

NOTICE OF DECISION

Case File: T2-2020-13600

Permit: Lot of Exception, Category 3 Land Division, Property Line Adjustment

Applicants: Brian and Trisha Stevens

Owners: Brian and Trisha Stevens

Location: **Property 1:** 33419 and 33429 SE Carpenter Lane, Gresham
Tax Lot 500, Section 21DB, Township 1 South, Range 4 East, W.M.
Tax Account #R994210400 Property ID #R342495

- and -

Property 2: Property located adjacent to the west of 33419 and 33429 SE Carpenter Lane

Tax Lot 600, Section 21DB, Township 1 South, Range 4 East, W.M.
Tax Account #R994210680 Property ID #R342518

Base Zone: Multiple Use Agriculture – 20 (MUA-20) **Overlays:** None

Proposal Summary: Applicant requests a Property Line Adjustment to adjust the common boundary between tax lot 500 (Property #1) and tax lot 600 (Property #2). Upon completion of the Property Line Adjustment, a Lot of Exception and Category 3 Land Division is requested to create two parcels from tax lot 500 (Property #1).

Decision: **Approved with Conditions**

1. **Property Line Adjustment approved between Property 1 (tax lot 500) and Property 2 (tax lot 600)**
2. **Lot of Exception approved for Property 1 (tax lot 500)**
3. **Category 3 Land Division approved to allow the division of Property 1 (tax lot 500).**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, March 19, 2021 at 4:00 pm.

Issued by:

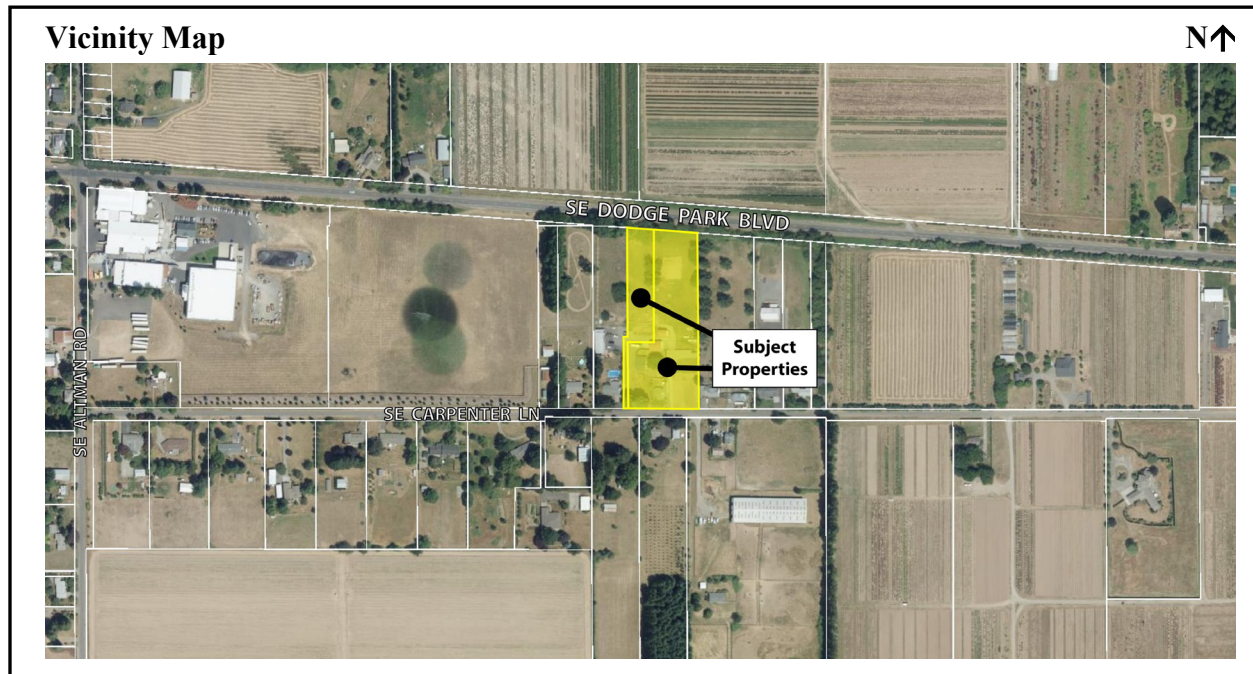
By: _____
Rithy Khut, Planner

For: Carol Johnson, AICP
Planning Director

Date: Friday, March 5, 2021

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.35/per page. For further information, contact Rithy Khut, Staff Planner at 503-988-0176 or at rithy.khut@multco.us

Opportunity to Appeal: 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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.



Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet applicable approval criteria below:

Multnomah County Code (MCC): Violations, Enforcement and Fines: MCC 39.1515 Code Compliance and Applications

Definitions: MCC 39.2000 Definitions

Lot of Record: General Provisions: MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – Multiple Use Agriculture-20 (MUA-20)

Multiple Use Agriculture (MUA-20): MCC 39.4315(C) and (E) Review Uses, MCC 39.4325 Dimensional Requirements and Development Standards, MCC 39.4330 Lots of Exception and Property Line Adjustments, MCC 39.4345 Access

Property Line Adjustment: MCC 39.9300 Property Line Adjustment

Category 3 Land Division: MCC 39.9045(G) Category 3 Land Divisions, MCC 39.9400(B), (C), and (H) Criteria for Approval, Category 1 and Category 2 Tentative Plan and Future Street Plan, MCC

39.9430 Criteria for Approval, Category 3 Tentative Plan, MCC 39.9435 Contents Of Category 3 Tentative Plan, MCC 39.9500 Application of General Standards and Requirements, MCC 39.9505 Land Suitability, MCC 39.9510 Lots and Parcels, MCC 39.9515 Acreage Tracts, MCC 39.9520 Street Layout, MCC 39.9525 Street Design, MCC 39.9530 Street Reserve Strips, MCC 39.9535 Temporary Turnarounds, MCC 39.9540 Street Names, MCC 39.9545 Required Improvements, MCC 39.9550 Streets, Sidewalks, Pedestrian Paths and Bikeways, MCC 39.9555 Easements, MCC 39.9560 Street Trees, MCC 39.9565 Street Lighting, MCC 39.9570 Water System, MCC 39.9575 Sewage Disposal, MCC 39.9580 Surface Drainage and Storm Sewer Systems, MCC 39.9585 Electrical and Other Wires, MCC 39.9587 Required Improvements, MCC 39.9588 Streets, Sidewalks, Pedestrian Paths and Bikeways, Water System, Sewage Disposal, Surface Drainage and Storm Water Systems, MCC 39.9590 Other Utilities

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link: **Chapter 39 - Zoning Code**

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. 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.

1. Permit Expiration – This land use permit shall expire as follows:

- a. For a use or development that does not include a structure shall expire two (2) years after the date of the final decision, unless the use or development was established according to all specifications and conditions of approval in the land use approval. [MCC 39.1185(A)]
 - i. For the purposes of 1.a, expiration of an approval means that a new application is required for uses that are not established during the approval period. For land divisions and property line adjustments, “established” means the final deed or plat has been recorded with the County Recorder.

Note: Expiration of an approval means that a new application is required for uses that are not established during the approval period. The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period. Expiration is automatic. Failure to give notice of expiration shall not affect the expiration of an approval.

