



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/landuse>

NOTICE OF DECISION

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

Case File: T2-06-110

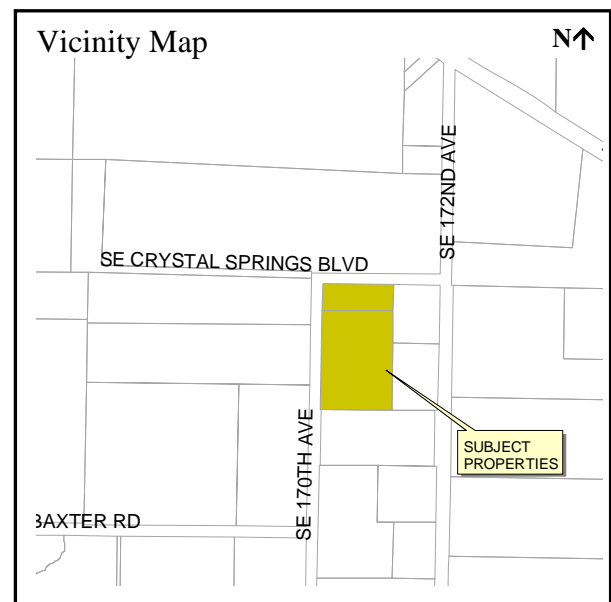
Permit: Property Line Adjustment

Location: 8124-8226 SE 170th Ave
(Tract 1) Tax Lot 800, Section 19CD,
Township 1S, Range 3E, W.M.

(Tract 2) No Situs Address
Tax Lot 900, Section 19CD,
Township 1S, Range 4E, W.M.

Applicant: Samuel Hancos

Owner: Stanley and Mary-Helen Cribbins



Summary: Property Line Adjustment to relocate a common boundary line between 8124-8226 SE 170th Ave. (Tract 1) and an unaddressed parcel (Tract 2) immediately adjacent to the north. Tract 1 would decrease in size from the existing 2.03 acres to 1.47 acres, Tract 2 would increase in size from 0.56 acres to 1.12 acres.

Decision: Approved, with conditions.

Unless appealed, this decision is effective **Tuesday, March 13, 2007 at 4:30 PM.**

Issued by:

By: _____
Kenneth Born, AICP, Planner

For: Karen Schilling- Planning Director

Date: February 27, 2007

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 Kenneth Born, AICP, Staff Planner at 503-988-3043 ext. 29397.

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 Tuesday, March 13, 2007 at 4:30 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): § 11.15.2218 Dimensional Requirements; 11.15.2220 Lots of Exception and Property Line Adjustments; 11.45.115 Property Line Adjustment (Lot Line Adjustment)

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/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. **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 or 37.0700, as applicable. 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. **The property owner, or representatives thereof, shall complete the adjustment pursuant to the attached *Property Line Adjustment Handout*. This will entail survey and monumentation of the new lot line, in addition to the location of existing buildings and distances to adjusted property lines on a copy of the survey map for the case file, by a registered surveyor as required by MCC 36.7970.**

2. **Prior to recording the deeds, the property owner, or representative thereof, 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.4) 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 36.7970].**
3. **For each of the two properties, a new deed shall be filed with County Records describing the property boundaries with a metes-and-bounds description. When the process is complete the portion of property that is transferred shall be merged into Tract 2 through the deed description describing the entire property. No additional lot or parcel shall be created. [MCC 36.2860].**

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.

1.0 Project Description

Applicant: *These two properties, located in Multnomah County adjoin each other, in a north to south placement. Both properties are jointly owned by Stanley L. and Mary-Helen Cribbins.*

Tax lot R340692@ 2.03 acres, situated due south to this parcel. Measures of this lot are 350 ft. N to S x 253 ft. E to W. Two residences on this tax lot. 1st residence, 8124 SE 170th Ave. and 2nd residence 8226 SE 170th Ave. This is Tract 1.

Tax lot R 340654 @ .56 acre, is vacant land, situated at the northern end of the adjoining lot. Measurements of this lot are 98 feet N to S x 253 feet E to W. This is Tract 2.

It is our desire to obtain a lot line adjustment to join the vacant land to the residence of 8124 SE 170th, giving this residence a larger yard area, and separating this residence from petitioners home residence at 8226 SE 170th Ave. Petitioners have lived in this primary residence since 1982, and owned entire property consisting of 2 tax lots. This lot line adjustment is requested to more easily facilitate a residence with suitable yard, and future mortgage refinancing (previous mortgages charge higher interest because these parcels are considered a “non” conforming lot ie: 2 houses on 1 tax lot)

For clarity, I will label the 2 lots as Tract 1 and Track 2.

Tract 1 is 2.03 acres and is the property of 2 residences. 8124 SE 170th Ave, and 8226 SE 170th Ave, Portland, Oregon, 2 houses on 1 tax lot. The dimensions of this parcel are 350 feet x 253 feet. Proposed lot line adjustment will reduce this to 1.47 acre, 252 feet x 253 feet.

