33.3 Land Divisions – Lot Line Adjustments. Remand is necessary where petitioners argue that a boundary line adjustment application is governed by a county ordinance addressing the "Sale or Transfer of Land to an Adjacent Owner * * *," under the section on nonconforming uses that apply to "Designated Resource Areas," where the subject parcels are designated for agricultural and forest uses and are zoned exclusive farm use – grazing (FG) and where respondents filed no response brief. Because there is no local interpretation of the applicability of the ordinance, LUBA will remand the decision for the county to interpret the ordinance in the first instance. *Friends of Douglas County v. Douglas County*, 78 Or LUBA 11 (2018).

33.3 Land Divisions – Lot Line Adjustments. Where the county found a boundary line adjustment application is in compliance with a county ordinance that requires that the "resulting parcel sizes do not change the existing land use" because before and after the boundary line adjustment there was one parcel conforming and one parcel non-conforming in size, LUBA will remand the decision. On remand, the county shall consider petitioners' argument and adopt any necessary findings regarding petitioners' argument that the ordinance could be interpreted to require the county to consider whether the "existing land use pattern" is changed when the subject parcel—that was previously deemed "generally unsuitable" for farm use due to its size and soil composition—qualifies for a nonfarm dwelling as a result of the boundary line adjustment because the parcel was expanded to include agricultural soils in a manner that possibly renders the resulting parcel suitable for farm use. *Friends of Douglas County v. Douglas County*, 78 Or LUBA 11 (2018).

33.3 Land Divisions – Lot Line Adjustments. Although the county's approval of the boundary line adjustment for the siting of a nonfarm dwelling could effectively undercut the factual predicate for compliance with a statutory-based standard pursuant to ORS 215.263(4) designed to minimize loss of productive resource lands in exclusive farm use zones to non-resource uses, where petitioner has not cited anything in the county ordinance that constitutes an approval standard for a post-partition boundary line adjustment, even if the adjustment undercuts a factual predicate for the partition approval, this argument provides no basis for reversal or remand. *Friends of Douglas County v. Douglas County*, 78 Or LUBA 11 (2018).

33.3 Land Divisions – Lot Line Adjustments. Approving a boundary line adjustment to a parcel under applicable standards does not "collaterally attack" a previous land partition decision that originally created the subject parcel under different standards, even assuming the adjusted parcel after the boundary line adjustment would not comply with the partition standards that were applied earlier when the parcel was created. *Friends of Douglas County v. Douglas County*, 78 Or LUBA 11 (2018).

33.3 Land Divisions – Lot Line Adjustments. When a lot is an unplatted remainder of a subdivision and is not depicted at all on the approved subdivision plat, its current configuration may have resulted from the subdivision but that does not indicate that the county approved the creation of the lot by applying subdivision approval standards. On remand, the hearings officer needs to determine if the lot was approved by applying subdivision standards. *Landwatch Lane County v. Lane County*, 78 Or LUBA 164 (2018).

33.3 Land Divisions – Lot Line Adjustments. ORS 92.190(3) embodies a requirement that, where local governments choose to provide an alternative procedure for property line adjustments other than using replat procedures, that alternative procedure must include local government approval of some kind. However, ORS 197.190(3) does not specify any particular procedures or form of approval, and does not necessarily require that final approval be obtained prior to recordation of the adjustment deeds. Given the absence of more specific statutory requirements a county does not err in verifying property as a legal lot, notwithstanding that the property lines were adopted in 2007 without prior county approval, where following recordation of the deeds, the county preliminarily verified the adjustments as lawful and issued a final approval in 2017 when the property owner applied for, and the county approved, a development permit. This process, although partially post-hoc, is consistent with ORS 92.190(3). *Landwatch Lane County v. Lane County*, 77 Or LUBA 486 (2018).

