



DEPARTMENT OF ENVIRONMENTAL SERVICES  
Transportation and Land Use Planning Division  
2115 S.E. Morrison Street  
Portland, Oregon 97214 (503) 248-3043

DECISION OF THE PLANNING DIRECTOR PLA 7-96 & E 2-96 July 26, 1996

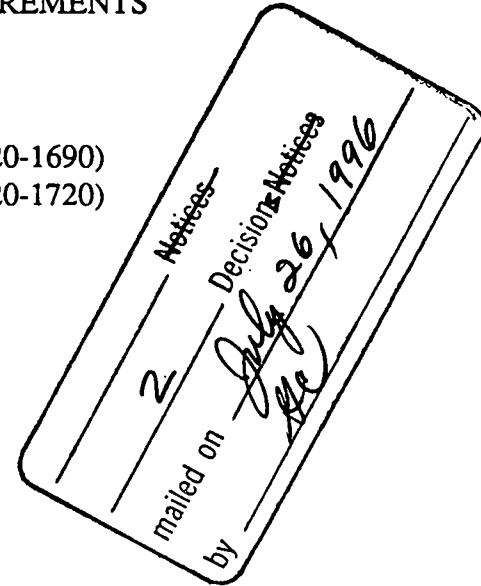
TENTATIVE PLAN DECISION FOR  
A PROPOSED PROPERTY LINE ADJUSTMENT AND  
EXCEPTION TO LOT AREA AND LOT WIDTH REQUIREMENTS

**Location:** 21615 and 21623 NE Interlachen Lane

**Tax Roll Descriptions:** Lot 84, Fairview Country Club Tracts (R 26920-1690)  
Lot 85, Fairview Country Club Tracts (R 26920-1720)

**Applicant & Owner of Lot 84:** Harold D. and Carol A. Manfredi  
21615 NE Interlachen Lane  
Troutdale, OR 97060-9795

**Owner of Lot 85:** Martin Frank  
21623 NE Interlachen Lane  
Troutdale, OR 97060-9795



**Applicant's Request:**

1. The applicant requests approval of a proposed property line adjustment between Lot 84 and Lot 85.
2. Applicant requests a lot area exception for Lot 84 and lot width exceptions for both Lot 84 and 85. Approval of the exceptions is required for the property line adjustment.

**Planning Director's Decision No. 1:**

Approve, subject to conditions, the Tentative Plan for the Property Line Adjustment requested, between two lots of record in accordance with the applicable provisions of the Land Division Code (MCC 11.45.115) and the LR-7 Zoning District of the Zoning Code (MCC 11.15.2602 through .2618).

**Planning Director's Decision:**

Approve, subject to conditions, the map submitted with

*Decision has been  
mailed. No other  
notice required.  
HC*

h exceptions as shown on

### Conditions of Approval:

1. Approval of this Tentative Plan shall expire one year from the effective date of this decision, unless the survey map and other required attachments are delivered to the Land Use Planning offices or an extension is obtained from the Planning Director pursuant to MCC 11.45.420.
2. Complete the steps of the attached two instruction sheets: "Applicant's Instructions" and "Surveyor's Instructions" for finishing a property line adjustment.

NOTE: AFTER RECEIVING THE PLANNING APPROVAL STAMP ON THE SURVEY MAP AND WRITTEN LEGAL DESCRIPTIONS, RECORD BOTH THE MAP AND DESCRIPTIONS WITH THE COUNTY RECORDERS OFFICE. THEN, TO COMPLETE THESE CONDITIONS, PROVIDE A COPY OF THE RECORDED DOCUMENTS (MAP AND DESCRIPTIONS) FOR THIS FILE.

### Findings:

1. Lots 84 and 85 were created with the platting of the Fairview Country Club Tracts Subdivision in 1930. Zoning in this unincorporated area of the county was not in place until approximately 30 years later. The existing zoning designation of LR-7 became effective in July, 1979. The two lots as platted are both less than 7,000 square feet in area and are considered to be "Lots of Record" (MCC 11.15.2476). A change in a Lot of Record is required to meet the current zoning dimensional standards or also receive approval of an exception or variance.
2. There are basically two purposes for the proposed property line adjustment: (a) better align the common property line between the existing houses, natural features, and existing vegetation, and (b) to survey and include in the property descriptions the accretion of land from Fairview Lake that has occurred since the original subdivision platting.
3. **LR-7 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.

\* \* \*

(F) The minimum lot width at the building line shall be 60 feet.

\* \* \*

(H) Minimum Yard Dimensions - Feet

	Front	Side	Street Side	Rear
	20	5	10	15
*	*	*		

#### 4. Requested Dimensions

- A. The Tentative Plan (survey) shows 993 more square feet in the total area of the two lots than is indicated by Assessment and Taxation records which may be a result of the land accretion from Fairview Lake.

	<u>Existing Lot Areas (sq. ft.)</u>	<u>Proposed Lot Areas (sq. ft.)</u>
Lot 84:	6,797	6,787
Lot 85:	6,330	7,333

- B. The proposed lot area for Lot 84 is approximately 3 percent less than the required 7,000 square feet.
- C. The tentative plan map indicates proposed lot widths at the narrowest of at least 45 feet. Forty five feet is 25 percent less than the required 60 feet.

#### 5. Exception Standards [MCC 11.15.2480(B)] and Applicant's Response:

**“(B) In acting to approve a land division under the Land Division Chapter, the approval authority may grant an Exception not to exceed ten percent of the lot area or 25 percent of any other dimensional requirements upon finding that such Exception will result in any of the following:**

**(1) More efficient use of the site;**

Applicant's Response: 'I am requesting exemption from the dimensional requirements of Lot 84 [and 85] for the following reasons.

1. More equitable distribution of the lake front. The original plot plan had much lesser footage on one lot than the other.'

**(2) A greater degree of privacy, safety or freedom from noise, fumes or glare;**

Applicant's Response: '2. Because of preservation of natural features. There is a planted area between the lots that was developed by a grandparent with rare trees and bushes. The new property line would preserve these trees and plantings for future generations.'

**(3) An improved solar and climactic orientation;**

Applicant's Response: '3. There is erosion control in the form of a rock wall which will be preserved if this property line request is granted.'

**(4) The preservation of natural features, where appropriate; or**

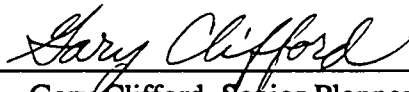
Applicant's Response: '4. Due to the closeness of our decks, the preservation of the above mentioned plantings and trees will greatly enhance privacy and help with noise control.'

(5) The provision of pedestrian circulation facilities where needed.”

**Conclusion:**

1. The requested lot area and lot width exceptions are within the allowable standards.
2. The applicant has met the burden of proof for approval of the requested exceptions. With approval of the exceptions, the proposed property line adjustment meets all zoning requirements.

DEPARTMENT OF ENVIRONMENTAL SERVICES  
TRANSPORTATION AND LAND USE PLANNING DIVISION

By   
Gary Clifford, Senior Planner  
For: Planning Director

**NOTICE:** This decision may be appealed within 10 days of the above date, pursuant to the provisions of MCC 11.15.8290. An appeal requires a \$100.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Division of Planning and Development at 2115 SE Morrison Street (telephone 248-3043).