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

Once the application is determined to apply with the approval criteria, planning staff will assemble the application form, legal descriptions and 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 = \$100.00 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
made out to "Umatilla County".)

OTHER FEES

Approval Document Recording Fee - based on numbers of pages recorded (Effective 6/4/2019.)

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, 216 SE 4th ST, Pendleton, OR 97801, (541) 278-6252, 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. 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 <u>§ 152.644</u> (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 <u>roads</u> adjacent to the site as well as existing roads, which provide direct access to the property				
Existing <u>access points</u> (driveways, lanes, etc.)				
Easements and rights-of-ways				
Existing <u>utility lines</u> (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				
□ <u>VICINITY MAP</u> – Assessor's map of the Property				
Real Property ASSESSMENT REPORT for each property				
☐ The <u>DEED(S)</u> 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 Emai	il Address:		
2.	Location of Property (Provide directions you would give someone to get to the property):				
3.	Assessor's Account Nur each Property:	mber(s) for	Account #		
	each Hoperty.		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".				scription, mark it "Exhibit A".
5.	Does the Property have Address? If so, please paddress?		☐ No ☐ Yes		
6.	Current and resulting acre	age of each			
	Property:		Tax Lot #: _		Current Acres Resulting Acres
			Tax Lot #: _		Current Acres
			1 W. Lot 11.		Resulting Acres Current Acres
			Tax Lot #:		Resulting Acres
7	Cumant Zanina Dasiana	tions			
/.	Current Zoning Designation: There are some 22 zoning designations in Umatilla County.		☐ EFU ☐ GF		Rural Residential Other Zone
8.	Comprehensive Plan Designation in distinguishes land that should various uses, where zoning a the uses.	gnation is different that it I be developed for	Agri-bus Commen Grazing Industria Multi-U	rcial /Forest al	North/South Agriculture Orchard District Residential Special Agriculture West County Irrigation

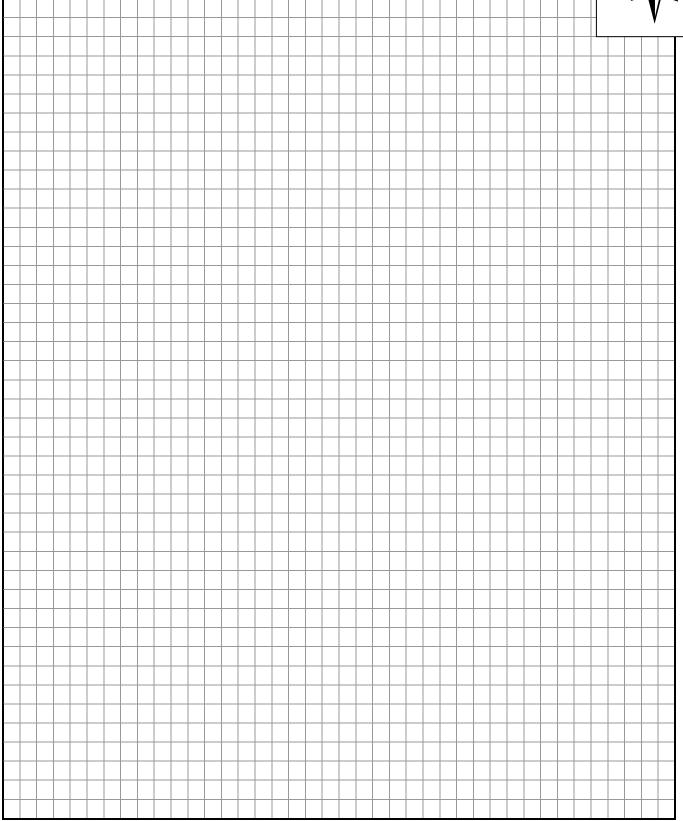
9. Buildings on each Property (i.e., dwellings, shops, barns, storage sheds, etc.):					
10. Current Use of each Property (i.e., number of acreages farmed, home site, industrial use, etc.):					
11. Surrounding Uses (i.e., type of farm crops, housing, commercial uses, etc.):					
12. Is one or more of 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 <u>OR</u> 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: Bast Umatilla Becho Rural Helix Rural Hermiston Rural Pendleton FD Pilot Rock FD Stanfield Rural Umatilla Rural Private Companies: Meacham Subscriber Milton-Freewater (subscriber) Tribal Tribal Not in a RFD				

