

**Chapter 270**  
**PROPERTY LINE ADJUSTMENTS**

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**270.01 Purpose.** The purpose of this Chapter is to provide the rules, regulations, and criteria governing approval of property line adjustments.

**270.02 Approval Process**

- A. Decision-making process. Property line adjustments shall be reviewed by means of a Type I procedure, as governed by Chapter 115, using the approval criteria in Section 270.04.
- 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 115, 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. No changes to the Code have been made impacting life, safety or issues that were not accounted for in the decision.

**270.03 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).
- 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. 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 one 8-1/2” X 11” copy, plus one digital copy.
- E. Filing fee.

#### **270.04 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 zone unless a concurrent variance is sought, per Section 270.05(B).

4. Each of the newly-reconfigured lots or parcels shall front and have access to an approved public or private road and shall have road frontage satisfying the standards listed Section 340.02(B).
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 320. A line adjustment shall have no effect on existing easements.
6. In the Exclusive Farm Use zone, a property line adjustment may not be approved that separates a temporary hardship dwelling, relative farm help dwelling, home occupation or processing facility from the parcel on which the primary residential or other primary use exists.

#### **270.05 Exemptions and Variances**

- A. Exemptions from dedications. A property line adjustment is not considered a development action for the purposes of determining whether a flood plain or right-of-way dedication is required.
- B. Variance to development standards. An applicant may request a concurrent variance to the standards of the underlying zone as they apply to the newly-reconfigured lots or parcels in accordance with Chapter 240.

#### **270.06 Recording Property Line Adjustments**

- A. 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. Property line adjustments, where all parcels are greater than 10 acres, shall be exempt from the requirement to survey if the adjusted property line can be described by aliquot part or in some manner that a surveyor could definitely locate the adjusted property boundary. If this is not possible, a survey is required. This exemption does not waive the requirement that a legal description sufficient for re-mapping purposes be prepared by a surveyor licensed by the State of Oregon.
- 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 property line adjustment is approved.
- C. 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.
- D. 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. Original Property Line Adjustment application 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 copy of an easement for access (if necessary).