

**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: T2-2012-2198

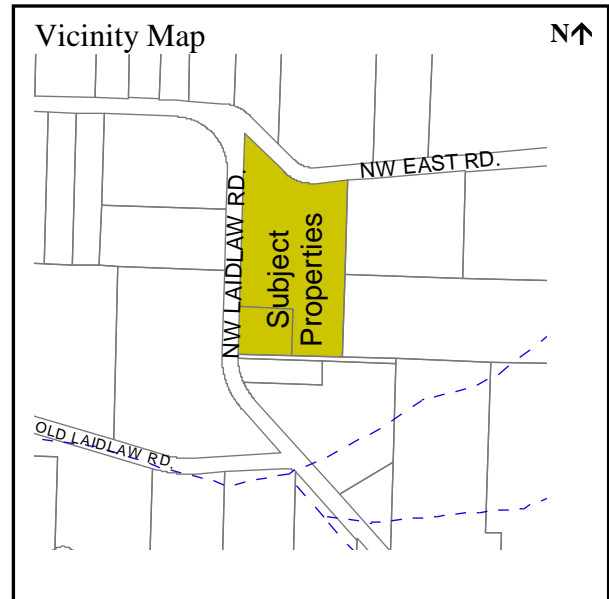
Permit: Lot of Exception and
Category 3 Land Division

Location: 11521 NW Laidlaw Rd. &
11432 NW East Rd.
Tax Lot 3000 & 3100, Section 22C,
Township 1 North, Range 1 West, W.M
Tax Acct: R090603900 & R090603880

Applicants: John A. Rankin

Owners: Richard E. & Shirley A. Zschoche
Michelle Le Clerc

Base Zone: Rural Residential



Summary: Request for Lots of Exceptions and Category 3 Land Division to legally create two parcels to correct an existing non-permitted land division so each existing dwelling is located on a separate parcel in the Rural Residential (RR) Zone.

Decision: Approved with Conditions

Unless appealed, this decision is effective July 12, 2012 at 4:00 PM.

Issued by:

George A. Plummer, Planner

For: Karen Schilling- Planning Director

Date: June 28, 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 July 12, 2012 at 4:00 pm.

Applicable Approval Criteria: Multnomah County Code (MCC): Multnomah County Code (MCC): MCC 3100 et. al: RR zone and MCC 33.7700 et. al: Land Division (Category 3), MCRR 4.000 – 6.000: Road Access, Impact and Improvement Standards

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 applicant is to complete the procedures given in the enclosed “Applicant’s Instructions for Finishing a Land Division.” (Exhibit B.15) They are also to provide their surveyor the enclosed “Surveyor’s Instructions for Finishing a Land Division” (Exhibit B.16) which provides instructions for drafting required materials. Before the final plat is submitted to the Multnomah County Surveyor's Office, two (2) copies of the plat are to be filed with the Planning Director.

Within 10 business days of filing, the Director will determine whether the plat complies with this decision and the conditions of approval contained herein. [MCC 33.8030]

2. 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 on the final plat plan. [MCC 33.3155 (B)]
3. The property owners shall obtain an Access Permit for 11432 NE East Road. [MCRR 4.100]
4. The property owners shall dedicate five feet of right-of-way along NW Laidlaw, dedicate 15 foot radius at the corner of NW Laidlaw and NW East Road and a slope/drainage easement center of the culvert locate along NW Laidlaw as shown on the Tentative Plan included as Exhibit A.16. [MCRR 6.100 A]

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 for Lots of Exceptions and Category 3 Land Division to legally create two parcels to correct an existing non-permitted land division so each existing dwelling is located on a separate parcel, separate Lots of Record, in the Rural Residential (RR) Zone.

2. PROPERTY DESCRIPTION & HISTORY

Staff: The parent parcel was created through Bonny Slope Subdivision as Lot 53 in 1923 (Exhibit B.5). The parent parcel is current made up of two properties, Tax Lots Tax Lot 3000 and 3100 (Exhibit B.2) and described as Alternative Account Numbers R090603900 and R090603880, which did not meet the requirements when divided.