33.3 Land Divisions – Lot Line Adjustments. Oregon Laws 2008, chapter 12, legislatively overruled the holding in *Phillips v. Polk County*, 53 Or LUBA 194, *aff'd*, 213 Or App 498, 162 P3d 338 (2007), which provided that it was unlawful to adjust property boundaries in a way that results in parcels that fail to comply with applicable minimum parcel sizes. Oregon Laws 2008, chapter 12, authorizes property line adjustments of substandard size lots and parcels, even if the resulting lots or parcels continue to fail to comply with applicable minimum parcel sizes. Oregon Laws 2008, chapter 12, section 6 made that legislation retroactive to "property line adjustments approved before, on or after the effective date of this 2008 Act." Therefore, Oregon Laws 2008, chapter 12 applies to a property line adjustment that took place in 2007, because the property line adjustment was "approved * * * before, on or after" the effective date of the 2008 Act. *Landwatch Lane County v. Lane County*, 77 Or LUBA 486 (2018).

33.3 Land Divisions – Lot Line Adjustments. LUBA may take official notice of a county legal lot verification decision involving the same property at issue in an appeal of a county decision approving property line adjustments, for the limited purpose of resolving a dispute regarding LUBA's scope of review over the county decision approving property line adjustments. *Sarett v. Lane County*, 76 Or LUBA 308 (2017).

33.3 Land Divisions – Lot Line Adjustments. An appeal of a 2014 decision approving seven property line adjustments is not a "collateral attack" on a subsequent and unappealed 2017 decision verifying four of the seven properties adjusted as lawfully created lots, where the 2017 decision did not purport to approve the configuration or boundaries adjusted in the 2014 decision, but simply determined that four of the parcels at issue were lawfully created. *Sarett v. Lane County*, 76 Or LUBA 308 (2017).

33.3 Land Divisions – Lot Line Adjustments. Deeds that transferred title for property that is the subject of some but not all of the property line adjustments that are the subject matter of the challenged decision, but that nevertheless post-date the decision, were not "placed before" the planner who approved the property line adjustments within the meaning of OAR 661-010-0025(1)(b), where the deeds were not actually provided to the planner prior to the decision. Simply because other deeds that also post-date the decision were included in the record, possibly erroneously, does not mean the remainder of the post-decision deeds must also be included in the record. *Sarett v. Lane County*, 76 Or LUBA 470 (2017).

33.3 Land Divisions – Lot Line Adjustments. Absent a motion to take evidence outside the record pursuant to OAR 660-010-0045, LUBA has no basis for considering diagrams that illustrate an entire series of property line adjustments that are the subject matter of the challenged decision, but that nevertheless contain hand-drawn lines, text, and other information which indicate at least some of the notations post-date the decision, and therefore the diagrams could not have been "placed before" the planner who approved the property line adjustments. *Sarett v. Lane County*, 76 Or LUBA 470 (2017).

33.3 Land Divisions – Lot Line Adjustments. Where petitioner offers some additional deeds and diagrams from a 2017 legal lot verification proceeding, in a challenge to a 2016 application for multiple property line adjustments, LUBA may not consider the additional post-decision deeds and diagrams where the parties agree that the 2016 application approved more than a single property line adjustment, and thus the deeds and diagrams do not offer anything material as to a "disputed factual allegation in the parties' briefs" pursuant to OAR 661-010-0045(1). *Sarett v. Lane County*, 76 Or LUBA 485 (2017).

33.3 Land Divisions – Lot Line Adjustments. After 2005 statutory amendments, ORS chapter 92 does not preclude approving multiple property line adjustments in a single decision, provided the adjusted property lines are common property lines between abutting, existing properties. *Bowerman v. Lane County*, 75 Or LUBA 86 (2017).

33.3 Land Divisions – Lot Line Adjustments. A property line adjustment decision may not approve multiple property line adjustments, where the latter property line adjustments adjust property lines between parcels that were the subject of one of the earlier property line adjustments. To approve a property line adjustment and then approve an additional property line adjustment for one of the adjusted properties, the statutorily required conveyance to complete the first property line adjustment must first be recorded. *Bowerman v. Lane County*, 75 Or LUBA 86 (2017).

33.3 Land Divisions – Lot Line Adjustments. Where four pre-1993 parcels are combined through property line adjustments to meet a local minimum parcel size standard, under OAR 660-033-0020(4) the date the property line adjustments created the new combined parcel is the new "date of creation." Where that new date of creation post-dates 1993, a county decision approving a nonfarm dwelling on the combined parcel does not comply with the ORS 215.284(2)(c) requirement that a nonfarm dwelling must "be sited on a lot or parcel created before January 1, 1993." *Central Oregon Landwatch v. Crook County*, 75 Or LUBA 186 (2017).

