

T. a.a.

## AGENDA COVER MEMO

---

**DATE:** June 22, 2009 (Date of memo)  
July 7, 2009 (Date of 1<sup>st</sup> Reading)  
July 21, 2009 (Date of 2<sup>nd</sup> Reading/Hearing)

**TO:** LANE COUNTY BOARD OF COMMISSIONERS &  
LANE COUNTY PLANNING COMMISSIONERS

**DEPARTMENT:** Public Works Department/Land Management Division

**PRESENTED BY:** Lindsey Eichner, Planner

**AGENDA ITEM TITLE:** ORDINANCE NO. 2-09. IN THE MATTER OF AMENDING CHAPTER 13 OF LANE CODE TO REVISE AND ADD DEFINITIONS AND PROVISIONS PERTAINING TO LAWFULLY ESTABLISHED UNITS OF LAND, PARTITIONING LAND, PROPERTY LINE ADJUSTMENTS, AND VALIDATION OF UNITS OF LAND (LC 13.010, 13.030, AND 13.450) (Planning File No. PA 09-5350).

---

**I. REQUESTED MOTION**

**A. July 7, 2009:**

I move approval of the First Reading of Ordinance No. 2-09 and setting the Second Reading and Public Hearing for July 21, 2009, at 7:00 pm in Harris Hall, to be held jointly with the Lane County Planning Commission.

**B. July 21, 2009: Alternative Motions after the Public Hearing and close of the record (see note):**

**1. Planning Commission Recommendations to the Board of Commissioners:**

(a) Recommend approval of Ordinance No. 2-09.

**OR**

(b) Recommend approval of Ordinance No. 2-09 with revisions to the proposal as determined by the Planning Commission.

**OR**

(c) Recommend that staff should be directed to work with stakeholders and interested parties on further revisions to the proposal.

**2. Board of Commissioner Motions following receipt of Planning Commission recommendation:**

(a) I move to approve Ordinance No. 2-09.

**OR**

(b) I move to tentatively approve Ordinance No. 2-09 with revisions as determined by the Board and set one additional reading before final action.

**OR**

(c) I move to direct staff to work with stakeholders and interested parties on further revisions to the proposal.

**OR**

(d) I move to take no action on this application.

**Note:** It may be necessary to set a 3<sup>rd</sup> Reading on a date certain to give the Planning Commission time to deliberate/recommend action. It is also possible that the public hearing will need to be continued or the record left open.

**II. AGENDA ITEM SUMMARY**

The Lane County Board of Commissioners and the Lane County Planning Commissioners are being asked to consider action on amendments to the Lane Code (LC) Chapter 13 that would add text specifically for property line adjustments and validation of units of land to be consistent with State Law. There are also some definitions proposed to be added or modified to coincide with the proposed text amendments.

The Ordinance before the Planning Commission and the Board reflects the original proposal without any changes by staff. Staff has reviewed the proposed text amendments to Lane Code Chapter 13 and identified some significant policy implications if adopted without amendments. Staff has prepared options for the Planning Commission and Board of Commissioners to consider should they choose to modify what was originally presented to the Board and referred to staff.

**III. BACKGROUND**

**A. Board Action and Other History**

On April 28, 2009, the Board directed Land Management Division Planning staff to prepare and process the proposed amendments to Lane Code Chapter 13, which were brought to the Board by Commissioner Fleenor. The Board asked that the proposal be scheduled for a joint public hearing with the Planning Commission, tentatively scheduled for July 21, 2009.

Previously the Board of County Commissioners gave direction to Land Management to pursue changes to Lane Code Chapter 13 regarding Legal Lot Verifications and certain types of Property Line Adjustments on June 14, 2000. Subsequently, the Land Management Task Force was created by the Board on June 12, 2002 and directed to "review the structure and operation of the land management division". The Task Force first met on September 30, 2002 and discussed legal lot verifications, property line adjustments and other issues not

related to the proposed amendments. After numerous meetings, the Task Force reached agreement that notification of legal lot verifications for units of land that were the result of property line adjustments would address the greatest number of issues. In addition, the Task Force recommended allowing any legal lot verification not involving a property line adjustment to be noticed at the discretion of the applicant. The Task Force did not reach agreement regarding further regulation of property line adjustments.

On July 30, 2003, the County Commissioners approved several projects for the long range-planning program. One of those projects was an amendment of the Lane Code to make legal lot verifications a land use decision. The Board did not authorize staff to include any other topics in this amendment. Specifically, the Board decided not to pursue regulation of property line adjustments or change the criteria for determining legal lot status.

At the public hearing on February 17, 2004, the Lane County Planning Commission voted 3-2 to recommend adoption of the proposed amendment. The Planning Commission also voted 5-0 to recommend the Board of Commissioners create code and policy provisions to consider property line adjustments through Legal Lot Verifications.

On June 15, 2004, the Board approved the proposal from the Task Force by enacting Ordinance No. 7-04, which is now Lane Code 13.020, Legal Lot Verification.

## **B. Policy Issues**

The Board of Commissioners has the authority to adopt the proposed amendments to Lane Code Chapter 13. The approval of an Ordinance adopting the proposed changes to Lane Code Chapter 13 with staff suggested revisions will ensure consistency with the Oregon Revised Statutes and other applicable law.

## **C. Board Goals**

Adoption of this ordinance after conducting a public hearing supports the following Lane County Strategic Goals adopted by the Board:

- Provide opportunities for citizen participation in decision making, voting, volunteerism and civic and community involvement.
- Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development.
- Provide efficient and effective financial and administrative support and systems to direct-service departments.

## **D. Financial and/or Resource Considerations**

With the addition of two new provisions for review and approval processes, there are financial considerations with this proposal. This proposal adds review criteria and processes for reviewing property line adjustments and validation of previously created units of land. Currently, both are considered as part of legal lot verification process. The Board will need to consider if an application for a property line

adjustment approval should include legal lot verifications or not and how that should affect application fees.

One change for the public is that currently they only have to go through the Planning program if they want to verify that a parcel is a legal lot following completion of a property line adjustment. In 2007, approximately 136 property line adjustment surveys were filed with the Lane County Surveyor's Office for properties outside of incorporated cities. Out of those 136 surveys, only 58 applied for legal lot verifications and were noticed. In 2008, approximately 114 property line adjustment surveys were filed with the Lane County Surveyor's Office for properties outside of incorporated cities. Out of those 114 surveys, only 46 applied for legal lot verifications and were noticed. Over half of the property line adjustments in the County's jurisdiction did not seek legal lot verification from the Planning Program. Please note that properties containing over 10 acres may not be required to be surveyed for a property line adjustment and those situations would not be included in the above data.

This proposal could have a significant financial affect for both property owners and the surveyor's industry. The existing fee for a legal lot verification review involving a property line adjustment (administrative) is \$1,586.00. The existing notice fee is \$818. If any additional legal lot verifications need to be done, then that quickly increases the fees. If two property owners want to move a property line that does not affect the existing uses (each has one dwelling), at the very minimum an extra \$2,354 for a legal lot verification could detour them from the process they would have easily done last year.

With current staff levels, the Planning Program will lack resources to timely process the property line adjustments that will flow through LMD if all property line adjustments are required to be reviewed. If the same flow of property line adjustments came in as in 2008, LMD would collect at least \$110,584.00 ((Property line adjustment fee + notice fee) x 46). These funds could potentially help create an additional position to help process the property line adjustment applications.

