



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

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## NOTICE OF DECISION

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

**Case File:** T2-02-043

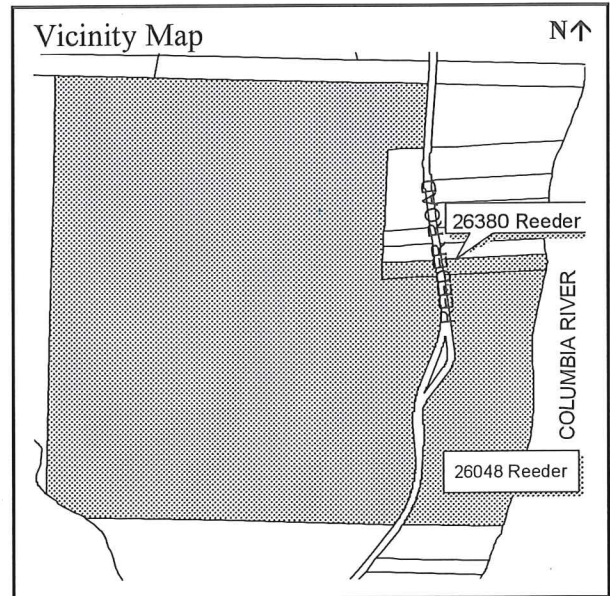
**Permit:** Property Line Adjustment

**Location:** 26380 and 26048 NW Reeder Road  
TL 1000 and TL 100, Sec 26, T3N, R1W,  
Tax Account #s R981260320 & R981260050

**Applicant:** Steven Pat Eudaly  
17015 NW St. Helens Road  
Portland, OR 97231

**Owner:** Tract 1: Donald Eudaly  
26380 NW Reeder Road  
Portland, OR 97231

Tract 2: James Reeder  
26214 NW Reeder Road  
Portland, OR 97231



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**Summary:** This adjustment relocates the line common to properties identified as Tract #1 (Tax Lot 1000) and Tract #2 (Tax Lot 100). Tract 1 is to increase in size to approximately 3.99 acres. Tract 2 will be reduced down to 171.03 acres.

**Decision:** Approved, with conditions.

Unless appealed, this decision is effective Monday, July 29, 2002, at 4:30 PM.

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Issued by:

By:   
Alyssa Isenstein, Planner

For: Kathy Busse - Planning Director

Date: Monday, July 15, 2002

**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 Planning 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 Alyssa Isenstein, 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 \$108.00 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 Monday, July 29, 2002 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): 34.7970, Property Line Adjustment (Lot Line Adjustment); 34.2825(F), 34.2855, 34.2860 and 34.2870, Multiple Use Agriculture.

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/dscd/landuse>.

### **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.

1. The applicant is to complete the procedures given in the enclosed "Applicant's Instructions for Finishing a Property Line Adjustment." They are also to provide their surveyor the enclosed "Surveyor's Instructions for Finishing a Property Line Adjustment" which provides instructions for drafting required materials (MCC 34.7970 (C) (2)).

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

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

## **DECISION OF THE PLANNING DIRECTOR**

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### **Findings of Fact**

1. Pursuant to MCC 34.7725, 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 1000) and Tract #2 (Tax Lot 100) within Section 26, Township 3 North, Range 1 West of the Willamette Meridian. A map illustrating the existing configuration of both tracts is attached (Exhibit 1).
3. Tract #1 and Tract #2 are both lawful properties and therefore are eligible for adjustment. Tract #1 was created by judicial decree entered May 31, 1912, (instrument illegible, copy in record). The decree divided a 20 acre tract known as "Old Home Place" into eight smaller lots, of which Tract #1 was designated Lot 1, a 2.5 acre parcel. On October 31, 1996 a Quitclaim Deed (copy in record) with the Division of State Lands as the grantor released the eastern edge of Tract #1 that abuts the Columbia River to James E. Reeder, which brought Tract #1 to its current configuration of 3.03 acres. Tract #2 in its current configuration matches the configuration on the 1962 zoning maps. The 1962 zoning maps are the Multnomah County's earliest set of zoning maps. It is possible that the present configuration of Tract #2 was placed in its current configuration prior to when county regulations were implemented. In 1962 Tract #2 was zoned F2, a zoning designation that required a minimum of 2 acres. At 172.10 acres in 1962, Tract #2 exceeds the minimum lot size standard of the F2 zoning district.
4. Tract 1 is to increase in size to approximately 3.99 acres. Tract 2 will be reduced down to 171.03 acres. The configuration of each Tract, after adjustment, is illustrated on the applicant's Tentative Site Plan (Exhibit 2).
5. County zoning maps indicate that Multiple Use Agriculture (MUA-20) zoning governs both properties. The MUA-20 zone district has a 20 acre minimum parcel size requirement (MCC 34.2855 (A)).
6. MCC 34.7970 (A) 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 and where the existing lot or parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the applicable zoning designation.
7. This application, as conditioned, complies with Property Line Adjustment review criteria under MCC 34.7970 (C), in that:
  - a) The Tentative Site Plan (Exhibit 2) 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 (Exhibit 3). As conditioned, the owners are to record a conveyance or conveyances conforming to the approved property line adjustment.
  - c) As illustrated on the Tentative Site Plan, the adjusted property lines satisfy the dimensional requirements in the underlying zoning district designation. Such requirements, listed under

