



# LAND USE PERMIT APPLICATION 2010

## Property Line Adjustment

Return Application  
Materials to Either:

**Brandon McMullen**  
Planning Director  
Voice: (541) 573-6655  
planning@co.harney.or.us  
or

**Darwin Johnson Jr.**  
Assistant Planner  
Voice: (541) 573-8174  
planningassistant@co.harney.or.us

at

**Harney County Planning  
Department**  
450 N. Buena Vista  
Burns, OR 97720  
Fax: (541) 573-2762

Visit us at  
[www.co.harney.or.us](http://www.co.harney.or.us)

Get the latest version!  
Application Revision Date:

**January 2010**

## LAND USE PERMIT APPLICATION REVIEW PROCESS

This form provides for the simultaneous review of multiple proposed land use actions. Project review will be through an integrated and consolidated format as follows:

### 1. Pre-Application Meeting

The applicant(s) will meet with a member of the Planning Staff to review the proposed development/request. Applicable information will be discussed in relation to the proposal. The applicant(s) will then submit all applicable materials to the Planning Department at their convenience.

### 2. Application Meeting

A member of the Planning Staff will contact the applicant again to review the submitted application within one week after all materials have been submitted if the application is incomplete. A member of the Planning Staff will review applicable regulations in regards to the type of application. Once the application is complete the 150 day clock will begin which is the maximum amount of time the County has by law to process the application.

### 3. Consideration by Planning Staff

Public notices are published in the Burns-Times Herald and sent to adjacent property owners. The application will then go thru Administrative Review by a member of the Planning Staff. Public comment is received and recommendations are made to the decision making body.

### 4. Decision Making Body Approval or Denial

The decision-making body either approves or denies, or moves the application to the Planning Commission for further review.

### 5. Provision for an Appeal

An appeal is provided for *if* the applicant and/or a person with standing desires to challenge a decision of the decision-making body. The County Court or Planning Commission may hear the first level appeal.

### 6. First and Second Level Appeals

An appeal process is provided and is heard by a legislative body - either: the Harney County Planning Commission, Harney County Court, LUBA or the Oregon State Court of Appeals.



Project Application #: 10- \_\_\_\_\_

Date Complete: \_\_\_\_\_

Final Decision or Public Hearing Date: \_\_\_\_\_

## **Harney County Planning** **Land Use Permit Application 2010**

This application must be submitted to the Harney County Planning Department, 450 N. Buena Vista, Burns, OR 97720, (541) 573-6655, and must be accompanied by a non-refundable application fee(s). Acceptance of the application and fee(s) does not guarantee approval. **PLEASE COMPLETE THIS APPLICATION BY PRINTING CLEARLY WITH A BLUE or BLACK INK PEN (copies come out better). THANK YOU.**

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### **Section 1: Contact Information**

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Name of Applicant: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email & Telephone Number: \_\_\_\_\_

Name of current Property Owner(s):  
(If Property Owner is not the applicant) \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Email & Telephone Number: \_\_\_\_\_

## Section 2: Type of Application and Fees

The following total must be paid when submitting an application. (Note: Additional Costs will be billed and must be paid prior to receiving a decision on the application.)

			Process Summary			
<input checked="" type="checkbox"/>	Type of Application: (Alphabetically Listed)	Fee(s):	Public Comment Period	Open Record Hearing	Decision Made By	1 <sup>st</sup> and 2 <sup>nd</sup> Level Appeal
<input checked="" type="checkbox"/>	Property Line Adjustment	\$50.00 *	20 + days	-	PS	CC and LUBA
<input checked="" type="checkbox"/>	* Property Line Adjustments: Tax Map Maintenance Fee.	\$35 (+\$35 for each lot after 2)	<p><i>Key for Abbreviations used above:</i>  <b>PS</b> - Planning Director or Assistant Planner, <b>PC</b> - Planning Commission, <b>CC</b> - County Court, <b>LUBA</b> - Land Use Board of Appeals</p> <p>° It should be noted that appeals above LUBA would go to the Oregon Court of Appeals and possibly the Oregon Supreme Court</p> <p>° <b>Application Fees are NON REFUNDABLE.</b> Waivers may be granted by the Planning Director upon special request.</p>			
<input checked="" type="checkbox"/>	Site Plan Review (required for <u>all</u> applications):	\$35.00				
<input checked="" type="checkbox"/>	County Clerk Recording Fee of Findings and Decision:	\$86.00				
<b>TOTAL FEE</b> *** (see below for Additional Costs to be billed and paid separately):		<b>\$206.00</b>				