 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. 19. What type of water use(s) exist on the Properties? 	Irrigation District: ☐ Hudson Bay or ☐ Hermiston Walla Walla River ☐ Stanfield Irrigation ☐ West Extension ☐ Not in an ID ☐ Westland ☐ Other, 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	Telephone Co
Sewer septic, or	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 (attac	ch an additional page, if necessary):

Exhibit B, "Site Plan"

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





Property Line Adjustment Applicant and Legal Owner(s) Signatures #LD - ____ - ___ - ___ For Records' Office Use MAP #: TAX LOT: MAP #:_____TAX LOT: _____ MAP #:____TAX LOT:____ PHONE # APPLICANTS NAME print clearly: 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 Signature of Legal Owner Date 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 clear	ly:		
FOR MAP & TAX LOT #:			
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) print clear	ly:		
FOR MAP & TAX LOT #:			
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) print clear	ly:		
FOR MAP & TAX LOT #:			
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 Description of Proposal

#LD -	_	-

1. Please provide the Map Number for EACH Property involved in the property line adjustment:					
	Map # of the 1st parcel:	Map # of the 2	_	_	of the 3 rd parcel:
	T: R:	T: R		T:	R:
S	ection: Tax Lot:	Section: Ta	x Lot:	Section:	Tax Lot:
2.	Are there existing dwellings or structures on the properties ne adjusted (new) property lines? dwelling or other structures me setback distances for the proper No Yes	ar the proposed If so, would the et the required	Number of oth Required Se	vellings on eacher structures: etback Distance , Rear:	es:
3.	Are there Water Rights on the provide a copy of the Water I	• •			r Rights information ine adjustment file.)
4.	If the Properties will be reduce acres in size and a sanitary sew system is required, the property	age disposal	☐ Approve each proper a dwelling of ☐ Show	ed Site Suitab ty less than for or business may there is ad t and/or new se	pility from DEQ for ar acres in size where y be sited; or equate area for a
5.	Provide a list of all utility comp serving the property or occupying the property, and a letter of app utility company or agency occup easement directly affected by the property line relocation.	ng easements on roval from any pying an	Property Utility e adjustment.	Utility easem asements are a	any letter submitted
6.	Each Property must have legal a recorded easement or public r How is access provided to each	right of way.			
7. Provide the reason for the property line adjustment?					
1 st Taz 2 nd	x Lot # = Acres Parcel,	Provide the resueach Property? Ist Parcel, Fax Lot #= Ond Parcel, Fax Lot #=	Acres	Acres fro Tax Lot #Acres fro	justed? om Tax Lot # to om Tax Lot # to
3^{rd}	Parcel,	Tax Lot #= B rd Parcel, Γax Lot #=	Acres	Tax Lot #Acres fro Tax Lot #	om Tax Lot # to

Property Line AdjustmentCriteria Check List and Decision Sign-off

-- FOR DEPARTMENT USE ONLY --

	#LD –	·	
	he property line adjustment TAX LOT	ZONING _	
MAP #	TAX LOT	ZONING	
MAP #	TAX LOT	ZONING	
Checklist for Accepting	the Application		
ALL PROPERTY OF PROOF OF OWNER Legal Description Parcel Size conside Meets parce Non-confor Dwellings and Bu Legal Access Con Water Rights Infor	f a property line adjustment WNERS SIGNED APPROVAL DOCUME RSHIP (DEED FOR EACH PARCEL SUE s provided ered: rel size requirements of underlying rming parcels that will remain non- ildings will comply with zoning set forms to Development Code Standa	zone, or conforming back standards ards	
Other Decision Consid	derations, that may be applicable		Received
☐ Irrigation District/ Signed Letter of Appre ☐ Water Resource R	ecommendations - Satisfied Letter (where the utility easement is	Vater Rights and	
	Sell Separately, if applicable		
<u> </u>	; if Record Survey, #		
Confirmation of R	ecorded Easements for Access		
DECISION: Den	ied, Approved, Approved	with Conditions, <i>List:</i>	
Authorized Authority Umatilla County Depart	tment of Land Use Planning	Date of Decision	