



TYPE II APPLICATION - Property Line Adjustment

PUBLIC WORKS DEPARTMENT 3050 N. DELTA HWY, EUGENE OR 97408 Planning: 682-3577

For Office Use Only: FILE # _____ LLV'S: _____ DEEDS: _____ FEE: _____

Applicant / Agent (print name): _____

Mailing address: _____

Phone: _____ Email: _____

Applicant Signature: _____ Date: _____

I, the undersigned owners' representative, certify that the statements and information contained in this application are true and correct to the best of my knowledge; and that the requested realignment would not violate any deed restrictions attached to the subject properties.

Agent Signature: _____ Date: _____

Property Owner 1 (print name): _____

Location: _____ - _____ - _____ - _____ - _____ Physical Address: _____
Township Range Section 1/4 Section Taxlot

Acreage Before: _____ Acreage After: _____ Zoning: _____

Mailing address: _____

Phone: _____ Email: _____

Property Owner 2 (print name): _____

Location: _____ - _____ - _____ - _____ - _____ Physical Address: _____
Township Range Section 1/4 Section Taxlot

Acreage Before: _____ Acreage After: _____ Zoning: _____

Mailing address: _____

Phone: _____ Email: _____

We, the undersigned legal owners or contract purchasers of the subject property, certify that the statements and information contained in this application are true and correct to the best of our knowledge; and that the requested realignment would not violate any deed restrictions attached to the subject properties. If the owner(s) is (are) to sign below, please have them sign the Owner Authorization Form which designates the agent listed above as the representative.

Property Owner 1 Signature: _____ Date: _____

Property Owner 2 Signature: _____ Date: _____

PROPOSAL: Approval of a Type II (Director) Property Line Adjustment, pursuant to Lane Code 13.130.

NOTICE: The Applicant is responsible for providing enough information in this application for staff to make reasonable findings or conclusions.

REQUIRED SUBMITTALS:

SITE PLAN: The application must include a tentative map for the proposed property line adjustment. Please see the “How to Draw a Site Plan” handout for minimum site plan requirements.

_____ The tentative plan must show the following pursuant to LC 13.130(2)(a):

- (i) Existing and proposed property line dimensions and size in square feet or acres of the lawfully established units of land that are subject of the application. The existing and proposed property configurations will be shown on separate sheets of paper.
- (ii) Identification, size, and dimensions of the area(s) proposed to be adjusted from one property to the other.
- (iii) North arrow and scale.
- (iv) Roads abutting and located within the subject properties, including names and road right-of-way or easement widths, and labeled as either public or private.
- (v) Location and dimensions of existing and proposed driveways, as well as adjacent driveways within 100 feet.
- (vi) Location of wells or name of water district and location of water meter(s).
- (vii) Location of on-site wastewater treatment systems or name of sanitary sewer district.
- (viii) Easements, shown with dimensions, type, labeled as existing or proposed, and specifically noting to whom they benefit.
- (ix) Existing structures and the distance from each structure to the existing and proposed property lines.
 - (aa) Setbacks for all structures within 50 feet of the proposed property line (130 feet if property is zoned F1 or F2) must be verified on a site plan prepared and stamped by an Oregon registered professional land surveyor. If no structures exist within the specified area, the surveyor can submit a stamped letter so stating.

LEGAL LOT VERIFICATIONS - REQUIRED

LC 13.130(2)(b) Evidence that the subject properties are legal lots pursuant to LC 13.140. Pursuant to LC 14.030(2), the property line adjustment application can be consolidated with a legal lot verification application, if requested by the applicant. If the applicant requests a legal lot verification review as part of the property line adjustment process a Type II property line adjustment application is required.

- Legal Lot Verifications: _____
- or
- Subdivision Lot/Partition Parcel: _____

PROOF OF OWNERSHIP Submit a preliminary title report or title search for each property, to determine ownership and any recorded deed restrictions.