33.3 Land Divisions – Lot Line Adjustments. LUBA will affirm a hearings officer's interpretation of a code provision allowing a property line adjustment that does not result in a non-buildable parcel being made buildable as concerning only parcels that are not buildable due to an inability to meet required setbacks, regardless of whether the applicant in fact intends to build on the property, where nothing in the code provision requires the applicant to demonstrate or the county to determine the intended use of the property. *Lowell v. Jackson County*, 75 Or LUBA 251 (2017).

33.3 Land Divisions – Lot Line Adjustments. Remand is necessary where a code provision allows a property line adjustment as long as the adjustment does not result in an unbuildable parcel being made buildable, but the record includes no evidence regarding whether the adjusted parcel had one or more buildable sites prior to the adjustment, and the findings on that point are conclusory and not supported by substantial evidence. *Lowell v. Jackson County*, 75 Or LUBA 251 (2017).

33.3 Land Divisions – Lot Line Adjustments. LUBA will affirm a finding that a 1985 quitclaim deed of a portion of a river meander channel from the state to an adjoining property owner represented a property line adjustment, rather than the unlawful creation of a new discrete parcel, where the petitioner identifies no statutory or local authority compelling the conclusion that the 1985 deed had the legal effect of creating a new parcel. *Landwatch Lane County v. Lane County*, 75 Or LUBA 473 (2017).

33.3 Land Divisions – Lot Line Adjustments. A long-expired 1983 property line adjustment decision that required the consolidation of parcels, but that was never implemented by deeds actually consolidating the parcels, had no legal effect on the configuration of the parcels involved. *Grimstad v. Deschutes County*, 74 Or LUBA 360 (2016).

33.3 Land Divisions – Lot Line Adjustments. Petitioner's appeal of a decision approving several property line adjustments is not rendered moot by the applicant's reapplication for approval of the property line adjustments, where the decision on the reapplication is not yet final and the applicant could withdraw that reapplication at any time. *Bowerman v. Lane County*, 74 Or LUBA 644 (2016).

33.3 Land Divisions – Lot Line Adjustments. An appeal of a decision granting property line adjustments that was rendered without providing notice and an opportunity for a local appeal is not rendered moot by a reapplication followed by notice and an opportunity for appeal, where petitioner's petition for review is not limited to assigning error to the failure to provide notice and an opportunity for local appeal and also assigns error to the substance of the property line adjustment decision. *Bowerman v. Lane County*, 74 Or LUBA 644 (2016).

33.3 Land Divisions – Lot Line Adjustments. Where an application for property line adjustments is appealed to LUBA, while that appeal is pending at LUBA the local government lacks jurisdiction to accept a reapplication for those property line adjustments and render a modified decision on the application. *Bowerman v. Lane County*, 74 Or LUBA 644 (2016).

33.3 Land Divisions – Lot Line Adjustments. In determining that four applications to adjust the property lines of five properties, four of which are part of a platted subdivision, could be approved as property line adjustments rather than as a replat of a recorded subdivision, the county interpreted its land use regulations and exercised legal judgment, and therefore the challenged decision is not subject to the ministerial exception at ORS 197.015(10)(b)(A). *Balsly v. Benton County*, 73 Or LUBA 287 (2016).

33.3 Land Divisions – Lot Line Adjustments. In approving a property line adjustment between two EFU-zoned parcels to facilitate a proposed farm dwelling, under a standard that requires that

the adjusted parcel "qualifies for a homesite," a county may rely on a concurrent county decision approving a farm dwelling on the adjusted parcel to conclude that the "qualifies for a homesite" standard is met, and need not require farm income evidence or adopt findings as part of the adjustment decision that again demonstrate that the adjusted parcel qualifies for a farm dwelling. *Louks v. Jackson County*, 65 Or LUBA 58 (2012).

33.3 Land Divisions – Lot Line Adjustments. A hearings officer does not err in concluding that a county standard requiring a showing that the proposed "use" will not force a significant change in farm or forest practices or significantly increase costs of farm and forest practices does not apply to a property line adjustment, where the county standard applies to "uses" listed in the county's EFU zone, and property line adjustments are not listed as a use. *Louks v. Jackson County*, 65 Or LUBA 58 (2012).

