

Property Line Adjustment, Type V

Application & Information Packet



216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252
Email: planning@umatillacounty.gov

PROCESSING THE APPLICATION

The application is processed as a “ministerial action,” not subject to public notice. The planning staff have 30 days to review the application for completeness. Once the application is deemed complete planning staff will evaluate the application for compliance with the property line adjustment criteria in § 152.721 and make a decision.

APPROVAL OF THE PROPERTY ADJUSTMENT

A copy of the Preliminary Survey for the property line adjustment must be submitted with this application. The preliminary survey also must be submitted to the County GIS department, room 143 at the County Courthouse in Pendleton and to the County Surveyor’s office at 3920 Westgate. Both County GIS and the County Surveyor review the preliminary survey. Both reviews must be completed prior to the Planning Division recording approval of the adjustment.

After the application is determined to apply with the approval criteria, planning staff will assemble the application form, legal descriptions and survey/map copy (8.5” x 11’) for recording in the Office of County Records.

The applicant is responsible for payment of the property line adjustment recording fee and will be contacted for payment. (Recording fees are based on the number of pages.) After the property line adjustment approval is recorded, a copy of the recorded approval and a final decision letter will be sent to the applicant.

Once a property adjustment has been approved and recorded, the applicant has two years within which to record a deed or deeds conveying the property.

All tax liens on the involved properties must be paid before the Assessor’s Office will alter the tax maps to reflect the property line adjustment (ORS 311.280(3)).

FEES

Application Fee = \$350.00 to the Planning Dept.
**GIS Review Fee = \$25.00 (first two tax lots; \$25 each additional tax lot) to GIS/Mapping Dept.*
Surveyor Review Fee = \$150.00 to Co. Surveyor and
Filing Fee = \$75.00 to Co. Surveyor’s Office.

(Please provide separate checks; each check will be dispersed to each department. All checks may be payable to “Umatilla County”.)

OTHER FEES

Approval Document Recording Fee - based on numbers of pages recorded.

Note: It is the responsibility of the applicant to submit a complete application with all necessary attachments. Planning staff can refuse an incomplete application.

The application is submitted to the Umatilla County Department of Land Use Planning and must be accompanied by a non-refundable application fee. Acceptance of the application and fee does not guarantee approval.

PLEASE COMPLETE THE APPLICATION, PRINT CLEARLY WITH AN INK PEN AND SUBMIT THE ORIGINAL APPLICATION DOCUMENT WITH PEN-TO-PAPER SIGNATURES ON SINGLE-SIDED PAPER. ALL OWNERS MUST SIGN.

PLEASE PROVIDE COPIES OF LEGAL DESCRIPTIONS AND MAPS TO THE COUNTY GIS DEPARTMENT AND THE COUNTY SURVEYOR.

**§ 152. 721 PRE-FILING CONFERENCE;
PROPERTY LINE ADJUSTMENT
APPLICATION.**

(A) An applicant requesting a Type V Land Division may request and hold a pre-filing conference with the Planning Department staff.

(B) The applicant shall file with the Planning Department a completed property line adjustment application, including the following:

(1) A legible scale map or survey containing the following information:

- (a) Date, north arrow and scale of drawing.
- (b) The boundaries and dimensions of the parcels involved.
- (c) The location and dimensions of the proposed new boundary.
- (d) The current and future acreages of the parcels involved.
- (e) Location, names (if applicable) and widths of all existing and proposed public or county road right-of-way or access easements on, abutting, or providing access to the parcels.
- (f) Width, location, and users of all easements for public utilities.
- (g) Width, location, and easements for all known surface or subsurface irrigation ditches or drainage lines.
- (h) Natural features, including bluffs, water courses, wetlands, and areas covered by water.
- (i) The location and use of any buildings or structures within 100 feet of the proposed adjusted boundary that are to remain after the boundary adjustment is accomplished.
- (j) The location of wells, septic tanks, drainfields, and replacement drain field sites.
- (k) The names and addresses of all owners involved.
- (l) A surveyor's certificate, if applicable.

(2) Provide an accurate legal description on 8 ½" x 11" paper of each parcel after the adjustment as well as a legal description of the property being adjusted between the parcels involved;

(3) Written approval of all landowners involved;

(4) A Statement of Water Rights "acknowledged" by the Oregon Department of Water Resources, unless the property is located within an irrigation district or is served by an independent irrigation company;

(5) If the property is served by an irrigation district or an independent irrigation company, a signed statement of water rights shall be submitted, together with a letter of approval from the irrigation district or company;

(6) A list of all utility companies or agencies serving the property or occupying easements on the property, and a letter of approval from any utility company or agency occupying an easement directly affected by the proposed property line relocation;

(7) If either of the lots or parcels will be reduced below four acres in size and where a sanitary sewage disposal system is required, submit either of the following:

(a) A site suitability approval from the Department of Environmental Quality for the lot or parcel where a dwelling/building may be sited; or,

(b) Proof that the lot or parcel can accommodate a replacement drain field if an authorized Department of Environmental Quality sanitary sewage disposal system already exists.