ADJOINING OWNERSHIP List all contiguous property under the same ownership adjacent to the subject properties. List the map and tax lot(s).

EASEMENTS & ACCESS: Provide a copy of any existing or proposed easements granting access to any property involved in this proposal that does not have frontage on a public road.

APPROVAL CRITERIA for a Property Line Adjustment

Is the proposal to eliminate a property line? ___ Yes ___ No

If yes, the following criteria apply (LC 13.130(1)):

(d) The elimination of a property line outside of a recorded plat requires recordation of a deed calling out the line being eliminated and a consolidated description of the resultant lawfully established unit of land pursuant to ORS 92, and must comply with the following:

- ___ **(i)** If both lawfully established units of land are vacant and not approved for development, the elimination is exempt from review;
- ___ **(ii)** If one lawfully established unit of land is developed and one is vacant and not approved for development, the elimination is exempt from review; or
- ___ **(iii)** If both lawfully established units of land are developed or approved for development, application pursuant to Type II procedures according to LC Chapter 14 is required for the elimination to review consistency with zoning regulations.

(e) The elimination of a property line within a recorded plat requires application pursuant to Type II procedures according to LC Chapter 14, to review the proposed elimination for consistency with the original conditions of approval of the approved land division.

Provide information on how the proposed elimination of the lot or parcel line is consistent with the original conditions of approval of the approved land division plat. Attach additional pages if necessary.

STOP HERE if you are only proposing a property line elimination.

Lane Code 13.130(3):

(3) General Criteria. A Property Line Adjustment requires application pursuant to Type I procedures according to LC Chapter 14, unless otherwise specified by this section. An application for multiple property line adjustments can be made under one application, pursuant to Type I procedures according to LC Chapter 14, so long as the deeds are recorded in the correct sequence. All property line adjustments are subject to the following standards and criteria, unless previously stated in this section:

- (a)** The property line adjustment cannot:
 - (i)** Create an additional lot or parcel; or
 - (ii)** Violate any applicable specific conditions of previous land use approvals or recorded deed restrictions.
- (b)** All properties affected by the proposed adjustment are legal lots pursuant to LC 13.140. This information should be addressed on page 2.

- (c) A property line adjustment must comply with ORS Chapter 92 and Lane County Surveyor’s office policies. This will be made a condition of approval.
- (d) A property line adjustment in an F-1, F-2, or EFU Zone must also comply with subsection (4) of this section. An adjustment in the F-1, F-2, or EFU zone subject to review under ORS 92.192(4)(a) – (c) and LC 13.130(4)(a)(ii) below requires application pursuant to Type II procedures according to LC Chapter 14.
- (e) A property line adjustment is subject to the minimum lot or parcel size standards of the applicable zoning district, except in the following circumstances:
 - (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 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.
- (f) A substandard lot or parcel that is greater than two acres may not be reduced below two acres unless the minimum lot or parcel size for the applicable zone is less than two acres.

LC 13.130(1)(c) An adjustment is not required to comply with zoning regulations if a Court of Competent Jurisdiction issues an order mandating ownership be transferred, but must comply with the procedures in LC 13.130.

Explain how the proposed property line adjustment complies with the minimum lot standards of the applicable zoning districts or how it meets one of the above exceptions:

- (g) A property line adjustment is subject to the property line setbacks listed in Table 1 below for the applicable zoning district(s), except in the following circumstances:
 - (i) Where the setbacks from existing structures and improvements are already nonconforming, they may remain nonconforming;
 - (ii) The property line adjustment may not make setbacks nonconforming or more nonconforming without:
 - (aa) A setback variance approval or an increase in a nonconforming use approval pursuant to LC Chapters 13 and 16;

Does either property have structures with nonconforming setbacks? ___ Yes ___ No

Does either property have an approved setback variance? ___ Yes, PA# 509-PA____-_____ ___ No

(iii) An application, pursuant to Type II procedure according to LC Chapter 14, for lawfully established units of land zoned F-1 or F-2 when current setbacks are over 130 feet, but the proposed setback is between 30-130 feet away from an existing or approved residential structure. If the applicant can adequately address the siting standards of the applicable base zone and LC 13.130, then the application may be approved.