Currently, LMD does not track the applications for legal lot verifications and validation of a unit of land differently, so staff was unable to bring information on those applications. This proposal does change the application process for a validation of a unit of land from two applications (administrative determination and the notice) to one application covering everything.

If this proposal is adopted, staff will draft fees and bring them back to the Board as amendments to Lane Manual prior to the effective date of the new code provisions.

#### **E. Analysis**

The proposal for text amendments to the Lane Code are based on legislative changes to the Oregon Revised Statutes. In 2007, language relating to validation of units of land was added and in 2008, language was modified regarding property line adjustments. The proposed Ordinance No. 2-09 contains the provisions as proposed in the referral to staff from the Board with minor revisions to conform text to the new legislation.

The following analysis is an explanation of the proposed changes by staff to the original proposed amendments along with some discussion on options for the Board of Commissioners and Planning Commission to consider. The analysis below focuses primarily on the proposed property line adjustment language, as staff did not have any suggested substantive changes to the validation of a unit of land language.

**1. Definitions were added and modified in LC 13.010, but the same changes were not proposed in LC 16.090.**

Staff suggests that modifications made to LC 13.010 also be made to LC 16.090. If the two definitions are not consistent, LC 16.300(1)(a) states that "Abbreviations, terms, phrases, words and their derivatives shall be construed as specified in LC 16.090 instead of as specified in LC 13.010." If there is a difference and the properties are subject to LC Chapter 16, then the old definitions in LC 16.090 would apply. If the older definitions are used when partitioning land that is zoned by Chapter 16, then it could create confusion and unforeseen problems. The proposed definition updates are located in Exhibit 'B', section 3.

**2. The proposal contains minimal submittal or approval requirements.**

The proposed language for property line adjustments, 13.450(1) has two submittal requirements:

- (a) An application is submitted and reviewed pursuant to LC 14.050; and*
- (b) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and*

Staff proposes to reorganize the proposed 13.450 and place all of the proposed standards or criteria language as section 1, the submittal requirements as section 2, and the review process as section 3. Submittal requirements are critical for keeping applications flowing smoothly through the land use application process. When the submittal requirements are separate from the approval criteria within a regulation, it is more user-friendly and less daunting.

**3. The proposal describes an all-inclusive review process.**

- (a) The proposed text amendments to Lane Code Chapter 13 state that an application is to be submitted and reviewed pursuant to LC 14.050 (13.450(1)(a) of Exhibit 'A'). If this statement was left in, it would require every single property line adjustment to be a director decision and noticed. The question to ask now is how extensively does the County want to regulate property line adjustments? Here are three options of how other counties in Oregon process property line adjustments:

**1. Administrative Review Only:**

- a) All parcels included in the final approved Property Line Adjustments are considered legal lots only as long as both were recognized legal lots prior to the adjustment.*
- b) No notice is sent.*

2. Administrative & Director Review:

a) Administrative Review:

- i) *All parcels included in the final approved Property Line Adjustments are considered legal lots only as long as both were recognized legal lots prior to the adjustment.*
- ii) *All existing structures must conform to current zoning regulations post property line adjustment, except for area.*
- iii) *If a parcel is nonconforming in size before, then it may remain nonconforming in size post property line adjustment.*
- iv) *If any discretion is required by the Planning Director, then the property line adjustment shall be reviewed as a Director decision and noticed.*

b) Director Review (w/ notice):

- i) *Includes legal lot verifications for no more than two (2) parcels;*
- ii) *All parcels included in the final approved Property Line Adjustments are considered final legal lots.*
- iii) *Property line adjustments involving nonconforming setbacks may be granted provided the adjustment does not further reduce the setback.*
- iv) *If the property line adjustment creates a split zoned parcel, there shall be a condition of approval that the zone/plan boundary shall not be used to justify a partition in the future.*

3. Director Review Only (w/ notice):

- a) *Can include legal lot verification for no more than two (2) parcels involved;*
- b) *All parcels included in the final approved Property Line Adjustments are considered legal lots.*

Staff has concerns with Option 1, as it would not change LMD's current practice and would not be timely processed. If a property line adjustment was completed for the purpose of developing a vacant parcel, the property owner would have to apply for legal lot verifications for both parcels before the property line adjustment. Then apply for a property line adjustment review application. To determine that the lots or parcels are final legal lots, the applicant would then apply for a legal lot notice.

Staff has some concerns with noticing every single property line adjustment, Option 3, which is also the same as the proposal. The difference between an administrative action and a director decision is the notice process. The administrative action is not a land use decision until it is noticed with an opportunity for appeal.

EXAMPLE: There are two parcels, each are zoned RR10, are 14 acres in size and each developed with a single family dwelling (allowed in the RR10 zone). Both parcels are considered legal conforming. Parcel A wants to sell Parcel B two acres.

Under the review criteria in Exhibit 'A', these properties would both have to be verified as legal lots, the property line adjustment reviewed, and then a notice sent out. This example is a simple adjustment without any discretion required by the Planning Director.

If a final legal lot is not an issue with the property owners because the parcels are already developed and the property line adjustment does not change access or encroach on any setbacks, should Lane County require them to go through the Director Decision process and be noticed? If one or both of the lots or parcels are vacant, it would be in the best interest of the property owners to have the property line adjustment noticed.

Staff suggests adopting Option 2 as the process for property line adjustments. It gives the property owner, along with staff, options for action. If it happens to be a situation similar to the one above, then the property owners could apply for an administrative application for a property line adjustment review. LMD has a current fee of \$1,586.00 for that process, which does not include a notice. A Director approval of a property line adjustment will most likely be costly, especially if it involves legal lot verifications for each parcel. The simplest legal lot verification plus notice costs \$2,404.00, the most complex can cost \$10,084.00. If staff is required to also review a second parcel for a legal lot verification and review the proposed property line adjustment, it is likely to be a higher fee than that. If there are existing nonconforming setbacks, if one or both of the parcels involved are vacant, or if the adjustment creates a split zoned parcel then it seems reasonable to require the application to be processed as a Director Decision and noticed.

Lane County Surveyor's Office processed 136 property line adjustment surveys in 2007 and 114 in 2008 for properties located outside of incorporated city limits. The Planning Program processed 58 post property line adjustment legal lot notices in 2007 and 46 in 2008. Please note that properties containing over 10 acres may not be required to be surveyed for a property line adjustment and those situations would not be included in the above data. Regulation of property line adjustments is directly related to the local surveyor's industry. If every property line adjustment is required to be a director decision, it is anticipated that property owners will find ways around the process for property line adjustments. People could convey easements rather than move lines or they could simply move the property lines and record new deeds and surveys (if necessary) without planning approval. If Lane County regulates property line adjustments under Option 2, it might not be as daunting or expensive for property owners to complete simple property line adjustments.

Proposed language for Option 2 is found in Exhibit 'B', LC 13.450(3).

- (b) Assuming that the Board adopts some sort of property line adjustment process, what is to be made of property line adjustments completed up until the effective date? Staff suggests that the property line adjustment criteria only apply to property line adjustments completed after the effective date of the ordinance. This allows the public and staff to process previous property

line adjustments through legal lot verifications. This would save the property owner from being required to obtain permission from the neighboring parcel, which could be key if the properties have changed ownership since the property line adjustment was recorded. There should be language included stating that property line adjustments recorded prior to the adoption of this code amendment shall be verified pursuant to LC 13.020. This would allow past property line adjustments to continue to be approached the same way they are currently. Staff can draft this language if requested to.

