

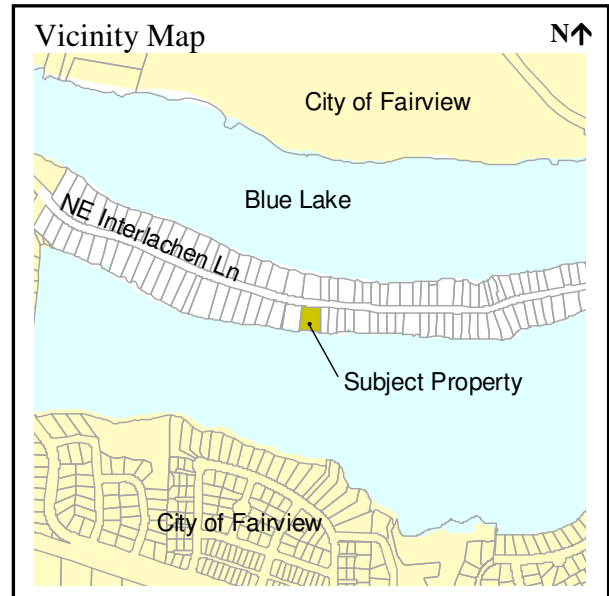
**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

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

<http://www.multco.us/landuse>

NOTICE OF DECISION

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

Case File: T2-2012-2083**Permit:** Replat**Location:** 20628 NE Interlachen Lane
TL 3800, Sec 21CB,
Township 1 North, Range 3 East, W.M.
Tax Account #R893500390**Applicant:** Rob Humphrey**Owner:** Rick & Deborah C. Teeny**Base Zone:** LR-7**Overlays:**

Summary: Request to consolidate an existing subdivision lot and a portion of a subdivision lot into one parcel through a Replat.**Decision:** Approved

Unless appealed, this decision is effective April 20, 2012 at 4:00 PM.

Issued by:

By: _____
George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: Friday, April 6, 2012

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 April 20, 2012 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR): Multnomah County Code (MCC): 11.15.2616 LR-7 Dimensional Requirements, 11.45.114 Replatting of Partition and Subdivision Plats; MCRR 4.000 Access to County Roads

Copies of the referenced Multnomah County Code (MCC) and Multnomah County Road Rules (MCRR) 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> or <http://web.multco.us/transportation-planning>.

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 pursuant to MCC 37.0690(A) as applicable. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 37.0695, 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 replat shall not act to vacate any recorded covenants or restrictions. [MCC 11.45.114(C)]
2. A five foot wide utility easement shall be provided along the front property line abutting the street. [MCC 11.45.550]

3. A Partition Plat, Final Plat shall be submitted 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 which meets requirements of a Category 3 tentative plan as listed in MCC 11.45.400. [MCC 11.45.114(D)6]

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 (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:

Staff: Request to consolidate an existing subdivision lot and a portion of a subdivision lot into one parcel through a Replat.

2. Property Description:

Staff: The property is located in the West Interlachen Subdivision in the Urban Low Density Residential District (LR-7) Zone District (Exhibit B.3). The property is on an isthmus between Blue and Fairview Lakes (Exhibit B.6).

3. Urban Low Density Residential District (LR-7)

3.1. Lot of Record

MCC 11.15.2476 A. For the purposes of these districts, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to July 26, 1979.

Staff: The proposed replat is between Lot 20, West Interlachen Subdivision and an eastern portion of Lot 19 in the same subdivision. Lot 20 is a Lot of Record given it was created as a subdivision lot approved on September 14, 1961 (Exhibit B.4). We are not certain about when the eastern portion of Lot 19 was created but there is a dwelling built in 1971 on the western portion of Lot 19 authorized with Building Permit Number 50752 issued 4/6/70 (Exhibit B.5). A Replat requires that at least one of the lots or parcels is a Lot of Record. *Lot 20 is a Lot of record.*

3.2. Access

MCC 11.15.2478 A. Any lot in an Urban Low Density Residential District shall have access from a public street or from a private street approved under the Land Division Chapter.

