



# Welcome to Multnomah County Land Use and Transportation Planning.

Our planning staff is here to assist you in understanding the rules for developing your property and to help you tailor your project to meet them. As part of that effort, we have developed a series of handouts to explain the development standards and processes that you will need to follow. This handout explains what a Property Line Adjustment is and how you go about completing one in the national Scenic Area.

## What is a Property Line Adjustment?

A property line adjustment is the relocation of a common property line between two abutting Legal Parcels. It is typically done to correct building encroachments or to match up a property line with a fence or driveway. A property line adjustment cannot be used to:

- Vacate a lot or parcel line;
- Create additional parcels; or
- Move more than one property line at a time.

### Please See These Additional Handouts

- Lot of Record (Legal Parcel)
- NSA Handout #5: Site Review Process

## How do I start a Property Line Adjustment?

Make sure that what you want to do qualifies for a property line adjustment. Requirements differ depending upon the landscape setting your property is in and whether or not the adjustment results in properties that could further be divided. Additionally, if one or more of the involved properties is a subdivision lot or partition plat parcel, the process will vary from an adjustment between two 'metes and bounds' properties. Check with land use planning staff to verify your property is eligible for an adjustment and which process your request qualifies for.

When planning your property line adjustment, be aware of the zoning district's setback requirements that the properties are within. Generally speaking, setbacks from structures to new property lines are:

Front	Side	Street Side	Rear
30 ft	10 ft	30 ft	30 ft

Setback distances may differ depending on site specific circumstances, so talk to land use staff to obtain the most current known information.

## General Management Area Approval Criteria (GMA)

In order for your proposed adjustment to be approved, you must meet the following approval criteria:

1. In the General Management Area (except for properties zoned Open Space, Commercial, Public Recreational, or Commercial Recreational) for an adjustment that does not result in the ability to further divide a property, the Land Use Planning office may grant a property line adjustment between two contiguous legal parcels upon the finding that the following approval criteria are met:
  - (A) Owners of both properties involved in the property line adjustment consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment;
  - (B) No additional lot or parcel is created;
  - (C) The adjustment shall not result in the potential to create a new parcel(s) or residential development in excess of the minimum density allowed by the land use designation(s) for the affected properties;
  - (D) The lot line adjustment shall not allow a parcel that is equal to or larger than the minimum parcel size before the line adjustment to become less than the minimum parcel size after the adjustment, except to allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural, recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.;



(E) The **lot line adjustment shall not allow a parcel that is smaller than the minimum parcel size to be reduced** in size, except to accomplish one of the following purposes:

- (1) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or setback requirements provided:
  - (a) The parcel to be enlarged would not become eligible for a subsequent land division, and
  - (b) The amount of land transferred would be the minimum necessary to resolve the issue.
- (2) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.

(F) The lot line adjustment shall not allow the boundary of a parcel designated Large Scale Agriculture (GGA-40), Commercial Forest Land (GGF-40 or 80), or Open Space to be extended into another land use designation for the purpose of establishing a dwelling under less stringent provisions.

(G) The lot line shall not allow previously approved parcels or developments to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.

(H) The lot line adjustment shall not result in a parcel that cannot comply with existing land use and resource protection provisions, including but not limited to requirements for buffer zones and landscaping.

2. For adjustments on parcels designated Open Space, the lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources in addition to (B), (F), (G) and (H) above.
3. For adjustments on parcels designated Commercial, the lot line adjustment may be allowed if the provisions of (B), (F), (G) and (H) above.
4. For adjustments on parcels designated Public Recreation or Commercial Recreation, the lot line adjustment may be allowed upon demonstration that it is necessary to facilitate efforts to protect and enhance scenic, cultural, natural, or recreation resources in addition to (B), (F), (G) and (H) above.

### **Special Management Area (SMA)**

In order for your proposed adjustment to be approved, you must meet the following approval criteria:

In the Special Management Area for an adjustment that does not result in the ability to further divide a property and neither property involved is a Partition Plat Parcel or Subdivision Lot, the Land Use Planning office may grant a property line adjustment between two contiguous legal parcels upon the finding that the following approval criteria are met.

