

1600 SE 190th Ave, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

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

Case File: T2-2017-7225

Permit: Property Line Adjustment

Location: **Property 1:** 3512 NW Skyline Blvd.
Tax Lot 1300, Section 23D, Township 1 North, Range 1 West, W.M.
Tax Account #R961230370 Property ID #R324430

- and -

Property 2: 3516 NW Skyline Blvd.
Tax Lot 1200, Section 23D, Township 1 North, Range 1 West, W.M.
Tax Account #R961230060 Property ID #R324405

Applicants: Tieton Homes LLC

Owners: Property 1: 3516 NW Skyline Blvd LLC
Property 2: Skyline-SS Property LLC

Base Zone: Rural Residential (RR)

Overlays: Significant Environmental Concern for Streams (SEC-s)
Significant Environmental Concern for Wildlife Habitat (SEC-h)
Hillside Development and Erosion Control (HD)

Summary: The applicant is requesting a Property Line Adjustment between two parcels located at Township 1 North, Range 1 West, Section 23D, tax lot 1200 and tax lot 1300.

Decision: Approved with Conditions

Unless appealed, this decision is effective Friday, December 1, 2017, at 4:00 PM.

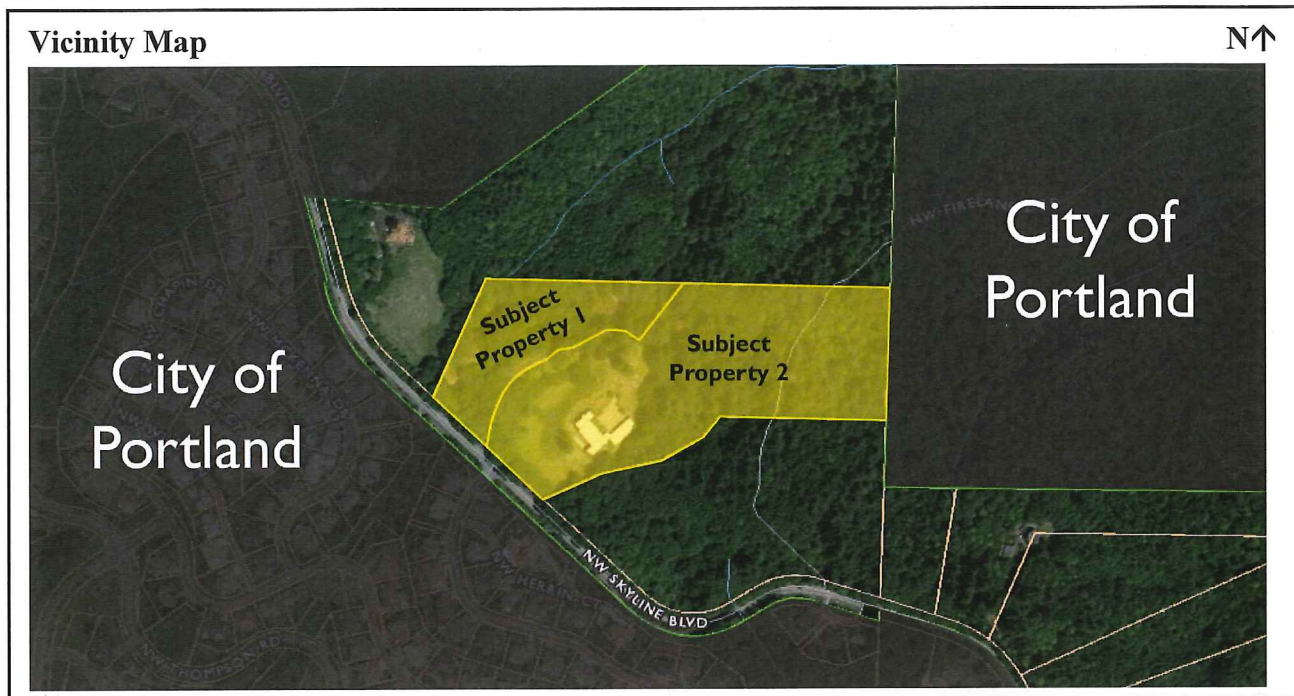
Issued by:

By:


Rithy Khut, Planner

For: Michael Cerbone, AICP
Planning Director

Date: Friday, November 17, 2017



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 Rithy Khut, Staff Planner at 503-988-0176 or at rithy.khut@multco.us.