2. No building permit shall be issued or parcel sold, transferred, or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records. [MCC 39.9620(C)]
3. Prior to land use sign-off for the plat, the property owners or their representative shall:

- a. Retain a surveyor to complete the instructions as described in "Finishing a Land Division" handout (Exhibit B.13) and submit to the County Surveyor a plat in accordance with the requirements of Oregon Revised Statutes (ORS), Chapters 92. [MCC 39.9605]
 - i. The surveyor shall ensure that all lots created are surveyed, monumented and platted, regardless of parcel area. [MCC 39.9605(B)]
4. The property owners or their representative shall:
 - a. Pay a fee and submit two (2) blue-line copies of the plat to the case planner conforming to all applicable requirements as established by the Oregon Revised Statutes (ORS), Chapters 92 and 209. The Planning Director will determine whether the plat conforms to this decision and the conditions of approval contained herein. At such time, as the plat complies with this decision and applicable conditions, a letter of zoning compliance will be provided by the Land Use Planning Division to the Multnomah County Surveyor. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity and the County Surveyor finishes their plat check, it shall be signed and dated by the Planning Director. [MCC 39.9605 and MCC 39.9620]
 - i. The Partition Plat shall provide a five (5) foot wide utility easement along the front property line abutting a street for Property #1a and #1b. [MCC 39.9555(C)]
 - ii. A total of three (3) parcels will be reflected in the Partition Plat. The Partition Plat shall reflect the Property Line Adjustment between Property 1 (tax lot 500) and Property 2 (tax lot 600) to correct the encroachment of a building in the yard of Property 1. The Partition Plat shall reflect the Lot of Exception and Category 3 Land Division of Property 1 after the completion of the Property Line Adjustment. . No additional parcel will be created from any parcel by the property line adjustment. [MCC 39.4330(A), MCC 39.4330(B), MCC 39.9300(A), and MCC 39.9605]
 - b. Record the Partition Plat with the County Recorder's Office after the Planning Director and County Surveyor have both signed off on the Partition Plat. [MCC 39.9620]
 - c. Ensure that the partition plat shows the following, if applicable:
 - i. Corners of adjoining subdivisions or partitions.
 - ii. The location, width, and centerline of streets and easements abutting the boundaries of the land division.
 - iii. Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC 39.2000, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.
 - iv. The ownership of each private street shall be shown.
 - v. Other certifications required by law. [MCC 39.9610]
 - d. Provide, if needed, a copy of any deed restrictions applicable to the partition, a copy of any dedication requiring separate documents, a copy of the future street plan, when required, as recorded according to MCC 39.9465(A), and a map, prepared by an Oregon

licensed surveyor, of the partition plat that depicts the normal flood plain or high water line for any water body or watercourse and the extent of areas of Special Flood Hazard as defined in MCC 39.5005. [MCC 39.9615]

Note: State law requires that property taxes be paid before a plat can be recorded.

Note: The County Surveyor has a separate process and fee for their review. The County Recorder also has rules and a fee for recording documents.

Note: Once this decision is final, the applicant(s) or property owner(s) shall complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, "Prior to land use sign-off for the plat..." Be ready to demonstrate compliance with the conditions.
2. Contact Rithy Khut, Planner, at 503-988-0176 or rithy.khut@multco.us, **for an appointment** for review of the conditions of approval and to review the partition plat. Please ensure that any items required under, "Prior to land use sign-off for the plat..." are ready for land use planning review.

At the time of review of the conditions of approval and review the partition plat, Land Use Planning may collect additional fees, including an erosion control inspection fee, if applicable.

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*.

1.0 Project Description:

Staff: The applicant requests a Property Line Adjustment to adjust the common boundary between tax lot 500 (“Property 1”) and tax lot 600 (“Property #2”). The Property Line Adjustment will correct an encroachment of a building into the yard of Property 1. After the adjustment of the common boundary is complete, a Lot of Exception and Category 3 Land Division is requested to create two parcels from tax lot 500 (“Property #1”).

2.0 Property Description & History:

Staff: Tax lot 500 (“Property #1”) is approximately 3.16 acres and tax lot 600 (“Property #2”) is approximately 0.96 acres. Both properties are located between SE Carpenter Lane and SE Dodge Park Boulevard within the Multiple Use Agricultural (MUA-20) zoning district in the West of the Sandy River rural area.

