



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>

HEARINGS OFFICER DECISION AND FINAL ORDER

Case File: T3-2011-2014

Location: 36710, 36720, 36830 and 36930 E.
Historic Columbia River Highway

TL 1700, 1800, 2000, 2200, Sec 35BA, T1N, R4E,
W.M.

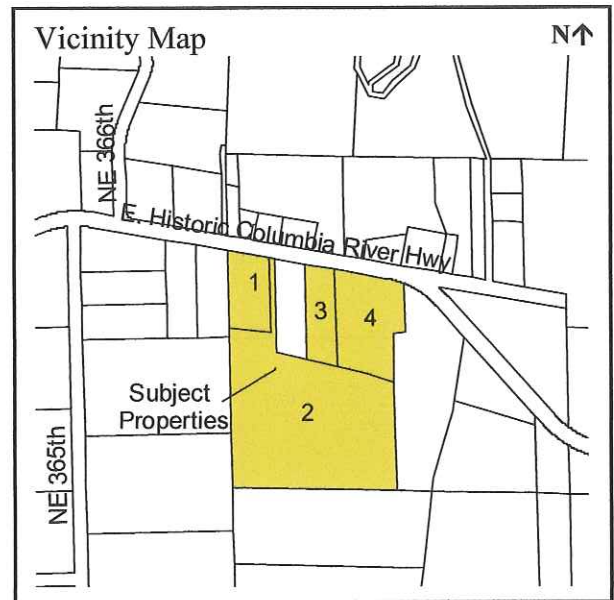
Alternative Account #R944350150, 944351270,
944351250, 944350560

Applicant: Ben Schonberger-
Winterbrook Planning

Property Owners: Shirley Poffenberger, Nowell and
Tracy Brill, Thomas and Gina
Layton, Multnomah County Rural
Fire Protection District #14

Base Zone: Gorge General Rural Center
(GGRC) and Gorge General
Residential-5 (GGR5)

Overlay Zones: None



PROJECT DESCRIPTION: The staff report states that the proposed 4-Lot subdivision is intended to correct an error made in 1986 at the time of the initial creation of the lots. The four properties involved in the subject application were previously created through a series of minor partitions and property line adjustments in 1986. The sequencing was as follows:

1. On February 20, 1986, a Property Line Adjustment was processed through an Exempt Minor Partition (EMP) (Exhibit B.6) under Multnomah County Ordinance #174 between the fire station property (36930 E. Historic Columbia River

Highway) and the Brill property (36720 E. Historic Columbia River Highway). The effect was to enlarge the fire station property.

2. On March 27, 1986 a three parcel minor partition was approved (Exhibit B.7) creating three parcels out of the Brill property (36720 E. Historic Columbia River Highway). They included the Brill property, the Layton property (36830 E. Historic Columbia River Highway) and a vacant property.
3. On July 10, 1986, the Brill Property was partitioned into two parcels which created the Poffenberger property (36710 E. Historic Columbia River Highway) and the Brill property as it is configured today.

State law at the time required the creation of four or more parcels in a calendar year to be processed as a Subdivision. It is unclear why a subdivision for all four parcels was not processed at the time, or a one-lot subdivision for the creation of the last parcel. Regardless, a subdivision should have been processed.

Since the creation of the four original parcels, the vacant Parcel III from the March 27, 1986 partition was consolidated into the fire station property (36930 E. Historic Columbia River Highway). The current subdivision proposal will retroactively and properly approve all actions that involved the subject properties.

PROCEDURAL ISSUES

1. Impartiality of the Hearings Officer

- A. No ex parte contacts. I did not have any *ex parte* contacts prior to the hearing of this matter. I did not make a site visit.
- B. No conflicting personal or financial or family interest. I have no financial interest in the outcome of this proceeding. I have no family or financial relationship with any of the parties.

