



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

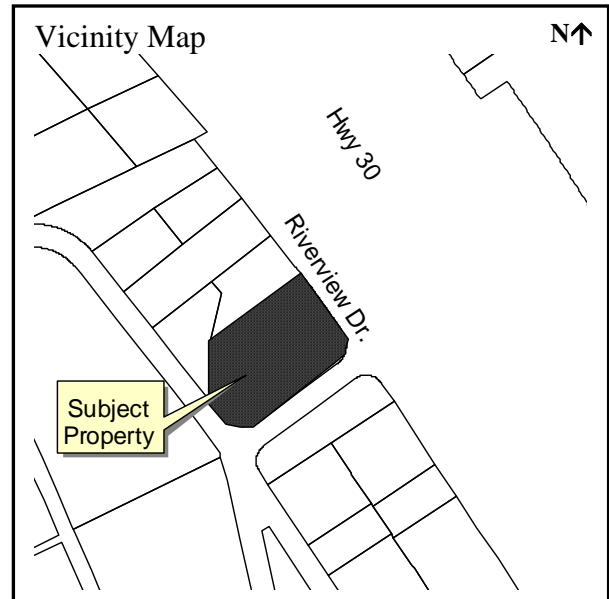
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## NOTICE OF DECISION

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

**Case File:** T2-2010-849  
**Permit:** Replat  
**Location:** 13610 NW Riverview Drive  
Tax Lot 700, Section 28DC,  
Township 2 North, Range 1 West, W.M.  
Tax Account #R038500040  
**Applicant:** Zachary Blodget  
**Owner:** Marc & Tracy Alifanz  
**Base Zone:** Rural Residential (RR)  
**Overlays:** Significant Environmental Concern for  
Scenic Views and Wildlife Habitat



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**Summary:** Request to replat four existing subdivision lots to combine them into one parcel.

**Decision:** Approved with Conditions

Unless appealed, this decision is effective October 27, 2010, at 4:30 PM.

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Issued by:

By: \_\_\_\_\_  
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Wednesday, October 13, 2010

**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 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 George Plummer, Staff Planner at 503-988-3043, ext. 29152

**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 October 27, 2010 at 4:30 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): MCC 33.3100 et. al: Rural Residential Zone and MCC 33.7797: Replatting of Partition and Subdivision Plats. Copies of the referenced Multnomah County Code (MCC) 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 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. The request for a permit extension must be submitted prior to the expiration of the approval period.**

### **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 or property owner shall submit a Partition Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 and which accurately reflect the approved tentative plan map (Exhibit A.3) and other materials. [MCC 33.7797(D)(6)]
2. The Partition Plat shall not act to vacate any recorded covenants or restrictions. [MCC 33.7797 (C)]
3. The final Partition Plat shall show all existing easements. [MCC 33.7797(D)(4)]
4. The property owner shall obtain a Right-of-Way Access Permit from the County Right-of-Way office. [MCC 33.3185]

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| <b>Notice to Mortgagee, Lien Holder, Vendor, or Seller:</b> |
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| ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser. |
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## **Findings of Fact**

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

### **1. PROJECT DESCRIPTION**

The request is to replat three existing subdivision lots and a portion of a subdivision lot to combine them into one parcel (Exhibit A.1).

### **2. PROPERTY DESCRIPTION & HISTORY**

**Staff:** The property is located in the West Hills Rural Plan Area within the Rural Residential (RR) Zone District and within the Significant Environmental Concern for Scenic View and Wildlife Habitat Overlay Zone (Exhibit B.3).

The proposed Replat includes three subdivision lots (Lots 1, 2, and 11 of Block 1) created December 16, 1910 through the *Revised Plat of Armona* Subdivision (Exhibit B.5). It also includes a portion of Lot 12 of Block 1. The reconfiguration of Lot 12 was approved through Property Adjustment, Case LE 9-87 (Exhibit B.6). There is an existing dwelling built in 1932 that is predominately located on Lot 1 but has a small portion located on each of the other three lots (Exhibits B.1 and A.3).

### **3. RURAL RESIDENTIAL DISTRICT**

#### **3.1. MCC 33.3125 REVIEW USES**

**(I) Consolidation of Parcels and Lots pursuant to MCC 33.7794 and Replatting of Partition and Subdivision Plats pursuant to MCC 33.7797.**

**Staff:** The proposal is to repalt three subdivision lots and a portion of a lot of *Revised Plat of Armona* Subdivision. The findings for requirements of MCC 33.7797 are addressed in Section 4 of this decision.