33.3 Land Divisions – Lot Line Adjustments. A county code section that provides general standards for "adjustments" does not provide additional standards for a property line adjustment, where the relevant text and context indicates that "adjustment" as used in that code section means an adjustment or variance to a minimum lot size or similar standard, not a property line adjustment that requires no variance. *Louks v. Jackson County*, 65 Or LUBA 58 (2012).

33.3 Land Divisions – Lot line adjustments. A property line adjustment cannot create new parcels. Where a property line adjustment depicts with dashed lines the interior property lines of lots vacated by a prior partition, the subsequent property line adjustment does not have the legal effect of re-establishing the prior existing lots. *Weyerhaeuser Real Estate Development Co. v. Polk County*, 63 Or LUBA 393 (2011).

33.3 Land Divisions – Lot Line Adjustments. A challenge to a property line adjustment that results in 106-acre and 23-acre parcels based on a compatibility standard provides no basis for reversal or remand, where the compatibility standard is really a compatibility "objective," and the objective only applies where a resulting parcel is five acres or less. *Lulay v. Linn County*, 60 Or LUBA 432 (2010).

33.3 Land Divisions – Lot Line Adjustments. An argument that a decision approving a boundary line adjustment under an acknowledged comprehensive plan and land use regulations violates Goal 4 provides no basis for reversal, where petitioner offers no legal theory for why Goal 4 applies to such a decision. Generally, unless a land use decision adopts new or amended comprehensive plan or land use regulation provisions, a post-acknowledgement land use decision is governed by the acknowledged comprehensive plan and land use regulations and need not apply the statewide planning goals directly. *Lulay v. Linn County*, 60 Or LUBA 432 (2010).

33.3 Land Divisions – Lot Line Adjustments. Oregon Laws 2008, Chapter 12, Section 2(b) does not compel a county to deny a proposed property line adjustment that results in substandard sized parcels where the original parcels did not meet the minimum parcel size, the resulting parcels do not meet the minimum parcel size, and no new parcels are created, even if one of the resulting parcels contains two different zoning designations. *Just v. Linn County*, 59 Or LUBA 112 (2009).

33.3 Land Divisions – Lot Line Adjustments. Notwithstanding LUBA's contrary conclusion in *Warf v. Coos County*, 43 Or LUBA 460 (2003), based on pre-2005 statutory language, after 2005 amendments to OAR 92.010(11), a local government may in a single decision approve more than one property line adjustment. *Kipfer v. Jackson County*, 58 Or LUBA 436 (2009).

33.3 Land Divisions – Lot Line Adjustments. The ORS 92.010(7) definition of "partition land" excludes property line adjustments "where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance." A property line adjustment where the parcel or lot that is reduced in size by the property line adjustment fails to comply with the minimum lot or parcel size established by the zoning ordinance is therefore a partition rather than a property line adjustment. *Phillips v. Polk County*, 53 Or LUBA 194 (2007).

33.3 Land Divisions – Lot Line Adjustments. A decision that merely relocates or eliminates a common property line between abutting properties is not a "permit" decision as that term is defined in ORS 227.160(2) and 215.402(4), even if the decision involves the exercise of discretion. *South v. City of Portland*, 53 Or LUBA 362 (2007).

33.3 Land Divisions – Lot Line Adjustments. A decision that relocates or eliminates a common boundary between two properties does not involve the "proposed development of land" and thus is not a "permit" as that term is defined in ORS 227.160(2) and 215.402(4). The statutory requirements for notice and hearing that govern "permit" decisions do not apply to a property line adjustment decision. *South v. City of Portland*, 53 Or LUBA 362 (2007).

33.3 Land Divisions – Lot Line Adjustments. Absent some code provision or law to the contrary, a local government need not determine that a lot was "legally created" in order to determine that the lot qualifies as a "lot of record" as that term is used in the code. *South v. City of Portland*, 53 Or LUBA 362 (2007).

33.3 Land Divisions – Lot Line Adjustments. Absent some authority to the contrary, a local government need not approve a property line adjustment necessary to effect a proposed subdivision prior to or contemporaneously with adopting the preliminary subdivision approval. A finding that it is feasible to obtain a property line adjustment, combined with a condition requiring that the adjustment be obtained prior to final subdivision approval, is sufficient. *Bollam v. Clackamas County*, 52 Or LUBA 738 (2006).