2. Jurisdictional Issues

At the commencement of the hearing, I asked the participants to indicate if they had any objections to jurisdiction. The participants did not allege any jurisdictional or procedural violations regarding the conduct of the hearing.

BURDEN OF PROOF

In this proceeding, the burden of proof is upon the Applicant.

TESTIMONY AND EVIDENCE PRESENTED

1. Don Kienholz presented the staff report for the County and explained the procedural history for this property. Staff recommended approval of the application.
2. Jed Tomkins, Assistant County Attorney spoke in support of the application. He explained that the County had not used the applicable land use criteria when the original property owners of the subject properties sought land use approval for the land divisions approved by the County in 1986. The County has facilitated this application to cure the defects in the process and obtain review of the application herein pursuant to the applicable County Code provisions.
3. Tom Layton, a property owner spoke in support of the application.
4. Two Exhibits were submitted at the hearing. The first exhibit, marked H.1, was a letter from the Friends of the Columbia Gorge. The letter listed Multnomah Code Criteria, but did not discuss or analyze whether the subject application met or did not meet the list of code provisions. As such I consider the written letter submitted by the Friends of the Columbia Gorge as neutral in that it did not oppose the application or contend that the application failed to meet relevant code criteria. The exhibit marked H.2 was the Hearing sign-up sheet.

Applicable Approval Criteria:

General Provisions: MCC 38.0045 Review and Conditional Use Applications - Submittal Requirements, MCC 38.0050 Conditional Uses (A) Land Divisions.

Gorge General Rural Center: MCC 38.2425 Review Uses, (G) Land Divisions..., MCC 38.2460 Dimensional Requirements, MCC 38.2490 Access.

Gorge General Residential: MCC 38.3025 Review Uses, (A)(7) Land Division..., 38.3060 Dimensional Requirements, MCC 38.3090 Access.

Land Division Criteria: MCC 38.7770 Category 1 Land Divisions, MCC 38.7800 Criteria for Approval: Category 1 Tentative Plan, MCC 38.7805 Contents of Category 1 Tentative Plan, MCC 38.7810 Category 1 Tentative Plan Map Specifications, MCC 38.7815 Category 1 Tentative Plan Map Contents, MCC 38.7820 Written Information: Category 1 Tentative Plan, MCC 38.7825 Supplementary Material: Category 1 Tentative Plan, MCC 38.7890 Land Suitability, MCC 38.7895 Lots and Parcels, MCC 38.7910 Street Design, MCC 38.7935 Easements, MCC 38.7950 Water System, MCC 38.7955 Sewage Disposal, MCC 38.7960 Surface Drainage, and MCC 38.7965 Electrical and Other Wires.

Hearings Officer Decision:

The Multnomah County Land Use Planning Staff and the Assistant County Attorney recommended approval of the subject application and offered substantial and probative evidence in support of the application for approval of a four lot subdivision. An owner testified in support of the application. There was no testimony in opposition to the application. The application is approved and the staff report reviewed at the hearing in regards to this application which is attached hereto as Exhibit "1" to this Final Order, is incorporated by this reference

herein as findings of fact in support of this decision which is being made subject to the following conditions of approval.

Conditions of Approval:

1. Before the subdivision plat is submitted to the Multnomah County Surveyor's Office, two (2) blue- line copies of the plat are to be filed with the Planning Director. Within 10 business days of filing, the Planning Director will determine whether the plat complies with this decision and the conditions of approval contained herein. At such time as the plat complies with this decision, a letter of zoning compliance will be provided to the Multnomah County Surveyor. [MCC 38.8015(A)]
2. The property owners, or representatives thereof, shall complete the "Applicant's Instructions for Finishing a Land Division" (Exhibit B.11).
3. The property owners, or representatives thereof, shall retain a surveyor to complete the "Surveyors Instructions for Finishing a Land Division" (Exhibit B.12).