Does the proposed property line adjustment result in a setback of less than 130 feet away from a structure in the F-1 or F-2 zone? ___ Yes ___ No

If yes, please address the F-1 or F-2 forest siting standards from LC 16.210(7) or LC 16.211(8). Attach additional pages if necessary.

(h) A property line adjustment involving a parcel authorized by a Measure 49 waiver cannot increase parcels larger than:

(i) Two acres if on high value farmland, high value forestland, or within a ground water restricted area; or

(ii) Five acres if not on high value farm or forest land; unless

(iii) The property increasing in size is the remainder parcel and is already larger than the two or five acre maximum parcel size.

Is either of the properties a product of a Measure 49 land division? Yes No

If yes, please explain how the proposed property line adjustment complies with the above criteria.

(i) Split-zoned properties:

(i) A property line adjustment that would result in property(ies) being split between resource and a non-resource zone may be allowed if the resource-zoned property that is adjusted to include non-resource zoned land cannot be eligible for non-resource use on the resource-zoned portion of the property without land use approval. Deed restrictions, pursuant to subsection (6)(b)(iv) of this section, will ensure compliance.

(ii) The deed restriction form will be provided by staff for the signature by the property owner, who will be responsible for fees for document preparation and recording.

Will the proposed property line adjustment result in a split-zoned property? Yes No

(j) If lawfully established units of land subject to the property line adjustment application span multiple jurisdictions, all jurisdictions must review and approve the property line adjustment. The applicant must address approval criteria related to property line adjustments for each jurisdiction.

Are any of the properties partially or fully located in another jurisdiction? Yes No

If yes, do you have land use approval for the property line adjustment from that jurisdiction?

(k) The adjusted lawfully established units of land would retain or create legal access in accordance with LC Chapter 15.

Is access changing as a result of the proposed property line adjustment? ___ Yes ___ No

If yes, explain how each parcel will have legal access in accordance with Lane Code Chapter 15:

For properties zoned F-1, F-2, or EFU, please address the following additional criteria:

(4) **F-1, F-2, and EFU Zone Criteria.** In addition to the standards and criteria in subsection (3) of this section, a property line adjustment in the F-1, F-2, and EFU Zones is subject to the following standards and criteria:

(a) A property line adjustment cannot be used to:

(i) Separate a temporary hardship dwelling, relative farm help dwelling, home occupation, or processing facility from the primary residential or other primary use without land use approval to change the accessory use to a primary use; or

Does either of the subject properties contain a temporary hardship dwelling, a relative farm help dwelling, a home occupation, or a processing facility? ___ Yes ___ No

If yes, does the proposed property line adjustment separate any of these uses from the primary residential or other primary use on the property? ___ Yes ___ No

If yes, is there a land use decision approving the separation? ___ Yes ___ No

(ii) As prohibited by ORS 92.192(4)(a) - (c), in a manner that would:

(aa) Decrease the size of a lawfully established unit of land 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 another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;

(bb) Decrease the size of a lawfully established unit of land 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 another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;

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

Do one or both of the properties contain a dwelling? ___ One ___ Both ___ None

If one, will the proposed property line adjustment reduce the size of the property containing a dwelling? ___ Yes ___ No

Has any of the land being transferred by the proposed property line adjustment been used to qualify a property for a dwelling? ___ Yes ___ No

Additional criteria for Property Line Adjustments within a Plat (or final Minor Partition Map):

(5) Property Line Adjustments within a Plat.

- (a) Property line adjustments within a plat must comply with the re-platting requirements of LC 13.120. The proposal can be processed as a property line adjustment if the proposal is only a minor shift in property lines.

