



MULTNOMAH COUNTY
LAND USE PLANNING DIVISION
1600 SE 190TH Avenue Portland, OR 97233
(503) 988-3043 FAX: (503) 988-3389
<http://www.co.multnomah.or.us/lup>

NOTICE OF DECISION

This notice concerns a Planning Director decision on the land use case(s) cited and described below.

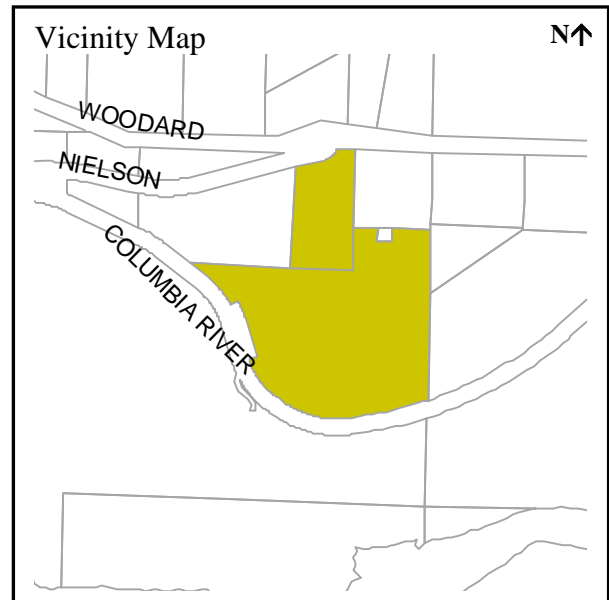
Case File: T2-01-045

Permit: Property Line Adjustment

Location: 31005 E. Historic Columbia River Hwy
TL 400, Sec 05BA, T 1S, R 4E, W.M. &
TL 300, Sec 05BA, T 1S, R 4E, W.M.
Tax Account #R99405-0270
R99405-0550

Applicant: Allen & June Kalkhoven II

Owner: Allen & June Kalkhoven II
31005 E. Historic Columbia River Hwy
Troutdale, OR 97060



Summary: To adjust the property line between an existing 8.30 acre parcel and a 2.02 acre parcel to reconfigure the lots.

Decision: Approved.

Unless appealed, this decision is effective Wednesday, June 27, 2001, at 4:30 PM.

Issued by:

By: _____
Lisa Estrin, Planner

For: Kathy Busse - Planning Director

Date: Wednesday, June 13, 2001

Opportunity to Review the Record: A copy of the Planning Director decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Director's decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Lisa Estrin, Staff Planner at 503-988-3043.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals (LUBA) until all local appeals are exhausted.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Wednesday, June 27, 2001 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): 35.7970- Property Line Adjustment, 35.3155 (C) Dimensional Requirement and 35.3160(E) - RR zone, Property Line Adjustments

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/lup>.

Scope of Approval

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. **Pursuant to MCC 37.0690, this land use permit expires two years from the date the decision is final if; (a) development action has not been initiated; (b) building permits have not been issued; or (c) final survey, plat, or other documents have not been recorded, as required. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0690 and 37.0700. Such a request must be made prior to the expiration date of the permit.**

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

A. Recording:

1. When ready to have the final survey signed off, the applicant shall call the Staff Planner, Lisa Estrin, at 503.988.3043 **for an appointment or other necessary arrangements**. Staff will verify the adjusted properties conform to the approved Tentative Plan Map and meet applicable zoning requirements. Staff may then sign the survey. Multnomah County must review and sign the survey before you submit your deed(s), surveys, and legal descriptions (bring three copies of the plan and the

legal descriptions to Land Use Planning) to the Records Management office at Assessment and Taxation.

