

City of Ontario Planning and Zoning Application Form

Mailing: 444 SW 4th Street, Ontario, OR 97914

Community Development Center: 458 SW 3rd Street

Voice (541) 881-3222 / (541) 881-3224

Fax (541) 881-3251



Property Line Adjustment

FILE # _____

Date Received _____

Fee: \$180.00 + \$120.00 = \$300.00

(Mailing & Advertising: \$120.00)

Time Received _____

PDAC Date: _____

Accepted as Complete _____

Scheduled for hearing(s)

Administrative decision _____

Planning Commission _____

Hearings Officer _____

City Council _____

Applicant(s) – attach additional sheets as necessary

Name _____

Address _____

Telephone _____

Email _____

Signature _____

Name _____

Address _____

Telephone _____

Email _____

Signature _____

Description of proposed action: _____

Please provide electronic copies with your application, or make arrangements to email them to staff.

OFFICE USE ONLY

120 day time limit Accepted as complete _____ Final decision by _____

DLCD 45-day notice required Y/N _____ Date mailed _____ Date of first hearing _____

Notice of Pending Hearings Officer Decision or Hearing Date mailed _____

Notice to media Publication date _____ Emailed _____

Notice of Decision Date mailed _____ Appeal deadline _____

Associated applications _____

Property information, Parcel #1 (Grantee Parcel - property being increased in size):

Property Owner _____
Address _____
Telephone _____
Email _____
Signature _____
Property Address _____
Tax Map # _____ Tax Lot # _____
Lot size _____ Zoning _____
Existing use _____
Last deed that owner acquired Title to Property: Instrument No. _____
Any outstanding liens on property? Yes _____ No _____

Property information, Parcel #2 (Grantor Parcel - property being reduced in size):

Property Owner _____
Address _____
Telephone _____
Email _____
Signature _____
Property Address _____
Tax Map # _____ Tax Lot # _____
Lot size _____ Zoning _____
Existing use _____
Last deed that owner acquired Title to Property: Instrument No. _____
Any outstanding liens on property? Yes _____ No _____

Ontario Municipal Code Title 10B – Administrative Procedures for Land Use Regulation

10B-05-15 BURDEN, CRITERIA OF PROOF.

1. The proponent of proposals shall have the burden of proving the justification of the request. The greater the impact of the request on an area, the greater is the burden upon the proponent.
2. The requested proposal must be supported by proof that it conforms to all applicable standards and criteria of the OMC. The Planning Official may require that proponents submit written evidence, facts and/or written findings substantiating such conformance, as part of the application.

CHAPTER 10B-52 PROPERTY LINE ADJUSTMENT

10B-52-05 PURPOSE AND AUTHORITY. Property line adjustments (boundary adjustments) are defined consistent with ORS 92.010 (11) as “the relocation or elimination of a common property line between abutting properties. A request for a property line adjustment requires a land use decision. The Planning Official is authorized to approve property line adjustments when all of the necessary requirements listed in this Section have been met.

Approval, conditional approval or denial of an application for property line adjustment by the Planning Official shall be the final action of the City, unless the action is appealed to the Planning Commission as provided in this Title.

10B-52-10 INITIATION OF ACTION. A request for a Property line adjustment shall be made in the form of an application to the Planning Official; **the application shall include the following:**