CONCLUSION

Based on the staff testimony and written staff report and the findings and substantial evidence cited or referenced therein and submitted at the hearing, I conclude that the application for a four lot subdivision located within the Gorge General Rural Center (GGRC) and Gorge General Residential-5 (GGR5) Zones is hereby approved subject to the conditions of approval set forth above.

IT IS SO ORDERED, this 21st day of May, 2012.



JOAN M. CHAMBERS, Hearings Officer



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Staff Report

Category 1 Subdivision

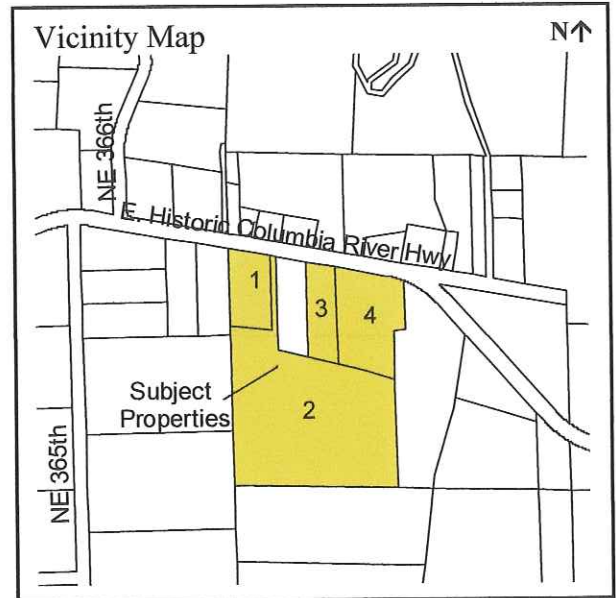
Case File: T3-2011-2014

Scheduled Before one of the following County
Hearings Officer's:

Joan Chambers
Liz Fancher
Bruce White

Hearing Date, Time, & Place:

Friday, May 11, 2012 at 10:30 AM or soon thereafter,
in Room 103 at the Land Use Planning Division office
located at 1600 SE 190th Avenue, Portland, OR 97233



Location: 36710, 36720, 36830 and 36930 E. Historic Columbia River Highway
TL 1700, 1800, 2000, 2200, Sec 35BA, T1N, R4E, W.M.
Alternative Account #R944350150, 944351270, 944351250, 944350560

Applicant(s):	Ben Schonberger –	Property	Shirley Poffenberger, Nowell and
	Winterbrook Planning	Owner(s):	Tracy Brill, Thomas and Gina Layton, Multnomah County Rural Fire Protection District #14

Summary: Four lot subdivision. No new lots or development proposed. Land division will correct an error made in 1986 at the time of initial creation of the lots.

Base Zone: Gorge General Rural Center (GGRC) and Gorge General Residential-5 (GGR5)

Overlay Zones: None

Applicable Approval Criteria:

General Provisions: MCC 38.0045 Review and Conditional Use Applications - Submittal Requirements, MCC 38.0050 Conditional Uses (A) Land Divisions.

Gorge General Rural Center: MCC 38.2425 Review Uses, (G) Land Divisions..., MCC 38.2460 Dimensional Requirements, MCC 38.2490 Access.

Gorge General Residential: MCC 38.3025 Review Uses, (A)(7) Land Division..., 38.3060 Dimensional Requirements, MCC 38.3090 Access.

Land Division Criteria: MCC 38.7770 Category 1 Land Divisions, MCC 38.7800 Criteria for Approval: Category 1 Tentative Plan, MCC 38.7805 Contents of Category 1 Tentative Plan, MCC 38.7810 Category 1 Tentative Plan Map Specifications, MCC 38.7815 Category 1 Tentative Plan Map Contents, MCC 38.7820 Written Information: Category 1 Tentative Plan, MCC 38.7825 Supplementary Material: Category 1 Tentative Plan, MCC 38.7890 Land Suitability, MCC 38.7895 Lots and Parcels, MCC 38.7910 Street Design, MCC 38.7935 Easements, MCC 38.7950 Water System, MCC 38.7955 Sewage Disposal, MCC 38.7960 Surface Drainage, and MCC 38.7965 Electrical and Other Wires.

