



City of Durham

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Property Line Adjustments

Overview

A property line adjustment is the minor adjustment of a common boundary. No additional lots are created. The existing parcel cannot be reduced in size below the minimum lot standards. The setback standards from the existing structures cannot be violated. All lots must retain adequate access. New lot lines should not zigzag but should be as straight as possible.

1. Submit four copies of the application and fee.
2. The planner reviews the application to determine if it is complete and works with the applicant to solve any issues. If the application is incomplete, the planner will notify the applicant what additional information is necessary. If the application remains incomplete for 180 days, it is canceled. An applicant may request an extension. Extension requests must be made in writing.
3. When the application is deemed complete, the planner will conduct a field investigation and write a report including findings and a recommendation for the City Administrator.
4. The City Administrator will make the final decision on the application. The applicant will be notified in writing within 28 days after the application is deemed complete.
5. If approved, the applicant is responsible for recording the action with Washington County within 6 months and providing a copy of such recording to the City.

Application Requirements

Submit four copies of an application for approval. An application includes:

- A completed application form including signatures of **all** property owners;
- A narrative statement and supporting materials that address all of the standards and criteria for decision on the application;
- An application fee. Please refer to the current fee schedule.
- Proof of ownership or proof that the applicant is authorized to act on the owners' behalf;
- Contact information for the owners, applicant, engineer, and surveyor;
- A legal description of the properties in a form acceptable to the county surveyor, and county tax assessor;

- The Washington County Tax Map of the properties;
- An accurate 11 x 17 site map, drawn to scale, showing:
 - The date, north point, and linear scale;
 - All existing and proposed lot lines;
 - All existing and proposed structures and their distance from existing and proposed lot lines;
 - All existing and proposed easements and utilities;
 - The location, dimensions, setbacks, addresses and street names of the affected parcels;
 - The location of any flood plain, drainage hazard areas, or areas subject to ponding or flooding;
 - The existing and proposed square footage of each parcel;
- A Service Provider Letter from Clean Water Services. Clean Water Services (CWS) requires a pre-screening to determine if water quality sensitive areas exist on the property. If sensitive areas exist, a Site Assessment and Service Provider Letter are required prior to submitting an application or a property line adjustment or undertaking any development. **Applications will not be accepted without a completed Pre-Screening Form and, if required, a Service Provider Letter.** Please contact CWS at (503)-681-4439.

Approval Criteria

The City may approve a proposed property line adjustment if it finds:

1. The dimensions of all lots meet the site design standards, dimensions, setbacks, and area requirements or the City has approved an adjustment or variance as to those requirements;
2. The proposed adjustment is allowed in the underlying land use district and does not conflict with previous land use approvals or encumber a public easement;
3. All public utilities and services are available and have adequate capacity to serve the site;
4. The adjustment does not eliminate pedestrian or vehicle access from the public right of way to any property;
5. The adjustment will not create a parcel that lies in multiple zoning districts;
6. The adjustment complies with tree preservation provisions, signage, and floodplain regulations; and
7. No new lots are created.

Decision Process

A property line adjustment is a Type 1 land use decision. The city administrator will review and decide on the property line adjustment within 28 days after the application is deemed

complete. Written notice of the decision will be sent to all the affected persons and will include any conditions of approval.

If approved, the applicant is responsible for recording the action with Washington County within 6 months and providing a copy of such recording to the City. If the deed is not recorded within six months, the City's approval will expire. The applicant may request an extension for extenuating circumstances. The extension request must be in writing and received before the approval expires.

IMPORTANT FILING AND RECORDING INFORMATION

To complete the property line adjustment, a Record of Survey complying with ORS 92 must be recorded with the County Surveyor office, after which a deed must be recorded with the Washington County Department of Records. **The deed must be recorded within 6 months of City's approval or the City's approval will expire.** To consolidate the properties, the deed must specify that the described property will be consolidated the adjoining parcel; state which parcel that is. Contact the Washington Department of Cartography for assistance.

Please note: A property line adjustment may cause tax implications. If any of the following conditions exist, the County cannot complete the property line adjustment:

- If taxes are owed on one or all of the properties;
- If there is a mortgage on one or all properties. If this is true, the mortgagor must receive authorization to release or include the property into the property they hold a mortgage on.
- If the owner's name does not match the adjustment deed.

We recommend that you contact the Washington County Department of Assessments & Taxation Cartography Division (503) 846-8871 and the Appraisal Division (503) 846-8826 before you submit your application to determine if there will be a problem completing the property line adjustment and the tax implications of your application.

The City does not accept credit cards; please pay all fees and charges by cash or check.