(8) A survey may be required per § 152.644 (6).

(9) Provide copies of the legal descriptions and survey map (if applicable) to the County GIS Department and the County Surveyor's office.

(10) Payment of the established Planning Department application fee, the GIS Department review fee and the County Surveyor review fee.

§ 152.644 SURVEYING REQUIRED.

(A) It is required that a survey prepared by a licensed Oregon land surveyor be prepared, filed, and recorded for the following types of requests:

(6) Property line adjustment, Type V Land Divisions if;

(a) a parcel included in the adjustment is 10 acres or less in size; or,

(b) the amount of property being adjusted is 10 acres or less in size; or,

(c) a survey may be required if the property is larger than 10 acres in size and the following circumstances apply:

(i) the adjusted property line(s) meanders along a unique geographical feature(s) requiring a more detailed survey of the adjustment area; or,

(ii) the location of existing features (i.e. structures, fences, easements) are uncertain in relation to the adjusted property line(s).

(7) Property line adjustment maps of Type V Land Divisions which are “survey corrections,” as defined in § 152.003, or corrections to a recorded subdivision or partition plat.

§ 152.722 STANDARDS FOR APPROVAL.

The Planning Department staff shall examine the application, make sure that it is complete, and shall act on it within five working days, provided the request complies with the following standards:

(A) The application is complete and all required letters of approval are submitted.

(B) The request meets the definition of a property line adjustment per the definitions contained in § 152.003.

(C) All existing buildings located on the properties are a sufficient distance from the

proposed relocated property boundary to comply with the setback requirements for the zone in which the properties are located.

(D) Legal access in conformance with the standards of this chapter is provided and/or maintained to all parcels. If necessary to comply with this standard, an easement in conformance with county standards shall be recorded in the county deed records, and a copy of the dedication document and proof of recording shall be provided prior to approval.

(E) The request will not result in the reduction of lots or parcels below the minimum lot or parcel size for the underlying zone, unless:

(1) 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

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

(F) If the request will result in the creation of a separate, new unit of land due to mortgage restrictions, or other legal restrictions preventing the combination of the property to be transferred into an existing unit of land, a Covenant Not to Sell Separately will be prepared. This covenant must be signed by the parties receiving the property and must be recorded in the deed records of the county prior to issuance of approval of the property line adjustment. A copy of the signed covenant and proof of recording shall be provided to the Planning Department prior to issuance of approval.

(G) If a parcel was created through a Type IV, Review II process the parcel cannot subsequently be decreased below 80 acres or the size specified in the authorized “go below”.

(H) *Date of Creation and Existence.* When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to

qualify a lot, parcel or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot, parcel or tract.

(I) A property line adjustment may include a parcel(s) created through a partition plat for property within a resource zone (i.e. EFU, GF, etc.), subject to the following requirements:

(1) A survey may be required pursuant to § 152.644 (6); and,

(2) The property line adjustment application shall be reviewed by the County Surveyor; and,

(3) The application shall follow the process outlined in §§ 152.721 through 152.725; and,

(4) A property line adjustment shall not include a parcel(s) created through a partition plat for property within a non-resource zone (i.e. Rural Residential, Commercial, etc.),

(J) A property line adjustment for property within a resource zone (i.e. EFU, GF, etc.), may not be used to:

(1) 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;

(2) 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

(3) 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.

NOTE TO APPLICANT(S)

The applicant(s) is (are) advised that if the portion of the property being transferred to an adjoining property by this boundary line adjustment is subject to a security interest (mortgage, deed of trust, or contract of sale), the security interest (lien) will attach to the receiving property upon recording the deed that transfers a portion of the property to the receiving property.

This means the receiving property will inherit the loan unless necessary steps have been taken to secure a “partial release” from the lender prior to recording a deed. The applicant(s) is (are) encouraged to confirm with any lender or contract seller, prior to filing the application, as to the steps required (including timing and expense) as well as the likelihood of obtaining a partial release.