Recommended Hearing Officer Decision:

Staff recommends that the Hearings Officer approve the proposed 4-lot subdivision.

If the Hearings Officer finds the proposed application is approvable, staff recommends the following Conditions of Approval:

1. Before the subdivision plat is submitted to the Multnomah County Surveyor's Office, two (2) blue- line copies of the plat are to be filed with the Planning Director. Within 10 business days of filing, the Planning Director will determine whether the plat complies with this decision and the conditions of approval contained herein. At such time as the plat complies with this decision, a letter of zoning compliance will be provided to the Multnomah County Surveyor. [MCC 38.8015(A)]
2. The property owners, or representatives thereof, shall complete the "Applicant's Instructions for Finishing a Land Division" (Exhibit B.11).
3. The property owners, or representatives thereof, shall retain a surveyor to complete the "Surveyors Instructions for Finishing a Land Division" (Exhibit B.12).

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*.

1.00 Project Description:

Staff: The proposed 4-Lot subdivision is to correct an error made in 1986 at the time of initial creation of the lots. The four properties involved in the subject subdivision were previously created through a series of minor partitions and property line adjustments in 1986. The sequencing was as follows:

1. On February 20, 1986, a Property Line Adjustment was processed through an Exempt Minor Partition (EMP) (Exhibit B.6) under Multnomah County Ordinance #174 between the fire station property (36930 E. Historic Columbia River Highway) and the Brill property (36720 E. Historic Columbia River Highway). The effect was to enlarge the fire station property.
2. On March 27, 1986 a three parcel minor partition was approved (Exhibit B.7) creating three parcels out of the Brill property (36720 E. Historic Columbia River Highway). They included the Brill property, the Layton property (36740 E. Historic Columbia River Highway) and a vacant property.
3. On July 10, 1986, the Brill Property was again partitioned but into two parcels which created the Poffenberger property (36710 E. Historic Columbia River Highway) and the Brill property as it is configured today.

State law at the time required the creation of four or more parcels in a calendar year to be processed as a Subdivision. It is unclear why a subdivision for all four parcels was not processed at the time, or a one-lot subdivision for the creation of the last parcel. Regardless, a subdivision should have been processed.

Since the creation of the four original parcels, the vacant Parcel III from the March 27, 1986 partition was consolidated into the fire station property (36930 E. Historic Columbia River Highway). The current subdivision proposal will retroactively and properly approve all actions that involved the subject properties.

2.00 Code Compliance:

MCC 38.0560 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.

Staff: The four subject properties are currently out of compliance because they are not legal parcels as defined in MCC 38.0005. Approval of this application will correct the legal parcel compliance issue.

Three of the four subject properties have been involved in previous land use decisions: Lot 2 (Brill - 36720 E. Historic Columbia River Highway), Lot 3 (Layton - 36740 E. Historic Columbia River Highway) and Lot 4 (the fire station - 36930 E. Historic Columbia River Highway). To the County's knowledge, the properties are in conformance with the previous conditions of approval. Lot 2 was at one

Exhibit "1"

time in non-compliance with the zoning and land use codes but the previous approvals permitted a couple unpermitted structures.

With an approval, this application will bring all the properties into full code compliance.

3.00 Base Zone Criteria:

Subdivisions are allowed in both the GGRC zone and the GGR-5 zone under review uses [MCC 38.2425(G) and MCC 38.3025(A)(7)].