**4. Affects on legal nonconforming setbacks.**

In the proposed LC 13.450(2), staff suggests that not only must the property line adjustment comply with the minimum lot or parcel size, but also with the shape and setback requirements of the zone. Some zones have specific minimum dimensions that lots or parcels must comply with. When a structure is first approved to be built or placed on a piece of property, staff requires that it comply with all setbacks. When a property line is adjusted, then the structures should still be required to comply with all setbacks. If the structure has a legal nonconforming setback before the property line adjustment, then the property owner should have the right to continue with that legal nonconforming setback. A legal nonconforming setback most likely would be a situation if a structure was built before setback regulations were adopted and regulated. Staff has drafted language in Exhibit 'B', LC 13.450(3)(b)(iii). It is suggested that if nonconforming setbacks are going to remain after a property line adjustment, then the adjustment should be noticed to neighbors as a director approval land use decision pursuant to LC 14.050. This would give the neighboring property owner the opportunity to dispute the location of the property line.

**5. Amendments to Plats vs. Property Line Adjustments.**

- (a) Currently, LC 13.400 has language to allow moving or deleting a property line within a final plat of a subdivision or partition. This section should be added to the review criteria for a property line adjustment in order to avoid confusion in the future. See Exhibit 'B', LC 13.450(3)(c)(i) for the proposed language.
- (b) Comments received by Dan Terrell on June 10, 2009, agree that language should be added, but would also like language added that is consistent with ORS 92.190(3) and (4) which are as follows:

*(3) The governing body of a city or county may use procedures other than replatting procedures in ORS 92.180 and 92.185 to adjust property lines as described in ORS 92.010 (12), as long as those procedures include the recording, with the county clerk, of conveyances conforming to the approved property line adjustment as surveyed in accordance with ORS 92.060 (7).*

*(4) A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment. [1985 c.369 §4; 1989 c.772 §24; 1991 c.763 §20; 2007 c.866 §10]*



When a property line adjustment is made within a plat, it creates a new property line but does not eliminate the platted lot/parcel line. There are property owners who move parcel or lot lines within plats, but Land Management Division (LMD) does not recognize those reconfigured parcels or lots as legal lots, as they would the original plated configuration. LMD requires property owners to apply for legal lot verifications and notice for both parcels or else the property owners can apply for a replat. The advantage of a replat is that it vacates the actual platted line and plats a new line rather than just moving the lines of a lot or parcel, with less expense for application fees. Currently:

- A property line adjustment would require a legal lot verification for each parcel (\$1,586, \$4,146, or \$9,266 each) then a notice (\$818)
- A minor replat only requires an application for notice (\$818).

Staff can add the ORS 92.190(3) and (4) language to the proposed amendments if the Board or Planning Commission requests such a revision.

**6. Affect on existing easements or roads.**

Staff suggests that language be added to the review process as an additional item to be considered when processing all property lines adjustments. A property line adjustment should not affect existing easements or roads. The proposed wording can be seen in Exhibit 'B', LC13.450(3)(c)(ii).

**7. Parcel size in relation to potential uses on vacant parcels.**

When a property line adjustment occurs involving one or more vacant parcels, staff should review the proposal to ensure that the parcel is large enough to accommodate an allowed use in the zone where the property is located. This includes on-site septic systems. This is important to review, so that undevelopable parcels are not created. Staff currently does this same review when a partition application is reviewed for properties that are in the Rural Commercial and Rural Industrial zones, because that is the minimum lot size criteria of those zones. It does not mean that staff will look at every potential future use of the property, but simply verify that there is enough room for a septic system, a repair area for the drainfield, a building of average size, parking, and a well or water source. These reviews would be critical for legal nonconforming sized properties (properties already under the minimum lot size of the zone) or parcels that do not have a minimum lot size, which are vacant. The proposed wording can be seen in Exhibit 'B', LC13.450(3)(c)(iii).

**8. Prior land use application approvals.**

If a property has received a land use approval and the parcel is then involved in a property line adjustment, the new area of the property should be subject to the conditions of approval if applicable. One example of this being an issue is if a parcel received approval for a dwelling in the forest zone. The original approval showed the dwelling located 100 feet from the property line, which did not meet the normally required 130 foot fuel break requirements (code states 130 feet or to the property line, whichever is closer). Post property line adjustment, the dwelling location is now 200 feet from the property line. The property owner would then be required to clear the fuel break the complete 130 feet. Another example would be if a parcel had a special use permit approval for a home occupation and then went through a property line adjustment. The area added to

the subject parcel would then be required to comply with all of the home occupation conditions. If for some reason this cannot be met, then a modification of conditions would be required to be applied for and approved before the property line adjustment could be approved. The proposed wording can be seen in Exhibit 'B', LC13.450(3)(c)(iv).

**Criteria for amending the Lane Code are summarized below.**

*LC 16.252 Procedures for Zoning, Re-zoning, and Amendments to Requirements*

*(2) Amendments shall comply with this section and shall achieve the general purpose of this chapter and shall not be contrary to the public interest.*

- 9. The focus of the Planning Commission and the Board of Commissioners is to ensure that any amendments to the Lane Code not be contrary to the public interest. Staff has made suggestions to the Board of Commissioners on how to modify the proposed text amendments to Lane Code Chapter 13 and 16 with the public interest in mind.**

***(5) Planning Commission Public Hearing and Notice -- Legislative Matters.***

*(c) The Planning Commission shall review the Application or proposal and shall receive pertinent evidence and testimony as to why or how the proposed change is inconsistent with the criteria provided in LC 16.252(2) above for zoning, rezoning and amendment to the requirements of this chapter. The Commission shall determine whether the testimony at the hearing supports a finding that the proposal does or does not meet the required criteria, and shall recommend to the Board accordingly that the proposal be adopted or rejected. The Planning Commission and Board may hold one concurrent hearing.*

- 10. The Planning Commission and the Board of Commissioners have a joint public hearing scheduled for July 21, 2009, for the proposed text amendments. Notice will be published in the Register Guard News Paper on July 6, 2009, which is more than 10 days notice.**
- 11. The Board and Planning Commission have scheduled a concurrent hearing for July 21, 2009.**
- 12. The County initiated the proposed amendments to the Lane Code.**

**V. TIMING/IMPLEMENTATION**

The amendment does not contain an emergency clause.

## **VI. ACTION**

### **A. Options**

**Option 1:** Adopt the proposed amendments.

**Option 2:** Adopt the proposed amendments with revisions determined by the Board after necessary additional readings.

**Option 3:** Direct staff to work with stakeholders and interested parties on further revisions.

**Option 4:** Do not adopt any of the proposed changes at this time.

### **B. Recommendation**

Staff recommends option 2.

### **C. Follow-up**

Notice of action will be provided to DLCD and all parties who submitted testimony.

## **VII. ATTACHMENTS**

1. Ordinance No. 2-09, with Lane Code Changes reflecting original proposal
2. Proposed Text Amendments with Staff recommendations
3. Letter from Dan Terrell, dated April 9, 2008, one of the authors of the original proposal

BEFORE THE BOARD OF COUNTY COMMISSIONERS, LANE COUNTY, OREGON

ORDINANCE NO. 2-09

IN THE MATTER OF AMENDING CHAPTER 13 OF  
LANE CODE TO REVISE AND ADD DEFINITIONS AND  
PROVISIONS PERTAINING TO LAWFULLY  
ESTABLISHED UNITS OF LAND, PARTITIONING LAND,  
PROPERTY LINE ADJUSTMENTS AND VALIDATION  
OF UNITS OF LAND (LC 13.010, 13.030, 13.450)

The Board of County Commissioners of Lane County ordains as follows:

Chapter 13 of Lane Code is hereby amended by removing, substituting and adding new sections as follows:

**REMOVE THESE SECTIONS**

13.010  
located on pages 13-1 through 13-4  
(a total of 4 pages)

NONE

NONE

**INSERT THESE SECTIONS**

13.010  
located on pages 13-1 through 13-4  
(a total of 4 pages)

13.030  
located on page 13-4  
(a total of 1 page)

13.450  
located on page 13-18 through 13-19  
(a total of 2 pages)

Said sections are attached hereto and incorporated herein by reference. The purpose of these substitutions and additions is to revise and add definitions and provisions pertaining to lawfully established units of land, partitioning land, property line adjustments and validation of units of land (LC 13.010, 13.030, and 13.450).