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 **Friday, December 1, 2017 at 4:00 pm.**

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 37.0560 Code Compliance and Applications, MCC 37.0005 Definitions

Rural Residential – RR Criteria: MCC 33.3120 Allowed Uses, MCC 33.3125 Review Uses, MCC 33.3155 Dimensional Requirements and Development Standards, MCC 33.3160 Lots of Exception and Property Line Adjustments, MCC 33.3170 Lot of Record, MCC 33.3185 Access

Land Division Criteria: MCC 33.7790 Property Line Adjustment

Copies of the referenced Multnomah County Code (MCC) can be obtained by visiting our website at <https://www.multco.us/landuse/> or by contacting our office at (503) 988-3043.

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. 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 (2) 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.
3. The property owners or their representative shall ensure the property line adjustment is completed following the procedures provided in the "Surveyor's Instructions for Finishing a Property Line Adjustment" and the "Applicant's Instructions for Finishing a Property Line Adjustment" as listed in Exhibits B.8 and B.9. [MCC 33.7790(D)]
4. Prior to Land Use Planning sign-off for the Property Line Adjustment, the property owners or their representative shall:
 - Obtain all necessary building permits to convert the existing dwelling (established in 1957), located at 3516 NW Skyline Blvd. (1N1W23D, Tax Lot 1200) into an accessory building and decommission its related septic system. [MCC 33.3120(C)]
 - The decommissioning of the dwelling into an accessory building shall meet the accessory building standards of MCC 33.3120(F).
 - If the property owners wish to maintain physical improvements not permissible pursuant to MCC 33.3120(F), an Accessory Use Determination as required by MCC 33.125 shall be applied for and approved before the property line adjustment can be completed.
 - Record a covenant with County Records that states that the owner understands and agrees that the existing dwelling (established in 1957) that is being transferred to 3512 NW Skyline Blvd. (1N1W23D, Tax Lot 1300) cannot be occupied as a dwelling or for any other form of permanent or temporary residential use. [MCC 33.3125(F)(4)]
 - Remove the structure that located on 3516 NW Skyline Blvd. (1N1W23D, Tax Lot 1200) that is 3.1 feet from the side property line. [MCC 33.3155(C) and MCC 33.3160(B)(1)]
5. Prior to recording the deeds, the property owner, or representative thereof, shall
 - Submit copies of the final survey and legal descriptions to Multnomah County Land Use Planning for verification that the adjusted properties conform to the approved Tentative Plan Map (Exhibit A.3).
 - If the submitted documents conform to the approved Tentative Plan Map and zoning requirements, staff will sign the survey and deeds.
 - Multnomah County Land Use Planning must approve these documents prior to their recording. [MCC 33.7790].

6. For each of the two properties, a new deed shall be filed with County Records describing the property boundaries with a metes-and-bounds description. The transferred property shall not exist as a separate property with its own deed or deed description. [MCC 33.7790(A)]
7. No additional lot or parcel shall be created through this process. [MCC 33.7790(A)]

Note: Once this decision is final, the applicant shall call the Staff Planner, Rithy Khut, at (503) 988-0176 or at rithy.khut@multco.us, for an appointment for review and approval of the conditions and to review the final survey, deeds and meets and bound legal descriptions. At the time of deed and legal description review, a fee will be collected.

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.

-
- A horizontal graphic scale bar. It features a series of alternating black and white rectangular segments. Above the bar, numerical markings are placed: 100 at the far left, 0 in the middle, 50 to the right of 0, 100 further right, 200, and 400 at the far right.

1 INCH = 100 FEET

RECEIVED

MAR 07 2017

BY: _____

REGISTER NUMBER

MULTNOMAH COUNTY
SURVEY RECORDS
DATE
FILED

REVISIONS:

| | |
|--------------------------------|----------------|
| DRAWN BY: BB | |
| DATE: 1.31.2017 | SCALE: 1"=100' |
| PLOT DATE: 2.27.2017 | JOB NO: 16-070 |
| FILE: P:\16-070\16-070 PLD.DWG | |