The single family dwelling was established in the southeast corner, 11521 NW Laidlaw Rd., of the parent parcel (Lot 53) in 1926. On August 9, 1967 a building permit (Exhibit B.10) was issued for a new dwelling located at 11432 NW East Road, located in the northeastern corner of the parent parcel (Exhibit A.16 and B.4). The zoning designation for the property in 1967 was Suburban Residential (SR) as shown on Exhibit B.6. The SR Zone required a feasibility plan for future land division. The land division was not required prior to building the dwelling (Exhibit B.7 and B.15).

The property owner did not file a deed to divide the parent parcel (Lot 53) until September 7, 1982. The deed recorded in Book 1615 on Page 1732 (Exhibit 11). However, in 1977 the zoning designation and code for the property had changed to Rural Residential with a five acre minimum (Exhibit B.8 and B.9) and on October 19 1978 Ordinance 174 was adopted requiring a Land Division review. The properties that were divided by the deed filed in 1982 (Exhibit 11) resulted in two parcels less than five acres, not meeting the minimum parcel size at that time. The existing parcels, Tax Lot 3000 and 3100, were not created according to the zoning or land division requirements required in 1982, thus are not legal parcels and are not Lots of Record. This application for Lot of Exception and Category 3 Land Division is to legalize these lots according current Rural Residential Code. This decision will resolve the land division violations (LDV 00-92 and LDV-00-93) for these two properties.

3. CODE COMPLIANCE AND APPLICATIONS

MCC 37.0560 Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit 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.**

Staff: The properties that were divided by the deed filed in 1982 (Exhibit 11) did not meet the minimum parcel size at that time. The existing parcels, Tax Lot 3000 and 3100, were not created according to the zoning or land division requirements, are not legal parcel and are not Lots of Record. The proposed Lot of Exception and Category 3 Land Division will resolve the code compliance issue for these properties (LDV 00-92 and LDV-00-93), lawfully creating two parcels both of which will be individual Lots of Record. *This decision meets these standards.*

4. RURAL RESIDENTIAL ZONE DISTRICT

4.1. Dimensional Requirements

- 4.1.1. MCC 33.3155 (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).**

Staff: The proposed parcels are less than the five/twenty acre minimum (located within one mile of UGB), however the Lot of Exception (MCC 33.3160) allows parcels with two dwellings to be divided resulting in an area less than the minimum acreage requirements. *This proposal meets the exception for MCC 33.3160.*

- 4.1.2. MCC 33.3155 (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: The area shown on the final plat plan will be required by a condition to meet MCC 33.3155 (B). *This standard is met through a condition.*

- 4.1.3. MCC 33.3155 (C) Minimum Yard Dimensions**

**Front yard: 30 feet, Side yard: 10 feet, Street Side yard: 30 feet and Rear yard: 30Feet
Minimum Front Lot Line Length – 50 feet**

Staff: The proposed parcels meet the minimum yard requirements and the minimum front lot line length. *This standard is met.*

- 4.1.4. MCC 33.3155 (D) The minimum yard requirement shall be in-creased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.**

Finding: For NW Laidlaw Road this land division will require additional dedication of right-of-way to bring the right-of-way up to sufficient width to meet the DCM Manual standard thus no addition setback is needed. For NW East Road DCM Manual standard width is met thus no addition setback is needed. *This standard is met.*

4.2. Lots of Exception

MCC 33.3160(A) Lots of Exception - An exception to permit creation of a parcel of less than five acres, out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 33.3155(C) through (E). Any exception shall be based on the following findings:

- (1) The Lot of Record to be divided has two or more permanent habitable dwellings;
- (2) The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;
- (3) Each new parcel created by the partition will have at least one of the habitable dwellings; and
- (4) The partition will not create any vacant parcels on which a new dwelling could be established.

MCC 33.0005 - Habitable dwelling - An existing dwelling that:

- (a) Has intact exterior walls and roof structure;
- (b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- (c) Has interior wiring for interior lights;
- (d) Has a heating system; and
- (e) Was lawfully established.