Multnomah County Department of Assessment, Records, and Taxation (DART) data indicates that the subject properties are owned by Brian and Trisha Stevens, the applicants. According to DART records, Property #1 contains two single-family dwellings. One of the single-family dwellings contains a carport, deck, and covered deck that was first assessed in 1963. The second single-family dwelling contains an attached garage that was first assessed in 1950. Land use case T2-2019-11563 determined that there are two legal single-family dwellings on Property #1, but that an addition was completed without permits to a portion of the dwelling (Exhibit B.8, page 20 and page 25). A 2019 aerial photo shows the presence of two additional buildings that are located in the middle of the property (Exhibit B.5). It appears from aerial images that construction of the two buildings occurred between 1977 and 1986 as shown below:

1977 Aerial Imagery



1986 Aerial Imagery



The smaller of the two buildings was removed as seen on a 2021 aerial photo (Exhibit B.12). The remaining building's use has not been identified.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 39.1105 as exhibited in Exhibit C.7. Staff did receive any public comments during the 14-day comment period.

3.1 Houston and Gail Fuller, property owner located at 33537 SE Carpenter Lane, provided an e-mail and letter on Friday, February 5, 2021 (Exhibit D.1)

Staff: Houston and Gail Fuller provided concerns about the change in density of the rural area in relation to the Lot of Exception and Category 3 Land Division. Their comment discussed the Purpose Statement of the Multiple Use Agriculture – 20 (MUA-20) zone. However, they did not comment on the approval criteria for the Lot of Exception or Category 3 Land Division instead referencing an older version of Multnomah County Code.

As discussed in this Decision, the applicants have provided information to demonstrate compliance with the approval criteria. Based on that information, the approval criteria are met or can be met through Conditions of Approval.

4.0 Code Compliance and Applications Criteria:

4.1 § 39.1515 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 Zoning 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 Zoning 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: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously

issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

This standard was originally codified in the Zoning Code chapter related to land use application procedures and, by its terms, expressly applies to the application review process. Although now codified in the enforcement Part of the Zoning Code as a result of the more recent code consolidation project, the language and intent was not changed during that project and remains applicable to the application review process and not to the post-permit-approval enforcement process.

Importantly, a finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1515.

Staff identified an open code compliance case, UR-07-016 that was opened on March 29, 2007. The compliance case relates to the remodel of a building with no evidence of a permit being issued. At that time, records indicated that the dwellings might not have been legally established. Staff described these issues to the current property owners who are the applicants during a pre-file meeting in 2020 and 2017 (Exhibit B.6 and B.7).

The applicants responded through the submittal of an application for a Verification of a Nonconforming Use. In land use case #T2-2019-11563, it was found that Property #1 had two single-family dwellings on the same property that were established prior to and in existence in 1977 before Multnomah County imposed a limit of one single-family home per lot or parcel (Exhibit B.8). As the existence of a second single-family dwelling was found to be a nonconforming use, the applicant has resolved one component of the open code compliance case.

The second component involves the remodeling of the dwelling without evidence of a permit. The Hearings Officer found that the 1963 built single family dwellings was expanded with an addition that was completed without permits (Exhibit B.8, page 20 and page 25). That issue is addressed as part of this application.

A third issue is the existing building located behind the two single-family dwellings. It appears from aerial images that construction of the two buildings occurred between 1977 and 1986 as shown below:

1977 Aerial Imagery



1986 Aerial Imagery



The smaller building furthest north was removed as seen on a 2021 aerial photo (Exhibit B.12). For the larger building, planning staff has not found a building permit for the construction of the buildings. Additionally, the applicant has not identified the building's use. Lastly, this building is located immediately adjacent to the side property line and does not meet the required side yard of the MUA-20 zone. As a component of this application, the applicant is requesting a property line adjustment to resolve the side yard encroachment for this building.