EXHIBIT

A.5

PROPERTY LINE ADJUSTMENT
FOR
3516 NW SKYLINE LLC

3512 AND 3518 NW SKYLINE BLVD., LOCATED IN THE SE 1/4 OF SECTION 23, T14N, R11W, W4E, MULTNOMAH COUNTY, OREGON

5/8" X 30" IRON ROD WITH
YELLOW PLASTIC CAP MARKED
"W.B. WELLS & ASSOC., INC."
SET _____

- | Q | FOUND DOCUMENT AS SHOWN |
|----|---|
| 1 | FOUND |
| 2 | IRON ROD |
| 3 | IRON PIPE |
| 4 | W/PC WITH YELLOW PLASTIC CAP MARKED |
| 5 | SURVEY NUMBER, MULTIMOUNT COUNTY SURVEY RECORDS |
| 6 | DNA PER SH-52922 |
| 7 | DNA PER SH-52006 |
| 8 | EXISTING |
| 9 | PROCESSED |
| 10 | BEARING FROM BOOK, MULTIMOUNT COUNTY SURVEY RECORDS |
| 11 | DOCUMENT NUMBER, MULTIMOUNT COUNTY GEO. RECORDS |

PROFESSIONAL LAND SURVEYOR

OREGON
JANUARY 15, 2002
BRETT D. BEDORE
68839
EXPIRES 12-31-17

AREA TABLE

| AREA TABLE | | |
|--------------------|------------|------------|
| TRACT | EXISTING | PROPOSED |
| TRACT 1 | 487,530 SF | 425,622 SF |
| TRACT 2 | 160,984 SF | 217,883 SF |
| EXCHANGE TRACT | | 100,316 SF |
| TRACT 1 TO TRACT 2 | | |
| EXCHANGE TRACT | | 43,407 SF |
| TRACT 2 TO TRACT 1 | | |

CURVE TABLE

| CURVE TABLE | | | |
|-------------|---------|---------|-----------------------|
| CURVE | LENGTH | RADIUS | DELTA |
| C1 | 106.65' | 315.42' | S 191°24' W 105.49' |
| C2 | 136.94' | 210.49' | S 45°35'16" W 134.65' |
| C3 | 208.60' | 248.41' | N 35°01'5" E 202.53' |

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO ESTABLISH THE BOUNDARY OF THAT TRACT OF LAND CONVEYED TO MELINDA LEE MARTINSON KACAL IN DOCUMENT NO. 2014-012527, MULTNOMAH COUNTY DEED RECORDS, FOR A PROPOSED PROPERTY LINE ADJUSTMENT.

A RANDOM TRAVERSE WAS RUN LOCATING THE MONUMENTS SHOWN ON JUNE 7, 2016, NOVEMBER 7, 2016, AND DECEMBER 7, 2016.

BASIS OF BEARINGS IS N 22°53'17" E FROM MONUMENTS "J" AND "K" PER SN-53922

THE BOUNDARY CONTROL WAS ESTABLISHED BY LOCATING MONUMENTS "A" THROUGH "R" WHICH WERE FOUND OR SET IN SN-53922 AND SN-55208, AND ROTATING IN TO RECORDED DATA PER THESE SURVEYS. THIS WAS USED TO COMPUTE AND MONUMENT THE ADJUSTED LINE. ALL OTHER LINES ARE SHOWN AS PREVIOUSLY ESTABLISHED PER THAT SURVEY AND ARE NOT RE-ESTABLISHED. THIS SURVEY, THE PROPOSED LINES WERE ESTABLISHED PER CLIENT'S INSTRUCTIONS AND PER CITY OF PORTLAND CASE FILE NO. _____