Staff: The parent parcel, Lot 53 of Bonny Slope Subdivision (Exhibit B.5) is made up of Tax Lots Tax Lot 3000 and 3100 (Exhibit B.2). The parent parcel is the Lot of Record (see Finding 4.3 below). The parent parcel has two habitable dwelling, as defined in MCC 33.0005 and as shown in the applicant's photos, which illustrates the listed features for a habitable dwelling, included as Exhibits A.13 and A.15.

In August 9, 1967 a building permit (Exhibit B.10) was issued for a new dwelling located at 11432 NW East Road, in the northeastern corner of the parent parcel (Exhibit A.16 and B.4). The zoning designation for the area was Suburban Residential (SR) as shown on Exhibit B.6. The SR Zone District allowed dwellings as use. There was an existing dwelling on the parent parcel, established in 1926, located in the south-west corner of the parent property at 11521 NW Laidlaw Rd. There are two lawfully established dwellings on the parent parcel established prior to before October 4, 2000.

The proposed Category 3 Land Division will result in a two parcel partition with a dwelling on each parcel with no vacant parcels. *These criteria have all been met by the proposed Land Division.*

4.3. Lot of Record

MCC 33.3170(A) ... 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.

- (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**

Staff: The parent parcel was created as Lot 53 of Bonny Slope Subdivision approved in 1923. The parent parcel meets MCC 33.0005 satisfying applicable land division laws and there were no zoning laws in effect at that time. This decision will resolve the Lot of Record compliance issue for the two existing parcels, that make up the parent parcel, through a Lot of Exception and the Category 3 Land Division resulting in two Lots of Record. *The parent parcel is a Lot of Record.*

5. LAND DIVISION

5.1. Category 3 Land Divisions

MCC 33.7775 A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

- (G) **A partition resulting in the creation of a lot for which an Exception, Adjustment or Variance is required under another part of MCC Chapter 33.**

Staff: The proposed partition requires a lot of exception approval, thus it is a Category 3 Land Division.

5.2. Criteria for Approval: Category 3 Tentative Plan

MCC 33.7855: 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(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;

MCC 33.7800(C) The tentative plan complies with the applicable provisions, including the purposes and intent of this Chapter.

MCC 33.7800(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: Under the current Rural Residential Zone District code, neither of the proposed parcels will be allowed to be further divided given the minimum lots size for the RR District of five acre (20 acres minimum a Goal 14 requirement) thus (B) is met. The tentative plan, as demonstrated in the

following findings of Section 5 of this decision, complies with the applicable provisions, including the purposes and intent of this Chapter. The property is outside of the flood plain. Therefore are not flooding hazards related to the properties. The proposed parcels meet the dimensional requirements of the underlying zone districts, except for minimum lot size (see above, Section 4.1 of this decision). The parcels are allowed to be below the minimum lots size due to the granting of Lots of Exception (see above, Section 4. 2 of this decision). *These standards are met.*

5.3. Contents of Category 3 Tentative Plan

MCC 33.7860: 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.

Staff: The applicant has submitted the required information for a Category 3 Tentative Plan (See applicant's exhibits, including Exhibit A.16: Tentative Plan and Exhibit A.2: Narrative). *These standards are met.*

5.4. Application of General Standards and Requirements

MCC 33.7885: Every land division proposal shall comply with the applicable provisions of MCC 33.7890 through 33.7965.

Staff: The applicable provisions of MCC 36.7890 through MCC 36.7965 are as follows:

- 33.7890 Land Suitability
- 33.7895 Lots and Parcels

- 33.7950 Water System
- 33.7955 Sewage Disposal
- 33.7960 Surface Drainage
- 33.7965 Electrical and Other Wires

Compliance with each of these sections is discussed in the findings in the following sections of this report. *These standards are met.*

5.5. Land Suitability

MCC 33.7890: A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics:

- (A) Slopes exceeding 20%;
- (B) Severe soil erosion potential;
- (C) Within the 100-year flood plain;
- (D) A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;
- (E) A fragipan or other impervious layer less than 30 inches from the surface; or
- (F) Subject to slumping, earth slides or movement.