\*\*\***Advertisement Costs:** All land use applications will also have additional costs to be billed to the applicant **AFTER** the application is processed - actual costs for public notice in the Burns-Times Herald, \$2.00 for every adjacent landowner that receives a public notice by mail, AND \$8.00 for

adjacent landowners map. Other mapping fees may also apply (See HCZO Section 9.050 for Filing Fee Schedule).

**Appeals:** There is a non-refundable fee when appealing to the Harney County Court of \$250.00

## Section 3: Property Information

Complete this section.

1. <b>Location</b> of Property (Provide directions you would give someone to get to the property):	
2. Has the Property or dwelling received a <b>Rural Address</b> ? <i>If so, what is it?</i>	<input type="checkbox"/> No <input type="checkbox"/> Yes: _____
3. Assessor's <b>Account Number(s)</b> for the Property:	Parcel 1: _____ Parcel 2: _____ Parcel 3: _____
4. Assessor's <b>Tax Lot Number(s)</b> for the Property:	Parcel 1: _____ Parcel 2: _____ Parcel 3: _____
<b>5. Legal Description of Property:</b> Township: _____ Range: _____ Section: _____ <b>Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A".</b> (Obtain the legal description from either the Planning Department or Tax Assessor's Office)	
6. <b>Current Zoning</b> Classification:	<input type="checkbox"/> EFRU-1 (Exclusive Farm & Range Use) <input type="checkbox"/> EFRU-2 (Exclusive Farm & Range Use) <input type="checkbox"/> FU (Forest Use) <input type="checkbox"/> OTHER _____
7. <b>Current Use</b> of Property:	
8. <b>Surrounding Uses</b> of Property:	
9. <b>Size</b> of Property: (acres)	
10. Does the Property reside in a <b>Floodplain</b> ? <i>If the Property is in a Floodplain (Zone Ax) you will need to complete a Floodplain Development Permit before building.</i>	No: _____ Yes: _____ Zone: _____ Panel Number: _____  Will <b>building permits</b> eventually be applied for on this project? <input type="checkbox"/> Yes <input type="checkbox"/> No
11. Is the property located in <b>Wetlands</b> as listed on the National Wetlands Inventory maps?	<input type="checkbox"/> No <input type="checkbox"/> Yes

<p>12. What road provides <b>Access</b> to the Property? (<b>Note:</b> Applicants must present evidence of legal access to any subject parcel proposed for development prior to the issuance of building permits and/or land use permits. (HCZO 4.120))</p>	
<p>13. Will the Property need an <b>Access Permit</b> onto a County Road or State Highway? (<i>If so</i> call Eric Drushella, County Road master, 541-573-6232, or ODOT, 541-889-9115).</p>	<p><input type="checkbox"/> No  <input type="checkbox"/> Yes, <i>if so</i> please contact the proper authority and provide that documentation with this application.</p>
<p>14. Are there any <b>Easements</b> that provide the <b>MAIN ACCESS</b> for the Property <b>OR</b> adjacent properties?</p>	<p><input type="checkbox"/> Yes, <i>if so</i> please provide the documentation with this application.  <input type="checkbox"/> No</p>
<p>15. Does the Applicant hold <b>Title</b> to the Property? <i>If not</i>, what is your interest in the Property?</p>	<p><input type="checkbox"/> Yes  <input type="checkbox"/> No _____</p>
<p>16. What type of <b>Water Use/Rights</b> is present on this Property? Describe type of Water Use - domestic wells, surface water rights, etc. (Contact Tony Rutherford, Watermaster, OWRD, County Courthouse, 541-573-2591.)</p>	<p><input type="checkbox"/> No water uses/rights present.  <input type="checkbox"/> Yes, there are water uses/rights. Check those that apply and list the number of each:  <input type="checkbox"/> <b>Stock Wells (No. _____)</b>  <input type="checkbox"/> <b>Domestic Wells (No. _____)</b>  <input type="checkbox"/> <b>Irrigation Wells (No. _____)</b></p>
<p>17. What is the <b>Environmental Health</b> of this Property? (For example: are there any dumpsites, pollutants, etc. which makes this Property environmentally unhealthy?)</p>	<p><input type="checkbox"/> Good  <input type="checkbox"/> Fair  <input type="checkbox"/> Poor, <i>if so</i>, please explain:</p>
<p>18. Are there any <b>Natural Hazards</b> found on the Property? (Examples of natural hazards are natural floodways and steep slopes. <i>If</i> your proposal for development of a dwelling is on a slope greater than 12%, compliance with the standards under HCZO 4.070 is required.)</p>	<p><input type="checkbox"/> No  <input type="checkbox"/> Yes, <i>if so</i>, please explain:</p>
<p>19. Are there any <b>Archeological Sites</b> on this Property? (<i>If</i> during construction, remains are uncovered please contact the Harney County Planning Department immediately.)</p>	<p><input type="checkbox"/> No  <input type="checkbox"/> Yes, <i>if so</i>, please describe:</p>