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_ 2009.

\_\_\_\_\_  
Chair, Lane County Board of Commissioners

\_\_\_\_\_  
Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 6-25-2009 Lane County

Stephen J. Van der  
OFFICE OF LEGAL COUNSEL

## LAND DIVISIONS

### 13.005 Purpose.

Pursuant to ORS Chapters 92, 197 and 215, any person desiring to partition or subdivide land within any part of Lane County outside of incorporated cities shall submit preliminary plans and final plats for such partitions or subdivisions to the Director for review. Such review of proposed partitions or subdivisions is necessary in order that Lane County provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the comprehensive plan regarding patterns for the development and improvement of Lane County; provide for safety and health; and promote the public health, safety and general welfare, as defined in ORS Chapters 197 and 215. *(Revised by Ordinance No. 1-90; Effective 2.7.90)*

### 13.010 Definitions.

Amendment, Minor. A change to a preliminary plan or plat which:

- (1) Does not change the number of lots or parcels created by the subdivision or partition;
- (2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
- (3) Does not change the general location or amount of land devoted to a specific land use; or
- (4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

Amendment, Major. A change to preliminary plan or plat which is not a minor amendment.

Area. The total horizontal area within the boundary lines of a parcel, lot or unpartitioned or unsubdivided tract of land, exclusive of County or local access i.e., public roads.

Building Site. That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building and appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.

Cluster Subdivision. A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapters 10 and 16. Consistency with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies is also required by LC Chapter 16.

Contiguous. Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access-public, County, State or Federal street) shall not be considered contiguous.

Department. The Department of Public Works.

Depth. The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

Director. "Within the Department of Public Works, the Director of the Planning Division or the Director's duly appointed representative."

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the inland or tidal waters from any source.

**Floodplain.** A physical geographic term describing any land area susceptible to being inundated by water from any source.

**Floodway, Regulatory.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.

**Improvement Agreement.** An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form improved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

**Lawfully Established Unit of Land.**

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.190; or
- (2) Another unit of land:
  - (a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
  - (b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or
  - (c) That received legal lot verification from the County and was noticed pursuant LC 13.020.

(3) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

(4) A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

**Legal Lot.** A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are changed or vacated or the lot or parcel is further divided as provided by law.

**Legal Lot Verification.** A determination that a unit of land was created in conformance with the Lane Code and other applicable law. A preliminary determination shall only become final when it is made and noticed pursuant to LC 13.020.

**Lot.** A unit of land that is created by a subdivision of land.

**Panhandle.** A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.

**Parcel.**

- (1) Includes a unit of land created:
  - (a) By partitioning land as defined in LC 13.010.
  - (b) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or
  - (c) By deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.
- (2) It does not include a unit of land created solely to establish a separate tax account.

**Partition.** Either an act of partitioning land or an area or tract of land partitioned.

**Partition Plat.** Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

**Partitioning Land.** Dividing land to create not more than three parcels of land within a calendar year but does not include:

(1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;

(2) Adjusting a property line as property line adjustment is defined in LC 13.010; (3) Dividing land as a result of the recording of a subdivision or condominium plat;

(4) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes, if the road or right-of-way complies with the Lane County Rural Comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or

(5) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.

Plat. A final diagram and other documents relating to a subdivision, replat or partition.

Property Line Adjustment. A relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

Replat. Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings concerning a recorded subdivision or partition plat.

Road. The entire right-of-way of any public or private way that provides vehicular ingress and egress from property or provides travel between places by vehicles.

Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial waste, garbage or other wastes.

(1) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.

(2) Sewerage Facility, Individual. A privately owned sewerage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.

(3) Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided, or is available, for public use.

Street. The term is synonymous with "road."

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

Tract. A lot or parcel as defined in LC 13.010.

**Width.** The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 10-86; 9.10.86; 1-90, 2.7.90; 7-04, 7.15.04)*

### **13.020 Legal Lot Verification.**

A legal lot verification by the Director is considered final when it is made and noticed pursuant to LC 14.100 and shall occur when:

(1) An application is submitted and reviewed pursuant to LC 14.050, excluding 14.050(3)(c), for a legal lot verification on a lot or parcel resulting from a property line adjustment; or

(2) If notice is requested by the property owner for any legal lot verification, upon submitting an application for review pursuant to LC 14.050, excluding 14.050(3)(c). *(Revised by Ordinance No. 7-04; Effective 7.15.04)*

### **13.030 Validation of a Unit of Land.**

(1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to LC 14.050 if the unit of land:

(a) Is not a lawfully established unit of land; and

(b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.

(2) Notwithstanding LC 13.030(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).

(3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:

(a) The dwelling or other building was lawfully established prior to January 1, 2007; and

(b) The permit does not change or intensify the use of the dwelling or other building.

(4) An application to validate a unit of land under LC 13.030 is an application for a permit, as defined in ORS 215.402. An application under LC 13.030 is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.

(5) A unit of land becomes a lawfully established parcel when the county validates the unit of land under LC 13.030 if the owner of the unit of land records a partition plat within 90 days of validation.

(6) An application to validate a unit of land under LC 13.030 may not be approved if the unit of land was unlawfully created on or after January 1, 2007.

(7) Development or improvement of a parcel created under LC 13.030(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a).

### **13.050 General Requirements and Standards of Design and Development for Preliminary Plans.**

The following are the requirements to which the preliminary plan of a subdivision, replat or partition must conform:



**13.400 Amendments to Preliminary Plans and Final Plats.**

(1) Approval of Minor Amendments. A minor amendment to an approved preliminary partition or subdivision plan, or to an approved plat, is a routine administrative action approvable by the Director.

(2) Approval of Major Amendments. Approval of a major amendment to an approved preliminary partition or subdivision plan, or final plat shall be an administrative action subject to the provisions of LC 14.100 for Director decisions.

(3) Road Vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010(35) shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

**13.450 Property Line Adjustments.**

(1) The Planning Director may approve one or more property line adjustments based upon findings that the following standards are met:

(a) An application is submitted and reviewed pursuant to LC 14.050; and

(b) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and

(c) The property line adjustment relocates or eliminates all or a portion of a common property line between abutting properties and does not create an additional unit of land; and

(d) The property line adjustment complies with the surveying and monumenting requirements of ORS Chapter 92.

(2) Except as provided in this section, a unit of land that is reduced in size by a property line adjustment must comply with the minimum lot or parcel size in the zone after the adjustment.

(3) Subject to subsection (4) of this section, the Planning Director may approve a property line adjustment in which:

(a) 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 as or larger than the minimum lot or parcel size for the applicable zone; or

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

(4) On land zoned for exclusive farm use or forest, a property line adjustment under subsection (3) of this section may not be used to:

(a) Decrease the size of a lot or parcel 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 the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(b) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or

parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(c) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

### **13.500 Variances.**

(1) Approval Authority. A decision on a variance shall be an administrative action subject to the provisions of LC 14.100 for a decision by the Director.