Section 1: Required Application Materials

These materials are to be submitted with the application: The proceeding page is to be used as a base for the site plan. This drawing DOES NOT take the place of a survey that may be required to be submitted by a Licensed Surveyor. The site plan should show existing features on the property. Additional materials may be requested.

Materials to be submitted for Property Line Adjustment Applications:

- a) Completed Property Line Adjustment Application
- b) Applicable Application fees
- c) Site Plan Marked Exhibit B (see next page) to include:
 - Scale of drawing
 - Site area showing property boundaries and dimensions
 - Existing structures and distances from the structures to nearby Property lines and access roads
 - Location of existing wells
 - Location of existing septic systems (i.e. tanks, drain fields)
 - Widths and names of roads adjacent to the site as well as existing roads, which provide direct access to the property
 - Existing access points (driveways, lanes, etc.)
 - Easements and rights-of-ways
 - Existing utility lines (above and below ground)
 - Approximate location of any unusual topographical features
 - Major geographic features
 - Location of all creeks, streams, ponds, springs and other drainage ways
- VICINITY MAP – Assessor’s map of the Property**
- Real Property ASSESSMENT REPORT for each property**
- The DEED(S) for each property involved in the adjustment**
- Property TAX LOT CARD(S) and current legal descriptions for each property**
- The MAP showing the proposed changes
- LEGAL DESCRIPTIONS of each parcel AFTER the changes occur as well as a legal description of the Adjustment portions of property to be adjusted between properties. A survey typically is required.**

PLEASE NOTE:

- A Conveyance (deed) MUST be recorded within one year of the approval of the property line adjustment. **This is the applicant’s responsibility.** (The Planning Department requests submittal of a copy of the recorded deed.)
- Provide a copy of the new legal descriptions including a legal for the adjustment piece and map to the County Assessor’s Office for their review.

Section 2: Property Information

This Section deals with describing the two parcels as they exist PRIOR to the property line adjustment.
The term "Property" as used in the questions below includes both parcels involved in the property line adjustment.

1. Name, Address, Phone Number and Email Address:

2. Location of Property (Provide directions you would give someone to get to the property):

3. Assessor's Account Number(s) for each Property:

Account # _____

Account # _____

Account # _____

4. Map Number(s) of each Property:

Township _____ **Range** _____ **Section** _____ **Tax Lot** _____

Township _____ **Range** _____ **Section** _____ **Tax Lot** _____

Township _____ **Range** _____ **Section** _____ **Tax Lot** _____

Use separate sheet of paper for ENTIRE Legal Description, mark it "Exhibit A".

5. Does the Property have a Rural Address? If so, please provide the address?

No

Yes _____

6. Current and resulting acreage of each Property:

Tax Lot #: _____ Current Acres
Resulting Acres

Tax Lot #: _____ Current Acres
Resulting Acres

Tax Lot #: _____ Current Acres
Resulting Acres

7. Current Zoning Designation:

There are some 22 zoning designations in Umatilla County.

EFU

GF

Rural Residential

Other Zone _____

8. Comprehensive Plan Designation:

A Comprehensive Plan Designation is different than a Zoning Designation in that it distinguishes land that should be developed for various uses, where zoning actually specifies the uses.

Agri-business

Commercial

Grazing/Forest

Industrial

Multi-Use

North/South Agriculture

Orchard District

Residential

Special Agriculture

West County Irrigation

9. Buildings on each Property (i.e., dwellings, shops, barns, storage sheds, etc.):

10. Current Use of each Property (i.e., number of acreages farmed, home site, industrial use, etc.):

11. Surrounding Uses (i.e., type of farm crops, housing, commercial uses, etc.):

12. Is one or more of the Properties in a Floodplain? (Note: a Floodplain Development Permit may need to be approved prior to development in the Flood Hazard area.)

No, the Properties are not in a floodplain.

Yes _____

Flood Zone _____

Community Number _____

Panel Number _____

13. Are there areas located on the Properties that are listed on the National Wetlands Inventory map?

Yes, provide wetland type. _____

No, the Properties do not contain wetlands.

14. ACCESS: Provide the name of the public road and/or access easement. Identify the road surface of the public road and/or access easement.

Name of Road or Lane

Paved, Gravel, Dirt

15. Provide verification of an approved point of ACCESS to the public, county road or State Highway for each Property. (If necessary contact the County Public Works Department at 541-278-5424, or ODOT at 541-276-1241.)