SHEET 1 OF 1



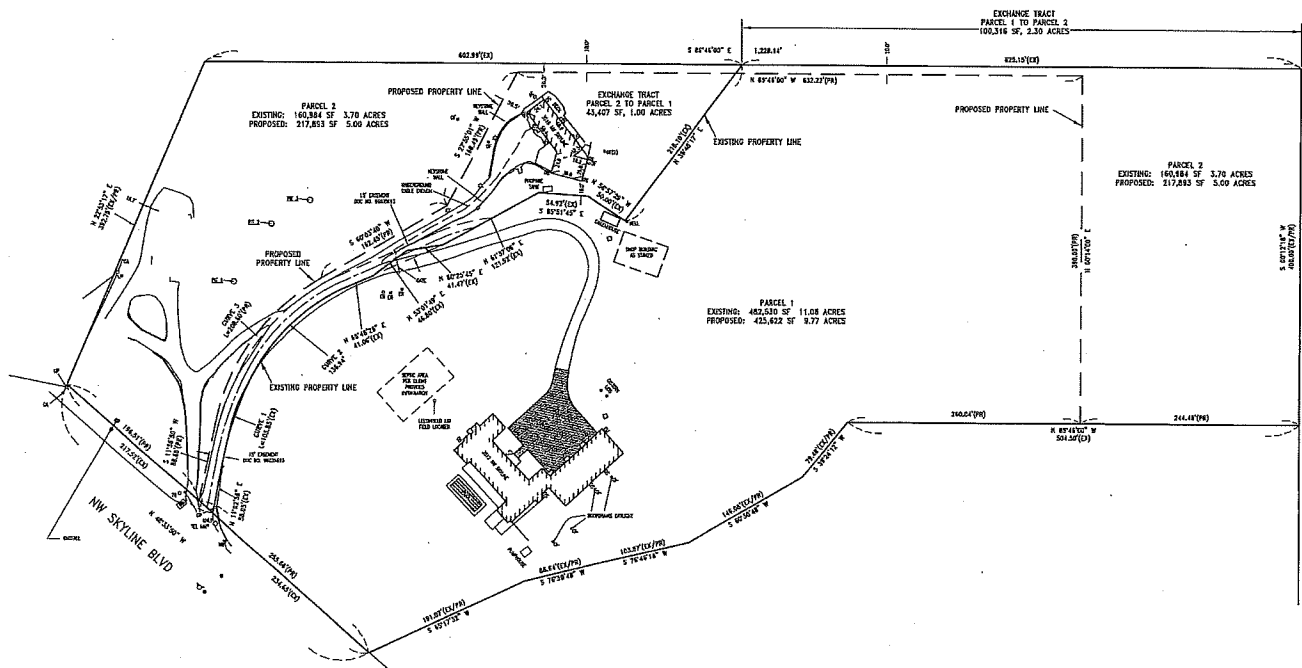
W.B. WELLS
and associates, inc.
ENGINEERS-SURVEYORS-PLANNERS
4230 NE FREMONT STREET
PORTLAND, OREGON 97213
PHONE (503) 284-5884 FAX (503) 284-8530
e-mail address: info@wbwells.com

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 applicant is requesting a Property Line Adjustment between two parcels located at Township 1 North, Range 1 West, Section 23D, tax lot 1200 and tax lot 1300.



The property line adjustment will transfer 1.31 acres from tax lot 1300 to tax lot 1200. The resulting acreage of tax lot 1200 will be 5 acres and for tax lot 1300 will be 9.77 acres.

2.00 Property Description & History (if needed):

Staff: The subject properties are located on NW Skyline Boulevard and are located within the Rural Residential (RR) zoning district in the West Hills rural area. The two properties were reconfigured into their current configuration through a Lot of Exception for a Property Line Adjustment approved in land use case, LE 9-04 in 1994.

Property 1, tax lot 1300 (3512 NW Skyline Boulevard), is 11.07 acres, and has multiple overlays including a Significant Environmental Concern for Wildlife Habitat (SEC-h) overlay over the entire property and a Hillside Development and Erosion Control overlay on the eastern portion of the property. The property has a cleared area that is located on the western portion of the property and is heavily forested on the eastern portion of property.

Originally owned by Evelyn Norris and Melinda Lee Martinson, the property was eventually conveyed to the current owners, Skyline-SS Property LLC on August 2, 2011. Multnomah County Assessment, Records, and Taxation (DART) records and building permit records

indicate that the property currently has a single-family dwelling attached garage, pool, deck and covered patio assessed in 2008. Below are land use and building permits that are on record:

- 12/21/2006 – T2-06-093 – Significant Environmental Concern for Wildlife Habitat
- 12/28/2006 – T1-06-063 – Grading and Erosion Control
- 01/16/2007 – Building Permit authorizing T2-06-093 and T1-06-063

Property 2, tax lot 1200 (3516 NW Skyline Blvd), is 3.71 acres, and has multiple overlays including a Significant Environmental Concern for Wildlife Habitat (SEC-h) overlay over the entire property, a Significant Environmental Concern for Streams (SEC-s) overlay on the northern portion of the property and a Hillside Development and Erosion Control overlay on the northeastern portion of the property. The property is currently forested with a forest canopy that covers most of the property.