Gorge General Rural Center Dimensional Standards:

Staff: Lots 1, 3, and 4 are within the GGRC zone and are subject to the following dimensional standards:

A. MCC 38.2460 DIMENSIONAL REQUIREMENTS

1. **(A) The minimum lot size for a single family dwelling shall be one acre.**

Staff: Three of the subject properties are within the GGRC zone. As shown on the proposed site plan (Exhibit A.21), each of the three lots have the minimum 1-acre lot size. Lot 2 is shown as 0.99-acres on the site plan but when taking into account the area within the street right-of-way as permitted in (D) below, it is over 1-acre.

Criterion met.

2. **(B) The minimum lot size for a duplex dwelling shall be two acres.**

Staff: No duplex is proposed as part of the application and none of the properties contain an existing duplex.

Criterion met.

3. **(C) The minimum lot size for a conditional use permitted pursuant to MCC 38.2430, shall be based upon:**

(1) The site size needs of the proposed use;

(2) The nature of the proposed use in relation to the impacts on nearby properties; and

(3) Consideration of the purposes of this district.

Staff: No conditional use is proposed as part of this application. The fire station property recently went through a Community Service Review (T3-2010-875) and was approved.

Criterion met.

4. **(D) 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.**

Exhibit "1"

Staff: Lot 1 and Lot 4 are over the 1-acre minimum lot size as seen on the submitted site plan (Exhibit A.21). Lot 2 is shown as 0.99-acres but when considering the area within the street that would accrue to the property if the street were vacated, it is over the 1-acre minimum lot size.

Criterion met.

5. **(E) 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: The subdivision lot lines all meet the required setbacks for each of the three proposed lots within the GGRC zoning district. Additionally, all three lots have a front lot line over 50-feet long.

Criterion met.

B. **MCC 38.2490 ACCESS**

Any lot 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.

Staff: All the lots abut the Historic Columbia River Highway.

Criterion met.

Gorge General Residential-5 Zoning District

C. **MCC 38.3060 DIMENSIONAL REQUIREMENTS**

1. **(A) Except as provided in MCC 38.3030 (A) (8), the minimum lot size shall be according to the short-title zone district designation on the Zoning Map, as follows:**

GGR-2	2 acres
GGR-5	5 acres
GGR-10	10 acres
GSR	The size of all contiguous, individually owned parcels, as of November 17, 1986

Staff: Lot 2 is split zoned and in the GGR-5 and GGRC zoning districts. As shown on the submitted site plan, Lot 2 is 7.86-acres, thus meeting the 5-acre minimum lot size.

Criterion met.

Exhibit “1”

T3-2011-2014 Hearings Officer Decision

2. **(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: Lot 2 is already over the minimum lot size without the area within the street.

Criterion met.

3. **(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: The subject property is a Flag Lot as defined in MCC 38.7705. As such, the front lot line is the lot line closest to and most nearly parallel with the street which serves the lot. That would make the front lot line the 165-foot segment north of the western barn on Lot 2. Being 165-feet in length, it meets the 50-foot minimum standard.

Criterion met.

D. MCC 38.3090 ACCESS

Any lot 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.

Staff: All the properties abut the Historic Columbia River Highway.

Criterion met.

4.00 Land Division:

MCC 38.7770 CATEGORY 1 LAND DIVISIONS

The following proposals are designated Category 1 Land Divisions:

(A) A Rural Area subdivision;

Staff: The proposal is a land division of four lots in the rural area and therefore a Category 1 Land Division.

A. MCC 38.7800 CRITERIA FOR APPROVAL: CATEGORY 1 TENTATIVE PLAN

In granting approval of a Category 1 tentative plan, the approval authority shall find that:

1. **(A) The tentative plan is in accordance with the applicable elements of the Management Plan;**

Exhibit "1"

Staff: The proposed land division meets the GGRC and GGR-5 zoning requirements as required by the Management Plan. The subdivision officially establishes the four lots that have existed unofficially and supported three dwellings and a fire station since 1986 without septic, water or stormwater failure. As such, the County finds that the new lots meet the zoning requirements and are able to fully function independently.

Criterion met.

