

MEMO



Date: December 14, 2015

To: Interested Parties

From: Lydia McKinney, Lane County Planning Director

You are receiving this notice because the State has enacted new legislation that will result in changes to the way Lane County processes Property Line Adjustment (PLA) applications.

The State enacted House Bill 2831 which goes into effect on January 4, 2016. The following provisions of the Bill relate to PLA applications:

- A) New language has been added to ORS 92.192 specifying “lawfully established units of land” rather than a “property” or “lot or parcel” in regards to property line adjustments.
- B) New language prohibits increasing the size of M49 parcels after they have been platted as 2 or 5 acre parcels. (This change codifies DLCD’s interpretation on this topic.)

Lane County has reviewed the changes from HB 2831 and **starting January 4, 2015, will require a legal lot verification to be completed prior to or concurrent with all PLA reviews, including Ministerial PLA applications.** The only exception is if the property was lawfully created by partition or subdivision and is still in its originally platted configuration.

Another process change that is being made is based on the review of the existing language of Lane Code 13.450 relating to how the County process property line adjustments.

Starting January 4, 2016, a Ministerial PLA application will review the adjustment of only one (1) common property line between two abutting properties per application.

This change in practice is based on existing code language, which indicates that a Ministerial Property Line Adjustment is for the adjustment of a single property line. This change is justified, as the current practice is not supported by the existing code language. Additionally, the time it takes to process multiple PLA’s under one application is not covered under the ministerial application fee as they are more complex.

If multiple PLA’s are proposed for a single project the Applicant has two options:

- 1) Submit a ministerial application for the adjustment of only one common property boundary, obtain approval, and complete the property line adjustment. This would include recording and filing of any necessary documents as required by ORS 92, before you can submit for the next PLA. If another adjustment is desired, submit a second ministerial application;

OR

- 2) Submit for a Planning Director application under LC 13.450(5) and staff can review multiple adjustments of multiple lines under one review process.

The specific code language related to this change is as follows:

Lane Code 13.450

(2) states “**The Planning Director shall review one or more property line adjustments when the following standards are met:**” This provides that a Planning Director decision enables one or more property line adjustments per application. Ministerial property line adjustments, as indicated by the language below, are for single property line adjustments.

(4) states “**An applicant must obtain ministerial approval...if the [singular] property line adjustment is for....**”

(4)(a), (b), and (c) all begin with “**The adjustment of a [singular] common property line...**”

(5) states “**All other property line adjustment applications are subject to Planning Director review with public notice, pursuant to LC 14.050 and 14.100.**”

Lane Code 16.090

Property Line. “Property line” means the division line between two units of land.

The singular nature of the language for ministerial PLA’s clearly indicates that only one common property boundary between two units of land can be adjusted per ministerial application.

Questions about the new process can be directed to the Planner on Duty. You can contact a planner at 541-682-3577 or come to our office, 3050 N. Delta Hwy, Eugene, Monday thru Friday between 9am and 4pm. New Application forms and handouts will be posted to the Lane County Land Use and Planning website by noon on December 15, 2015.

<http://www.lanecounty.org/Departments/PW/LMD/LandUse/Pages/Default.aspx>