MCC 34.2855 (C), stipulate that each lot is to have a minimum front lot line width of 50 feet. Further, dimensions from structures to adjusted property lines meet the 30 foot front, 30 foot rear, and 10 foot side yard setback requirements of the district.

- d) The right-of-way width from the centerline of Reeder Road to the front property line of each adjusted Tract is 25 feet, in compliance with road right-of-way width requirements contained in the Multnomah County Street Standards Ordinance.
8. The MUA-20 zone district contains standards of approval of Lot Line Adjustments. These standards are listed under MCC 34.2860 (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 property to be reduced in area is larger than 20 acres prior to the adjustment and remains 20 acres or larger in area after the adjustment.
9. This application was sent out for public notice on Friday, June 21, 2002. The only comment received was from the Multnomah County Surveyor who noted that this application will need a survey. A survey is required to complete the adjustment. This concern is addressed with a Condition of Approval.

## **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.

## **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 of this application. Exhibits referenced herein are enclosed, and a brief description of each is listed below:

<u>Label</u>	<u>Pages</u>	<u>Description</u>
1	1	Zoning Map
2	2	Tentative Site Plan and Inset
3	1	Statement of Property Owner Consent

(23)  
125.04-Ac.

41  
85.36 Ac.

JOHN

ORSE  
1043

Lot 2:

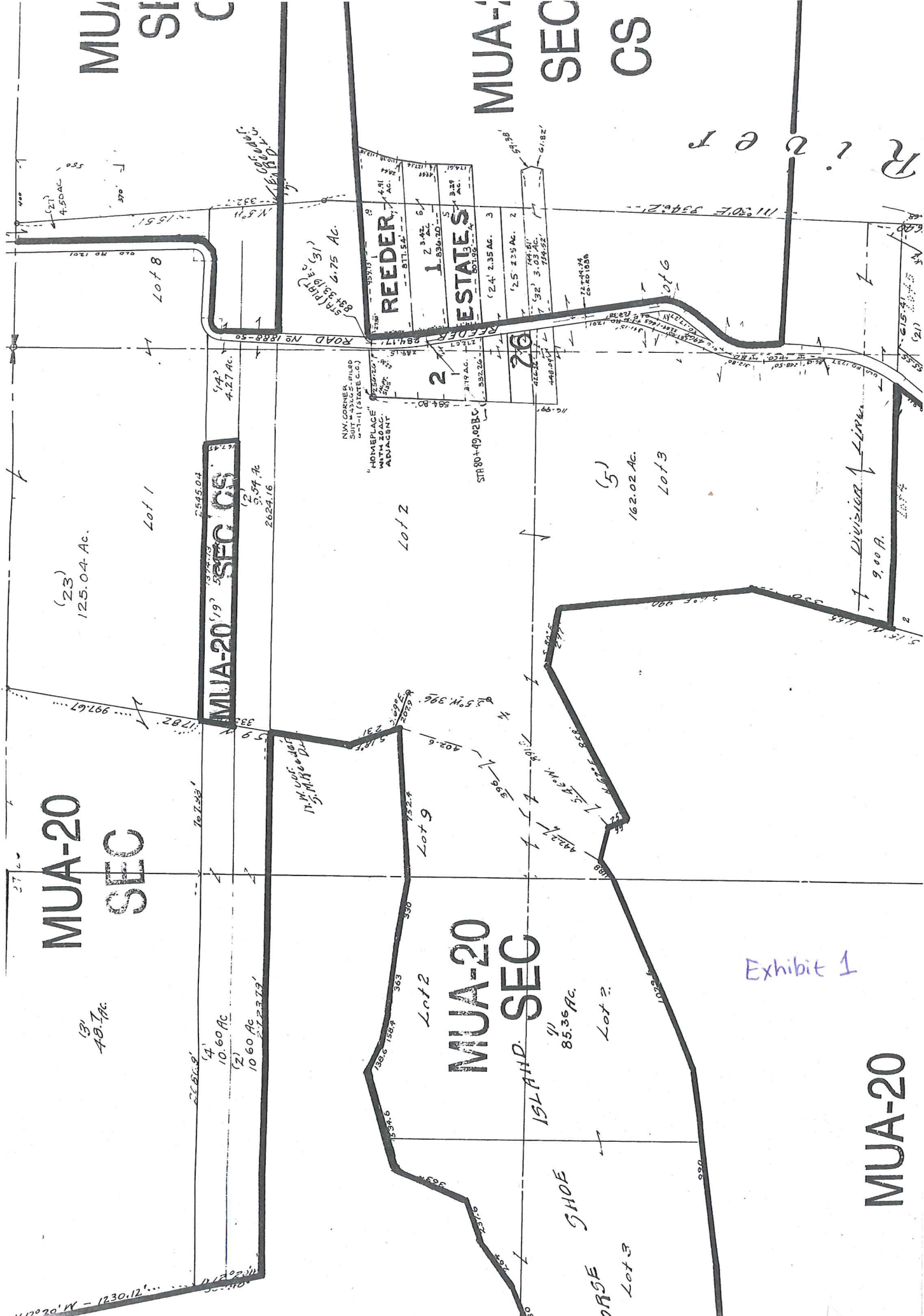
Exhibit 1

**MUA-20**

MUA-  
SEC  
CS

# MUSIC

2. 2. 2. 2. 2.



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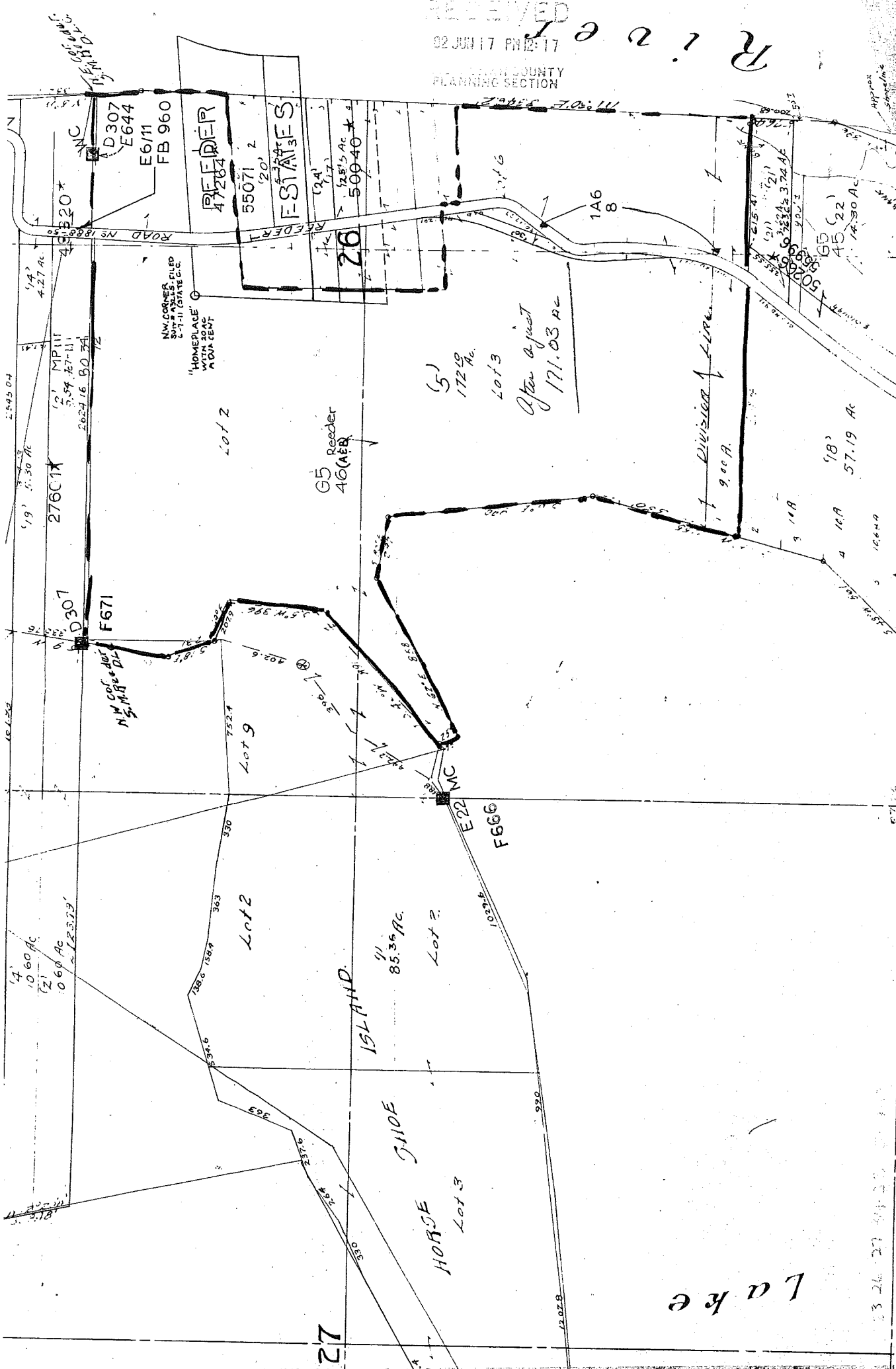
PLANNING SECTION