Tract 2 is .56 acre vacant land. The dimensions of this parcel are 98 feet x 253 feet. Proposed lot line adjustment will increase this to 1.12 acres, 196 feet x 253 feet.

Staff: The applicant is proposing to adjust a common property line between one lot located at 8124-8226 SE 170th Avenue (hereafter Tract 1) and the vacant lot immediately adjacent to the north (hereafter Tract 2). This would be achieved by moving the southerly property line of Tract 2 approximately 100 feet to the south along the shared boundary. Tract 1 will lose an estimated 0.56 acres of land, while Tract 2 will gain an estimated .056 acres. After completion of the property line adjustment, Tract 1 would be approximately 1.47 acres in size. Tract 2 will have increased from 0.56 acres to 1.12 acres in size.

2.0 Site Description

Staff: The subject properties are located in the Powell Valley Plan District just south of the intersection between SE Crystal Springs Blvd. and SE 170th Ave. Both lots are zoned Rural Residential, and are currently devoted to residential uses. A 630 square foot single family residence, and a second 1,078 square foot residence with a 600 square foot shed is located on Tract 1. Tract 2 is currently vacant. The topography of both properties is generally flat.

3.0 Public Comment

MCC 37.0530(B) Type II Decisions

(B) Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. County Review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is consistent with the applicable siting standards and in compliance with approval requirements. 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. The Planning Director's decision is appealable to the Hearings Officer. If no appeal is filed the Planning Director's decision shall become final at the close of business on the 14th day after the date on the decision. If an appeal is received, the Hearings Officer decision is the County's final decision and is appealable to LUBA within 21 days of when the decision is signed.

Staff: An opportunity to comment notice was mailed to property owners within 750-feet of the property lines on February 2, 2007 (Exhibit C.3). The following is a summary of the comments received:

Multnomah County Transportation Program

In a memo dated February 2, 2007, County transportation staff indicated that they do not object to the proposal and will not require any conditions of approval (Exhibit D.1).

Procedures met.

4.0 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: Multnomah County Assessment and Taxation records show Stanley and Mary-Helen Cribbins own both Tax Lot 800 (Tract 1) & Tax Lot 900 (Tract 2) (Exhibit B.1) . The property owner has authorized Samuel Hancos to be the applicant for the property line adjustment (Exhibit A.1). *This criterion has been met.*

5.0 Both Properties Involved Are Lots Of Record

11.15.2222 Lot of Record

A. For the purposes of this district, a Lot of Record is a parcel of land:

- 1. For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to**

- October 6, 1977; and**
2. Which, when established, satisfied all applicable laws.

Applicant: A deed to lot designated as Tract #1. 2.03 acres. A deed to lot designated as Tract #2. .56 acre.

Staff: Tract 1 and Tract 2 were originally part of a larger 2.59 acre lot identified as Tax Lot 95 on the Multnomah County 1962 zoning map (Exhibit B.3). On September 28, 1965, a Warranty Deed was recorded (Book 388 Page 205) creating the 2.03 acre lot now known as Tax Lot 141 (Tract 1) on current zoning maps (Exhibit B.2). The deed excepted out 0.56 acres (Tract 2).

The current size of both tracts exceeds the minimum lot size pursuant to the zoning designation shown to encumber the property on the 1962 maps (Suburban Residential (S-R)). *These criteria have been met.*

6.0 Dimensional Requirements Will Be Satisfied

11.15.2218 Dimensional Requirements

- A.** Except as provided in [MCC .2220](#), [.2222](#), [.2224](#) and [.7720](#), the minimum lot size shall be five 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 area of such lot.
- 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: As seen on the submitted site plan (Exhibit A.4), two of three structures do not meet current setbacks, both before and after the property line adjustment. The existing dwelling at 8124 SE 170th Ave. is located approximately 29 feet from the subject property's street side lot line. The existing dwelling at 8224 SE 170th Ave is located approximately 20 feet from the street side lot line. However, since both of these structures were built prior to the adoption of a zoning ordinance for this area, setback requirements were not applicable when they were constructed. A 600 square foot shed is sited an estimated 166 feet from the street side line lot line.

The dwelling at 8124 SE 170th Ave. is currently located approximately 50 feet to the south of the northerly property line of Tract 1. After the property line adjustment, the structure will be located 10 feet to the north of the new property line. *These criteria have been met.*

7.0 The Applicant Has Met the Approval Criteria for a Property Line Adjustment

7.1 11.15.2220 Lots of Exception and Property Line Adjustments

- A.** Pursuant to the applicable provisions in the Multnomah County Land Division Ordinance, the Planning Director may grant a property line adjustment between two contiguous lots or parcels 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

Applicant: *No additional parcel is created; One larger tract will be reduced by .56 acres, one smaller tract will be increased by .56 acre.*

Staff: Tract 1 consists of 1 lawfully created parcel as discussed above under Finding 5. Tract 2 is a parcel which also was lawfully created (See Finding 5). The property line adjustment will begin with 2 lawful parcels and end with 2 lawful parcels (Exhibit A.4). *This criterion has been met.*

7.2

(2) 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.

