

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

PH: 503-988-3043 FAX: 503-988-3389

http://www.co.multnomah.or.us/dbcs/LUT/land_use

NOTICE OF DECISION

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

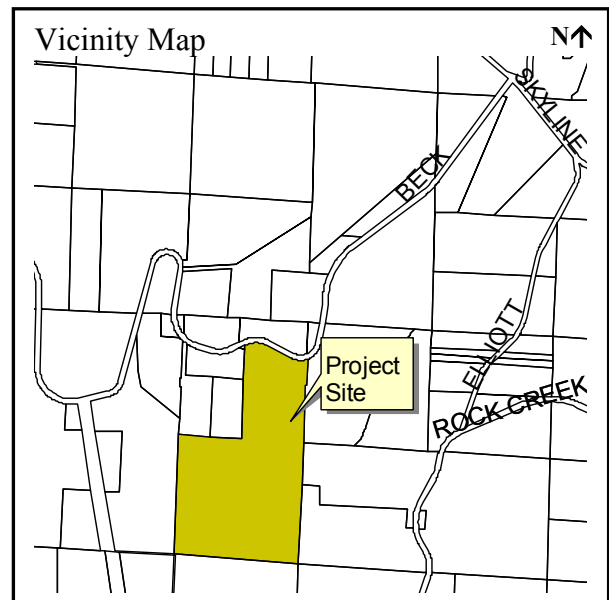
Case File: T2-05-069

Permit: Property Line Adjustment

Location: Property west of 21948 NW Beck Road
TL 800, Sec 23, T 2N, R 2W, W.M.
Tax Account #R97223-0550

Applicant: Theodore Nelson

Owner: Theodore Nelson



Summary: Applicant is proposing to combine two Lots of Record into 1 legal parcel in the Rural Residential and Commercial Forest Use-2 zoning districts.

Decision: Approved with conditions.

Unless appealed, this decision is effective Thursday, November 3, 2005, at 4:30 PM.

Issued by:

By: _____
Lisa Estrin, Planner

For: Karen Schilling- Planning Director

Date: Thursday, October 20, 2005

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 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 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 Thursday, November 3, 2005 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Multnomah County Code (MCC):
Commercial Forest Use - 2: MCC 33.2260 Dimensional Requirements, MCC 33.2270 Lot Line Adjustment, MCC 33.2275 Lot of Record;
Rural Residential: MCC 33.3155 Dimensional Requirements, MCC 33.3160(B) Property Line Adjustments, MCC 33.3170 Lot of Record;
Land Division: MCC 33.7970 Property Line Adjustment; and
General Provisions: Chapter 37, specifically MCC 37.0530(B) Type II Approval Process, MCC 37.0550 Initiation of Action, MCC 37.0560 Code Compliance and Applications.

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/dbcs/LUT/land_use.

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. A request for permit extension may be required to be granted 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. This approval is based on submitted materials. The proposed property line adjustment shall be completed as shown and described in the application materials submitted by the applicant and as shown on Exhibit A.6 [MCC 37.0580]. No additional lot or parcel shall be created through this process [MCC 33.7970(C)(1)].
2. The applicant shall complete the procedures provided in the “Applicant’s Instructions for Finishing a Property Line Adjustment,” and in the “Surveyor’s Instructions for Finishing a Property Line Adjustment”.
3. Prior to recording the deeds, the property owner, or representative there of, shall submit copies of the final survey, and legal descriptions to Multnomah County Planning for verification that the adjusted properties conform to the approved Tentative Plan Map. If the submitted documents conform with the approved Tentative Plan Map (Exhibit A.6) and zoning requirements staff will sign the survey and deeds. Multnomah County Planning must review and sign the survey before you submit your deed(s), surveys, and legal descriptions to County Records Management office at Assessment and Taxation and County Surveying for recording [MCC 33.7970].
4. For the newly created parcel, a new deed shall be filed with the County Records describing the property boundaries with a metes-and-bounds description. The deed shall combine Parcel 1 and Parcel 2 into a single parcel. No additional lot or parcel shall be created. [MCC 33.7970].
5. This approval will automatically become void if, within two years of the date of the final decision, if the final survey or plat has not been approved by the Planning Director and recorded with County Records [MCC 37.0690].

Note: The Planning Director’s policy is for the case planner to provide zoning approval of the final Plan on an appointment basis. Please contact Lisa Estrin at 503-988-3043 to set a time for zoning approval.

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.

Findings of Fact

FINDINGS: Written findings are contained herein. The Multnomah County Code criteria and Comprehensive Plan Policies are in **bold font**. The applicants statements are identified below as ‘**Applicant:**’. Staff comments and analysis are identified as ‘**Staff:**’ and address the applicable criteria. Staff comments may include a conclusionary statement in *italic*.