Staff: The property slopes at about 16 percent with about four to six percent slopes in the location of the dwellings (Exhibit A.16). The erosion potential is minor for these lots given the development has already occurred. The properties have been determined to be suitable for on-site sewage disposal (Exhibit A.10, A.11 and B.12) and stormwater disposal (Exhibit A.12). In regards to the above cited characteristics, the proposed parcels are suitable for the residential uses that exist on the property. *This standard is met.*

5.6. Lots and Parcels

5.6.1. **MCC 33.7895(A): The size, shape, width, orientation and access shall be appropriate:**

- (1) To the types of development and uses contemplated;
- (2) To the nature of existing or potential development on adjacent tracts;
- (3) For the maximum preservation of existing slopes, vegetation and natural drainage;
- (4) To the need for privacy through such means as transition from public to semi-public to private use areas and the separation of conflicting areas by suitable distances, barriers or screens; and
- (5) To the climactic conditions including solar orientation and winter wind and rain.

Staff: The applicant has submitted a tentative plan showing the existing single family dwelling sites for each proposed parcel (Exhibit A.16). This shows that the area, width, and access are appropriate for both proposed parcels for the existing development or redevelopment of single family dwellings. All minimum yard dimensions can be met for both proposed parcels. Future development on proposed parcels will be able to meet the required yard setbacks. Privacy is provided for on the proposed parcels through the required setbacks providing for a transition from public to private. The setbacks will also provide for solar access. Building codes will address wind load requirements for any redevelopment. The stormwater drainage has been addressed by Kenneth J. Hodges, P.E. in a letter stating that "If any development is constructed in the future on these sites, there is sufficient space to properly provide on-site stormwater drainage control system for a 10-year/24 hour storm even (Exhibit A.12). *These standards have been met.*

5.6.2. MCC 33.7895(B): The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable.

Staff: The proposed side lot line is nearly perpendicular to the front line given the front line is a slight curve (Exhibit A.16). *This standard is met.*

5.6.3. MCC 33.7895(C): Double frontage or reverse frontage lots or parcels shall be provided only when essential for separation of land uses from arterials or to overcome specific disadvantages of topography or orientation.

Staff: No double frontage lot is proposed. *This standard is met.*

5.7. Water System

MCC 33.7950: The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of subsections (4) (a), (b), or (c) of ORS 92.090 and MCC 33.7985 of this Chapter.

Staff: Water service for the existing dwellings is provided by a water district. There will be no change for the proposed parcels. *This standard is met.*

5.8. Sewage Disposal

MCC 33.7955: The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of subsection (5) (c) of ORS 92.090 and MCC 33.7990 of this Chapter.

Staff: The applicant has submitted a Certificate of On-Site Sewage Disposal signed by City of Portland sanitarian for the proposed partition (Exhibit A.10, A.11 and B.12). *This standard is met.*

5.9. Surface Drainage

MCC 33.7960: Surface drainage and storm sewer systems shall be provided as required by section MCC 33.7995. 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 stormwater drainage has been addressed by Kenneth J. Hodges, P.E. in a letter stating that “If any development is constructed in the future on these sites, there is sufficient space to properly provide on-site stormwater drainage control system for a 10-year/24 hour storm event” (Exhibit A.12). *These standards have been met.*

5.10. Electrical and Other Wires

MCC 36.7965: Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

(A) Is impracticable due to topography, soil or subsurface conditions;

- (B) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or**
- (C) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.**

Staff: Utilities for these properties have been installed when the properties were developed. It would be impracticable and expensive to alter them now. Undergrounding the utility lines would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby. *This standard is met.*

6. COMPREHENSIVE PLAN POLICIES

6.1 Policy 38 Facilities

It is the County's Policy to coordinate and encourage involvement of applicable agencies and jurisdiction in the land use process to ensure:

Fire Protection

- B. There is adequate water pressure and flow for fire fighting purposes; and**
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.**