Staff: The property abuts NE Interlachen Lane a public street (Exhibit B.2). *This standard is met.*

3.3. Dimensional Requirements

MCC 11.15.2616(A): Except as provided in MCC .2476(B) and .2480(A) and (B), the minimum lot size of a single family detached dwelling shall be 7,000 square feet.

Staff: The replated parcel will exceed 19,000 square feet (Exhibit A.2). *This standard is met.*

4. REPLATTING OF PARTITION AND SUBDIVISION PLATS

4.1. MCC 11.45.114(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: Replatting is allowed in the LR 7 Zone as a review use to reconfigure lots and parcels. *This standard is met.*

- 4.2. MCC 11.45.114(B):** As used in this subsection, "replat" and "replatting" 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 for replatting of a subdivision lot and a parcel created by deed and listed on the current deed (Exhibit A.5). *This standard is met.*

- 4.3. MCC 11.45.114(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 replat is applied to a recorded subdivision plat (Exhibit B.4). No street or road is vacated. A condition will state that the replat does not vacate any recorded covenants or restrictions. *This standard is met through a condition.*

- 4.4. MCC 11.45.114(D):** The Planning Director may approve a replatting application under a Type II Permit Review upon finding that the following are met:

Staff: This review is a Type II Review with findings below addressing the required standards. *This standard is met.*

- 4.4.1. MCC 11.45.114(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;

Staff: A tentative plan with application fee was submitted meeting the requirements (Exhibit A.2). *This standard is met.*

- 4.4.2. MCC 11.45.114(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: The proposed replat is a combination of a lot which could be built on and a parcel into one parcel thus will not increase the number of buildable lots. The applicant has submitted a letter from the City of Fairview stating the sewer service is available (Exhibit A.4). *This standard is met.*

- 4.4.3. MCC 11.45.114(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 proposal results in a parcel that exceeds the minimum parcel size. *This standard is met.*

- 4.4.4. MCC 11.45.114(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;**

MCC 11.45.550 Easements: Easements shall be provided and designed according to the following:

- A. Along the front property line abutting a Street, a five foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.[Amended 2008; Ord.1114 § 10]**

* * *

- C. Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.**

MCC 11.45.590 Sewage Disposal: The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsections (5)(a), (b) or (c) of ORS 92.090 and MCC 11.45.650 of this Chapter.

MCC 11.45.600 Surface Drainage: Surface drainage and storm sewer systems shall be provided as required by section 11.45.660. The County Engineer may require on-site water disposal or retention facilities adequate to insure that surface runoff volume after development is no greater than that before development.

Staff: The final plat will need to include a five wide foot utility easement. The right-of-way is sufficient to provide pedestrian and bikeway facilities. The utility easement can be included as a condition. The applicant has submitted a letter from the City of Fairview stating the sewer service is available (Exhibit A.4). No development is proposed at this time. The proposed replat results in a larger property. When development is proposed drainage disposal will need to be reviewed by an registered professional engineer who will need to design a system that retains any increased flow on the property for a 10 year/24 hour event. *This standard is met through a condition.*

- 4.4.5. MCC 11.45.114(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 parcel has frontage on NE Interlachen Lane (Exhibit A.2). *This standard is met.*

- 4.4.6. MCC 11.45.114(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: This standard can be met through a condition. *This standard is met through a condition.*

5. Transportation Standards

MCRR 4.000 Access to County Roads

Staff: The NE Interlachen Lane right of way is 50 feet wide in this area meeting the standard for an urban local street. An access permit will be required when development is proposed.

6. Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Repalt in the LR 7 Zone. This approval is subject to the conditions of approval established in this report.

7. Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application form	1/6/2012
A.2	2	Tentative Plan Maps	1/6/12
A.3	5	Narrative	2/29/12
A.4	1	Letter from City of Fairview stating sewer service is available	1/6/12
‘B’	#	Staff Exhibits	Date
B.1	2	A&T Property Information	
B.2	1	A&T Tax Map with Property Highlighted	
B.3	1	Zoning Map	
B.4	2	West Interlachen Subdivision	
B.5	1	Building Permit Card for the property to the west on the other portion of Lot 19	
B.6	1	2010 Aerial Photo of the property	