Project Description:

Applicant: I own two parcels of land. One is Residential (5 acres). The second is Commercial Forest (50 acres). I want to combine them into one legal piece of property.

Staff: In the land use case, T2-02-062, Multnomah County Land Use Planning determined that Tax Lot 800, 2N2W23C consisted of two lawful parcels/Lots of Record. Parcel 1 is zoned Rural Residential (RR). Parcel 2 is zoned Commercial Forest Use -2 (CFU-2). The proposed property line adjustment is to combine these 2 Lots of Record into one parcel and one Lot of Record. Staff will refer to the combined property as Tax Lot 800.

1.00 ***Administration and Procedures***

1.01 **Type II Case Procedures**

MCC 37.0530(B): ...Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision...

Staff: The application was submitted July 5, 2005 and was deemed complete as of August 11, 2005. An “Opportunity to Comment” notice was mailed on August 24, 2005 to all properties within 750 feet of the subject properties in compliance with MCC 37.0530. No written comments were received.

1.02 **Proof of Ownership**

MCC 37.0550 Initiation of Action

Except as provided in MCC 37.0760, Type I – IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: The proposed project is located on Tax Lot 800, Section 23C, Township: 2 North, Range: 2 West. Assessment & Taxation records show that the land is owned by Theodore Nelson. Mr. Nelson is acting as his own applicant and has signed the General Application Form (Exhibit A.1). *This criterion has been met.*

1.03 **MCC 37.0560 Code Compliance And Applications.**

Except as provided in subsection (A), the County shall not make a land use decision, or issue a building permit approving development, including land divisions and property line adjustments, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

(A) A permit or other approval, including building permit applications, may be authorized if:

(1) It results in the property coming into full compliance with all applicable

provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

(2) It is necessary to protect public safety; or

(3) It is for work related to and within a valid easement over, on or under an affected property.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: The applicant is proposing to combine Parcel 1 and Parcel 2 into a single Lot of Record (Tax Lot 800) in order to facilitate a property line adjustment between Tax Lot 800 and the property to the east (Tax Lot 200). Due to a surveying issue, the location of the shared property line between Tax Lot 800 and 200, the dwelling on Tax Lot 200 has been split. In addition, three accessory structures were placed over the line. The two property owners have applied for the necessary applications to correct the situation (T2-05-069, T2-05-070 and T2-05-097).

2.00 **Commercial Forest Use - 2**

2.01 **MCC 33.2225 Review Uses**

(H) Lot Line Adjustment pursuant to the provisions of MCC 33.2270.

Staff: The applicant has applied for a property line adjustment. The application has demonstrated compliance with MCC 33.2270 as shown below.

2.02 **MCC 33.2260 Dimensional Requirements**

(A) Except as provided in MCC 33.2265, 33.2270, 33.2275, and 33.2280, the minimum lot size for new parcels or lots shall be 80 acres.

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the size of such lot.

Staff: Tax Lot 800 will qualify as a Lot of Record pursuant to the findings in 2.10 below. The proposed lot consolidation will combine 2 existing properties into a single 55 acre parcel. This consolidation into a single parcel will result in one Lot of Record instead of the existing two, and the single parcel is therefore not a new but a reconfiguration. As stated above, a Lot of Record pursuant to MCC 33.2275 is exempt from the 80 acre minimum lot size. *This criterion has been met.*

2.03 **(C) Minimum Forest Practices Setback Dimensions from tract boundary – Feet:**

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained.	130	130	130

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have

the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 33.2310, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 33.2305 (A) (5) (c) 2.

Staff: The subject property is currently vacant.

- 2.04 **(D) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.**

Staff: Tax Lot 800 fronts onto Beck Road. The Transportation Planning section has determined that no additional right of way for Beck Road is needed at this time. As such, no increase to the forest practices setback requirement is need at this time. *This criterion has been met.*

- 2.05 **(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.**
- (F) Yards for the alteration, replacement or restoration of dwellings under MCC 33.2220 (D) and (E) and 33.2225 (B) need not satisfy the development standards of MCC 33.2305 if originally legally established to a lesser standard than that required by MCC 33.2305, but in no case shall they be less than those originally established.**
- (G) Agricultural buildings, as specified in ORS 455.315 (2) and allowed under MCC 33.2220 (C), may have minimum side and rear yard setbacks of 30 feet, but in no case shall any setback be less than the minimum primary fire safety zone required by MCC 33.2305 (A) (5) (c) 2.**

Staff: The subject property is currently vacant. *The above criteria are not applicable at this time.*

- 2.06 **MCC33.2270 Lot Line Adjustment.**

(A) An adjustment of the common lot line between contiguous Lots of Record based on a finding that:

- (1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this district;**

Staff: In T2-02-062, the County found that Parcel 1 and Parcel 2 as shown on the Tentative Plan Map (Exhibit A.4) are both Lots of Record. Parcel 1 is currently zoned Rural Residential (RR). The RR zoning district allows 1 single family per Lot of Record. Parcel 2 is currently zoned Commercial Forest Use -2 (CFU-2). The CFU-2 zone does not allow the construction of a single family dwelling outright, but a Conditional Use Permit must be granted at a public hearing in order to construct a dwelling. The Conditional Use Permit criteria only allow one single family dwelling per tract of land. A *Tract* is defined as **one or more contiguous Lots of Record in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract.** Only one dwelling will be permitted after the lot consolidation. *This criterion has been met.*

- 2.07 **(2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;**

Applicant: The commercial forest land zoning does not change, so for the near future, what was, will still be commercial forest land, with the same regulations. I am combining the two parcels into one, and building a house on the residential portion. Doing so will make building any more houses on the forest land much more difficult due to land use regulations.

Staff: Combining Parcel 1 (RR) with Parcel 2 (CFU-2) into a single property will preserve the portion zoned Commercial Forest Use – 2 for forest practices while allowing the property owner to construct a dwelling and enjoy the property. *This criterion has been met.*

- 2.08 **(3) The new lot line is in compliance with the dimensional requirements of MCC 33.2260 (C) through (E); and**

Staff: The property is currently vacant. *Based upon the findings under MCC 33.2260 (C) through (E) above, this criterion has been met.*

- 2.09 **(4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use.**

Staff: Parcel 1 and Parcel 2 are both currently vacant. *This criterion has been met.*

2.10 **MCC 33.2275 Lot of Record**

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record.

3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, RC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

MCC 33.0005(L)(13) Lot of Record – Subject to additional provisions within each Zoning

District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(b) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or**
- 4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**
- 5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)**

Staff: As found in T2-02-062, Parcel 2 was created prior to 1969 as evidenced by a deed that conveyed Parcel 2 on December 5th, 1969, Book 710, Page 465. From 1958 to October 5, 1977, Section 23, 2N2W was zoned F2 with a minimum lot size of 2-acres. Parcel 2 is 50-acres and met minimum lot size requirements at the time it was created. No road access requirement existed at the time. Land Division regulations did not come into effect until 1978.

Parcel 2 is contiguous Parcel 1. Parcel 2 is 50 acres in size and Parcel 1 is 5 acres in size and were both owned by the same party on February 20, 1990. But Parcel 1 is zoned Rural Residential. MCC 33.2275(A)(2)(b)4. specifies that the requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception zones. As such, staff finds that Parcel 2 is currently a *Lot of Record*.

3.00 *Rural Residential*

3.01 MCC 33.3125 Review Uses

(F) Property Line Adjustment pursuant to the provisions of MCC 33.3160.

Staff: In T2-02-062, the County found that Parcel 1 and Parcel 2 as shown on the Tentative Plan Map (Exhibit A.4) are both Lots of Record. Parcel 1 is currently zoned Rural Residential (RR). The RR zoning district allows 1 single family dwelling per Lot of Record. Parcel 2 is currently zoned Commercial Forest Use -2 (CFU-2). The CFU-2 zone does not allow the construction of a single family dwelling outright, but a Conditional Use Permit must be granted at a public hearing in order to construct a dwelling. The Conditional Use Permit criteria only allow one single family dwelling per tract of land. A *Tract* is defined as ***one or more***

contiguous Lots of Record in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract. Only one dwelling will be permitted after the lot consolidation. This criterion has been met.

3.02 **MCC 33.3155 Dimensional Requirements**

(A) Except as provided in MCC 33.3160, 33.3170, 33.3175 and 33.4300 through 33.4360, the minimum lot size for new parcels or lots shall be five acres. For properties within one mile of the Urban Growth Boundary, the minimum lot size shall be as currently required in the Oregon Administrative Rules Chapter 660, Division 004 (20 acre minimum as of October 4, 2000).

(B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

Staff: Parcel 1 is currently 5 acres in size and a *Lot of Record* pursuant to the land use decision, T2-02-062. *This criterion has been met.*

3.03 (C) **Minimum Yard Dimensions – Feet**

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

Staff: Parcel 1 is currently vacant. *This criterion is not applicable at this time.*

3.04 (D) **The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional requirements not otherwise established by Ordinance.**

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: No structures are proposed at this time. *These criteria have been met.*

3.05 **MCC 33.3160PROPERTY LINE ADJUSTMENTS**

(B) **Property Line Adjustment**

Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) No additional lot or parcel is created; and

(2) At least one of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 5 acres prior to the adjustment and remains 5 acres or larger in area after the

adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 10 acres in area prior to the adjustment and remains less than 10 acres in area after the adjustment.