LC 13.030(3)(r) Minor Shift. An adjustment of an existing or proposed property line that does not result in any of the following:

- (i) Modification of acreage of the smaller lot or parcel by more than 25%;
- (ii) Reduction of a lot or parcel to less than 2 acres if said lot or parcel was tentatively approved or platted larger than 2 acres, unless such reduction complies with the minimum lot size of the applicable zoning district;
- (iii) Change in the number of lots or parcels in a plat; or
- (iv) Relocation of access for a lot or parcel.

- (b) If a property line adjustment within a plat qualifies as a property line adjustment rather than a re-plat, it must comply with LC 13.130.

Does the property line adjustment qualify as a minor shift? ___ Yes ___ No

If Yes, provide acreage calculations for (i) above: _____

If No, refer to the Type II Tentative Partition application as a full re-plat review is required pursuant to LC 13.120.

Final Approval:

(6) Final Approval:

- (a) Within two years of the tentative approval, the applicant must comply with the requirements of this section to complete the property line adjustment. The Director may, upon written request from the applicant or owner prior to the expiration date, grant written extensions of the approval period pursuant to LC 14.090(6).

- (b) To obtain final approval, the applicant must submit a copy of all necessary documents to the Director prior to the expiration of the application:

(i) All property line adjustments must comply with ORS Chapter 92 and be memorialized by a declaration of property line adjustment (property in same ownership) or property line adjustment deed.

(ii) For property line adjustments resulting in one or more properties smaller than ten acres, submit a survey conforming to the standards of the County Surveyor to the County Surveyor's office in accordance with ORS 92; or

(iii) When a survey is not required by ORS 92, the owner must include the approved site plan as an exhibit to the property line adjustment deed. The site plan must clearly show and label the old property line with dash marks and the new property line as a solid line. The map must also contain the following language: "This map is not a survey and the property lines are approximate."

NOTICE: Per ORS 308.210(3) & 308.210(4), certified property taxes owing on any of the impacted parcels must be paid in full before Assessment and Taxation will recognize property adjustment changes.

NOTICE: The property line adjustment approved by this application will not be complete until the correct paperwork is recorded with Lane County Deeds & Records and a survey is filed with Lane County Surveyor’s Office pursuant to LC 13.130(6).

NOTICE: Consult the Lane County Building Division for setbacks regulated by the Building Code.

NOTICE: Moving property lines may invalidate a previously approved Sanitation Site Evaluation or Installation Permit (replacement areas, etc). Consult with Lane County Subsurface Sanitation.

NOTICE: Moving property lines may invalidate a previously approved Land Use Approval. Consult with the Planner on Duty.