RECEIVED

92 JUN 17 PM 12:17

CLAY COUNTY  
PLANNING SECTION







RECEIVED  
02 JUN - 4 AM 10: 13  
MULTNOMAH COUNTY  
LAND USE PLANNING DIVISION  
1600 SE 190<sup>TH</sup> Avenue Portland, OR 97233  
(503) 988-3043 FAX: (503) 988-3389

*Property Line Adjustment*

**Statement of Property Owner Consent**

*(Please print in black ink or type)*

We the undersigned property owners, consent to the adjustment of the boundaries of our properties as shown on the attached map.

**Tract 1**

Address 26380 N.W. REEDER Rd

Tax Roll Description R 981260320

Owner's Name (print) Donald Eudaly

Owner's Signature Donald Eudaly

Date \_\_\_\_\_

**Tract 2**

Address 26048 N.W. REEDER Rd

Tax Roll Description R 981260050

Owner's Name (print) JAMES E. REEDER

Owner's Signature James E. Reeder

Date \_\_\_\_\_

Complete and return this form with the application for a property line adjustment.





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## *Surveyor's Instructions for* **Finishing A Property Line Adjustment**

If you are a surveyor who is retained by the applicant for a property line adjustment in Multnomah County's planning jurisdiction, you will perform the following services:

1. Survey the tracts as necessary to relocate the common property line as proposed on the approved Tentative Plan Map.
2. Prepare a property line adjustment map showing the adjusted tracts. The map shall be 18" x 24" in size. Provide three (3) prints to the applicant. The map must include:
  - A. Date, north arrow and scale;
  - B. Each property identified as Tract 1 and Tract 2 with all new areas and dimensions resulting from the adjusted lines clearly identified;
  - C. Name and present right-of-way width of abutting streets;
  - D. Location of existing buildings and distances to adjusted property lines on a copy of the survey map for the Planning file;
  - E. Show monuments set on the new property line;
  - F. Leave a blank area at least 3" wide and 2" tall for Planning approval stamp.
3. Prepare metes-and-bounds legal descriptions on 8 ½" x 11" sheets for each adjusted tract. Provide three (3) copies of each description to the applicant.
  - A. Begin each description with the corresponding tract number as shown on the map;
  - B. Conclude each description with the phrase "containing \_\_\_\_\_ square feet/acres, more or less;
  - C. Leave a blank area at least 3" wide and 2" tall for Planning approval stamp.
4. File the tracing for the final approved map with the County Surveyor.

**IMPORTANT:** To be acceptable for recording, prints of maps and copies of legal descriptions must have sharp contrast and may have no dark background.



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## *Applicant's Instructions for* **Finishing A Property Line Adjustment**

1. Review the Planning Director's approval decision of the proposed property line adjustment. Take particular notice of any "conditions of approval" that may be required.
2. Retain a surveyor (who is licensed by the State of Oregon) to:
  - A. Survey the properties and relocate the common property line as proposed on the approved Tentative Plan Map.
  - B. Prepare a survey map following the **Surveyor's Instructions for Finishing a Property Line Adjustment** and provide three (3) exact copies of the map.
  - C. Prepare metes-and-bounds legal descriptions for each adjusted tract and exchange area (if needed) and provide three (3) copies of each description.
3. Make an appointment with the Planner whose name is on the approval "Decision". At that appointment bring the maps and legal descriptions prepared by your surveyor. Once we verify that the adjusted properties conform to the approved Tentative Plan Map and meet applicable zoning requirements, we will stamp, date, and sign all three copies of the map and legal descriptions. We will retain one set of documents and return the remaining two sets to you.
4. After Planning Division approval of the final map and legal descriptions, have a deed or deeds prepared that conveys the exchanged area from one property owner to the other. *Remember:* a Property Line Adjustment does not create a parcel; the process simply provides a method to adjust the property line between two existing properties.
5. Take your deed(s), your stamped maps, and stamped legal descriptions to the Assessment and Taxation office at 501 SE Hawthorne Blvd. Go to the **Records Management** office in Suite 125. The Records Management staff will add their department's certification to the documents. They will keep and file one set of the certified documents and will take the other set to recording for you (Room 158).
6. The cashier in room 158 will collect a fee and keep the last set of certified documents for recording. The documents will be mailed back to you after they have been recorded.
7. File a survey with the Multnomah County Surveyor's office to complete the Property Line Adjustment process. ORS 209.250 states that a survey must be filed within 45 days of setting a monument.