33.3 Land Divisions – Lot Line Adjustments. A hearings officer does not err in determining that specific provisions governing property line adjustments of undersize lots in agricultural zones apply to an agriculturally zoned portion of a split-zoned parcel, rather than general provisions governing property line adjustments requiring that adjusted lots satisfy the minimum parcel size. *Bollam v. Clackamas County*, 52 Or LUBA 738 (2006).

33.3 Land Divisions – Lot Line Adjustments. A code standard prohibiting a property line adjustment on agricultural land where the adjustment is used to qualify a lot or parcel for the siting of a dwelling does not preclude an adjustment that would effectively separate a split-zoned parcel to allow residential development on the non-agriculturally zoned portion of the parcel, where the

adjustment will not qualify the agricultural portion of the parcel for a dwelling. *Bollam v. Clackamas County*, 52 Or LUBA 738 (2006).

33.3 Land Divisions – Lot Line Adjustments. Reversal, not remand, is the appropriate remedy where a challenged property line adjustment purports to reconfigure the lot lines of three adjacent lots of an existing subdivision to create two lots out of the pre-existing three lots, and the reconfiguration cannot be achieved through a single property line adjustment or through serial adjustments. *Borton v. Coos County*, 51 Or LUBA 478 (2006).

33.3 Land Divisions – Lot Line Adjustments. Where code standards for a lot line adjustment require submission of deeds, a survey drawing, proof that taxes are paid, and verification that the city has accepted any water or sewer line construction, and the petitioner fails to identify anything about those standards that requires interpretation or the exercise of policy or legal judgment, a decision approving a lot line adjustment under those standards is not a "land use decision" as defined at ORS 197.015(10). *Jewett v. City of Bend*, 48 Or LUBA 16 (2004).

33.3 Land Divisions – Lot Line Adjustments. A concern that a property line adjustment may facilitate future development of a 33-acre parcel and a 64-acre parcel does not render a decision approving the adjustment a "significant impact" land use decision, where the petitioner fails to demonstrate that the adjustment would allow a different kind or intensity of development, change the land use status quo of the area, or create an actual, qualitatively or quantitatively significant impact on present or future land uses. *Jewett v. City of Bend*, 48 Or LUBA 16 (2004).

33.3 Land Divisions – Lot Line Adjustments. Under ORS 92.017, a lawfully created lot or parcel remains a discrete lot or parcel, unless the lot lines are vacated or the lot or parcel is further divided. Consolidation of several lots into one tax lot does not consolidate or affect the discrete existence of those lots. Therefore, no process of "lot segregation" is necessary in order to adjust property boundaries within a tax lot that is composed of several discrete lots or parcels. *South v. City of Portland*, 48 Or LUBA 555 (2005).

33.3 Land Divisions – Lot Line Adjustments. Absent some statute or code authority, a local government cannot recognize the existence of only one internal lot line within a four-lot tract and move that lot line around within the tract in a manner that crosses or ignores the still existing lot lines of other discrete lots in the tract. A decision with that effect is arguably a "partition" or "replat" as those terms are defined in ORS chapter 92, and does not qualify as a "property line adjustment." *South v. City of Portland*, 48 Or LUBA 555 (2005).

33.3 Land Divisions – Lot Line Adjustments. A decision that approves a "property line adjustment" as that term is defined in ORS chapter 92 will usually fall within the ministerial exception to LUBA's jurisdiction. However, determining whether a particular lot configuration in fact qualifies as property line adjustment, as opposed to something else such as a partition or replat, may require interpretation and exercise of legal judgment. If so, the decision does not fall within the ministerial exception, and is subject to LUBA's jurisdiction. *South v. City of Portland*, 48 Or LUBA 555 (2005).

33.3 Land Divisions – Lot Line Adjustments. LUBA will reverse rather than remand a decision approving a property line adjustment, where the decision erroneously approves something other than a property line adjustment, and the decision and respondent offer no theory as to how the city could lawfully do what the decision purports to do. *South v. City of Portland*, 48 Or LUBA 555 (2005).