2. **(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;**

Staff: The land division will officially recognize the existing parcel pattern and existing uses on each lot. Each lot contains is developable as evidenced by the existing primary uses on each lot.

Criterion met.

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

Staff: The purpose and intent of the land division chapter is to provide for the orderly division of land and to provide lots that are developable and have access to a public street. Those purposes are satisfied with the proposed configuration as each lot has road frontage and is developed with an allowed primary use such as a dwelling or the fire station. Additionally, staff has made findings on the applicable approval criteria below.

Criterion met.

4. **(D) The tentative plan complies with the Zoning Ordinance;**

Staff: Staff found that the proposed subdivision meets the GGRC and GGR zoning ordinances in Finding #3.

Criterion met.

5. **(E) If a subdivision, the proposed name has been approved by the County Surveyor and does not use a word which is the same as, similar to or pronounced the same as a word in the name of any other subdivision in Multnomah County, except for the words town, city, place, court, addition or similar words, unless the land platted is contiguous to and platted by the same applicant that platted the subdivision bearing that name or unless the applicant files and records the consent of the party that platted the subdivision bearing that name and the block numbers continue those of the plat of the same name last filed;**

Staff: The applicant has proposed to name the subdivision "Poffenberger." A cursory review of subdivisions in Multnomah County did not turn up a similar name to "Poffenberger."

Exhibit "1"

T3-2011-2014 Hearings Officer Decision

Criterion met.

6. **(F) The streets are laid out and designed so as to conform, within the limits of MCC 38.7905 and 38.7910 and the Street Standards Code and Rules, to the plats of subdivisions and maps of partitions already approved for adjoining property unless the approval authority determines it is in the public interest to modify the street pattern; and,**

Staff: No streets are created as part of the proposed subdivision.

Criterion met.

7. **(G) Streets held for private use are laid out and designed so as to conform with MCC 38.7905 and 38.7910 and the Street Standards Code and Rules, and are clearly indicated on the tentative plan and all reservations or restrictions relating to such private streets, including ownership, are set forth thereon.**

Staff: No streets are being created as part of the proposed subdivision.

8. **(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: There are no identified flood areas in the vicinity of the subject lots, therefore there is no flood hazard.

Criterion met.

B. MCC 38.7890 LAND SUITABILITY

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

Exhibit “1”

T3-2011-2014 Hearings Officer Decision

(F) Subject to slumping, earth slides or movement.

Staff: The proposed subdivision will officially recognize a land division that took place in 1986. Since that time each lot has been developed with primary uses such as dwellings or a fire station. The constant and unabandoned use of each lot for a dwelling or fire station demonstrates the lots have been, and are suitable for development. Staff is also not aware of any evidence suggesting the above development limitations are relevant to this case.

Criteria met.

C. MCC 38.7895 LOTS AND PARCELS

The design of lots and parcels shall comply with the following:

- 1. (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 proposed configuration matches the land divisions that took place in 1986. As such, the proposal clearly is appropriate to the existing development in the area as development has occurred unabated by the subdivision's configuration. In fact, three of the four lots involved in the subdivision have subsequently been reviewed and approved for development. All the adjacent parcels are also developed with dwellings and there are no known conflicts with the development pattern. Each lot has landscaping to provide for increased privacy of each lot, are appropriately sized considering the zoning, and do not require extensive grading for development of a primary use since each one is already developed.

Criteria met.

- 2. (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 lots match the current configuration of the subject properties. The lot lines are oriented in a north-south direction on the sides and east-west on the rear. The front lot lines are adjacent to the Columbia River Highway which is approximately an east-west trending road at that point. Therefore, the lot lines run as perpendicular as possible to the front lot line.

Exhibit "1"

T3-2011-2014 Hearings Officer Decision

Criterion met.

3. **(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: None of the proposed lots will have double or reverse frontage as seen on the proposed site plan (Exhibit A.21).