Staff: The applicant submitted a Fire Access Review Form for both properties (Exhibit A.8 and A.9). *This standard is met.*

7. TRANSPORTATION STANDARDS

7.1. Access to County Roads

7.1.1. MCRR 4.100 *Required Information*: Applicants for a new or reconfigured access onto a road under County Jurisdiction may be required to provide all of the following:

- A. Site Plan;**
- B. Traffic Study-completed by a registered traffic engineer;**
- C. Access Analysis-completed by a registered traffic engineer;**
- D. Sight Distance Certification from a registered traffic engineer; and**
- E. Other site-specific information requested by the County Engineer**

Staff: No new access is proposed for either proposed parcel. 11521 NW Laidlaw Road has an Access Permit Number 84-0573-1. However, there is no Access permit on file for 11432 NE East. A condition of approval will require an Access permit to be obtained. *This standard is met through a condition.*

7.1.2. MCRR 4.200 *Number*: Reducing the number of existing and proposed access points on Arterials and Collectors and improving traffic flow and safety on all County roads will be the primary consideration when reviewing access proposals for approval. One driveway access per property will be the standard for approval. Double frontage lots will be limited to access from the lower classification street. Shared access may be required in situations

where spacing standards cannot be met or where there is a benefit to the transportation system.

Staff: Both of the proposed parcels have one driveway access each. *This standard is met.*

7.1.3. MCRR 4.300 Location: All new access points shall be located so as to meet the access spacing standards laid out in the Design and Construction Manual.

Staff: The access points have existed since the dwellings were established on the two proposed parcels in 1928 and 1967. There are no new access points. *This standard is not applicable.*

7.1.4. MCRR 4.400 Width: Driveway and Accessway widths shall conform to the dimensions laid out in the Design and Construction Manual.

Staff: For a single family dwelling use, a new or reconfigured driveway must be 12 to 25 feet wide. There are no new driveways, however the existing driveways meet the standard. *This standard is met.*

7.1.5. MCRR 4.500 Sight Distance: All new access points to roads under the County's jurisdiction must have a minimum sight distance equal to the standards in the Design and Construction Manual and AASHTO's A Policy on Geometric Design of Highways and Streets.

Staff: The access points have existed since the dwellings were established on the two proposed parcels in 1928 and 1967. There are no new access points. *This standard is not applicable.*

7.2. Transportation Impact

MCRR 5.100 To determine if a Transportation Impact is caused by a proposed development, the County Engineer will determine the number of new trips generated by a site by one of the following methods:

- A. Calculations from the most recent edition of the Institute of Transportation Engineers' Trip Generation (ITE); or**
- B. A site development transportation impact study conducted by a professional engineer registered in the State of Oregon and accepted by the County.**

MCRR 5.200 The County Engineer will use the information obtained pursuant to subsection 5.100 and/or the frontage length of the subject property to determine the pro-rata share of the requirements set forth in Section 6.000.

MCRR 5.300 Except where special circumstances require the County Engineer to make an alternate determination, any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour shall be found to have a *Transportation Impact*. A minimum increase of 10 new trips per day is required to find a transportation impact.

Staff: The Multnomah County Road Rules defines a Transportation Impact as the affect of any new construction or alteration which will increase the number of trips generated by a site by more than 20 percent, by more than 100 trips per day or by more than 10 trips in the peak hour [MCRR 3.000]. A minimum increase of 10 new trips per day is required to find a transportation impact.

According to the ITE Manual, 8th Edition, a single family dwelling generates 10 trips per day. The property is currently developed with two single family dwellings, with one built in 1967. When the property is divided it is reviewed for the additional impact to the transportation system that resulted from that additional dwelling being established. Had the land division been reviewed by County Transportation in 1982 the additional dedication would have been required. Therefore, a transportation impact is caused by the development since trips generated by the site increased by more than 20 percent.