33.3 Land Divisions – Lot Line Adjustments. City approval of an adjustment to a maximum lot size requirement in advance of a lot line relocation that would create an oversized lot, rather than contemporaneously with that lot line relocation, provides no basis for remand, where nothing in the city's code requires that the adjustment and lot line relocation be approved contemporaneously. *South v. City of Portland*, 46 Or LUBA 558 (2004).

33.3 Land Divisions – Lot Line Adjustments. A city commits no error by processing a lot line adjustment as a quasi-judicial land use matter before the planning commission rather than as a ministerial matter before the planning department, where the lot line adjustment decision requires that the city exercise significant legal and factual judgment. *Smith v. City of St. Paul*, 45 Or LUBA 281 (2003).

33.3 Land Divisions – Lot Line Adjustments. Even if a city erroneously applied its zoning ordinance standards for lots or parcels to an applicant's request for a lot line adjustment, that error provides no basis for reversal or remand where the city's decision to deny the lot line adjustment request was not based on those standards. *Smith v. City of St. Paul*, 45 Or LUBA 281 (2003).

33.3 Land Divisions – Lot Line Adjustments. As defined by ORS 92.010(11), a property line adjustment is limited to relocating one common property line between two abutting properties. *Warf v. Coos County*, 43 Or LUBA 460 (2003).

33.3 Land Divisions – Lot Line Adjustments. Property line adjustments are limited to property lines separating existing lots or parcels; property line adjustments may not be approved for hypothetical lots or parcels that do not yet separately exist as lots or parcels. *Warf v. Coos County*, 43 Or LUBA 460 (2003).

33.3 Land Divisions – Lot Line Adjustments. Serial property line adjustments may be approved to reconfigure existing parcels. *Warf v. Coos County*, 43 Or LUBA 460 (2003).

33.3 Land Divisions – Lot Line Adjustments. Absent seeking approval of a replat or new partition plat, applicants who seek to achieve complex reconfigurations of existing parcels must seek and receive separate approvals for each of the property line adjustments that are needed to achieve the reconfiguration and must implement each of those approved property line adjustments before seeking approval of additional adjustments of an approved property line adjustment. *Warf v. Coos County*, 43 Or LUBA 460 (2003).

33.3 Land Divisions – Lot Line Adjustments. Where county road standards that apply when new lots are created by major partition or subdivision do not by their terms apply where lot lines are adjusted, the board of county commissioners is nevertheless within its interpretive discretion under ORS 197.829(1) and *Clark v. Jackson County*, 313 Or 508, 836 P2d 710 (1992), where it interprets

separate code requirements for lot line adjustments as requiring that those county road standards be applied when providing access to lots for which lot lines have been adjusted. *Friends of Yamhill County v. Yamhill County*, 41 Or LUBA 476 (2002).

33.3 Land Divisions – Lot Line Adjustments. The illegality of previous lot line adjustments affecting land proposed for rezoning does not provide a basis for remand, where the adjustments do not affect the number of parcels or other required calculations under the applicable rezoning criteria, and those criteria do not otherwise require consideration of the legality of previous lot line adjustments. *Maxwell v. Lane County*, 39 Or LUBA 556 (2001).

33.3 Land Divisions – Lot Line Adjustments. Where a city code requires that a lot line adjustment may be approved only if adequate public facilities are available to serve the resulting parcels and the proposal is compatible with the comprehensive plan, the city errs in interpreting the code to limit its consideration to the lot line adjustment itself and not the uses proposed on the adjusted lots. *Mountain West Investment v. City of Silverton*, 39 Or LUBA 507 (2001).

33.3 Land Divisions – Lot Line Adjustments. A local government does not err in determining that a complicated land sale transaction that reconfigured the boundaries of several parcels was a property line adjustment rather than a partition, where five separate parcels existed before and after the transaction and a property line adjustment is a more plausible explanation of the transaction than a combination of partition and merger. *Tarjoto v. Lane County*, 36 Or LUBA 645 (1999).

33.3 Land Divisions – Lot Line Adjustments. Property line adjustments are not limited to adjustments in the boundaries of lots or parcels created by subdivision or partition plat, but also include adjustments in the boundaries of parcels created by metes and bounds conveyance. *Tarjoto v. Lane County*, 36 Or LUBA 645 (1999).

