

Chapter 4.3 - Land Divisions and Property Line Adjustments

Sections:

- 4.3.100 Purpose
- 4.3.110 General Requirements
- 4.3.115 Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes
- 4.3.120 Preliminary Plat - Approval Process
- 4.3.130 Preliminary Plat - Submission Requirements
- 4.3.140 Preliminary Plat - Approval Criteria
- 4.3.150 Variances Authorized
- 4.3.160 Final Plat - Submission Requirements and Approval Criteria
- 4.3.170 Public Improvements Required
- 4.3.180 Performance Guarantee
- 4.3.190 Filing and Recording
- 4.3.200 Re-platting and Vacation of Plats
- 4.3.210 Property Line Adjustments

4.3.100 Purpose. The purpose of this chapter is to:

- A. Provide rules, regulations and standards governing the approval of subdivisions, partitions, property line adjustments and lot line adjustments.
- B. Carry out the City’s development pattern, as envisioned by the Comprehensive Plan.
- C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;
- D. Promote the public health, safety and general welfare through orderly and efficient urbanization;
- E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and
- F. Encourage the conservation of energy resources.

4.3.110 General Requirements

A. Definitions.

1. Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.

2. Partitions are the creation of three or fewer parcels within one calendar year.

B. Subdivision, Partition and Re-Plat Approval Through Two-step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must include all conditions of approval of the preliminary plat.

In addition to the standard procedures for the subdivision, partitioning or re-platting of land under this chapter there are alternative formats permitted under the Development Code. In particular, refer to Chapter 4.5 that deals with master planned developments, cove subdivision design, and technical assistance programs offered by the City. The following chart provides a brief comparison of the standard tract development and master planned options offered:

C. Compliance with ORS Chapter 92. All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.

D. Future Re-Division Plan. When subdividing, partitioning or re-platting tracts into large lots (i.e., greater than three times or 300 percent the minimum lot size allowed by the underlying land use zone), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use zone and this Code. A re-division plan shall be submitted for large lots identifying:

1. Potential future lot division(s), consistent with the density and lot size standards of Article 2;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;
3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

E. Lot Size Averaging. Single-family residential lot size may be averaged to allow lots less than the minimum lot size in Residential zones, as provided by Section 2.2.150, Flexible Lot Size Option, or through approval of a Master Planned Development under Chapter 4.5.

F. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 4.9.100, Temporary Uses.

G. Minimize Flood Damage. All subdivisions, partitions and re-plats shall be designed based on the

need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway and, where possible, allow building outside of the flood fringe. Development in a 100-year flood plain shall comply with the National Flood Insurance Program and state building code requirements, including elevating structures above the base flood elevation. The applicant shall be responsible for obtaining floodplain development permit from the NFIP and local jurisdiction.

- H. **Determination of Base Flood Elevation.** Where a development site consists of five (5) or more acres or 50 or more lots, and is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation prepared by a qualified professional as part of the land division application.
- I. **Need for Adequate Utilities.** All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.
- J. **Need for Adequate Drainage.** All subdivision, partition and re-plat proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required.
- K. **Floodplain, Park, and Open Space Dedications.** Where land filling and/or development is allowed within or adjacent to regulatory flood plain and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway and/or trail adjoining or within the flood plain for transportation, storm drainage/water quality, or park purposes in the public interest. When practicable, this area shall include portions at a suitable elevation for the construction of a multi-use pathway in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, or storm water management requirements, consistent with Chapter 3.4.200 and 3.4.400, and assist in obtaining any floodplain permit that may be required.

4.3.115 Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes

- A. **Flexible Lot Size.** To allow creativity and flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees and other natural and built features, the approval body may grant a 20% modification to the lot area and/or lot dimension (width/depth) standards in Section 2.2.120, provided that the overall density of the subdivision does not exceed the allowable density of the zone and the approval body finds that granting the modification allows for a greater variety of housing types, or enhancement in urban design and creation of open space, or it improves development compatibility with natural features or adjacent land uses. The approval body may require that standard size lots be placed at the perimeter of the development where the abutting lots are standard size or larger; except that this provision shall not

apply where the abutting lots are larger than 20,000ft².

B. Mid-block lanes and Reverse Frontage Lots. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes, as shown above. Mid-block lanes or shared driveways, as illustrated in Figure 4.3.115.B, may be required when practicable to provide connectivity between infill developments. Mid-block lanes with access easements for adjoining properties may be allowed as an alternative to requiring through streets where block lengths do not necessitate a through street. The lanes shall meet the standards for alleys, per Chapter 3.4, and the standards under subsections C-F, below. The Public Works Department may require the granting of utilities access easements.

