

**HOOD RIVER COUNTY
COMMUNITY DEVELOPMENT**

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PROPERTY LINE ADJUSTMENT APPLICATION

Measure 49 Related? Yes # _____ No

Applicant _____
Address _____

Telephone _____

Application Fee _____
Collected by _____
Date _____

PARCEL #1:

Township _____
Range _____
Section _____
Tax Lot _____
Zone _____
Existing Acreage _____
Proposed Acreage _____

PARCEL #2:

Township _____
Range _____
Section _____
Tax Lot _____
Zone _____
Existing Acreage _____
Proposed Acreage _____

Owner's Signature

Owner's Signature



Property Line Adjustment

(Adopted: July 15, 2002) HRC Ordinance #241

(Effective: August 14, 2002)

A property line adjustment is a ministerial action to relocate a common property line(s) between at least two lawfully established lots or parcels, where no new lots or parcels are created. The submission requirements and approval process and criteria are as follows:

Section 18.90 – Definitions. The following definitions shall be used in implementing this and other portions of the County Zoning Ordinance:

- A. Lot: A single unit of land that is created by a subdivision of land.
- B. Parcel: A single unit of land that is created:
 - 1. By partitioning, as defined in ORS 92.010;
 - 2. In compliance with all applicable planning, zoning, and partitioning ordinances or regulations; or
 - 3. By deed or land sales contract, if recorded prior to January 1, 1976.
- C. Ministerial Action: A decision that does not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. The review of a ministerial action requires no notice to any party other than the applicant and agencies that the Planning Director determines may be affected by the decision. A ministerial action is not a land use decision, as defined in ORS 197.015, and is, therefore, not appealable through Oregon’s quasi-judicial process.
- D. Non-Ministerial Action: A decision that involves criteria that are subjective in nature and that require some level of interpretation or the exercise of policy or legal judgment. A non-ministerial action is the same as an “administrative action” or “land use decision,” as defined in ORS 197.015, subject to the notice requirements, decision criteria, and appeal procedure outlined in Article 72 (*Director’s Review Procedures*).
- E. Nonconforming Lot or Parcel: A lawfully established lot or parcel that does not meet or exceed the minimum lot or parcel size standards required in the base zone in which the property is located.
- F. Original Lot or Parcel: The size and configuration of a lot or parcel at the time it was initially created, either by deed or land sales contract, prior to January 1, 1976, or by partition or subdivision.

Section 18.91 – Submission Requirements. An applicant for a property line adjustment shall submit:

- A. A completed application, signed by all property owners, on a form provided by the County Planning Department;
- B. Proof of fee ownership in the subject parcel. (*When one or more of the property owners is a contract purchaser, they must obtain written consent from the legal property owner(s)*)

prior to making application for property line adjustment.)

- C. A preliminary site plan that is drawn to scale and that contains, at minimum, the following information: all existing and proposed property lines and dimensions; footprints and dimensions of existing structures (including accessory structures); distance from existing buildings to proposed property lines; location and dimensions of driveways and public and private streets within or abutting the subject parcels; location of streams, wetlands, steep slopes and other significant natural features; existing fences and walls; and any other information deemed necessary by the Planning Director for ensuring compliance with the County Zoning Ordinance;
- D. A signed statement explaining the purpose of the proposed property line adjustment; and
- E. Payment of application fee. (*Per Planning Department approved fee schedule*)

Section 18.92 – Approval Process.

- A. Except as otherwise allowed in Section 18.93(C)(1) and 18.93(D) below, property line adjustments shall be reviewed by means of a ministerial action using approval criteria contained in Section 18.93, below.
- B. The approval for a property line adjustment shall be effective for a period of one (1) year. An extension of time may be allowed subject to the provisions of Section 18.95, below. Within this time frame, at minimum, the requirements of Section 18.94 below shall be completed.
- C. The property line adjustment approval shall become void if one of following occurs:
 - 1. The property line adjustment is not recorded within the time limit in Section 18.92(B) above;
 - 2. The property line adjustment has been improperly recorded with the County without the satisfactory completion of all requirements associated with the approval; or
 - 3. The final property line adjustment configuration is not the same configuration that was approved, unless the change was approved by the Planning Director as a minor amendment in accordance with Section 18.96, below.

Section 18.93 – Approval Criteria. A request for a property line adjustment shall be approved by the Planning Director if the following applicable criteria are met:

- A. The proposed property line adjustment will not result in the creation of any new lot(s) or parcel(s).
- B. A lot or parcel that currently conforms to the minimum lot size and dimensional requirements of the zone in which the lot or parcel is located shall not become nonconforming as a result of the property line adjustment.
- C. Except in zones designated for residential use, a property line adjustment or series of

property line adjustments that would cause the original size of an existing nonconforming lot(s) or parcel(s) to become more nonconforming may be approved if the following exist:

1. The existing nonconforming lot(s) or parcel(s) is reduced by no more than 10 percent of the size of the original lot or parcel, as defined in Section 18.90(EF), above. A request to reduce an existing nonconforming lot(s) or parcel(s) by more than 10 percent may be allowed by the Planning Director as a non-ministerial property line adjustment if deemed consistent with applicable requirements of Article 72 (Planning Director's Review Procedure) and the other applicable criteria from Section 18.93; and,
 2. If the nonconforming lot(s) or parcel(s) contains an existing dwelling, evidence shall be provided that at least one of the following exists:
 - a. The lot(s) or parcel(s) is located within the boundaries of a public sewer system;
 - b. Evidence is provided from the County Environmental Health Department or Department of Environmental Quality that the existing septic system on the lot(s) or parcel(s) is functioning properly and that adequate area remains available for a replacement system for future use, and that both are located entirely on the same lot(s) or parcel(s) as the onsite dwelling or use or that a proper easement is provided to allow the continued use and maintenance of the system; or
 - c. The size of the proposed lot(s) or parcel(s) is greater than 5 acres.
- D. In zones designated for residential use, a property line adjustment or series of property line adjustments that would cause the original size of an existing nonconforming lot(s) or parcel(s) to become more nonconforming may be approved as a non-ministerial property line adjustment, if deemed consistent with applicable requirements of Article 72 (Planning Director's Review Procedure), the other applicable criteria from Section 18.93, and the following:
1. The lot(s) or parcel(s) is located within the boundaries of a public sewer system; or
 2. Evidence is provided from the County Environmental Health Department or Department of Environmental Quality that the existing septic system on the lot(s) or parcel(s) is functioning properly and that adequate area remains available for a replacement system for future use, and that both are located entirely on the same lot(s) or parcel(s) as the onsite dwelling or use or that a proper easement is provided to allow the continued use and maintenance of the system.
- E. A property line adjustment or series of property line adjustments that would enlarge an existing nonconforming lot(s) or parcel(s) in the Exclusive Farm Use, Forest, or Primary Forest zones is not allowed unless one of the following conditions exist:
1. The parcel to be enlarged is currently enrolled in a farm or forest deferral program and the reason for the adjustment is to accommodate the expansion of their

existing farm or forest operation;

2. The property to be acquired comes from a lot or parcel that is not enrolled in a farm or forest deferral program and is able to comply with the requirements of Section 18.93(C)(2), above;
 3. Physical limitations exist, such as roads, rivers, canals, steep terrain, etc., that would restrict the reasonable access and/or use of the adjusted property by the current property owner; or
 4. The enlargement would cause the nonconforming parcel to increase to 20 acres or more.
- F. Adjusted property lines may cross zone boundaries unless the adjustment will increase the number of lots or parcels which could potentially be created by the density requirements of the base zones. Furthermore, a property line adjustment shall not be used in combination with a zone boundary adjustment as a mechanism to enlarge existing zone boundaries.
- G. The proposal shall not cause any existing development to be placed in violation of the property development standards (setbacks, buffer requirements, etc.) of the zone or force a violation of the County Zoning Ordinance.
- H. The property line adjustment or series of property line adjustments shall not have the net result of physically relocating a lot or parcel to a completely new location beyond an existing common boundary line.
- I. The property line adjustment shall not cause a lot or parcel to lose its required frontage along a dedicated road right-of-way or other legal access route, unless a new form of legal access is created in its place. The creation of new or replacement legal access will require compliance with the minimum right-of-way width and improvement requirements of the County Road Standards (adopted April 1, 1985) or those regulated by the local Fire District, whichever are greater.

Section 18.94 – Recording Property Line Adjustments. Final property line adjustment approval shall occur when the following actions are successfully completed, as determined by the County Planning Director. The recording process shall occur in the following sequence:

- A. Prior to final property line adjustment approval:
1. The applicant shall have the common boundary line(s) surveyed and monumented, in accordance with ORS 92.060(3), and a survey map filed, in accordance with ORS 209.250, with the County Surveyor. Pursuant to ORS 92.060(8), if all property affected by the property line adjustment is greater or becomes greater than ten (10) acres, the requirement of a survey, monumentation, and map shall be waived.
 2. The applicant shall record metes and bounds descriptions of the property line adjustment, deeds, and other information (as further described below) with the County Department of Records and Assessment.

- a. If the proposed property line adjustment involves two or more parcels in the same legal ownership, the applicant/owner shall record with the County Department of Records and Assessment a new metes and bounds legal description for each adjusted parcel, the original PLA application form (available at the Planning Department), and the original Planning Department approval letter; or
 - b. If the proposed property line adjustment involves two or more parcels in different legal ownership, the applicant/owner shall record a deed with the County Department of Records and Assessment with a metes and bounds description of those portions of property being transferred between the affected property owners. In this instance, the deed is the mechanism to transfer property between owners.
- B. Upon recording the information required as part of Section 18.94(A) above, the applicant/owner shall file a “cancel and combine” statement with the County Department of Records and Assessment to combine the transferred property with the new parent parcel.

Should the County Department of Records and Assessment be unable to combine the affected properties due to mapping constraints, the owner shall record a “Deed Declaration” statement (*forms available at the Planning Department*). Recording of this statement will require an additional metes and bounds description to be prepared, that describes the transferred property and the new parent parcel together as a single unit of land. The purpose of recording a Deed Declaration statement is to ensure that future owners understand that portions of their property may not be sold separately (*regardless of their tax lot status*), unless in compliance with applicable requirements of the Hood River County Zoning Ordinance and Oregon Revised Statute, Chapter 92.

Section 18.95 – Extensions.

- A. The County shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period, not to exceed one (1) year, provided that:
 - 1. No changes are made on the original plan as approved by the Planning Director, except as provided in Section 18.96, below;
 - 2. The applicant is making progress on meeting the requirements of the approval; and
 - 3. The extension request is made before the expiration of the original approval.

Section 18.96 – Minor Amendments.

- A. A minor amendment may be approved as a ministerial action by the County Planning Director if it involves the minor adjustment of one or more of the property lines previously approved for adjustment and if it conforms with the approval criteria from Section 18.93, above.
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