1. A map showing the properties before the adjustment; the map shall clearly show the locations of all structures on the properties, and the distance of those structures from existing property lines and from each other.
2. A map showing the properties after the adjustment; the map shall clearly show the locations of all structures on the properties, and the distance of those structures from existing and adjusted property lines and from each other.
3. A copy of the proposed property line adjustment deed that will be recorded to accomplish the property line adjustment. This deed shall contain language substantially the same as the following: This instrument is executed to accomplish a property line adjustment between Parcel #1, the Grantee Parcel, more fully described in Exhibit “A”, and Parcel #2, the Grantor Parcel, more fully described in Exhibit “A”. The purpose of this adjustment is to enlarge Parcel #1 and reduce Parcel #2 by the sale of the property described in Exhibit “B”. No new parcel shall be created by the execution of this instrument. The post adjustment size and configuration of Parcel #1 and Parcel #2 shall be as described in Exhibit “C”.
4. Exhibit “A” as required by (1) above, shall be the descriptions of Parcels #1 & #2 prior to any property line adjustment as taken from the most recent deeds for the Parcels.
5. Exhibit “B” as required by (1) above shall be the description of only the adjusted portion of land, that given to Parcel #1 by Parcel #2.
6. Exhibit “C” as required by (1) above shall be the post-adjustment descriptions of Parcels #1 & #2.
7. Copies of the most recent existing deed for the subject properties prior to the adjustment; and, a copy of the new deeds for the subject properties post-adjustment; and, a copy of the new deed for the portion being conveyed from Parcel #2 to Parcel #1.
8. An application form signed by both property owners; if the applicant is not the property owner(s), both property owners shall sign an authorization for the applicant to act as agent for the property owners.
9. The appropriate application fee.
10. Any additional information required by the Planning Official; the applicant may include any additional information he feels appropriate.

10B-52-15 PROCESS. Upon receipt of the application for a property line adjustment the Planning Official shall follow the procedure set forth in Section 10B-04 for a Hearings Officer Decision.

10B-52-20 DECISION CRITERIA. The following criteria shall be the basis for a decision on an application for a property line adjustment:

1. No property line adjustment shall be allowed when the property lines thus adjusted would result in either property being split zoned.
2. A property line adjustment shall not be approved if the proposed adjusted line will encroach upon the required yard space of any existing structure(s) or uses such as required parking or landscaping areas.
3. A property line adjustment shall not be approved if any parcel is reduced below the minimum size required by the Zone.

10B-52-25 FINAL APPROVAL; RECORDING. After the appeal period required by Section 10B-04-35 (7) of this Title has passed with no appeal, the Hearings Officer’s decision is Final, and the following requirements must be met.

1. Hearings Officer approval of a property line adjustment is a final approval and is valid for a period of one year from the end of the appeal period required by Section 10B-04-35 (7) of this Title, unless an extension is requested and approved by the City; however, the actual property line adjustment is not final until the actions required below are accomplished.

A request for extension of the approval period must be made in writing to the Planning Official, is not a land use decision, and may be approved magisterially by the Official for a period of no more than one year. Only one extension may be granted. The following actions must be accomplished within the initial, or extended, approval period in order for the approved property line adjustment to be final:

- a. A property line adjustment deed shall be submitted to the Planning Official for approval; once approved, the deed shall be filed with the County Clerk within forty-five (45) days from the date of that approval. Evidence of such filing shall be returned to the city within seven (7) days from the date of recordation. The deed shall include language substantially the same as the following:

This instrument is executed to accomplish a property line adjustment between Parcel #1, the Grantee Parcel, more fully described in Exhibit “A”, and Parcel #2, the Grantor Parcel, more fully described in Exhibit “A”. The purpose of this adjustment is to enlarge Parcel #1 and reduce Parcel #2 by the sale of the property described in Exhibit “B”. No new parcel shall be created by the execution of this instrument. The post adjustment size and configuration of Parcel #1 and Parcel #2 shall be as described in Exhibit “C.”

- i) Exhibit “A” as required by (1) above, shall be the descriptions of Parcels #1 & #2 prior to any property line adjustment as taken from the most recent deeds for the Parcels.
- ii) Exhibit “B” as required by (1) above shall be the description of only the adjusted portion of land, that given to Parcel #1 by Parcel #2.
- iii) Exhibit “C” as required by (1) above shall be the post-adjustment descriptions of Parcels #1 & #2.

- b. A record of survey shall be filed with the County Surveyor and County Clerk within one year of the date of final approval.

AUTHORIZATION:

I hereby consent that I am authorized to make the application for this land division and the statements within this application are true and correct to the best of my knowledge and belief. I verify that this is a legally created tract, lot or parcel of land. I understand that I have the right to an attorney for verification as to the creation of the subject property. I understand that any action authorized by the City of Ontario may be revoked if it is determined that the authorization was issued on account of false statements or misrepresentation.

Signature of applicant

Date

Signature of applicant

Date

Incomplete applications, or insufficient information, may result in delay or denial of the application.