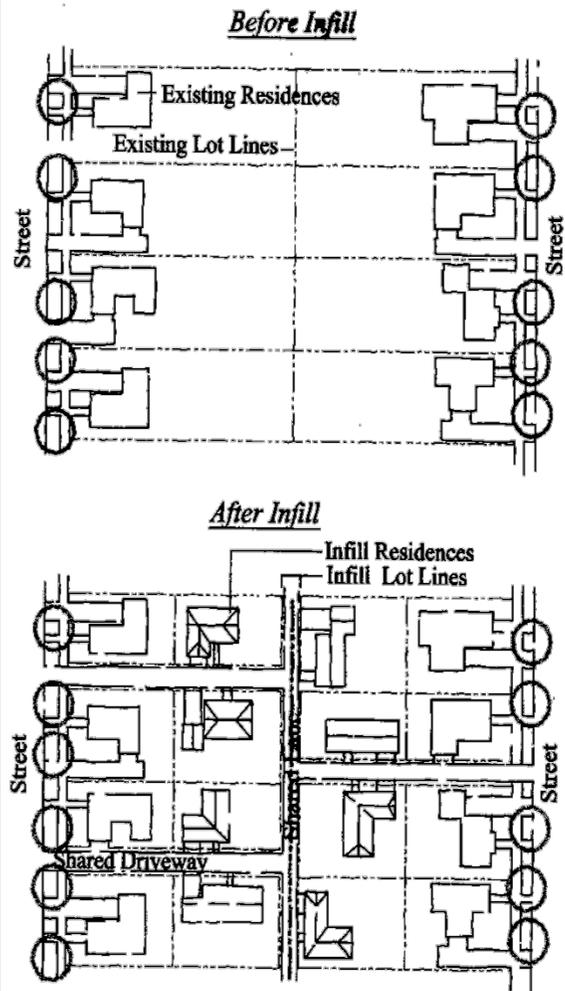
C. Flag lots. Flag lots may be created only when a through street or mid-block lanes cannot be extended to serve abutting uses or future development. A flag lot driveway (“flag pole”) may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be four (4). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The Fire Marshal may require an emergency turn-around. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).

D. Driveway and lane width. The minimum width of all shared drives and lanes shall be 10 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code when more than 2 flag lots are created.

E. Easement and improvement of drive lane. The property owner shall record a 20-foot easement benefiting all properties that are to receive vehicle access. The drive lane shall be improved with an all-weather surface approved by the City. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

F. Maximum drive lane length. The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 400 feet.

Figure 4.3.115.B Mid-Block Infill



G. Future street plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (*i.e.*, as shown in the Figure 4.3.115.B).

4.3.120 Preliminary Plat-Approval Process

A. Review of Preliminary Plat. Review of a preliminary plat for a partition with 3 or fewer lots shall be processed with a Type II procedure, under Section 4.1.300. Preliminary plats for a subdivision with 4 or more lots shall be processed with a Type III procedure under Section 4.1.400. All preliminary plats shall be reviewed using approval criteria in Section 4.3.140. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 4.5.

B. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed as a Type I procedure under Section 4.1.200, using the approval criteria in Section 4.3.160.

C. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of three (3) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within the 3-year period.

D. Modifications and Extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.6 - Modifications. The City Planning Official may, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year; provided that:

1. Any changes to the preliminary plat follow the procedures in Chapter 4.6;
2. The applicant has submitted written intent to file a final plat within the one-year extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
5. The extension request is made before expiration of the original approved plan.

E. Phased Development

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (*i.e.*, for required public improvements, utilities, streets) for any partition or subdivision phase be more than 5 years without reapplying for a preliminary plat;

2. The criteria for approving a phased land division proposal are:
 - a. Public facilities shall be constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.3.180. A temporary public facility is any facility not constructed to the applicable City or zone standard;
 - c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
 - d. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary plat application, and the decision may be appealed in the same manner as the preliminary plat.

4.3.130 Preliminary Plat – Submission Requirements

- A. **General Submission Requirements.** For all partitions of (3) or fewer lots, the application shall contain all of the information required for a Type II procedure under Section 4.1.300. For all subdivisions of (4) or more lots, the application shall contain all of the information required for a Type III procedure under Section 4.1.400.
- B. **Preliminary Plat Information.** In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information. Submission requirements may be adjusted at the discretion of the Planning Director.
 1. General information:
 - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in Baker County (please check with County Surveyor);
 - b. Date, north arrow, and scale of drawing;
 - c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
 - d. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted; and

e. Identification of the drawing as a “preliminary plat”.