Table 1

Lane Code Chapter 10 Zoning

ZONE	DESCRIPTION	SETBACK		Notes
		Side	Rear	
AGT	AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT	15'	20'	5' for accessory building
AGT5	AGRICULTURE, GRAZING, TIMBER RAISING DISTRICT	15'	20'	5' for accessory building
AO	AIRPORT OPERATIONS DISTRICT	5'	5'	
AV	AIRPORT VICINITY DISTRICT	5'	5'	
C1	LIMITED COMMERCIAL DISTRICT	5'	5'	
C2	NEIGHBORHOOD COMMERCIAL DISTRICT	0	0	
C3	COMMERCIAL DISTRICT	0	0	
CA	RURAL COMMERCIAL DISTRICT	10'	10'	
CT	TOURIST COMMERCIAL DISTRICT	10'	10'	
EFU	EXCLUSIVE FARM USE DISTRICT	15'	20'	5' for accessory building
F1	IMPORTANT FOREST LAND DISTRICT	0	0	
F2	FOREST LAND DISTRICT	0	0	
FF20	FARM-FORESTRY DISTRICT (20 ACRE MINIMUM)	15'	20'	5' for accessory building
FM	FOREST MANAGEMENT DISTRICT	0	0	
GR10	GENERAL RURAL DISTRICT	15'	20'	5' for accessory building
M1	LIMITED INDUSTRIAL DISTRICT	0	0	
M2	LIGHT INDUSTRIAL DISTRICT	0	0	
M3	HEAVY INDUSTRIAL DISTRICT	0	0	
NR	NATURAL RESOURCE DISTRICT	15'	20'	5' for accessory building
PR	PUBLIC RESERVE DISTRICT	10'	10'	
R1	SINGLE FAMILY RESIDENTIAL DISTRICT	5'	5'	
RA	SUBURBAN RESIDENTIAL DISTRICT	5'	5'	
RA/MH	SUBURBAN RESIDENTIAL / MOBILE HOME DISTRICT	5'	5'	
RR	RURAL RESIDENTIAL DISTRICT	15'	20'	
RR1	RURAL RESIDENTIAL DISTRICT (1 ACRE MINIMUM)	15'	20'	
RR10	RURAL RESIDENTIAL DISTRICT (10 ACRE MINIMUM)	15'	20'	
RR2	RURAL RESIDENTIAL DISTRICT (2 ACRE MINIMUM)	15'	20'	
RR5	RURAL RESIDENTIAL DISTRICT (5 ACRE MINIMUM)	15'	20'	

Lane Code Chapter 16 Zoning			
ZONE	DESCRIPTION	SETBACK	
		Side	Notes/Additional Setbacks
AO	AIRPORT OPERATIONS	5'	0 for nonresidential uses
C2	NEIGHBORHOOD COMMERCIAL	10'	
C3	COMMERCIAL	10'	
CLWP	CLEAR LAKE WATERSHED PROTECTION AREA	10'	
CR	RURAL COMMERCIAL	10'	
DR	DESTINATION RESORT	30'	
E25	EXCLUSIVE FARM USE (25 ACRE MINIMUM)	10'	
E30	EXCLUSIVE FARM USE (30 ACRE MINIMUM)	10'	
E40	EXCLUSIVE FARM USE (40 ACRE MINIMUM)	10'	
E60	EXCLUSIVE FARM USE (60 ACRE MINIMUM)	10'	
F1	NON-IMPACTED FOREST	30'	130' from a residential structure*
F2	IMPACTED FOREST	30'	130' from a residential structure*
GI	GENERAL INDUSTRIAL	0	20' from residential or resource zones
LI	LIGHT INDUSTRIAL	0	20' from residential or resource zones
M2	LIGHT INDUSTRIAL	10'	
ML	MARGINAL LANDS	10'	
NE	NATURAL ESTUARY	0	
NR	NATURAL RESOURCE	10'	
PF	PUBLIC FACILITY	10'	
PR	PARK AND RECREATION	10'	
QM	QUARRY AND MINING OPERATIONS	10'	
RC	RURAL COMMERCIAL	10'	
RI	RURAL INDUSTRIAL	10'	
RPF	RURAL PUBLIC FACILITY	10'	
RPR	RURAL PARK AND RECREATION	10'	
RR1	RURAL RESIDENTIAL (1 ACRE MINIMUM)	10'	See LC 16.290 for special setbacks
RR10	RURAL RESIDENTIAL (10 ACRE MINIMUM)	10'	See LC 16.290 for special setbacks
RR10-NRES	NON RESOURCE (10 ACRE MINIMUM)	10'	
RR2	RURAL RESIDENTIAL (2 ACRE MINIMUM)	10'	See LC 16.290 for special setbacks
RR5	RURAL RESIDENTIAL (5 ACRE MINIMUM)	10'	See LC 16.290 for special setbacks
RR5-NRES	NON RESOURCE (5 ACRE MINIMUM)	10'	
SG	SAND, GRAVEL AND ROCK PRODUCTS	50'	150 from residential zones
SG/CP	SAND AND GRAVEL CONTROLLED PROCESSING	50'	150 from residential zones