Yes, a permit is in place. **(Attach a copy.)**

No permit. (Prior to adjustment approval **verification of an access permit must be provided for each property.**)

16. EASEMENTS: Are there easements on the Property that provide ACCESS to the Property OR adjacent properties? Are there other easements (i.e. power, gas line, irrigation, other utilities, etc.) on the property? **Attach easement document(s).**

Attached easement documentation:

Access easements exist

Utility line easements exist

Irrigation easements exist

Other easements exist: _____

No, other easements exist.

17. Provide the name of the Rural Fire District/Department that provides fire protection to the adjustment Properties?

Fire Services:

East Umatilla

Echo Rural

Helix Rural

Hermiston Rural

Pendleton FD

Pilot Rock FD

Stanfield Rural

Umatilla Rural

Private Companies:

Meacham

Milton-Freewater
(subscriber)

Tribal

Not in a RFD

Other, _____

18. Are the Properties within an Irrigation District? **If the Properties are served by an Irrigation District, a confirmation letter from the district office with regard to the proposed adjustment must be submitted with this application.**

Irrigation District:

- Hermiston
- Stanfield
- West Extension
- Westland

- Hudson Bay or Walla Walla River Irrigation
- Not in an ID
- Other, _____

19. What type of water use(s) exist on the Properties?

- No current water uses
- Yes, the following apply to tax lot # _____
 - Domestic Well
 - Irrigation Well
 - Stock Well
 - Other: _____

20. Are there Water Rights covering all or some of the Properties? **If there are Water Rights, the water right permit, certificate and/or other documentation from the Oregon Water Resources Department shall be included with this application.**

- No water rights
- Will apply for Water Rights
- Yes (See type and permit/certificate # below.)
 - Surface Water Right, # _____
 - Ground Water Right, # _____

21. Who provides utilities?

Water well, or _____
Sewer septic, or _____

Telephone Co _____
Electrical Co _____
Other Utilities _____

22. If, one of the Properties will be reduced **below four acres in size** as a result of the property line adjustment and a sanitary sewage disposal system is present or necessary, submit one of the following:

- DEQ site suitability approval for the lot or parcel where a dwelling/building may be sited; or
- If a sanitary sewage system already exists. Show that the lot or parcel may accommodate a replacement drain field area.

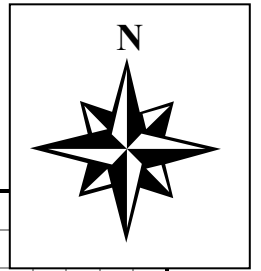
23. Do any of the properties involved in the property line adjustment have a mortgage or contract for purchase? **(See Note to Applicant(s) on page #3 of this packet)**

- No
- Yes. **Submit authorization from the mortgage company agreeing to the property line adjustment.**

24. Provide a description of the proposal (attach an additional page, if necessary):

Exhibit B, "Site Plan"

Please include details listed under item (c) in Section 2
(from preceding page)



A large rectangular area filled with a grid of small squares, intended for drawing a site plan.

Property Line Adjustment

Applicant and Legal Owner(s) Signatures

#LD - _____ - _____ - _____

MAP #: _____ TAX LOT: _____

MAP #: _____ TAX LOT: _____

MAP #: _____ TAX LOT: _____

For Records' Office Use

APPLICANTS NAME *print clearly*: _____ PHONE # _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

Signature of Applicant Date Printed Name of Applicant, & Title

LEGAL OWNER(S) of MAP & TAX LOT # _____

NAME: _____
(print clearly)

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

Signature of Legal Owner Date Signature of Legal Owner Date

Printed Name of Legal Owner, & Title Printed Name of Legal Owner, & Title

LEGAL OWNER(S) of MAP & TAX LOT # _____

NAME: _____
(print clearly)

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

Signature of Legal Owner Date Signature of Legal Owner Date

Printed Name of Legal Owner, & Title Printed Name of Legal Owner, & Title

Return to Second Party, Umatilla County Planning, 216 SE 4th, Pendleton, OR 97801 once recorded.

Property Line Adjustment
Legal Owner(s) Signatures – Additional Page

#LD – _____ - _____ - _____

LEGAL OWNER(S) *print clearly:* _____

FOR MAP & TAX LOT #: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE _____

_____ Signature of Legal Owner	_____ Date	_____ Signature of Legal Owner	_____ Date
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_____ Printed Name of Legal Owner, Title	_____ Printed Name of Legal Owner, Title
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LEGAL OWNER(S) *print clearly:* _____

FOR MAP & TAX LOT #: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE _____

_____ Signature of Legal Owner	_____ Date	_____ Signature of Legal Owner	_____ Date
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_____ Printed Name of Legal Owner, Title	_____ Printed Name of Legal Owner, Title
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LEGAL OWNER(S) *print clearly:* _____

FOR MAP & TAX LOT #: _____

MAILING ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE _____

_____ Signature of Legal Owner	_____ Date	_____ Signature of Legal Owner	_____ Date
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_____ Printed Name of Legal Owner, Title	_____ Printed Name of Legal Owner, Title
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Return to Second Party, Umatilla County Planning,
216 SE 4th, Pendleton, OR 97801 once recorded.