2. Proof of recording of the Tentative Plan Map for T2-01-045 shall be submitted prior to any issuance of a building permit for a new dwelling(s) on the reconfigured lots or the recording of any subsequent lot line adjustments or land divisions involving either or both of the subject parcels of T2-01-045.
3. Complete the procedures on the enclosed document *Applicant's Instructions for Finishing a Property Line Adjustment*. Provide the enclosed *Surveyor's Instructions for Finishing a Property Line Adjustment* to your surveyor.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

OS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

DECISION OF THE PLANNING DIRECTOR

Exhibits

All materials submitted by the applicant, prepared by county staff, or provided by public agencies or members of the general public relating to this request are hereby adopted as exhibits hereto and may be found as part of the permanent record for this application. Exhibits referenced herein are enclosed, and a brief description of each is listed below:

<u>Exhibit</u>	<u>Description</u>
1	Tentative Plan Map
2	Existing Lot Configuration Map
3	Statement of Property Owner's Consent
4	Certification of Water Service
5	Certification of On-Site Sewage Disposal
6	A&T Parcel Records with Legal Descriptions
7	Opportunity to Comment
8	General Application Form

Findings of Fact

1. Pursuant to MCC 11.45.040, no land may be divided in the unincorporated area of Multnomah County except in accordance with the Multnomah County Land Division Ordinance.
2. Consistent with the requirements of the Land Division Ordinance, the applicant has made application for a Property Line Adjustment, to reconfigure the property line common to Tract #1 (Tax Lot 400) and Tract #2 (Tax Lot 300), within Section 05BA, Township 1 South, Range 4 East, of the Willamette Meridian.
3. The purpose of this application is to reconfigure the parcels. Tract #1 is currently 8.30 acres in size. Tract #2 is currently 2.02 acres in size. Approximately 6.28 acres will be moved from Tract #1 to Tract #2. When the property line adjustment is complete, Tract #1 will be a minimum of 2 acres and Tract #2 will be a maximum of 8.30 acres in size (See Attached Tentative Plan Map).
4. County zoning maps indicate that both properties are zoned Rural Residential (RR). Tract #1 contains an existing single-family dwelling constructed in 1929. The existing dwelling will be approximately 100 ft from the proposed rear property line and approximately 120 ft from the proposed south side property line. The front property line and north side property line will remain the same at 100 ft and 90 ft respectfully. The existing and proposed setbacks meet the minimum required yard dimensions specified in MCC 35.3155(C).
5. MCC 35.7970(B) allows the Planning Director to approve a property line adjustment between two properties in the Rural Area where an additional lot or parcel is not created but where one or both of the adjusted properties are below the minimum lot size established by the applicable zoning district designation. Such an adjustment must comply with any applicable zoning district standards for a Property Line Adjustment or Lot Line Adjustment. Tract #2 (2.02 ac) is currently below the minimum lot size for the Rural Residential district of 5 acres.

6. The Rural Residential zone district contains standards for approval of Property Line Adjustments. These standards are listed under MCC 35.3160(E). This application complies with all standards listed under this section, in that:
 - a) No additional lot or parcel is created. This application starts with two parcels and will finish with two parcels.
 - b) The parcel proposed to be enlarged in area (Tract #2) is less than 10 acres in area prior to the adjustment and remains less than 10 acres in area after the adjustment.
7. Pursuant to MCC 35.3155(C), each lot in the RR zoning district is required to have 50 feet of street frontage. Both Tracts adjoin Historic Columbia River Hwy, a publicly owned and maintained rural roadway. Each tract as proposed will have significantly more road frontage than the required 50 ft (see Exhibit 1).
8. Additional standards for Property Line Adjustments are found in the County Land Division Ordinance, under section MCC 35.7970(C). This application, as conditioned, complies with these standards in that:
 - a) The Tentative Plan (Exhibit 1) demonstrates that no additional lots or parcels are to be created from any parcel by this property line adjustment.
 - b) The owners of both properties involved in the property line adjustment have given written consent to the proposed adjustment (see case file). As conditioned, the owners are to record a conveyance or conveyances conforming to the approved property line adjustment.
 - c) As illustrated on the Tentative Plan, the adjusted property lines satisfy the dimensional requirements in the underlying zoning district designation. Such requirements, listed under MCC 35.3155(C), stipulate that each lot is to have a minimum front lot line width of 50 ft. Further, dimensions from structures to adjusted property lines meet the 30 ft front, 30 ft rear, and 10 ft side yard setback requirements of the district.
 - d) The right-of-way width from the centerline of Historic Columbia River Hwy to the front property line of each adjusted tract is 30 feet. The Historic Columbia River Hwy is administered by ODOT. An Opportunity to Comment was mailed to ODOT on May 7, 2001. No comment was received.

Conclusion

Considering the findings and other information provided herein, this application for a property line adjustment, as conditioned, satisfies applicable Multnomah County Land Division and Zoning Ordinance requirements.