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20. Is the Property considered a **Legal Lot of Record**? This means that the parcel or lot was created according to required procedures. Mark which description applies and provide documentation (i.e. Property Deed Card – Assessor’s Office):

- A lot in an existing, duly recorded **subdivision**; or,
- A parcel in an existing, duly recorded major or minor land **partition**; or,
- An existing unit of land for which a **survey** has been duly filed which conformed to all applicable regulations at the time of filing, or,
- Any unit of land **created PRIOR to zoning** and partitioning regulations by deed or metes and bounds description, and recorded with the Harney County Clerk, provided, however that contiguous units of land so created under the same ownership and not conforming to the minimum property size of the underlying zone shall be considered one (1) lot of record.
- The **Property does not meet any of the above** descriptions.

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21. Projected timeline of proposal: (*If applying for a Conditional Use Permit it should be noted that if there is no substantial development begun within 1 year from the date of approval, an extension must be written and approved by the Harney County Planning Commission before the permit expires [the 1 year anniversary date]. There is a limit to one extension.*)

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22. Provide a **description of proposal**:

## Section 4: Property Line Adjustment

Complete this section. (See "Definition" below)

23. Please provide a **Legal Description** for EACH parcel that will be effected by this Property Line Adjustment:

Legal Description of **Parcel 1:**

Township: \_\_\_\_\_ Range: \_\_\_\_\_

Section: \_\_\_\_\_ Tax Lot: \_\_\_\_\_

**Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A-1".**

Legal Description of **Parcel 2:**

Township: \_\_\_\_\_ Range: \_\_\_\_\_

Section: \_\_\_\_\_ Tax Lot: \_\_\_\_\_

**Use separate sheet of paper for ENTIRE Legal Description and mark it "Exhibit A-2".**

**Definition of a Property Line Adjustment:** *"An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinances. Property line adjustment means the relocation of a common property line between two abutting properties."*

**PLEASE NOTE:** All applications for Property Line Adjustments must have a Record of Survey Map completed by a Licensed Surveyor showing the proposal to County standards as found in the Harney County Subdivision and Partitioning Ordinance, Article 5. As well as new legal descriptions of EACH parcel involved.

24. Please describe the **reasons** these parcels should have adjustments made to their boundaries:

25. What is the **current size** of each parcel involved?

Parcel 1 \_\_\_\_\_ acres

Parcel 2 \_\_\_\_\_ acres

26. What would be the **final size** of each parcel involved?

Parcel 1 \_\_\_\_\_ acres

Parcel 2 \_\_\_\_\_ acres

27. How many acres will be **exchanged** between the parcels involved?

**NOTE (1):** ALL property owners must sign this Land Use Permit Application "Property Line Affidavit" form having it notarized by a Notary Public (see Section 12) to ensure all are in agreement with the modifications requested.

**NOTE (2):** Definition of a Property Line Adjustment taken directly from ORS 92.101(7)(b) and 92.010(11).

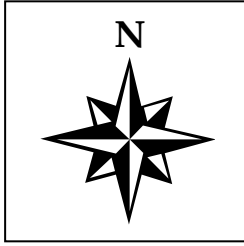
## Section 5: Required Application Materials

Complete this section.