(2) Criteria for Approval of Variances. A variance to the requirements of LC Chapter 13 may be approved if the approving Authority finds:

(a) Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography or other circumstances over which the property owner, since the enactment of this chapter, has had no control.

(b) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.

(c) The variance would conform with the purposes of this chapter and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

(d) The variance requested is the minimum variance which would alleviate the difficulty.

(e) The variance is not the result of a self-created hardship.

(3) Application Requirements.

(a) The application shall be submitted pursuant to LC 14.050 and concurrently with applications for preliminary or final approval. *(Revised by Ordinance No. 16-83)*

### **13.600 Appeals.**

(1) Procedure for Appeals. The procedure for appeals of Director decisions made pursuant to LC 14.100 shall be as specified for appeals to the Hearings Official in LC 14.500.

(2) Other Appealable Decisions. The following Director actions are appealable to the Hearings Official by the applicant, and the procedure for such appeals shall be as specified in LC 14.500 for appeals to the Hearings Official.

(a) A written decision to approve or deny an extension.

(b) A written decision to deny final approval of a map or plat. *(Revised by Ordinance No. 16-83; Effective 9.14.83)*

## LAND DIVISIONS

### 13.005 Purpose.

Pursuant to ORS Chapters 92, 197 and 215, any person desiring to partition or subdivide land within any part of Lane County outside of incorporated cities shall submit preliminary plans and final plats for such partitions or subdivisions to the Director for review. Such review of proposed partitions or subdivisions is necessary in order that Lane County provide for the proper width and arrangement of streets and thoroughfares and their relation to existing or planned streets and thoroughfares; provide for conformity with the comprehensive plan regarding patterns for the development and improvement of Lane County; provide for safety and health; and promote the public health, safety and general welfare, as defined in ORS Chapters 197 and 215. *(Revised by Ordinance No. 1-90; Effective 2.7.90)*

### 13.010 Definitions.

**Amendment, Minor.** A change to a preliminary plan or plat which:

- (1) Does not change the number of lots or parcels created by the subdivision or partition;
- (2) Does not "substantially enlarge or reduce" the boundaries of subdivided or partitioned area;
- (3) Does not change the general location or amount of land devoted to a specific land use; or
- (4) Includes only minor shifting of the proposed parcel or lot lines, location of buildings, proposed public or private streets, pedestrian ways, utility easements, parks or other public open spaces, septic tank drainfield locations and well locations.

**Amendment, Major.** A change to preliminary plan or plat which is not a minor amendment.

**Area.** The total horizontal area within the boundary lines of a parcel, lot or unpartitioned or unsubdivided tract of land, exclusive of County or local access i.e., public roads.

**Building Site.** That portion of the lot, parcel or unpartitioned or unsubdivided tract of land upon which the building and appurtenances are to be placed, or are already existing, including adequate areas for sewage disposal, light air clearances, proper drainage, appropriate easements and, if applicable, other items required by the Lane Code.

**Cluster Subdivision.** A subdivision for which the applicable zoning district allows relaxed lot area, coverage and setback requirements and alternative types of dwellings as specified in LC Chapters 10 and 16. Consistency with the cluster subdivision Policy #24 set forth under Goal 2, Land Use Planning of the Lane County General Plan Policies is also required by LC Chapter 16.

**Contiguous.** Having at least one common boundary line greater than eight feet in length. Tracts of land under the same ownership and which are intervened by a street (local access-public, County, State or Federal street) shall not be considered contiguous.

**Department.** The Department of Public Works.

**Depth.** The horizontal distance between the front and rear boundary lines measured in the mean direction of the side boundary lines.

**Director.** "Within the Department of Public Works, the Director of the Planning Division or the Director's duly appointed representative."

Flood or Flooding. A general or temporary condition of partial or complete inundation of normally dry land areas from the inland or tidal waters from any source.

Floodplain. A physical geographic term describing any land area susceptible to being inundated by water from any source.

Floodway, Regulatory. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation.

Improvement Agreement. An agreement that under prescribed circumstances may be used in lieu of required improvements of a performance agreement. It is a written agreement that is executed between the County and a developer, in a form improved by the Board of County Commissioners, in which the developer agrees to sign at a time any and all petitions, consents, etc., and all other documents necessary to improve an abutting road or other required improvements to County standards and to waive all rights or remonstrances against such improvements, in exchange for which the County agrees that the execution of the improvement agreement will be deemed to be in compliance with the improvement requirements of the Code.

**Lawfully Established Unit of Land.**

(1) A lot or parcel created pursuant to ORS 92.010 to 92.190; or

(2) Another unit of land:

(a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or

(c) That received legal lot verification from the County and was noticed pursuant LC 13.020.

(3) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

(4) A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

Legal Lot. A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are changed or vacated or the lot or parcel is further divided as provided by law.

Legal Lot Verification. A determination that a unit of land was created in conformance with the Lane Code and other applicable law. A preliminary determination shall only become final when it is made and noticed pursuant to LC 13.020.

Lot. A unit of land that is created by a subdivision of land.

Panhandle. A narrow extension of a tract, 60 feet or less in width, which is used as access to the main portion of the tract.

**Parcel.**

(1) Includes a unit of land created:

(a) By partitioning land as defined in LC 13.010.

(b) In compliance with all applicable planning, zoning and partitioning ordinances and regulations; or

(c) By deed or land sales contract if there are no applicable planning, zoning or partitioning ordinances or regulations.

(2) It does not include a unit of land created solely to establish a separate tax account.

Partition. Either an act of partitioning land or an area or tract of land partitioned. ~~Partitions shall be divided into the following two types:~~

- ~~(1) Major Partitions. A partition which includes the creation of a road.~~
- ~~(2) Minor Partition. A partition that does not include the creation of any road.~~

Partition Plat. Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Partitioning Land. ~~To Dividing~~ land into two or to create not more than three parcels of land within a calendar year but does not include:

(1) **Dividing land as a result of** ~~A division of land resulting from a~~ lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; ~~or~~

(2) **Adjusting a property line as property line adjustment is defined in LC 13.010;** ~~An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance, or~~

(3) **Dividing land as a result of the recording of a subdivision or condominium plat;**

(4) **Selling or granting** ~~A sale or grant by a person to a public agency or public body of property for state highway, County road, city street or other right-of-way purposes, if the provided that such road or right-of-way complies with the Lane County Rural applicable Comprehensive plan and ORS 215.213(2)(pq) to (rs) and 215.283(2)(qp) to (sr). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or~~

(5) **Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.**

Performance Agreement. A written agreement executed by a subdivider or partitioner in a form approved by the Board and accompanied by a security also approved by the Board. The security shall be of sufficient amount to ensure the faithful performance and completion of all required improvements in a specified period of time.

Plat. A final diagram and other documents relating to a subdivision, replat or partition.

~~Plat Partition. A final diagram and other documentation relating to a major or minor partition.~~

Property Line Adjustment. ~~A The relocation or elimination of all or a portion of the common property line between two abutting properties that does not create an additional lot or parcel.~~

Replat. Includes a final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings concerning a recorded subdivision or partition plat.

Road. The entire right-of-way of any public or private way that provides vehicular ingress and egress from property or provides travel between places by vehicles.

Sewerage Facility or Sewage Facility. The sewers, drains, treatment and disposal works and other facilities useful or necessary in the collection, treatment or disposal of sewage, industrial waste, garbage or other wastes.