Applicant: *The lots or parcels are both under 5 acres in size. After the adjustment they will both be under 5 acres. The lots or parcels are under 10 acres in size. The lot proposed to be enlarged in area will be under 10 acres in area prior to the adjustment and remains less than 10 acres in area after the adjustment.*

Staff: Tract 2 is less than 10 acres prior to the adjustment, and will remain less than 10 acres after it has been enlarged. *This criterion has been met.*

7.3

11.45.115 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 either the Urban Area or 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.

Applicant: *Properties are abutting, sharing an east to west configuration, with a current property line separating parcels in a north to south configuration. No additional lot or parcel is created.*

Staff: The proposed Property Line Adjustment begins with two tracts and ends with two tracts as seen on the submitted site plan (Exhibit A.4). A new parcel is not created. *This criterion has been met.*

7.4

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.

Applicant: *No additional parcel created. Both parcels are under 5 acres and will be under 5 acres after property line adjustment.*

Staff: The property line adjustment will begin with 2 lawful parcels and end with 2 lawful parcels. Both properties are below the minimum lot size of 5 acres established by the Rural Residential (RR) zoning district (Exhibit A.4). *This criterion has been met.*

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**

Applicant: *No additional lot or parcel will be created by property line adjustment.*

Staff: The proposed Property Line Adjustment begins with two tracts and ends with two tracts as seen on the submitted site plan (Exhibit A.4). A new parcel is not created. *This criterion has been met.*

- 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**

Applicant: *Both owners of both properties are husband and wife, and consent to proposed adjustment and conveyance.*

Staff: Stanley and Mary-Helen Cribbins own both properties, according to Assessment and Taxation records (Exhibit B.1). Both Mr. and Mrs. Cribbins have signed the General Application Form, and thus have authorized action on this matter. A condition of approval will require them to file a new deed with County Records reflecting the new property boundaries with a metes-and-bounds description. *This criterion has been met.*

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

Staff: The adjusted properties meet all dimensional requirements of the RR zone as seen on the tentative plan map submitted by the applicant (Exhibit A.3), and as addressed under Finding 6.0. *This criterion has been met.*

- 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 Ordinance as determined by the County Engineer.**

Staff: SE 170th Ave. and SE Crystal Springs Blvd. are both classified as a Rural Local road, with 50' right-of-way design standard. The widths of both roadways are not in compliance with the Street Standards Code and Rules. However, County Transportation has indicated that they will not require conditions of approval at this time (Exhibit D.1). *This criterion has been met.*

9.0 Conclusion

Based on the findings, narrative, and other information provided herein, this application has satisfied the applicable approval criteria required for a property line adjustment.

10.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Comments

| Exhibit # | # of Pages | Description of Exhibit | Date Received/ Submitted |
|-----------|------------|--|--------------------------|
| A.1 | 1 | General Application Form | 10/12/06 |
| A.2 | 1 | Statement of Property Owner Consent | 10/12/06 |
| A.3 | 3 | Application Narrative | 10/12/06 |
| A.4 | 1 | Tentative Plan Map | 10/12/06 |
| A.5 | 11 | Service Provider Forms a. Certification of On-Site Sewage Disposal | 01/18/07 |
| A.6 | 8 | Deed Information a. Warranty Deed, Book 1716 Page 63-64, Recorded 2/16/1955 (Bonnie Lou Smith to Wallace Smith) b. Warranty Deed, Book 388 Page 205, Recorded 09/28/1965 (Wallace and Bonnie Lou Smith to Henry Ochsendorf) c. Bargain and Sale Deed, recorded 01/03/1991 (Tenet Mortgage Co. to Stanley and Mary-Helen Cribbins) d. Bargain and Sale Deed, dated 12/23/1994 (Tenet Mortgage Co. to Stanley and Mary-Helen Cribbins) e. Bargain and Sale Deed, recorded 07/30/1997 (Stanley and Mary-Helen Cribbins to Gregory and Michelle Long) f. Bargain and Sale Deed, recorded 04/13/2000 (Gregory and Michelle Long to Stanley and Mary-Helen Cribbins) | 10/12/06 |
| ‘B’ | | Staff Exhibits | Date |
| B.1 | 2 | A&T Property Information | N/A |
| B.2 | 1 | Multnomah County Zoning Map | N/A |
| B.3 | 1 | Multnomah County Zoning Map (1962) | N/A |
| ‘C’ | | Administration & Procedures | Date |
| C.1 | 1 | Incomplete Letter | 10/27/06 |

| | | | |
|-----|---|--|----------|
| C.2 | 1 | Complete Letter – Day 1 | 02/02/07 |
| C.3 | 4 | Opportunity to Comment | 02/02/07 |
| C.4 | 3 | Administrative Decision | 02/27/07 |
| 'D' | | Comments | Date |
| D.1 | 1 | Multnomah County Transportation Planning | 02/20/07 |