#### **3.2. Dimensional Requirements**

**MCC 33.3155(C) (C) Minimum Yard Dimensions**

**Front and Rear Yards: 30 feet,**

**Street Side Yard: 30 Feet**

**Side Yard: 10 Feet**

**Minimum Front Lot Line Length – 50 feet.**

**Staff:** The existing dwelling will meet all the minimum yard requirements after the Repalt (Exhibit B.3). The front lot line meets the code requirement for a 50 foot length. *This standards are met.*

### 3.3. Lot of Record

**MCC 33.3170: Lot of Record definition standards in MCC 33.0005.**

**MCC 33.0005: Definitions - Lot of Record** – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 33.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

**Staff:** The subject properties Lots 1, 2, 11, and 12 of Block 1 of *Revised Plat of Armona* Subdivision were created on December 16, 1910 through the subdivision process meeting requirements of that time (Exhibit B.5). Lot 12 was reconfigured through a Lot of Exception, Property Adjustment Case LE 9-87 approved through County Land Use Planning Office (Exhibit B.6). *The subject properties meet this standard thus are lots of record.*

### 3.4. Access

**MCC 33.3185:** All lots and parcels in this district shall abut a street, or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles, except as provided for Lots of Record at MCC 33.3170(B).

**Staff:** The proposed repatted property has frontage on three public street right-of-ways. County Transportation Planning states that there is no existing Right-of-Way Access Permit for the property (Exhibit B.7). A condition will require the property owner to obtain Right-of-Way Access Permit from the County Right-of-Way office.

## 4. REPLATTING OF PARTITION AND SUBDIVISION PLATS

- 4.. **MCC 33.7797 (A)** This section states the procedures and requirements for reconfiguring parcels, lots, and public easements within a recorded plat as described in ORS 92.180 through 92.190 (2006). This provision shall be utilized only in those zoning districts in which replatting is a Review Use. Nothing in this section is intended to prevent the utilization of other vacation actions in ORS chapters 271 or 368.

**Staff:** The Rural Residential District includes replatting as a Review Use under MCC 33.3125(I) discussed in finding 3.1 of this decision. *This standard is met.*

- 4.2. **MCC 33.7797 (B)** As used in this subsection, “replat” and “re-platting” shall mean the act of platting the parcels, lots and easements in a recorded Partition Plat or Subdivision Plat to achieve a reconfiguration of the existing Partition Plat or Subdivision Plat or to increase or decrease the number of parcels or lots in the Plat.

**Staff:** The proposed replat is to combine the four lot into one parcel thus decreasing the number (Exhibits A.3, B.2 and B.5). The goal is to combine lots so the dwelling would meet the minimum yard requirements so the property owners can gain approval for an addition to the dwelling. An SEC Permit is required for the addition to the dwelling. The property owners will need to submit a Partition Plat for recording.

- 4.3. MCC 33.7797 (C) Limitations on replatting include, but are not limited to, the following: A replat shall only apply to a recorded plat; a replat shall not vacate any public street or road; and a replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.**

**Staff:** The proposal does not include the vacation of any public street or road. A condition of approval will require that the replat not act to vacate any recorded covenants or restrictions.

- 4.4. MCC 33.7797 (D) The Planning Director may approve a replatting application under a Type II Permit Review upon finding that the following are met:**

**Staff:** The decision has been processed through a Type II Review process and the following standards have findings below that demonstrate they are met.

- 4.4.1. MCC 33.7797 (D) (1) In accordance with MCC 37.0550 or 38.0550, an application and fee shall be submitted to the Land Use Planning office. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria;**

**MCC 33.7860 Contents Of Category 3 Tentative Plan**

**A tentative plan for a Category 3 Land Division shall consist of maps, written information and supplementary material adequate to provide the following:**

- (A) Type 3 tentative plan map contents. A tentative plan map of a sheet size and scale as specified in MCC 33.7810 shall indicate the following:**
  - (1) Date, north point and scale of drawing.**
  - (2) Description of the proposed land division sufficient to define its location and boundaries.**
  - (3) Identification as a tentative plan map.**
  - (4) Location, names or purpose and width of all streets, rights-of-way or easements on or abutting the tract.**
  - (5) Natural features, water courses or areas covered by water.**
  - (6) The location and use of any buildings or structures proposed to remain after division.**
  - (7) The proposed parcels, their dimensions and areas.**
  - (8) Contiguous property under the same ownership.**
- (B) Written information; Category 3 tentative plan. Written information shall include:**
  - (1) Name, address and telephone number of the record owner(s), owner's representative, designer(s), engineer(s) or surveyor(s), and the date of survey, if any.**
  - (2) Proof of record ownership of the tract and the representative's authorization.**
  - (3) Legal description of the tract.**
  - (4) Present and proposed uses.**
  - (5) Description of the water supply, methods of sewage disposal and storm water disposal, and the availability of other utilities.**
  - (6) Statements of the manner in which the criteria for approval listed in MCC 33.7855 are satisfied.**
  - (7) Statement of the improvements to be made or installed and the time scheduled therefore.**

- (C) **Supplementary material; Category 3 tentative plan.** The Planning Director may require such additional information, listed in sections MCC 33.7805 through 33.7825, as the Director deems necessary to assist in the review and assessment of the land division proposal according to the provisions of this Chapter.