- (1) Owners of both properties involved in the property line adjustment consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment;
- (2) No additional lot or parcel is created;
- (3) The adjustment shall not result in a parcel greater than or equal to 40-acres in size from becoming less than 40-acres in size;
- (4) The adjustment shall not result in a parcel less than 40-acres in size becoming 40-acres or greater;
- (5) **A parcel smaller than 40-acres in size shall not be reduced in size**, except to accomplish



one of the following purposes:

- (A) Resolve boundary disputes, correct physical encroachments, provide reasonable access, or meet buffer or setback requirements provided:
    - (1) The parcel to be enlarged would not become 40-acres or greater, and
    - (2) The amount of land transferred would be the minimum necessary to resolve the Issue.
  - (B) Allow a public or non-profit entity to acquire land for the purpose of protecting and enhancing scenic, cultural recreation or natural resources, provided the land to be acquired would be protected by a conservation easement or other similar property restriction that precludes future land divisions and development.
- (6) The lot line adjustment shall not cause previously approved parcels or development to violate conditions of approval or become out of compliance or further out of compliance with existing land use and resource protection provisions, including, but not limited to, requirements for buffer zones and landscaping.
- (7) The lot line adjustment shall not result in a parcel that cannot comply with existing resource protection provisions, including, but not limited to requirements for buffer zones and landscaping.

### **The Property Line Adjustment Process**

There are two processes you may go through for a property line adjustment, depending on the resulting property configuration. All adjustments that do not result in the potential to create an additional parcel through a land division due to the minimum lot size of the zoning district are eligible for an Expedited Review. An adjustment that results in a property that has the potential to be divided must go through a full National Scenic Area Site Review property line adjustment.

An Expedited Review differs from a full review because the Expedited Review is only accepted if the application is complete. Once accepted by land use planning, staff sends out a notice of decision to those required under the code with a 14-day appeal period. If no substantial comments or appeal is received, then the decision becomes final. The process takes between two and three weeks to complete.

An adjustment that must go through the full site review must first be prefaced with a complimentary Pre-Filing Conference before the application may be submitted. From there, the application is processed according to NSA Handout #5, National Scenic Area Site Review Process.

After receiving approval from land use planning, there are two ways to complete the adjustment, depending on the type of parcels involved with the adjustment.

**a. Neither property is a lot or parcel in a recorded plat or subdivision:**

- (1) Hire a licensed surveyor to survey the two properties, monument the new property lines, draft new legal descriptions for the area to be transferred and for both modified parcels;
- (2) Drop off the survey and new legal descriptions to your case planner for initial consistency check. This can take 1 to 2 weeks. We will contact you if revisions are needed.
- (3) Submit a copy of the survey to the County Surveyor's Office for concurrent review. The County Survey Office will review the survey for technical accuracy. This can take 1 to 2 weeks. They will contact you if revisions are needed.
- (4) Complete any corrections to survey and legal descriptions as required by the County Surveyor or Land Use Planning;
- (5) Pay all outstanding property taxes due to the County on either property;
- (6) File final mylar with the County Surveyor's Office;
- (7) Drop off your corrected legal descriptions and surveys for your case planner to review and stamp. This can take up to 1 week.
- (8) Once you have the stamped legal descriptions and surveys back, have deeds drawn up with the approved legal descriptions and have them signed by all applicable parties; Three



deeds will be needed:

- a. Deed transferring the exchange area from one property owner to the other;
  - b. Deed describing the new Tract 1;
  - c. Deed describing the new Tract 2.
- (9) Take the approved deeds to the County's Assessment & Taxation Records Management Office for their review and approval. They are located at 501 SE Hawthorne Blvd, Room 128, Portland. Phone # 503.988.3326. File All Three (3) Deeds with the County Recorder.

**b. One or More of the properties is a Lot or Parcel in a recorded plat or subdivision:**

- (1) Hire a licensed surveyor to survey and monument the two properties, property lines, and draft a new partition plat including both properties.
- (2) Drop off the partition plat including both properties to your case planner for initial consistency check. This can take 1 to 2 weeks.
- (3) Submit the partition plat with the County Surveyor's Office for concurrent review (this can take 1 to 3 weeks)
- (4) Make any required changes from Land Use Planning or the County Surveyor
- (5) After County Surveyor and land use Approval, pick up the plat and take to the County Assessor to pay uncollected taxes, then to the County Recorder to record the final plat.,

**Application Package**

An application for a Property Line Adjustment must include:

- ☐ Completed Expedited Application Worksheet and attachments; or  
Completed NSA Application Form with signatures from both property owners and accompanying narrative addressing all applicable approval criteria.
- ☐ Tentative Plan Map
- ☐ On-Site Sewage Disposal Certification Form
- ☐ Appropriate Filing Fee