7.3. Improvement Requirements

MCRR 6.100 Site Development: The owner of the site or the applicant for a proposed development, which is found to cause a Transportation Impact will be responsible for improvements to the right-of-way as follows:

MCRR 6.100 A. Dedication Requirement***

Staff: NW Laidlaw Road is a Rural Collector Road. The County standard right of way width for a Rural Collector facility is a 60 foot width. The property owner is required to dedicate he necessary right-of-way to achieve a 30 feet centerline along the site's NW Laidlaw Road frontage which is approximately 5 feet, dedicate 15-foot radius at the corner of NW Laidlaw and NW East Roads, and dedicate slope/drainage easement center on the existing culvert located along NW Laidlaw Road in order to achieve a proportional share of this standard to provide for safe transportation facilities and access. These dedications of right of way will be used to improve the roadway to serve growing travel demand, which in part will be generated by this proposed action. The dedication is proportional to the use that was established when this land division should have been reviewed by County Transportation when the dwelling established on the property and original land division was implemented. The Lot of Exception and Category 3 Land Division is to correct an incorrectly implemented land division in the past.

8.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Lot of Exception and the Category 3 Land Division for a two parcel partition plat in the Rural Residential Zone. This approval is subject to the conditions of approval established in this report.

9.00 Exhibits

'A' Applicant's Exhibits

'B' Staff Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	2	Application form	2/7/12
A.2	9	Narrative	2/7/12
A.3	1	Tentative Plan (Preliminary Partition Plan Map, Applicant's Exhibit A)	2/7/12
A.4	1	1967 Survey recorded by the applicant on 9/3/08 (Applicant's	2/7/12

		Exhibit B)	
A.5	5	County Assessment map and assessment information (Applicant's Exhibit C)	2/7/12
A.6	5	Deed for Bonny Slope Subdivision Lot 53 signed 1997, recorded with County Records in Book 1335 on Page 367 on 3/6/79 and deed for a portion of Lot 53 recorded with County Records Instrument Number 99187791 on 1/08/99 (Applicant's Exhibit D)	2/7/12
A.7	3	Metro Map Aerial Photo of the property and photos of the two dwellings (Applicant's Exhibit E)	2/7/12
A.8	3	Fire District Access Review for 11521 NW Laidlaw Road	2/7/12
A.9	3	Fire District Access Review for 11432 NW East Road	2/7/12
A.10	1	Certificate of On-Site Sewage Disposal 11521 NW Laidlaw Road	2/7/12
A.11	1	Certificate of On-Site Sewage Disposal 11432 NW East Road	2/7/12
A.12	4	Storm Water Certification with attach letter and map	2/7/12
A.13	6	Photos of habitable dwelling features for 11521 NW Laidlaw Road	4/10/12
A.14	1	Letter from the applicant	4/12/12
A.15	9	Email with Photos of habitable dwelling features for 11432 NW East Road	4/18/12
A.16	1	Revised Tentative Plan (Preliminary Partition Plan Map)	
'B'	#	Staff Exhibits	Date
B.1	4	A&T Property Information	NA
B.2	1	A&T Tax Map with properties identified	NA
B.3	1	Current Zoning Map	NA
B.4	1	2010 Aerial Photo	NA
B.5	1	Bonny Slope Subdivision	NA
B.6	1	1962 Zoning map for zoning designation from 1958 through 1977	NA
B.7	1	Zoning Code Section for Suburban Residential Zone District for dimensional standards in effect in 1967	NA
B.8	1	Zoning map in effect for 1982	NA
B.9	1	Zoning Code Section for Rural Residential Zone District for dimensional standards in effect in 1982	NA
B.10	1	Building Permit for dwelling on proposed Parcel 1	NA
B.11	2	Deed for proposed Parcel 2 Book 1615 Page 1732 recorded	NA

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B.12	4	Email from Erin Mick, Sanitarian, confirming septic approval for proposed parcels	NA
B.13	5	Email with attachments from Joanna Valencia, County Transportation Planning Specialist address access permits for properties	NA
B.14	3	Memorandum from Ken Born, County Transportation Planning Specialist addressing	NA
B.15	1	Applicant's Instructions for Finishing a Land Division	NA
B.16	1	Surveyor's Instructions for Finishing a Land Division	NA