**MCC 33.7855 Criteria for Approval: Category 3 Tentative Plan**

In granting approval of a Category 3 tentative plan, the Planning Director shall find that the criteria listed in subsections (B), (C) and (H) of MCC 33.7800 are satisfied and that the tentative plan complies with the area and dimensional requirements of the underlying zoning district.

**MCC 33.7800 Criteria for Approval, Category 1 Tentative Plan**

- (B) **Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;**
- (C) **The tentative plan complies with the applicable provisions, including the purposes and in-tent of the Multnomah County Land Division Ordinance.**
- (H) **Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:**
- (1) The infiltration of flood waters into the system; and**
  - (2) The discharge of matter from the system into flood waters.**

**Staff:** The applicant has submitted sufficient information of the tentative plan given the proposal will combine lots and the property is located outside the floodplain.

- 4.4.2. MCC 33.7797 (D) (2) Reconfiguration of the parcels or lots shall not result in an increase in the number of “buildable parcels or lots” over that which exist prior to reconfiguration. “Buildable parcels or lots,” as used in this approval criteria, shall mean that there is confidence that a building and sanitation permit could be approved on the parcel or lot. A replat resulting in an increase in the number of “buildable parcels or lots” shall be reviewed as a land division as defined in this Chapter;**

**Staff:** There is one dwelling located partially on all the lots included in the replat (Exhibit A.3). This replat will not result an increase in the number of buildable parcels or lots. *This standard is met.*

- 4.4.3. MCC 33.7797 (D) (3) Parcels or lots that do not meet the minimum lot size of the zoning district shall not be further reduced in lot area in the proposed replat;**

**Staff:** The existing lots do not meet the minimum lot size but none are further reduced in size (Exhibit A.3). *This standard is met.*

- 4.4.4. MCC 33.7797 (D) (4) The proposed reconfiguration shall meet the approval criteria given in the land division code sections on easements, water systems, sewage disposal, and surface drainage;**

**Staff:** A condition of approval will require that any existing easements be shown on the Final Plat. The applicant has submitted a Certificate of On-Site Sewage Disposal signed by the City of

Portland Sanitarian, Erin Mick stating, no concerns with a lot consolidation (Exhibit A.7). The existing dwelling was established in 1932 with an addition in 1993 predating the review for water and for stormwater management. An expansion of impervious surface by more than 500 square feet would required stormwater review. *This standard is met.*

**4.4.5. MCC 33.7797 (D) (5) All reconfigured parcels and lots shall have frontage on a public street except as provided for alternative access in the access requirement sections of each zoning district; and**

**Staff:** The proposed property has frontage on three public street right-of-ways (Exhibit A.3). *This standard is met.*

**4.4.6. MCC 33.7797 (D) (6) The applicant shall submit a Partition Plat or Subdivision Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 and which accurately reflects the approved tentative plan map and other materials.**

**Staff:** A condition will require that the applicant submit a Partition Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 and which accurately reflects the approved tentative plan map and other materials. *This standard is met through a condition.*

## 5. CONCLUSION

Based on the findings and other information provided above, the applicant has carried the burden necessary for the approval to replat four lots into one parcel in the RR Zone district. This approval is subject to the conditions of approval established in this report.

## 6. EXHIBITS

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

| Exhibit # | # of Pages | Description of Exhibit  | Date Received/ Submitted |
|-----------|------------|---|--------------------------|
| A.1       | 1          | Application form  | 8/19/10                  |
| A.2       | 1          | Preliminary Plat Map  | 8/19/10                  |
| A.3       | 1          | Revised Preliminary Plat Map                                  | 8/31/10                  |
| A.4       | 2          | Certificate of On-Site Sewage Disposal                        | 9/8/10                   |
|           |            |   |                          |
| ‘B’       | #          | Staff Exhibits  |                          |
| B.1       | 2          | A&T Property Information                                      |                          |
| B.2       | 1          | A&T Tax Map with Property Highlighted                         |                          |
| B.3       | 1          | Zoning Map with Property Highlighted                          |                          |
| B.4       | 1          | 2008 Aerial Photo   |                          |
| B.5       | 1          | Revised Plat of Armona subdivision approved December 16, 1910 |                          |

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| B.6 | 1 | Property Line Adjustment approved September 18, 1987       |  |
| B.7 | 3 | Emails from Joanna Valencia, County Transportation Planner |  |
|     |   |  |  |