28. These materials are to be submitted with the application: The proceeding page is to be used as a base for the site plan. This drawing DOES NOT take the place of any maps required to be submitted by a Licensed Surveyor. This site plan will **show what is or will be on the property**. Additional material may be requested.

<input checked="" type="checkbox"/>	<b>Materials to be submitted for ALL types of Applications:</b>
<input type="checkbox"/>	a) Completed <b>Application form</b> .
<input type="checkbox"/>	b) Applicable <b>Application fees</b> .
<input type="checkbox"/>	c) <b>Site Plan</b> Marked Exhibit B (see proceeding page) to include:
<input type="checkbox"/>	• North Arrow
<input type="checkbox"/>	• Site area showing <b>Property boundaries</b> and dimensions
<input type="checkbox"/>	• Proposed and existing <b>structures</b> with dimensions to nearest Property lines.
<input type="checkbox"/>	• Location of existing <b>wells</b> and <b>water rights</b> .
<input type="checkbox"/>	• Location of existing <b>septic systems</b> (i.e. tanks, drain fields)
<input type="checkbox"/>	• Widths and names of <b>roads</b> adjacent to the site as well as existing roads, which provide direct access to the Property.
<input type="checkbox"/>	• Existing <b>access points</b> (driveways, lanes, etc.)
<input type="checkbox"/>	• <b>Easements</b> and rights-of-ways
<input type="checkbox"/>	• Existing <b>utility lines</b> (above and below ground)
<input type="checkbox"/>	• Approximate location of any unusual <b>topographical</b> features
<input type="checkbox"/>	• Major <b>geographic</b> features
<input type="checkbox"/>	• Location of <b>all</b> creeks, streams, ponds, springs and other drainage ways.
<input type="checkbox"/>	d) <b>Quick Print</b> showing property details.
<input type="checkbox"/>	e) <b>Property Deed Card</b> – property history.
<input type="checkbox"/>	f) The <b>Deed</b> of the Property in question.
<input type="checkbox"/>	g) <b>Tax Map</b> – Assessor’s map of the Property.
<input type="checkbox"/>	<b>PROPERTY LINE ADJUSTMENT Applications</b> All applications for Property Line Adjustments must have a Record of Survey Map completed by a Surveyor licensed in the State of Oregon, showing the proposal to County standards as found in the Harney County Subdivision and Partitioning Ordinance, Article 5