Property Line Adjustment

Description of Proposal

#LD - _____ - _____ - _____

1. Please provide the Map Number for EACH Property involved in the property line adjustment:

Map # of the 1st parcel: # _____ T: _____ R: _____ Section: _____ Tax Lot: _____	Map # of the 2nd parcel: # _____ T: _____ R: _____ Section: _____ Tax Lot: _____	Map # of the 3rd parcel: # _____ T: _____ R: _____ Section: _____ Tax Lot: _____
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2. Are there existing **dwelling**s or other **structures** on the properties near the proposed adjusted (new) property lines? If so, would the dwelling or other structures meet the required setback distances for the property's zone?
 No Yes

Number of dwellings on each parcel: _____
 Number of other structures: _____
 Required Setback Distances:
 Front: _____, Rear: _____, Side: _____

3. Are there Water Rights on the property? **Please provide a copy of the Water Rights Permit.**

No Yes (Water Rights information supplied for the property line adjustment file.)

4. If the Properties will be **reduced below four acres in size** and a sanitary sewage disposal system is required, the property must have:

Approved Site Suitability from DEQ for each property less than four acres in size where a dwelling or business may be sited; or
 Show there is adequate area for a replacement and/or new septic system.
 Not applicable

5. Provide a list of all utility companies or agencies serving the property or occupying easements on the property, and a letter of approval from any utility company or agency occupying an easement directly affected by the proposed property line relocation.

No utility easements on the property.
 Property Utility easements are not affected.
 Utility easements are affected by the adjustment. (Utility company letter submitted for the property adjustment file.)

6. Each Property must have legal access either via a recorded easement or public right of way.
 How is access provided to each Property?

7. Provide the reason for the property line adjustment?

8. Provide the current size of each Property?

1st Parcel,
 Tax Lot # _____ = _____ Acres
 2nd Parcel,
 Tax Lot # _____ = _____ Acres
 3rd Parcel,
 Tax Lot # _____ = _____ Acres

9. Provide the resulting size of each Property?

1st Parcel,
 Tax Lot # _____ = _____ Acres
 2nd Parcel,
 Tax Lot # _____ = _____ Acres
 3rd Parcel,
 Tax Lot # _____ = _____ Acres

10. Acres adjusted?

_____ Acres from Tax Lot # _____ to
 Tax Lot # _____
 _____ Acres from Tax Lot # _____ to
 Tax Lot # _____
 _____ Acres from Tax Lot # _____ to
 Tax Lot # _____

Property Line Adjustment

Criteria Check List and Decision Sign-off

-- FOR DEPARTMENT USE ONLY --

#LD - _____ - _____ - _____

Parcels involved with the property line adjustment

MAP # _____ TAX LOT _____ ZONING _____

MAP # _____ TAX LOT _____ ZONING _____

MAP # _____ TAX LOT _____ ZONING _____

Checklist for Accepting the Application

- Map or Site Plan meets standards
- Meets definition of a property line adjustment
- ALL PROPERTY OWNERS SIGNED APPROVAL DOCUMENT**
- PROOF OF OWNERSHIP (DEED FOR EACH PARCEL SUBMITTED)**
- Legal Descriptions provided
- Parcel Size considered:
 - Meets parcel size requirements of underlying zone, or
 - Non-conforming parcels that will remain non-conforming
- Dwellings and Buildings will comply with zoning setback standards
- Legal Access Conforms to Development Code Standards
- Water Rights Information provided
- If a Combination of Land Use Applications, list additional Land Use # _____

Other Decision Considerations, that may be applicable

Received

- DEQ Site Suitability or show adequate drain field area (on 4 acres or less) _____
- Irrigation District/Irrigation Company Statement of Water Rights and Signed Letter of Approval _____
- Water Resource Recommendations - Satisfied _____
- Utility Company Letter (where the utility easement is affected by the adjustment on the properties) _____
- Covenant Not To Sell Separately, if applicable _____
- Survey Submitted; if Record Survey, # _____
- Confirmation of Recorded Easements for Access _____

DECISION: Denied, Approved, Approved with Conditions, *List:* _____

Authorized Authority
Umatilla County Department of Community Development

 Date of Decision