Originally owned by Lee F. Martinson the property was eventually conveyed to 3516 NW Skyline Blvd LLC on August 22, 2016. Multnomah County Assessment, Records, and Taxation (DART) records and building permit records indicate that the property is currently being assessed as having a single-family dwelling, attached garage, detached garage, and farm building. The year build actual/effective is 1957. Below are land use and building permits that are on record:

- 11/14/2013 – T2-2013-3028 – Lot of Record Determination
- 03/31/2015 – BP-2015-3990 – Demolition of the shed

3.00 Code Criteria and Applications Criteria:

3.01 § 37.0560 CODE COMPLIANCE AND APPLICATIONS.

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; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: The subject properties have no open code compliances cases. The buildings and structures on the property have been previously reviewed as part of LE 9-04 and T2-06-093/T1-06-063. The subject properties are compliance with the previous land use cases and are in full compliance with all applicable provisions of Multnomah County Land Use Code. Therefore, this County has the authority to issue this land use decision. *These criteria are met.*

4.00 Lot of Record Criteria

4.01 § 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
2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or
3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or
4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and
5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

(c) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

1. Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.
2. An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.

§ 33.3170 LOT OF RECORD

(A) In addition to the Lot of Record definition standards in MCC 33.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, RR zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from MUF-19 to RR for some properties, Ord. 395;**
- (6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;**
- (7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.**

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 33.3185, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C) Except as otherwise provided by MCC 33.3160, 33.3175, and 33.4300 through 33.4360, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

(D) The following shall not be deemed to be a lot of record:

- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest.**
- (3) An area of land created by court decree.**

Staff: The two properties were reconfigured into their current configuration through a Lot of Exception for a Property Line Adjustment approved in land use case, LE 9-04 in 1994. More recently, Property 1, tax lot 1300 (3512 NW Skyline Boulevard) was subject to a land use case, T2-06-093. The application contained Lot of Record findings that the property satisfied all applicable zoning laws and satisfied all applicable land division laws (Exhibit B.5). Property 2, tax lot 1200 (3516 NW Skyline Boulevard) was also subject to a land use case, T2-2013-3028 that also contained Lot of Record findings (Exhibit B.6). The application contained Lot of Record findings that the property satisfied all applicable zoning laws and satisfied all applicable land division laws.

Both properties are still in the same configuration as described in T2-06-093 and T2-2013-3028 and therefore are still Lots of Record. *These criteria are met.*

5.00 Rural Residential – RR Criteria

5.01 § 33.3120 ALLOWED USES

(C) Residential use consisting of a single family dwelling constructed on a Lot of Record.

Staff: The subject properties were both found to be a Lot of Record and each property contains a single-family dwelling. The proposed Property Line Adjustment will transfer the single-family dwelling located on Property 2, tax lot 1200 (3516 NW Skyline Boulevard) to Property 1, tax lot 1300 (3512 NW Skyline Boulevard). This transfer will result in the tax lot 1300 containing two single-family dwellings. Therefore, to ensure that only one single-family dwelling is located on a Lot of Record, a condition will be required that Property 1, tax lot 1300 (3512 NW Skyline Boulevard) convert the single-family dwelling into an accessory structure and record a covenant with County Records that states that the owner understands and agrees that the structure cannot be occupied as a dwelling or for any other form of permanent or temporary residential use. *As conditioned, this criterion is met.*

5.02 § 33.3125 REVIEW USES

(E) Property Line Adjustment pursuant to the provisions of MCC 33.3160.

Staff: The property owner(s)/applicant(s) are seeking a Property Line Adjustment as provided by the code above. The proposed Property Line Adjustment will require additional action by the applicant/property owner to demonstrate compliance with the criteria and is discussed below.

5.03 § 33.3155 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS

(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 property owner(s)/applicant(s) are seeking a Property Line Adjustment as provided in MCC 33.3160, which allows the subject properties to be below the minimum lot size of 20 acres for new parcels or lots within one mile of the Urban Growth Boundary. Additionally, the proposed Property Line Adjustment is not creating a new parcel or lot. *This criterion is met.*

(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 proposed Property Line Adjustment is not creating a new parcel or lot therefore the calculation of lot size is not applicable. *This criterion is met.*

(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 proposed site plan indicates that the dwelling and structures located on Property 2, tax lot 1200 (3516 NW Skyline Boulevard) have insufficient yard setbacks. The structures were established in 1957 and would have required a minimum yard setback of 5 feet from the side yard. The structure closest to NW Skyline Boulevard is only 3.1 feet from the side property line. However, the applicant has indicated on building plans, submitted as land use case T1-2017-9560 that that structure is slated to be demolished (Exhibit B.7). Therefore, a condition will be required that the shop building be removed so there is no longer an encroachment into the yard setback.