**Contact County Assessor Dept - for a copy of these**

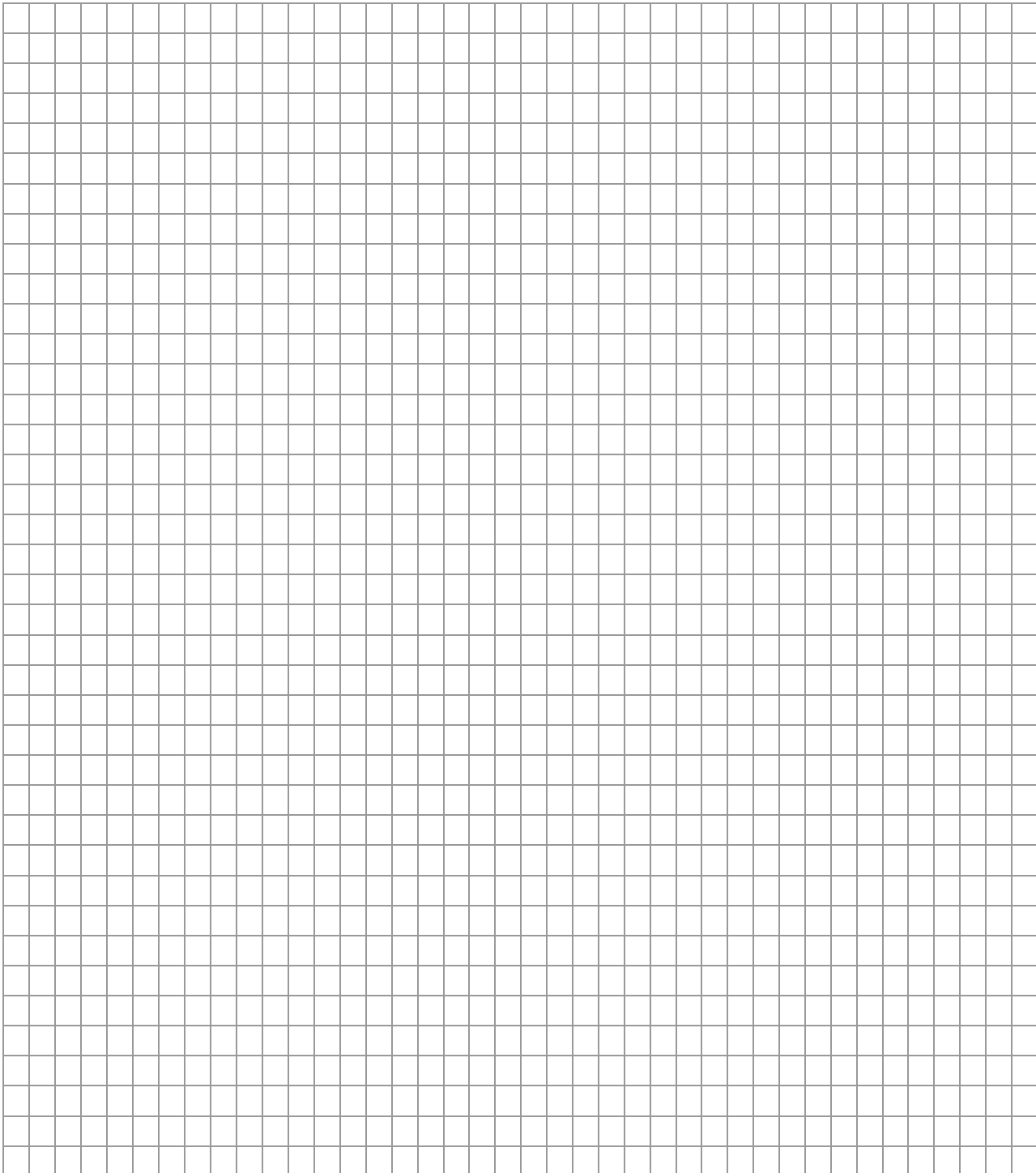


**Exhibit B  
Site Plan**

Owner/Applicant: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_



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## Section 6: Certification

Complete this section.

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I/We, the undersigned, swear under penalty of perjury that the above responses are made truthfully and to the best of my knowledge. It is further understood that the signing of this application *if* for a dwelling will preclude any lawsuits related to the by-products (i.e. noise, dust, odor, etc.) of farming operations.

**ALL Property Owners** with any interest in the properties being affected by this Land Use Permit Application must sign and date this form. *If* more room is needed signing the reverse side of this page is appropriate.

X

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Applicant

X

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Property Owner

X

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name of Property Owner

### **ADDITIONAL NOTICE to interested parties**

Is there anyone else besides the property owner and adjacent property owners who would like to receive notice of this application during its' review period and notice of decision? (Realtor, perspective buyer, etc.) *If so*, provide name and mailing address:

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

**PROPERTY LINE CONSENT AFFIDAVIT AND DECLARATION**

We, the undersigned, do hereby own the property as referenced by the Instrument Numbers listed below, and that we do hereby consent and agree to the surveying and/or platting of said Property Line Adjustment (PLA) Survey and that the said PLA has been made with our free consent and in accordance with our desires.

Instrument #: \_\_\_\_\_ Map #: T \_\_\_\_\_ R \_\_\_\_\_ Sec. \_\_\_\_\_ TL \_\_\_\_\_

\_\_\_\_\_  
Property Owner                      Property Owner                      Property Owner

State of Oregon    )  
                                  ) SS  
County of Harney    )

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by

\_\_\_\_\_

\_\_\_\_\_  
Notary Public State of Oregon  
My commission expires \_\_\_\_\_



Instrument #: \_\_\_\_\_ Map #: T \_\_\_\_\_ R \_\_\_\_\_ Sec. \_\_\_\_\_ TL \_\_\_\_\_

\_\_\_\_\_  
Property Owner                      Property Owner                      Property Owner

State of Oregon    )  
                                  ) SS  
County of Harney    )

Acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010 by

\_\_\_\_\_

\_\_\_\_\_  
Notary Public State of Oregon  
My commission expires \_\_\_\_\_