Criterion met.

4. **(D) A land division may include creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the applicable zoning district, subject to the following:**

(1) When a flag lot does not adjoin another flag lot, as shown in MCC 38.7895 Figure 1, the pole portion of the flag lot shall be at least 16 feet wide.

(2) Where two flag lots are placed back to back as shown in MCC 38.7895 Figure 2, the pole portion of each flag lot shall be at least 12 feet wide.

Staff: The subdivision does include the creation of one flag lot that is not back to back to another flag lot. The proposed flag lot has a pole that is 24-feet wide.

Criteria met.

5. **(E) Within a land division, flag lots shall not be stacked one behind the other as shown in MCC 38.7895 Figure 3. Instead, a private accessway shall be used as shown in MCC 38.7895 Figure 4.**

Staff: There are no other flag lots, proposed or existing, stacked behind the proposed flag lot.

Criterion met.

D. MCC 38.7905 STREET LAYOUT

(A) Except as otherwise provided in subsections (B) and (C) of this section, the arrangement of streets in a land division shall be designed:

(1) To conform to the arrangement established or approved in adjoining land divisions;

(2) To continue streets to the boundary of any adjoining undivided tract where such is necessary to the proper development of the adjoining land;

(3) To assure the maximum possible preservation of existing slopes, vegetation and natural drainage;

Exhibit "1"

T3-2011-2014 Hearings Officer Decision

- (4) To limit unnecessary through traffic in residential areas;**
- (5) To permit surveillance of street areas by residents and users for maximum safety;**
- (6) To assure building sites with appropriate solar orientation and protection from winter wind and rain;**
- (7) To assure storm water drainage to an approved means of disposal; and**
- (8) To provide safe and convenient access.**

(B) Where topography or other conditions make conformance to the existing street pattern or continuance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement authorized by the approval authority.

(C) Where a street layout affecting the proposed land division has been established, the arrangement of streets in the land division shall conform to the established layout.

(D) A half street may be permitted only where appropriate to the future division of adjoining undeveloped property, provided that when possible, additional dedicated right-of-way exceeding one-half of a street may be required to provide adequate width to accommodate two-way vehicle traffic.

(E) When necessary for adequate protection of existing or proposed land uses or to afford separation of through and local traffic, a land division abutting or containing an existing or proposed arterial may be required to include, among other things, a frontage street, reverse frontage lots with extra depth, or screen plantings in a non-access reservation along a property line.

Staff: The proposed subdivision does not include the creation of any public or private streets. All proposed lots have direct access to the Historic Columbia River Highway.

Criteria met.

E. MCC 38.7910 STREET DESIGN

The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows:

(A) For a public street — in accordance with the Street Standards Code and Rules; and

(B) For a private street — in accordance with the Street Standards Code and Rules, subject to the following additional requirements:

(1) Accessways shall be designed in accordance with Permit Requirements for Accessway Construction published by the Multnomah County Department of Environmental Service. Accessways shall have a maximum length of 300 feet.

Exhibit "1"

T3-2011-2014 Hearings Officer Decision

(C) A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a turnaround having a radius of 50 feet.

Staff: The proposed lot configuration provides direct access from all lots onto a public street, the Historic Columbia River Highway. The highway is an established highway under the jurisdiction of the Oregon Department of Transportation and is not under the authority of Multnomah County Street Standards Code and Rules.

Criterion met.

F. MCC 38.7935 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.

(B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a drainage district or water control district, such easement or right-of-way shall be approved by the district board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.

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

Staff: The Oregon Department of Transportation has authority over the adjacent public street, which has 60-feet of right-of-way. It appears utilities are already located within the right-of-way and a separate easement is not required. No water course is located on any of the subject properties. Pedestrian paths and bikeways are not required based upon the level of existing and proposed development.

Criterion met.

G. MCC 38.7950 WATER SYSTEM

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 38.7985 of this Chapter.