The single-family dwelling and structures on Property 2, tax lot 1300 (3512 NW Skyline Boulevard) before and after the property line adjustment are greater than 30 feet from any of the property lines (Exhibit A.2). The single-family dwelling that was approved is also more than 35 feet from any property line. *As conditioned, these criteria are met.*

(D) The minimum yard requirement shall be increased 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.

Staff: The front yard for both properties is adjacent to Skyline Boulevard. Based on comments from the Multnomah County Transportation Division the right-of-way is sufficient to serve the area. Therefore the minimum yard requirement does not need to be increased. *This criterion is met.*

(E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.

Staff: No structures are being proposed for this property line adjustment; therefore, this criterion is not applicable. *This criterion is met.*

(F) All exterior lighting shall comply with MCC 33.0570.

Staff: No structures are being proposed for this property line adjustment; therefore, this criterion is not applicable. *This criterion is met.*

5.04 § 33.3160 LOTS OF EXCEPTION AND PROPERTY LINE ADJUSTMENTS

(B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 33.7790, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.

(1) The following dimensional and access requirements are met:

(a) The relocated common property line is in compliance with all minimum yard and minimum front lot line length requirements;

(b) If the properties abut a street, the required access requirements of MCC 33.3185 are met after the relocation of the common property line; and

Staff: The proposed site plan indicates that the dwelling and structures located on Property 2, tax lot 1200 (3516 NW Skyline Boulevard) have insufficient yard setbacks. The structure closest to NW Skyline Boulevard is only 3.1 feet from the side property line. However, the applicant has indicated on building plans that that structure is slated to be demolished (Exhibit B.7). Therefore, a condition will be required that the shop building be removed so there is no longer an encroachment into the yard setback. All other structures on the properties comply with minimum yard and minimum front lot line length requirements. Additionally, both properties abut NW Skyline Boulevard, a public street. *As conditioned, these criteria are met.*

(2) At least one of the following situations occurs:

(a) The lot or parcel proposed to be reduced in area is larger than 5 acres prior to the adjustment and remains 5 acres or larger in area after the adjustment, or

(b) The lot or parcel proposed to be enlarged in area is less than 10 acres in area prior to the adjustment and remains less than 10 acres in area after the adjustment.

Staff: The proposed site plan indicates Property 1, tax lot 1300 (3512 NW Skyline Boulevard), is currently 11.08 acres and will be reduced to 9.77 acres. At 9.77 acres, it will be larger than 5 acres. Property 2, tax lot 1200 (3516 NW Skyline Blvd), is currently 3.71 acres and will be enlarged to 5 acres (Exhibit A.2). The enlargement to 5 acres is less than the 10 acres as described in above in MCC 33.3160(B)(2)(b). *These criteria are met.*

5.05 § 33.3185 ACCESS

All lots and parcels in this district shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and

passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 33.3170(B).

Staff: The proposed site plan indicates that both properties abut NW Skyline Boulevard, a public street and are both Lots of Record (Exhibit A.2). *This criterion is met.*

6.00 Land Division Criteria

6.01 § 33.7790 PROPERTY LINE ADJUSTMENT

A property line adjustment is the relocation of a common property line between two abutting properties. The Planning Director may approve a property line adjustment based upon findings that the following standards are met:

(A) No additional lot or parcel shall be created from any parcel by the property line adjustment; and

Staff: The proposed site plan indicates that a common property line is being relocated and no additional lots or parcels are being created (Exhibit A.2). *This criterion is met.*

(B) Owners of both properties involved in the property line adjustment shall consent in writing to the proposed adjustment and record a conveyance or conveyances conforming to the approved property line adjustment; and

Staff: The Property Line Adjustment Application Form and multiple e-mails indicate that both properties involved in this property line adjustment are consenting to the adjustment and recording of conveyance(s) to adjust the properties (Exhibit A.13, A.14, and A.15). *This criterion is met.*

(C) The adjusted properties shall meet the approval criteria for a property line adjustment as given in the underlying zoning district; and

Staff: As discussed above, the adjusted properties met the approval criteria of the property line adjustment in the Rural Residential zoning district. *This criterion is met.*

(D) The procedure and forms shall be submitted for obtaining approval of a property line adjustment as provided for by the Planning Director.