(1) Sewerage Facility, Community. A sewerage facility, whether publicly or privately owned, which serves more than one parcel or lot.

(2) Sewerage Facility, Individual. A privately owned sewerage facility which serves a single parcel or lot for the purpose of disposal of domestic waste products.

(3) Sewerage Facility, Public. A sewerage facility, whether publicly or privately owned, which serves users for the purpose of disposal of sewage and which facility is provided, or is available, for public use.

Street. The term is synonymous with "road."

Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year.

Subdivision. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

Tract. A lot or parcel as defined in LC 13.010.

Width. The horizontal distance between the side boundary lines measured in the mean direction of the front and rear boundary lines. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 10-84, 9.8.84; 10-86; 9.10.86; 1-90, 2.7.90; 7-04, 7.15.04)*

### **13.020 Legal Lot Verification.**

A legal lot verification by the Director is considered final when it is made and noticed pursuant to LC 14.100 and shall occur when:

(1) An application is submitted and reviewed pursuant to LC 14.050, excluding 14.050(3)(c), for a legal lot verification on a lot or parcel resulting from a property line adjustment; or

(2) If notice is requested by the property owner for any legal lot verification, upon submitting an application for review pursuant to LC 14.050, excluding 14.050(3)(c). *(Revised by Ordinance No. 7-04; Effective 7.15.04)*

### **13.030 Validation of a Unit of Land.**

(1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to LC 14.050 if the unit of land:

(a) Is not a lawfully established unit of land; and

(b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.

(2) Notwithstanding LC 13.030(1)(b), an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).

(3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:

(a) The dwelling or other building was lawfully established prior to January 1, 2007; and

(b) The permit does not change or intensify the use of the dwelling or other building.

(4) An application to validate a unit of land under LC 13.030 is an application for a permit, as defined in ORS 215.402. An application under LC 13.030 is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.

(5) A unit of land becomes a lawfully established parcel when the county validates the unit of land under LC 13.030 if the owner of the unit of land records a partition plat within 90 days of validation.

(6) An application to validate a unit of land under LC 13.030 may not be approved if the unit of land was unlawfully created on or after January 1, 2007.

(7) Development or improvement of a parcel created under LC 13.030(5) must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427(3)(a).

#### **13.050 General Requirements and Standards of Design and Development for Preliminary Plans.**

The following are the requirements to which the preliminary plan of a subdivision, replat or partition must conform:

(1) Conformity with the Comprehensive Plan. All divisions shall conform with the Comprehensive Plan for Lane County and the following city comprehensive plans:

(a) The comprehensive plan for a small city, if the division site is within an urban growth boundary but outside the city limits. Such small cities are:

- (i) Cottage Grove
- (ii) Creswell
- (iii) Oakridge
- (iv) Lowell
- (v) Coburg
- (vi) Junction City
- (vii) Veneta
- (viii) Florence
- (ix) Dunes City
- (x) Westfir

(b) The Eugene-Springfield Metropolitan Area Plan and any applicable Special Purpose/Functional Plan or Neighborhood Refinement/Community Plans, if the division site is within the plan boundaries.

(2) Conformity with the Zoning. All divisions shall comply with all specifications of the applicable zoning requirements in Lane Code, including uses of land, area and dimension requirements, space for off street parking landscaping and other requirements as may be set forth.

**13.400 Amendments to Preliminary Plans and Final Plats.**

(1) Approval of Minor Amendments. A minor amendment to an approved preliminary partition or subdivision plan, or to an approved plat, is a routine administrative action approvable by the Director.

(2) Approval of Major Amendments. Approval of a major amendment to an approved preliminary partition or subdivision plan, or final plat shall be an administrative action subject to the provisions of LC 14.100 for Director decisions.

(3) Road Vacations proposed as part of lot or parcel reconfigurations or property line adjustments, that will result in loss of connectivity between Public and/or County Roads as defined in LC 15.010(35) shall require approval of a replat of all subdivision lots and partition parcels adjacent to the road to be vacated. As part of the replat process, the County may require dedication of right-of-way or the creation of private easements, and road improvements, to ensure previously existing connectivity between Public or County Roads is maintained. *(Revised by Ordinance No. 16-83; Effective 9.14.83; 1-90, 2.7.90; 10-04, 6.4.04)*

**13.450 Property Line Adjustments.**

(1) The Planning Director may approve one or more property line adjustments based upon findings that the following standards are met:

(a) An application is submitted and reviewed pursuant to LC 14.050; and

(b) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and

(c) The property line adjustment relocates or eliminates all or a portion of a common property line between abutting properties and does not create an additional unit of land; and

(d) The property line adjustment complies with the surveying and monumenting requirements of ORS Chapter 92.

(2) Except as provided in this section, a unit of land that is reduced in size by a property line adjustment must comply with the minimum lot or parcel size in the zone after the adjustment.

(3) Subject to subsection (4) of this section, the Planning Director may approve a property line adjustment in which:

(a) 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 as or larger than the minimum lot or parcel size for the applicable zone; or

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

(4) On land zoned for exclusive farm use or forest, a property line adjustment under subsection (3) of this section may not be used to:

(a) Decrease the size of a lot or parcel 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 the abutting vacant tract would be increased to a size



as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(b) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(c) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

### 13.500 Variances.

(1) Approval Authority. A decision on a variance shall be an administrative action subject to the provisions of LC 14.100 for a decision by the Director.

(2) Criteria for Approval of Variances. A variance to the requirements of LC Chapter 13 may be approved if the approving Authority finds:

(a) Exceptional or extraordinary circumstances apply to the property, which do not apply generally to other properties in the same zone or vicinity which result from lot size or shape, topography or other circumstances over which the property owner, since the enactment of this chapter, has had no control.

(b) The variance is necessary for the preservation of a property right of the applicant which is the same as that enjoyed by other property owners in the same zoning district in the area.

(c) The variance would conform with the purposes of this chapter and would not be materially detrimental to property in the same zone or vicinity in which the property is located, or otherwise conflict or reasonably be expected to conflict with the Comprehensive Plan.

(d) The variance requested is the minimum variance which would alleviate the difficulty.

(e) The variance is not the result of a self-created hardship.

(3) Application Requirements.

(a) The application shall be submitted pursuant to LC 14.050 and concurrently with applications for preliminary or final approval. *(Revised by Ordinance No. 16-83)*

### 13.600 Appeals.

(1) Procedure for Appeals. The procedure for appeals of Director decisions made pursuant to LC 14.100 shall be as specified for appeals to the Hearings Official in LC 14.500.

(2) Other Appealable Decisions. The following Director actions are appealable to the Hearings Official by the applicant, and the procedure for such appeals shall be as specified in LC 14.500 for appeals to the Hearings Official.

(a) A written decision to approve or deny an extension.