Staff: Land Use Planning has found that Parcel 1 and Parcel 2 are both *Lots of Record* pursuant to MCC 33.3170 and MCC 33.2275. Through this property line adjustment, Parcel 1 and Parcel 2 will be combined into a single 55 acre parcel. The area of Rural Residential zoned property within Tax Lot 800 will not increase or decrease, but become combined with the Commercial Forest Use – 2 zoning district. *These criteria have been met.*

3.06 MCC 33.3170 Lot of Record

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;**
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;**
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.**

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.3185, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 33.3160, 33.3175, and 33.4300 through 33.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest.**
- (3) An area of land created by court decree.**

Staff: Parcel 1 was created prior to 1973, as evidenced by a deed that conveyed Parcel 1 in November of 1973, Book 959, page 1397. From 1958 to October 5, 1977, Section 23 2N2W was zoned F-2 which required a minimum lot size of 2-acres. Parcel 1 is approximately 5-acres. Parcel 1 existed prior to the effective date of land division regulations in 1978. Therefore, its

creation did not violate any land division laws. *Parcel 1 is a Lot of Record.*

4.00 ***Land Division Criteria***

4.01 **MCC 33.7970 Property Line Adjustment (Lot Line Adjustment)**

A property line adjustment is the relocation of a common property line between two abutting properties.

(A) The Planning Director may 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.

(B) The Planning Director may 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 shall comply with any applicable zoning district standards for a Property Line Adjustment or Lot Line Adjustment.

Staff: Parcel 1 is zoned Rural Residential and is approximately 5 acres in size. Parcel 2 is zoned Commercial Forest Use -2 and is 50 acres in size. Both parcels are located in the Rural Area. The proposed property line adjustment combines Parcel 1 and Parcel 2 into a single 55 acre property (Tax Lot 800). The Commercial Forest Use – 2 zone has a minimum lot size of 80 acres to create a new parcel. The combined property will remain below the CFU-2 minimum lot size. *This criterion has been met.*

4.02 **(C) Property line adjustments approved under subsections (A) and (B) above shall meet the following additional standards:**

(1) No additional lot or parcel shall be created from any parcel by the property line adjustment; and

Staff: The proposed property line adjustment will combine two existing parcels into one property. No lot will be created. A parcel will be lost. *This criterion has been met.*

4.03 **(2) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and**

Staff: Theodore Nelson owns both parcels and has consented in writing to the application (Exhibit A.1 & A.2).

4.04 **(3) The adjusted properties shall meet all dimensional requirements in the underlying zoning district designation except for lot area.**

Staff: Both Parcel 1 and 2 are currently vacant. *This criterion has been met.*

4.05 **(4) The right-of-way width between the front line of each adjusted property and the centerline of any adjacent County road shall comply with the applicable provisions of the Street Standards Code and Rules as determined by the County Engineer.**

Staff: Both parcels have frontage on Beck Road. Upon approval of the property line adjustment, Tax Lot 800 will continue to front onto Beck Road. Transportation Planning ahs determined that no additional right of way is required as part of this application. *This criterion has been met.*

4.06 **(D) The procedure and forms for obtaining approval of a property line adjustment shall be as provided for by the Planning Director.**

Staff: The applicant has submitted the required forms (Exhibit A.1 through A.6). A property line adjustment is a Type II application. Pursuant to the findings under MCC 37.0530(b) above, the procedures have been followed as required by the Planning Director.

5.00 ***Conclusion***

Based on the findings and other information provided above, the applicant has carried the burden necessary for the property line adjustment to combine Parcel 1 and Parcel 2 into a single property (Tax Lot 800) in the RR and CFU-2 zoning district. This approval is subject to the conditions of approval established in this report.

6.00 ***Exhibits***

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	7/5/05
A.2	1	Statement of Property Owner Consent	
A.3	1	Narrative Statement for Continuing Forest Service Practices	
A.4	1	Tentative Plan Map	7/5/05
A.5	1	Existing Property Line Map	7/5/05
A.6	1	Proposed Property Line Map	7/5/05
‘B’		Staff Exhibits	Date
B.1	2	A&T Property Information	7/5/05
B.2		T2-02-062	
‘C’		Administration & Procedures	Date
C.1	1	Incomplete Letter	8/4/05
C.2	1	180 Day Response Letter	8/9/05
C.3	1	Complete Letter – Day 1 (August 11, 2005)	8/22/05
C.4	3	Opportunity to Comment	8/24/05
C.5	12	Administrative Decision - Day	