Staff: The applicants have submitted a Property Line Adjustment Application Form, supplied the descriptions of the additional deeds conveying the adjusted areas, and descriptions describing the newly configured properties. *This criterion is met.*

7.00 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for a Property Line Adjustment in the Rural Residential (RR) zone. This approval is subject to the conditions of approval established in this report.

8.00 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural 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 T2-2017-7225 at the Land Use Planning office.

| Exhibit # | # of Pages | Description of Exhibit | Date Received / Submitted |
|-----------|------------|---|---------------------------|
| A.1 | 1 | Property Line Adjustment Application Form | 03/07/2017 |
| A.2 | 1 | Tentative Plan for Proposed Property Line Adjustment (Reduced to 24” x 36”) | 03/07/2017 |
| A.3 | 1 | Proposed Property Line Adjustment (18” x 24”) | 03/07/2017 |
| A.4 | 1 | Proposed Property Line Adjustment (Reduced to 8.5” x 11”) | 03/07/2017 |
| A.5* | 1 | Tentative Plan for Proposed Property Line Adjustment (Reduced to 8.5” x 11”) | 03/07/2017 |
| A.6 | 1 | Legal Description describing Exchange Tract – Tract 1 to Tract 2 | 03/07/2017 |
| A.7 | 2 | Legal Description describing Exchange Tract – Tract 2 to Tract 1 | 03/07/2017 |
| A.8 | 1 | Legal Description describing Proposed Tract 1 | 03/07/2017 |
| A.9 | 2 | Legal Description describing Proposed Tract 2 | 03/07/2017 |
| A.10 | 20 | Storm Water Certificate for Land Divisions and Property Line Adjustments – 3516 NW Skyline Blvd. dated July 2017 | 03/25/2017 |
| A.11 | 11 | Storm Water Certificate for Land Divisions and Property Line Adjustments – 3516 NW Skyline Blvd. dated August 2017 | 08/31/2017 |
| A.12 | 11 | Storm Water Certificate for Land Divisions and Property Line Adjustments – 3512 NW Skyline Blvd. dated August 2017 | 08/31/2017 |
| A.13 | 2 | Authorization from Lucas Ralston, Manager of Skyline SS Properties LLC for 3512 NW Skyline Blvd e-mail | 09/01/2017 |
| A.14 | 4 | Authorization from David Chiddix, Authorized Representative of 3516 NW Skyline Blvd LLC for 3516 NW Skyline Blvd e-mail | 09/01/2017 |

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| A.15 | 1 | Request for Waiver of Pre-Filing / Pre-Application Meeting Requirement | 09/01/2017 |
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| 'B' | # | Staff Exhibits | Date |
| B.1 | 2 | Department of Assessment, Records, and Taxation (DART): Property Information for 1N1W23D -01200 (R961230060) | 03/07/2017 |
| B.2 | 2 | Department of Assessment, Records, and Taxation (DART): Property Information for 1N1W23D -01300 (R961230370) | 03/09/2017 |
| B.3 | 1 | Department of Assessment, Records, and Taxation (DART): Map with 1N1W23D -01200 (R961230060) and 1N1W23D -01300 (R961230370) Highlighted | 03/09/2017 |
| B.4 | 1 | E-mail from Jessica Berry regarding access requirements for 3512 and 3516 NW Skyline Blvd | 10/01/2017 |
| B.5 | 13 | Land use case T2-06-093 | 10/18/2017 |
| B.6 | 7 | Land use case T2-2013-3028 | 10/18/2017 |
| B.7 | 1 | Building Plans submitted as T1-2017-9560 | 10/26/2017 |
| B.8 | 1 | Applicant's Instructions for Finishing a Property Line Adjustment | 11/01/2017 |
| B.9 | 1 | Surveyor's Instructions for Finishing a Property Line Adjustment | 11/01/2017 |
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| 'C' | # | Administration & Procedures | Date |
| C.1 | 3 | Incomplete letter | 04/05/2017 |
| C.2 | 1 | Applicant's acceptance of 180 day clock | 04/25/2017 |
| C.3 | 1 | Complete letter (day 1) | 09/26/2017 |
| C.4 | 8 | Opportunity to comment & mailing list | 11/02/2017 |
| C.5 | | Administrative decision & mailing list | |
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