2. Site analysis:

- a. Streets: Location, name and present width of all existing and proposed streets, alleys, driveways and rights-of-way on and abutting the site; approximate radius of street curves; approximate finished street center line grades;
- b. Easements: Width, location and purpose of all existing and proposed easements of record on and abutting the site;
- c. Utilities: Location and identity of all existing and proposed utilities on and abutting the site, including street lighting fixtures. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
- d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent or as required by the City. Such ground elevations shall be related to some established benchmark or other datum approved by the City Surveyor. This requirement may be waived for partitions and subdivisions when grades, on average, are less than 6 percent;
- e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
- f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
- g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, relevant portions of the Comprehensive Plan.);
- h. Site features, including existing and proposed structures, pavement, large rock outcroppings, and drainage ways, canals and ditches;
- i. Designated historic and cultural resources on the site and adjacent parcels or lots;
- j. Other information, as deemed appropriate by the City Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements including a public facilities and services impact study and/or traffic impact study; and

- k. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- l. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use;
- l. Proposed improvements, as required by Article 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- m. Proposed method of surface water drainage and treatment if required;
- n. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon Department of Transportation Rail Division regarding proposed railroad crossing(s); and
- o. Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable.
- p. Proposed public dedications, if applicable.

4.3.140 Preliminary Plat-Approval Criteria

- A. General Approval Criteria.** The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:
1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Article, and the applicable chapters and sections of Article 2 (Land Use Zones) and Article 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Article 5;
 2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
 3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat; and
5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;
6. Evidence that improvements or conditions required by the City, road authority, Baker County, special zones, utilities, and/or other service providers, as applicable to the project, have been or can be met; and
7. If any part of the site is located within a previously approved Master Planned Development, it shall conform to the applicable regulations and/or conditions.
8. No lots that are created by a Type II partition process of 3 lots or less may be further divided by a Type II process within five (5) years of initial recording. Said lots may only be divided within the five (5) year limit through a Type III procedure.

B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area and dimensional requirements of the applicable land use zone (Article 2), and the standards of Section 3.4.100.H.4 - Street Connectivity and Formation of Blocks.
2. Setbacks shall be as required by the applicable land use zone (Article 2).
3. Each lot shall conform to the standards of Chapter 3.1 - Access and Circulation.
4. Landscape or other screening may be required to maintain privacy for abutting uses. See Article 2 - Land Use Zones, and Chapter 3.2 - Landscaping.
5. In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. See Chapter 3.1- Access and Circulation.
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

C. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be

granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 3.4 (Public Facilities).

4.3.150 Variances Authorized. Variances to the standards of this Chapter shall be processed in accordance with Chapter 5.1 - Variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted, and the applications shall be reviewed together.

4.3.160 Final Plat-Submission Requirements and Approval Criteria

- A. Submission Requirements.** Final plats shall be reviewed and approved by the City prior to recording with Baker County. The applicant shall submit the final plat within 3 years of the approval of the preliminary plat as provided by Section 4.3.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the City Planning Official.
- B. Approval Criteria.** By means of a Type I procedure, the City Planning Official and City Engineer shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:
1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
 2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., road authority). Alternatively, the developer has provided a performance guarantee in accordance with Section 4.3.180;
 3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
 4. The streets and roads held for private uses have been approved by the City as conforming to the preliminary plat;
 5. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;
 6. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;

7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
8. The developer shall certify, as applicable, that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Chapter 3.4 - Public Facilities, and the bond requirements of Section 4.3.180. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;
9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of such monument and its reference to some corner established by the U.S. Geological Survey, or giving two or more permanent objects for identifying its location.
10. The Plat contains language indicating if lots are subject to Codes, Covenants, and Restrictions (CC&R's).
11. No plat containing a dedication of land, right of way, or other improvement to the public shall be recorded without the City indicating acceptance of the dedication on the face on the final plat.

4.3.170 Public Improvements Required. Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.180.

4.3.180 Performance Guarantee

A. Performance Guarantee Required. When a performance guarantee is required under Section 4.3.170, the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
3. Cash.

B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as

required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

- C. **Itemized Improvement Estimate.** The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
- D. **Agreement.** An agreement between the City and developer shall be recorded with the final plat. The agreement may be prepared by the City or prepared by the applicant as a letter. It shall not be valid until it is signed and dated by both the applicant and City Planning Official. The agreement shall contain all of the following:
 - 1. The period within which all required improvements and repairs shall be completed;
 - 2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
 - 3. The improvement fees and deposits that are required;
 - 4. (Optional) A provision for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.
- E. **When Developer Fails to Perform.** In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.
- F. **Termination of Performance Guarantee.** The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

4.3.190 Filing and Recording

- A. **Filing Plat with County.** Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Baker County for signatures of County officials as required by ORS Chapter 92.
- B. **Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City a Mylar copy and 1 paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
- C. **Prerequisites to Recording the Plat**
 - 1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;

2. No plat shall be recorded until it is approved by the City Surveyor in the manner provided by ORS Chapter 92.

4.3.200 Lot Line Adjustments, Property Line Adjustments, Re-plats and Vacations. Any plat or portion thereof may be adjusted, re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed.