(b) A written decision to deny final approval of a map or plat. *(Revised by Ordinance No. 16-83; Effective 9.14.83)*

**PROPOSED AMENDMENTS TO LANE CODE CHAPTER 13 AS REVIEWED AND  
REFERRED BY THE BOARD OF COMMISSIONERS WITH  
POSSIBLE CHANGES DEVELOPED BY STAFF AND STAKEHOLDERS**

*This document reflects changes from the original proposal. Staff's proposed additions are underlined and italicized, the proposed deletions have strikethroughs. No changes are suggested for the new Validation of Units of Land provision. Changes to the definitions in LC 13.010 to conform to statutory definitions were included in the Ordinance No. 2-09.*

**1. NEW PROPERTY LINE ADJUSTMENT SECTION TO IMPLEMENT HB 3629**

**Recommended new LC 13.450:**

**13.450 Property Line Adjustments.**

*Please note the changes to numbering by staff.*

**(1) General Provisions**

(a) The Planning Director may approve one or more property line adjustments based upon findings that the following standards are met:

- ~~(i) An application is submitted and reviewed pursuant to LC 14.050; and~~
- ~~(ii) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and~~
- ~~(iii) (i) The property line adjustment relocates or eliminates all or a portion of a common property line between abutting properties and does not create an additional unit of land; and~~
- ~~(iv) (ii) The property line adjustment complies with the surveying and monumenting requirements of ORS Chapter 92.~~

(b) Except as provided in this section, all units of land participating in a property line adjustment must comply with the minimum lot or parcel size in the zone after the adjustment. Refer to LC 16.450(3)(c) for exceptions.

(c) Subject to LC 13.450(1)(d) ~~subsection (4) of this section~~, the Planning Director may approve a property line adjustment in which:

- (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 as 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.

(d) On land zoned for exclusive farm use or forest, a property line adjustment under LC 13.450(1)(c) ~~subsection (3) of this section~~ may not be used to:

PROPOSED AMENDMENTS TO LANE CODE CHAPTER 13 AS REVIEWED AND REFERRED BY THE BOARD  
OF COMMISSIONERS WITH POSSIBLE CHANGES DEVELOPED BY STAFF AND STAKEHOLDERS

(i) Decrease the size of a lot or parcel 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 the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;

(ii) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

(iii) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

(2) Submittal Requirements:

(a) Applications for property line adjustments shall be submitted to the Planning Director on forms provided by the Land Management Division.

(b) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment.

(c) Other information required by the Planning Director.

(3) Review Process:

(a) Lane County may administratively process property line adjustments if they meet the following criteria:

(i) The proposal complies with LC 13.450(1) and LC 13.450(3)(c); and

(ii) All existing lawful structures shall conform to current zoning regulations governing setbacks. Setbacks shall be verified by a registered professional land surveyor prior to final approval of the Property Line Adjustment; and

(iii) All lot or parcels included in the final approved Property Line Adjustments are considered legal lots only as long as both were recognized final legal lots prior to the adjustment; and

(iv) If any discretion is required by the Planning Director, then the property line adjustment shall be reviewed pursuant to LC 13.450(3)(b).

(b) If the proposed property line adjustment cannot comply with LC 13.450(3)(a), then Lane County shall review property line adjustments as a Director decision, pursuant to Lane Code 14.050 and meet the following criteria:

(i) When the existing lots or parcels in a proposed property line adjustment have not been previously verified as legal lots and/or noticed, pursuant to LC 13.020,

staff shall verify the lots or parcels for legal lot status as part of the Director decision;  
and

(ii) The proposal complies with LC 13.450(1) and LC 13.450(3)(c); and

(iii) Property Line Adjustments involving lot or parcels of land with  
nonconforming setbacks shall be granted provided the adjustment does not further  
reduce the setback and the adjustment satisfies the remaining provisions of this section.  
Setbacks shall be verified by a registered professional land surveyor prior to final  
approval of the Property Line Adjustment.

(c) The following shall apply to all property line adjustment proposals:

(i) A property line adjustment application shall not be used to replat duly  
recorded subdivision or partition plats. For purposes of this section, any proposal to  
reconfigure property lines within a plat that effectively vacates lots, parcels, tracts, or  
easements; or increases or decreases the number of lots or parcels; or results in a  
reconfiguration of the plat, may be considered a replat and shall be reviewed as an  
amendment pursuant to LC 13.400.

(ii) A property line adjustment shall have no affect on existing easements or  
roads.

(iii) All adjusted lots or parcels shall be large enough to accommodate a use  
allowed in the zone where the property is located, including on-site septic system.

(iv) If any of the lots or parcels involved in the lot line adjustment are subject  
to conditions of approval of a prior land use permit, then the area added to that lot or  
parcel shall be subject to any applicable conditions imposed under the permit.

(v) If the property line adjustment creates a split zoned parcel, the zone  
boundary shall not be used as the sole justification to partition the parcel along that  
zone boundary in the future. This shall be a condition of approval and stated on the  
survey map is a survey if required.

## **2. HOUSEKEEPING AND CONFORMING AMENDMENTS TO LC 13.010 DEFINITIONS.**

**Legal Lot.** A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are changed or vacated or the lot or parcel is further divided, as provided by law.

### **3. HOUSEKEEPING AND CONFORMING AMENDMENTS TO LC 16.090 DEFINITIONS, CONSISTENT WITH HB 2723 AND HB 3629 and LC 13.010.**

*None of these changes were included in the original proposal, but they are the same exact wording as proposed for LC 13.010. The reference word in the definitions section is always underlined. Staff's proposed additions are underlined and italicized, the proposed deletions have strikethroughs.*

#### **Recommended amendments to LC 16.090 definitions:**

##### **Lawfully Established Unit of Land (inserting new definition)**

(1) A lot or parcel created pursuant to ORS 92.010 to 92.190; or

(2) Another unit of land:

(a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or

(b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or

(c) That received legal lot verification from the County and was noticed pursuant LC 13.020.

(3) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.

(4) A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

Legal Lot. A lawfully created lot or parcel. A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

~~Partition. Either an act of partitioning land or an area or tract of land partitioned.~~

~~Partitions shall be divided into the following two types:~~

~~(1) Major Partitions. A partition which includes the creation of a road.~~

~~(2) Minor partitions. A partition that does not include the creation of any road.~~

Partition Plat. Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Partitioning Land. To dividing land into two or to create not more than three parcels of land within a calendar year, but does not include:

- (a) A division of land resulting from Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or

PROPOSED AMENDMENTS TO LANE CODE CHAPTER 13 AS REVIEWED AND REFERRED BY THE BOARD OF COMMISSIONERS WITH POSSIBLE CHANGES DEVELOPED BY STAFF AND STAKEHOLDERS

- (b) Adjusting a property line as property line adjustment is defined in Lane Code 16.090: An adjustment of a property line by the relocation of a common boundary where and additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning ordinance; or
- (c) Dividing land as a result of the recording of a subdivision or condominium plat;
- (d) Selling or granting by a person to a public agency or public body of property for state highway, County road, city street or other right of way purposes if the Road or right of way complies with the Lane County Rural-Comprehensive Plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
- (e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Property line adjustment. A relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

**LAW OFFICE OF BILL KLOOS, PC**

OREGON LAND USE LAW

375 W. 4<sup>th</sup> St., SUITE 204  
EUGENE, OR 97401  
TEL (541) 914-4167  
FAX (541) 343-8702  
E-MAIL DANTERRELL@LANDUSEOREGON.COM

**MEMORANDUM**

From: Dan Terrell  
Date: April 9, 2008  
Re: Proposed Amendments to Lane Code Chapter 13  
To: Lane Code Amendments Working Group

Our proposed amendments are attached as a stand-alone document for ease of future revision of the amendment language. The starting point for our proposal was the Goal One Coalition proposed language dated February 25, 2008. Our explanation and commentary are provided below, under the headings used in the proposed amendment language document.

We followed several principles in our review of the Goal One Coalition language and proposed revisions. These principles include: (1) the amendments embrace past county formal approval of legal lots as requested by the County; (2) the amendment language should mirror equivalent statutory language as much as possible; (3) the amendment provisions should be no more restrictive than their statutory counterparts; and (4) the property line adjustment approval process should be no less efficient than the current two-step process.