33.3 Land Divisions – Lot Line Adjustments. Where a county approves an application that creates a new parcel, that approval is a partition as defined by ORS 92.010 notwithstanding that the county also approved a lot line adjustment involving the parent parcel in the same proceeding. *Hartmann v. Washington County*, 36 Or LUBA 442 (1999).

33.3 Land Divisions – Lot Line Adjustments. The definition of "Date of Creation" at OAR 660-033-0020(4) expands the circumstances in which parcels are "created" for purposes of siting a nonfarm dwelling to include lot line adjustments or similar reconfigurations that have the effect of qualifying the parcel for a dwelling. The definition does not impliedly narrow the set of circumstances that create a parcel to include only those events that have the effect of qualifying a parcel for a dwelling. *Hartmann v. Washington County*, 36 Or LUBA 442 (1999).

33.3 Land Divisions – Lot Line Adjustments. A property line adjustment decision is a land use decision where complex factual and legal circumstances of the case require the exercise of legal judgment. *Goddard v. Jackson County*, 34 Or LUBA 402 (1998).

33.3 Land Divisions – Lot Line Adjustments. A decision that relocates property lines that are not common to abutting properties reconfigures the property in a manner that violates the definition of "property line adjustment" at ORS 92.010(11) and the statutory distinction between

a property line adjustment and replat, and such action is prohibited as a matter of law. *Goddard v. Jackson County*, 34 Or LUBA 402 (1998).

33.3 Land Divisions – Lot Line Adjustments. A property line adjustment is limited to relocation of common property lines. Where a decision reconfigures property lines so that entire parcels are moved and property lines that are not common are moved, the decision does not approve a property line adjustment. *Goddard v. Jackson County*, 34 Or LUBA 402 (1998).

33.3 Land Divisions – Lot Line Adjustments. The adjustment of a property line between existing parcels is not a "partition," where property is taken from one parcel and added to another. *Tarjoto v. Lane County*, 34 Or LUBA 124 (1998).

33.3 Land Divisions – Lot Line Adjustments. Where a petitioner challenges a county's authority to process an application for a lot line adjustment on the basis that there has never been a legal determination that the property consists of more than one parcel, such a challenge is an impermissible collateral attack on an earlier determination, if such a determination has been made. However, where the record does not reflect that any legal determination has been made, petitioner may challenge the county's authority to proceed with a lot line adjustment on the premise that the property consists of two parcels. *Higgins v. Marion County*, 30 Or LUBA 426 (1996).

33.3 Land Divisions – Lot Line Adjustments. Where a county has never made a decision to partition a parcel, the county's approval of a lot line adjustment, which is premised on the assumption that a partition has occurred, must be reversed. *Higgins v. Marion County*, 30 Or LUBA 426 (1996).

33.3 Land Divisions – Lot Line Adjustments. The definition of "farm use" in ORS 215.203 is not an independent approval criterion for a lot line adjustment in an exclusive farm use zone. *Wissusik v. Yamhill County*, 27 Or LUBA 94 (1994).

33.3 Land Divisions – Lot Line Adjustments. Where a local code allows approval of a rural planned development (RPD) "in conjunction with" a land division, and establishes comprehensive standards for RPDs, including standards for lot line adjustments in an approved RPD, the local government's interpretation of a code provision allowing revisions to an approved land division as giving it authority to approve lot line adjustments in an approved RPD which are not otherwise allowable under the RPD provisions, is clearly wrong. *Reusser v. Washington County*, 25 Or LUBA 252 (1993).

33.3 Land Divisions – Lot Line Adjustments. Although ORS 92.010 to 92.190 do not specifically envision a subdivision approval process that combines approval of a subdivision and a lot line adjustment, neither do those statutes prohibit such a process. Absent such a prohibition, a local government commits no error in following such a combined process. *Miller v. Washington County*, 25 Or LUBA 169 (1993).

33.3 Land Divisions – Lot Line Adjustments. Where nothing in the caption, findings or decision itself suggests that the challenged decision approves a lot line adjustment, a lot line adjustment was not approved. *Barker v. City of Cannon Beach*, 24 Or LUBA 221 (1992).

33.3 Land Divisions – Lot Line Adjustments. A lot line adjustment is not a partition and cannot create additional units of land. ORS 92.015(7)(b). *McKay Creek Valley Assoc. v. Washington County*, 24 Or LUBA 187 (1992).