Staff: Each lot in the subdivision is currently served by Corbett Water District (Exhibit A.18).

Criterion met.

H. MCC 38.7955 SEWAGE DISPOSAL

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 38.7990 of this Chapter.

Staff: Each of the proposed lots is currently served by an approved on-site septic system (Exhibit A.19).

Criterion met.

I. MCC 38.7960 SURFACE DRAINAGE

Surface drainage and storm sewer systems shall be provided as required by section 38.7995. The County Engineer may require onsite water disposal or retention facilities adequate to insure that surface runoff volume after development is no greater than that before development.

Staff: Each of the four proposed lots are capable of handling the runoff generated from their impervious surface. Lot 4 had a fire station addition reviewed and approved under T3-2010-875, which included a stormwater review for both the proposed and existing development on the property as configured today and in the proposal. Lot 2 had barns, the existing dwelling and additions to the dwelling reviewed through a series of permits (T2-04-052, T2-07-005, T2-09-001) and had stormwater reviewed for the property as configured today and in the proposal. Stormwater certificates were submitted for Lot 1 and Lot 2 as part of this application (Exhibit A.16).

Criterion met.

5.00 Conclusion

Based on the findings and other information provided above, staff finds the applicant has carried the burden necessary for the Category 1 Land Division to retroactively plat a subdivision that resembles the existing configuration of the four involved properties in the GGRC and GGR-5 zones and recommends approval to the Hearings Officer.

6.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T3-2011-2014 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit
A.1	5	General NSA Application Forms with Property Owner Signatures
A.2	39	Applicant’s November 30, 2011 Narrative
A.3	1	Applicant’s Submitted Tax Lot Map
A.4	1	Applicant’s Zoning Vicinity Map
A.5	1	Applicant’s Aerial Photo
A.6	14	Title Reports for the Subject Properties
A.7	1	Applicant’s November 30 Site Plan

Exhibit “1”

A.8	2	Applicant's Copy of Pre-Application Notes PA 2010-911
A.9	1	Oregon Department of Transportation Letter to Derrick Tokos Dated July 22, 2003 Regarding Impacts of Proposed Land Division
A.10	1	Certification of Water Service Form From 2003
A.11	1	School District Review Form From 2003
A.12	2	Fire District Review Form From 2003
A.13	11	On-Site Sewage Disposal Certification form and Historic Septic Permits for the Properties
A.14	2	Applicant Site Photos
A.15	1	Applicant's of Incomplete Acknowledgement
A.16	1	Stormwater Certificate for 36710 E. Historic Columbia River Highway
A.17	2	Fire Service Agency Form From 2012
A.18	1	Certification of Water Service Form From 2012
A.19	3	Sanitarian Email of Approval, Certification of On-Site Sewage Disposal From 2012, and Signed Site Plan by the Sanitarian
A.20	2	Applicant's February 16, 2012 Narrative Addendum
A.21*	1	February 16, 2012 Amended Site Plan
'B'	#	Staff Exhibits
B.1	4	Assessment and Taxation Information Sheets For Each Property
B.2	3	December 29, 2011 Incomplete Letter
B.3	70	Gorge Agency Completeness Review Packet
B.4	1	Complete Letter
B.5	7	Notice of Public Hearing and Mailing List
B.6*	5	February 20, 1986 Property Line Adjustment Processed as Exempt Minor Partition involving Brill Property and Corbett Fire Station Property
B.7*	5	March 27, 1986 Exempt Minor Partition Involving Brill Property, Tom Layton Property, and West Half of the Corbett Fire District Property
B.8*	3	July 10, 1986 Exempt Minor Partition Involving Brill Property and Poffenberger Property
B.9	1	Map Showing Previous Approvals on Subject Properties
B.10	1	Map Showing Previous Land Use Decisions Issued on Subject Properties

Exhibit "1"

T3-2011-2014 Hearings Officer Decision