**1. NEW PROPERTY LINE ADJUSTMENT SECTION TO IMPLEMENT HB 3629**

The Goal One Coalition language tracks the statute with form changes that recognize use in a local code. We revised the initial language in section (1) to permit the one-step PLA process to be as efficient as the current two-step legal lot verification process. We revised subsection (1)(c) to be less bulky and to more closely track the statutory language for property line adjustment.

**2. NEW VALIDATION OF UNIT OF LAND SECTION TO IMPLEMENT HB 2723**

The only change we made to the Goal One Coalition proposed language was to make this provision have its own section under LC 13.030 instead of replacing the current LC 13.020 provisions. The reasons for keeping LC 13.020 are provided below.

**3. LC 13.020 LEGAL LOT VERIFICATION**

We recommend keeping the current LC 13.020 Legal Lot Verification and the related definitions for Legal Lot and Legal Lot Verification under LC 13.010.

The legal lot verification process has uses beyond approving the legal lot status of parcels reconfigured through the property line adjustment process. Many land use applications require that an applicant demonstrate that they have a lawfully created lot or parcel. In some instances,

**Memorandum: Proposed Amendments to Lane Code Chapter 13**

**April 9, 2008**

**Page 2 of 2**

LC 13.020 provides the only means of making that demonstration. Furthermore, LC 13.020 remains the vehicle for verifying legal lots on a unit of land. Under the proposed amendments, any adjustments to the property lines of those legal lots must be done through the PLA process.

**4. HOUSEKEEPING AND CONFORMING AMENDMENTS TO LC 13.010  
DEFINITIONS, CONSISTENT WITH HB 2723 AND HB 3629**

Other than to not include amending or removing the definitions of Legal Lot and Legal Lot Verification, the only change we made was to add subsection (2)(c) to the definition of Lawfully Established Unit of Land to include units of land that have received a legal lot verification from the County that was properly noticed. This addition is to address the County's concern that prior legal lot verifications remain valid.



# PROPOSED AMENDMENTS TO LANE CODE CHAPTER 13

## 1. NEW PROPERTY LINE ADJUSTMENT SECTION TO IMPLEMENT HB 3629

### Recommended new LC 13.450:

#### **13.450 Property Line Adjustments.**

- (1) The Planning Director may approve one or more property line adjustments based upon findings that the following standards are met:
  - (a) An application is submitted and reviewed pursuant to LC 14.050; and
  - (b) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and
  - (c) The property line adjustment relocates or eliminates all or a portion of a common property line between abutting properties and does not create an additional unit of land; and
  - (d) The property line adjustment complies with the surveying and monumenting requirements of ORS chapters 92.
- (2) Except as provided in this section, a unit of land that is reduced in size by a property line adjustment must comply with the minimum lot or parcel size in the zone after the adjustment.
- (3) Subject to subsection (4) of this section, the Planning Director may approve a property line adjustment in which:
  - (a) 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 as or larger than the minimum lot or parcel size for the applicable zone; or
  - (b) Both abutting properties are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.
- (4) On land zoned for exclusive farm use or forest, a property line adjustment under subsection (3) of this section may not be used to:
  - (a) Decrease the size of a lot or parcel 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 the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;
  - (b) Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or

parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; or

- (c) Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.

## **2. NEW VALIDATION OF UNIT OF LAND SECTION TO IMPLEMENT HB 2723**

### **Recommended new LC 13.030:**

#### **13.030 Validation of a Unit of Land.**

- (1) An application to validate a unit of land that was created by a sale that did not comply with the applicable criteria for creation of a unit of land may be submitted and reviewed pursuant to LC 14.050 if the unit of land:
  - (a) Is not a lawfully established unit of land; and
  - (b) Could have complied with the applicable criteria for the creation of a lawfully established unit of land in effect when the unit of land was sold.
- (2) Notwithstanding subsection (1)(b) of this section, an application to validate a unit of land under this section may be submitted and reviewed if the county approved a permit, as defined in ORS 215.402, for the construction or placement of a dwelling or other building on the unit of land after the sale. If the permit was approved for a dwelling, the county must determine that the dwelling qualifies for replacement under the criteria set forth in ORS 215.755 (1)(a) to (e).
- (3) An application for a permit as defined in ORS 215.402 or a permit under the applicable state or local building code for the continued use of a dwelling or other building on a unit of land that was not lawfully established may be submitted and reviewed if:
  - (a) The dwelling or other building was lawfully established prior to January 1, 2007; and
  - (b) The permit does not change or intensify the use of the dwelling or other building.
- (4) An application to validate a unit of land under this section is an application for a permit, as defined in ORS 215.402. An application under this section is not subject to the minimum lot or parcel sizes established by Lane Code Chapters 10 or 16.
- (5) A unit of land becomes a lawfully established parcel when the county validates the unit of land under this section if the owner of the unit of land records a partition plat within 90 days of validation.
- (6) An application to validate a unit of land under this section may not be approved if the unit of land was unlawfully created on or after January 1, 2007.
- (7) Development or improvement of a parcel created under subsection (5) of this section must comply with the applicable laws in effect when a complete application for the development or improvement is submitted as described in ORS 215.427 (3)(a).

### 3. LC 13.020 LEGAL LOT VERIFICATION

#### Recommend keeping LC 13.020 Legal Lot Verification and related definitions.

This includes keeping LC 13.020 and the LC 13.010 definitions for Legal Lot and Legal Lot Verification.

### 4. HOUSEKEEPING AND CONFORMING AMENDMENTS TO LC 13.010 DEFINITIONS, CONSISTENT WITH HB 2723 AND HB 3629

#### Recommended amendments to LC 13.010 definitions:

##### Lawfully Established Unit of Land

- (1) A lot or parcel created pursuant to ORS 92.010 to 92.190;
- (2) Another unit of land:
  - (a) Created in compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations;
  - (b) Created by deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations; or
  - (c) That received legal lot verification from the County and was noticed pursuant LC 13.020.
- (3) 'Lawfully established unit of land' does not mean a unit of land created solely to establish a separate tax account.
- (4) A lot or parcel lawfully created shall remain a discrete lot or parcel, unless the lot or parcel lines are vacated or the lot or parcel is further divided, as provided by law.

Partition. Either an act of partitioning land or an area or tract of land partitioned. ~~Partitions shall be divided into the following two types:~~

- ~~(1) Major Partitions. A partition which includes the creation of a road.~~
- ~~(2) Minor partitions. A partition that does not include the creation of any road.~~

Plat Partition ~~Partition Plat.~~ A final diagram and other documents relating to a major or minor partition. Includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Partitioning Land. Dividing land into two or to create not more than three parcels of land within a calendar year, but does not include:

- (1) ~~A division of land resulting from~~ Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots, or lots;
- (2) ~~An adjustment of a property line by the relocation of a common boundary where and additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with the applicable zoning ordinance, or~~ Adjusting a property line as property line adjustment is defined in Lane Code 13.450;
- (3) Dividing land as a result of the recording of a subdivision or condominium plat;
- (4) ~~Selling or granting~~ A sale or grant by a person to a public agency or public body property for state highway, County road, city street or other right of way purposes provided that such if such the Road or right of way complies with the applicable Lane County Rural Comprehensive Plan and ORS 215.213 (2)(c p) to (s r) and 215.283 (2)(p q) to (r s). However, any sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned or
- (5) ~~Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the Planning Director. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.~~

Property line adjustment. The A relocation or elimination of a all or a portion of the common property line between two abutting properties that does not create an additional lot or parcel.