(e) A property line adjustment is subject to the minimum lot or parcel size standards of the applicable zoning district, except in the following circumstances:

(i) One or both of the abutting properties are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large or larger than the minimum lot or parcel size for the applicable zone; or

(ii) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.

(f) Cannot reduce a property below two acres, unless the minimum lot or parcel size for the applicable zone is less than two acres.

(g) A property line adjustment is subject to the property line setbacks listed in Table 1 below for the applicable zoning district(s), except in the following circumstances:

(i) Where the setbacks from existing structures and improvements are already nonconforming, they may remain nonconforming;

(ii) The property line adjustment may not make setbacks nonconforming or more nonconforming without a setback variance approval or an increase in a nonconforming use approval pursuant to LC Chapters 13 and 16;

(iii) An application, pursuant to Type II procedure according to LC Chapter 14, for lawfully established units of land zoned F-1 or F-2 when current setbacks are over 130 feet, but the proposed setback is between 30-130 feet away from an existing or approved residential structure. If the applicant can adequately address the siting standards of the applicable base zone and LC 13.130, then the application may be approved.

(h) A property line adjustment involving a parcel authorized by a Measure 49 waiver cannot increase parcels larger than:

(i) Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or

(ii) Five acres if not on high value farm or forest land; unless

(iii) The property increasing in size is the remainder parcel and is already larger than the two or five acre maximum parcel size.

(i) Split-zoned properties:

(i) A property line adjustment that would result in property(ies) being split between resource and a non-resource zone may be allowed if the resource-zoned property that is adjusted to include non-resource zoned land cannot be eligible for non-resource use on the resource-zoned portion of the property without land use approval. Deed restrictions, pursuant to subsection (ii) of this section, will ensure compliance.

(ii) The deed restriction form will be provided by staff for signature by the property owner, who will be responsible for fees for document preparation and recording.

(j) If lawfully established units of land subject to the property line adjustment application span multiple jurisdictions, all jurisdictions must review and approve the property line adjustment. The applicant must address approval criteria related to property line adjustments for each jurisdiction.

(k) The adjusted lawfully established units of land would retain or create legal access in accordance with LC Chapter 15.

**Option 3: Type II (Director) Review.** Type II property line adjustments include notice to the neighbors and relevant agencies with an opportunity for local appeal, pursuant to LC Chapter 14. Option 3 also allows for an applicant to combine legal lot verifications with the proposal with a reduced review fee.

All Type II applications must comply with all of the Type I review criteria listed in LC 13.130(3).

*If a property involved in the PLA is zoned F-1, F-2, or EFU, it must be processed as a Type II review and is subject to the additional criteria in LC 13.130(4):*

(a) A property line adjustment cannot be used to:

(i) Separate a temporary hardship dwelling, relative farm help dwelling, home occupation, or processing facility from the primary residential or other primary use without land use approval to change the accessory use to a primary use; or

(ii) As prohibited by ORS 92.192(4)(a) – (c), in a manner that would:

- Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;

- Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling; or

- Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard.

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## THE APPLICATION PROCESS

Once the process is identified, application forms can be obtained from the Planning website. Please follow the Applicant Standards Handout when preparing an application.

Website: <http://www.lanecounty.org/planning>

**Exempt:** Comply with ORS Chapter 92 and record any necessary documents with Lane County Deeds and Records. No application process with Lane County Planning.

**Type I (Ministerial) Process:** Start the process by making application for a Type I Application - Property Line Adjustment. A planner will review the application for compliance with the approval criteria, draft a staff report, and issue an approval or denial of the property line adjustment. This process can take 1 to 3 months.

**Type II (Director) Review Process:** Start the process by making application for a Type II Application - Property Line Adjustment. A planner will review the application for compliance with the criteria. This review includes mailed notice of application to neighbors and various agencies that provide service to the property such as the local fire district and Transportation Planning. Responses from the notice of application may become conditions that must be met in order to approve property line adjustments. Upon completion of the notice period, a planner will issue a decision that contains a series of conditions to be met. The decision may be appealed to the Lane County Hearings Official by persons adversely affected or aggrieved or who are entitled to notice, in accordance with Lane Code Chapter 14.

**Serial Property Line Adjustments:** Multiple property line adjustments may be reviewed through a Type I or Type II review. Necessary deeds/declarations must be recorded in the same order as they were approved by the County.

**Property Line Adjustments within a Plat:** Property line adjustments within a plat must comply with the replatting requirements of LC 13.120. The proposal can be processed as a property line adjustment if the proposal is only a minor shift in property lines. If a property line adjustment within a plat qualifies as a property line adjustment rather than a replat, it must comply with LC 13.130.

LC 13.030(3)(r) **Minor Shift.** An adjustment of an existing or proposed property line that does not result in any of the following:

- (i) Modification of acreage of the smaller lot or parcel by more than 25%;
- (ii) Reduction of a lot or parcel to less than 2 acres if said lot or parcel was tentatively approved or platted larger than 2 acres, unless such reduction complies with the minimum lot size of the applicable zoning district;
- (iii) Change in the number of lots or parcels in a plat; or

- (iv) Relocation of access for a lot or parcel.

LC 13.120(5) states the vacation of a Lot or Parcel line may be processed as a property line adjustment, pursuant to ORS Chapter 92.

## HOW TO FINAL A PROPERTY LINE ADJUSTMENT:

After a County approval is issued, the owner is responsible for completing the conditions of approval and executing the property line adjustment within two years of the approval.

Here is a list of procedures that may apply for finishing a property line adjustment:

- (1) For properties less than 10 acres in size,
  - (a) hire a licensed surveyor to survey the properties, monument the new property lines and prepare new legal descriptions for the area to be transferred and for both modified parcels.
  - (b) File a copy of the survey to the County Surveyor's Office for review. The County Survey Office will review the survey for compliance to ORS 209.250. They will contact you if revisions are needed.
- (2) If no survey is required, the owner must include the approved site plan as an exhibit to the property line adjustment deed.
- (4) Pay all outstanding property taxes due to the County on either property.
- (4) Once you have the legal descriptions and surveys, have deeds drawn up with the new legal descriptions and have them signed by all applicable parties. Three deeds will be needed:
  - a. Deed transferring the exchange area from one property owner to the other (the property line adjustment deed)
  - b. Deed describing the new Tract 1
  - c. Deed describing the new Tract 2

\*If more than 2 properties are included as part of the PLA, then additional deeds may be required.
- (5) Record the deeds at the Lane County Deeds & Records Office.\*\* They are located at 125 E 8<sup>th</sup> Avenue, Eugene. Phone # 541-682-3654. File all of the deeds with the County Recorder. If multiple PLA's were approved, record them in the correct sequence order.
- (6) Provide Lane County Planning with copies of the recorded and filed documents within two years of the approval.

*\*Please note that the language contained in this handout has been slightly modified from the actual code criteria, see Lane Code 13.130 for exact code language.*

*\*\*Lane County Deeds & Records and the Lane County Surveyor's office have additional recording and filing fees.*