A. Definitions.

1. **Lot Line Adjustments.** A lot line adjustment serves to reconfigure a boundary line within an existing subdivision plat. All lot line adjustments shall be processed using a Type I procedure, as specified in Section 4.3.210.
2. **Property Line Adjustments.** A Property Line Adjustment is the modification of parcel boundaries, when no parcel is created. A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting parcels of land that were lawfully established, as defined by ORS 92.010(3)(a). Property line adjustments shall not be used to create an additional parcel of land, or to create parcels of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.
3. **Re-Plats.** The act of re-platting shall allow the reconfiguration of lots and public easements within a recorded plat. A re-plat is required to reconfigure lots or parcels and public easements in a recorded partition or subdivision plat, to increase or decrease the number of lots in a subdivision, or where multiple property line adjustments require a re-plat. No re-plat shall occur without receiving tentative re-plat approval as set forth in this section. Re-plat applications shall be processed as a Type II or Type III procedure, as specified in Section 4.3.140(A)(8). Once recorded, a re-plat shall operate to eliminate the force and effect of the plat prior to vacation.
4. **Vacations.** The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 4.1 - Types of Applications and Review Procedures.) The road authority(ies) shall be notified of all applications for re-plats and street vacations. All street vacations shall also conform to the ORS Chapter 271.
 - a. Once recorded, a vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
 - b. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications described on the plat.

B. Basis for Denial. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria.

- C. **After Sale of Lots.** When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.
- D. **Street Requirement.** Except as prohibited by law (e.g., ORS 92.837), in approving a right-of-way vacation or re-plat, the City may require dedication of access ways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient and direct pedestrian and bicycle circulation system. Such requirements shall be coordinated with the applicable road authority.

4.3.210 Property Line Adjustments. A Property Line Adjustment is the modification of lot boundaries, when no lot is created. The application submission and approval process is as follows:

A. Submission Requirements. All applications for Property Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I application, as governed by Section 4.1.200. The application shall include either a preliminary lot line map or preliminary survey prepared by an Oregon professional licensed surveyor. If a preliminary lot line map is provided it should be drawn to scale identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; existing fences and walls; and any other information deemed necessary by the City Planning Official or designee for ensuring compliance with City codes.

B. Approval Process

1. Decision-making process. Property line adjustments shall be reviewed by means of a Type I procedure, as governed by Section 4.1.200, using approval criteria contained in Section 4.3.210.C below.
2. Time limit on approval. The property line adjustment approval shall be effective for a period of one (1) year from the date of approval, during which time the property line adjustment deed must be recorded and the survey map filed.
3. Lapsing of approval. The property line adjustment approval shall lapse if:
 - a. The property line adjustment is not recorded within the time limit in Section 4.3.210.B(2);
 - b. The property line adjustment has been improperly recorded with Baker County without the satisfactory completion of all conditions attached to the approval; or
 - c. The final recording is a departure from the approved plan.

C. Approval Criteria. The City Planning Official or designee shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

1. Parcel Creation. No additional parcel or lot is created by the lot line adjustment;
2. Lot standards. All lots and parcels conform to the applicable lot standards of the land use zone (Article 2) including lot area, dimensions, setbacks, and coverage, and no resulting lot is wholly comprised of a flood hazard area or jurisdictional wetland;
3. Access and Road Authority Standards. All lots and parcels conform to the standards or requirements of Chapter 3.1 – Access and Circulation, and all applicable road authority requirements are met. If a lot is non-conforming to any City or road authority standard, it shall not be made even less conforming by the property line adjustment;

D. Recording Property Line Adjustments

1. Recording. Upon the City’s approval of the proposed property line adjustment, the applicant shall record the property line adjustment deed with Baker County within (1) year of approval (or the decision expires), and submit a copy of the property line adjustment survey (original filed with the County Surveyor) to the City, to be filed with the approved application.
2. Time limit. The applicant shall submit a copy of the recorded property line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

D. Extension. The City may, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

1. No changes are made to the original property line adjustment as approved by the City;
2. The applicant can show intent of recording the approved plan within the one-year extension period;
3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the property line adjustment conflicts with a code change, the extension shall be denied; and
4. The extension request is made before expiration of the original approved plan.