

# ARTICLE 39

## LOT LINE ADJUSTMENT

**SECTION 39.010, PURPOSE:** The purpose of a standardized Lot Line Adjustment procedure is to insure that the adjustment of property lines is conducted in an orderly manner and in compliance with this ordinance.

**SECTION 39.015, DEFINITION:** For the purpose of this Article a Lot Line Adjustment shall be the relocation of a common property line between two abutting properties.

**SECTION 39.020, REVIEW PROCEDURE:** Requests for Lot Line Adjustments shall be reviewed for conformance to the applicable criteria:

01. **MINISTERIAL REVIEW:**

- A. The proposed Lot Line Adjustment will not result in the creation of a new parcel.
- B. Both contiguous parcels involved in the Lot Line Adjustment were lawfully created.
- C. The subject parcels, lots, or tracts of land will not be reduced in size to below the minimum area required by the applicable use zone [ORS 92.010 (7)(b)].
  - 1. Adjustments to non-conforming lots or parcels shall not result in greater non-conformity except that:
    - a. A reduction in the size of a non-conforming lot or parcel may be approved if it contributes substantially to bringing an adjacent non.-conforming parcel closer to conformance.
  - 2. The proposed parcels, lots, or tracts of land as adjusted will comply with other area dimension requirements including, but not limited to, setbacks, frontage, width, depth, and area as prescribed by the applicable use zone. Where the original subject properties do not conform to dimension requirements in the applicable zone, any proposed property line adjustment shall not increase the degree of nonconformity.
- D. The proposed lot line adjustment will not, by itself, qualify a lot or parcel for a use or partition otherwise not permitted or requiring review and approval in the applicable use zone.
- E. A property line adjustment shall be surveyed in compliance with ORS 92.060

(7)(8)(9), except that a survey is not required under the following conditions:

1. The relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property line is a distance of even width along the common boundary.

**02. PUBLIC HEARING REVIEW:**

- A. The proposed Lot Line Adjustment will not result in the creation of a new parcel.
- B. Both contiguous parcels involved in the Lot Line Adjustment were lawfully created.
- C. The subject parcels, lots, or tracts of land will not be reduced in size to below the minimum area required by the applicable use zone [ORS 92.010 (7)(b)].
  1. Adjustments to non-conforming lots or parcels shall not result in greater non-conformity except that:
    - a. A reduction in the size of a non-conforming lot or parcel may be approved if it contributes substantially to bringing an adjacent non-conforming parcel closer to conformance.
  2. The proposed parcels, lots, or tracts of land as adjusted will- comply with other area dimension requirements including, but not limited to, setbacks, frontage, width, depth, and area as prescribed by the applicable use zone. Where the original subject properties do not conform, to area dimension requirements in the applicable zone, any proposed property line adjustment shall not increase the degree of nonconformity.
- D. A lot line adjustment which proposes to further diminish the area of a lot or parcel already smaller than the minimum lot size must not be inconsistent with the purpose and intent of the zone in which it is located.
- E. An application for a lot line adjustment, which by its execution, would qualify a lot or parcel for a use otherwise not permitted in the zone(s) or requiring review and approval., must show that the specific new use is not inconsistent with the purpose and intent of the zone(s) in which it is located.
- F. A property line adjustment shall be surveyed in compliance with ORS 92.060 (7)(8)(9), except that a survey is not required under the following conditions:
  1. The relocation of a common boundary of a lot in a subdivision or a parcel in a partition when the adjusted property 'line is a distance of even width along the common boundary.

**39.030, PROCESSING:** In processing a Lot Line Adjustment, the following procedures shall be followed:

01. **INITIATION:** An application for a Lot Line Adjustment shall be initiated by the owner (or agent of the owner with written authorization) of the subject property.
02. **FILING:** An application for a Lot Line Adjustment shall be filed on forms provided by the Planning Department and shall include all of the following information:
  - A. Wallowa County Assessor's Plat Maps (Two maps, one "before", the other "after" the lot line adjustment) indicating:
    1. The existing boundary lines.
    2. The proposed boundary lines.
    3. Dimensions of all of the lots or parcels, both before and after the Lot Line Adjustment.
    4. All existing improvements and their distances from the proposed boundary line(s).
    5. Any required road improvements.
03. **FILING OF FINAL APPROVAL:** Within one year of the date of approval of a Lot Line Adjustment, the applicant must:
  - A. Record the approved Lot Line Adjustment application and Wallowa County Assessor's Plat Maps with the Wallowa County Clerk.
    1. The document must include the names of the property owner(s) involved, the signature of the applicant(s), the -qap descriptions (township, range, section, tax lot) of both parcels involved before the Lot Line Adjustment, legal descriptions of both parcels before and after the lot line adjustment, and the signatures of the Wallowa County Planning Department and the Wallowa County Surveyor.
  - B. Provide a copy of the recorded application to the Wallowa County Planning Department to be added to the lot line adjustment file.

**SECTION 19.035, APPEAL:** The applicant or any interested deed holder or contract vendee of property within 250 feet of the property affected by decisions pursuant to this section may, within 10 days from the date of the decision regarding approval or denial, appeal the decision pursuant to

the provisions of Article 7, Appeals.

**NOTE: APPROVAL OF A LOT LINE ADJUSTMENT AND RECORDING OF THE APPLICATION DOES NOT TRANSFER TITLE OR CHANGE OWNERSHIP. A DEED OR OTHER CONVEYANCE MUST BE RECORDED TO TRANSFER TITLE OR CHANGE OWNERSHIP. See ORS 92.190(3)(4).**

**IN THE CASE OF A LOT LINE ADJUSTMENT INVOLVING A SINGLE OWNER OF ADJOINING LOTS, AN AFFIDAVIT STATING THE OWNER'S DESIRE THAT THE LOT LINE ADJUSTMENT BE MAPPED MAY BE RECORDED AND THAT WILL CAUSE THE MAP TO BE CHANGED TO SHOW THE APPROVED LOT LINE ADJUSTMENT.**