

Chapter 16.58

LOT LINE ADJUSTMENT

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16.58.010 Designated.

The relocations of one or more property lines between lots or parcels where no additional lots or parcels will result constitutes a lot line adjustment rather than a partition or subdivision. The procedure to be followed in such cases is as set out in this chapter. (Ord. 740 section 10.4.20 [part], 1984)

16.58.020 Application.

Application procedures shall be as described in Chapter 16.89. (Ord. 740 section 10.4.20(A), 1984; Ord. 981 section 8, 1997; Ord. 1080, 2001)

16.58.030 Review by Planner and Engineer.

The City Planner and City Engineer shall review the proposed lot line adjustment and shall determine whether the following criteria have been met:

- A.** Each of the remaining parcels and any structures located thereon shall be in full compliance with all regulations of this title, including the setback requirements of Division III. Except, however, that lot line adjustments are permitted on nonconforming lots and lots with nonconforming structures provided that the nonconforming lots and structures will be no less in conformity as a result of the lot line adjustment.
- B.** No new lots or parcels will be created as a result of the lot line adjustment without receiving approval as a partition or subdivision.
- C.** If the City Planner or city engineer deems it necessary to assure the accuracy of recorded information, a survey may be required of the applicant. Such a survey will be at the applicant's cost.
- D.** Lot line adjustments shall not be permitted where the result will be the creation of additional building sites in known hazardous locations or where the appropriate development or extension of public facilities will be impaired as a result. (Ord. 740 section 10.4.20(B), 1984)

16.58.040 Approval procedure – City Planner responsibility.

The City Planner is authorized to approve lot line adjustments in compliance with the requirements of section 16.58.030. In any case where the City Planner determines that the requirements of section 16.58.030 cannot or may not be met, the application shall be scheduled for the consideration of the commission, with a recommendation from staff. In any case where the City Planner determines that a lot line adjustment will significantly alter the design and appropriate development of a subdivision or partition which has previously been approved by the city or other nearby property, the City Planner shall schedule the application for consideration by the commission. (Ord. 740 section 10.4.20(C), 1984)

16.58.050 Approval procedure – Commission responsibility.

The commission shall review the information submitted and shall make a decision approving, modifying or denying the proposal so as to assure compliance with the requirements of the Land Development and Planning Ordinance. The applicant shall be notified in writing of the decision of the commission and the reasons therefore. One copy of the proposed plan shall be returned to the applicant labeled “approved,” “denied,” or “modified.” An additional copy shall be kept on file for future reference. (Ord. 740 section 10.4.20(D), 1984)

16.58.060 City liability - compliance.

In acting on an application for lot line adjustment, the city assumes no liability for the applicant's actions. Applicants for lot line adjustments shall bear full responsibility for compliance with all applicable state and local regulations and for the following:

- A.** Any public or private easements to be altered as a result of the lot line adjustment shall require the prior approval of the agency or individual having right to such easements.
- B.** The county assessor shall be notified that the lot line adjustment is not to result in the creation of an additional tax lot. If a separate tax lot is created as a result, the city shall indicate that it is not considered to be a separately saleable or developable building site and may record a statement to that effect with the county recorder.
- C.** Approval of all lienholders having an interest in properties affected by a lot line adjustment shall be obtained.
- D.** Approval of the Lot Line adjustment shall be null and void if the new deed descriptions for the properties involved is not recorded with Clackamas County within one (1) year of the final approval.
- E.** The Planning Director may approve a single one-year extension to the original one-year period. Applicants must file a request for such extension in writing, stating the reasons the request is needed. The Planning Director shall review such requests and may issue the extension after reviewing any changes that may have been made to the text of this title and any other pertinent factors, including public comment on the original application. (Ord. 740 section 10.4.20(E), 1984; Ord. 955 section 27, 1996; Ord. 1080, 2001)