For the remaining compliance issues, the applicant has entered into a Voluntary Compliance Agreement (VCA) to allow for the sequencing of permits to resolve the remaining issues. The VCA states that the property owners will seek zoning review approval to authorize the issuance of building permits after the completion of Property Line Adjustment. As the applicant will be sequencing permits as part of a voluntary compliance agreement, the County can make a land use decision approving development, including land divisions and property line adjustments for these properties that are not in full compliance with all applicable provisions of the Multnomah County Zoning Code. *As conditioned, this criterion is met.*

5.0 Lot of Record Criteria:

5.1 § 39.3005- LOT OF RECORD – GENERALLY.

(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.

(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. 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.)**

Staff: Both properties were previously found to be individual Lots of Record. Property #1, tax lot 500 was found to be a Lot of Record in T2-2019-11925 (Exhibit B.10). Property #2, tax lot 600 was found to be a Lot of Record in T2-2019-1186 (Exhibit B.9). As the subject properties have not been subject to a subsequent boundary reconfiguration since those findings were written, the subject properties continues to satisfy all applicable zoning and land division laws. *These criteria are met.*

(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.**

Staff: The properties subject to this land use application are not congruent with an “acknowledged unincorporated community” boundary, which intersects a Lot of Record. The subject properties are both entirety located in an area zoned MUA-20. *This criterion is not applicable.*

5.2 § 39.3080 LOT OF RECORD – MULTIPLE USE AGRICULTURE-20 (MUA-20).

(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 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, MUA-20 zone applied, Ord. 148 & 149;**

- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;
(6) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

Staff: Criterion (A) does not affect the determination on this case, as the text is a list of significant dates and ordinances. *This criterion is not applicable.*

(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 39.4345, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: Each of the Lots of Record is less than the minimum lot size for new parcels or lots. Property #1, tax lot 500, is approximately 3.16 acres and Property #2, tax lot 600, is approximately 0.96 acres. The minimum lot size to create a new parcel in the MUA-20 zone is 20 acres.

The MUA-20 zone has a required 50-foot Front Lot Line length for the creation of new parcels or lots. The subject properties each front two public right-of-ways known as SE Carpenter Lane and SE Dodge Park Boulevard. As defined in MCC 39.2000, the Front Lot Line is:

Lot Line (Front) – In the case of an interior lot, a line separating the lot from the street or accessway...A minimum front lot line length is a dimensional requirement to assure that a parcel or lot has sufficient street frontage and lot width near the street to accommodate a safe access driveway and reasonable building area after considering the required side yards.

The frontage length of Property #1 is approximately 251 feet along SE Carpenter Lane and approximately 154 feet along SE Dodge Park Boulevard (Exhibit B.2). The frontage length of Property #2 is approximately 15 feet along SE Carpenter Lane and approximately 95 feet along SE Dodge Park Boulevard (Exhibit B.2). As the subject properties are less than the minimum lot size for new parcels or lots, but were each found to be a Lot of Record in the findings contained in Section 5.1, the properties may be occupied by any allowed, review, or conditional use provided that each of the Lots of Record are in compliance with the other requirements of the MUA-20 district, which are discussed in the remainder of this decision.

(C) Except as otherwise provided by MCC 39.4330, 39.4335, and 39.5300 through 39.5350, 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.

Staff: The applicant is proposing to transfer land through a Property Line Adjustment (PLA). The minimum lot and yard requirements are discussed for the PLA under Section 6.2 and 6.3 below.

(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: As discussed above, the each of the subject properties are individual Lots of Record. Additionally, as described by the Division of Assessment, Recording, and Taxation, the entirety of the each lot is contained within the described tax lots. Therefore, tax lot 500 and 600 are not areas of land described solely for assessment and taxation purposes. Tax lot 500 and 600 are also not areas of land created by the foreclosure of a security interest or areas of land created by court decree. *These criteria are met.*

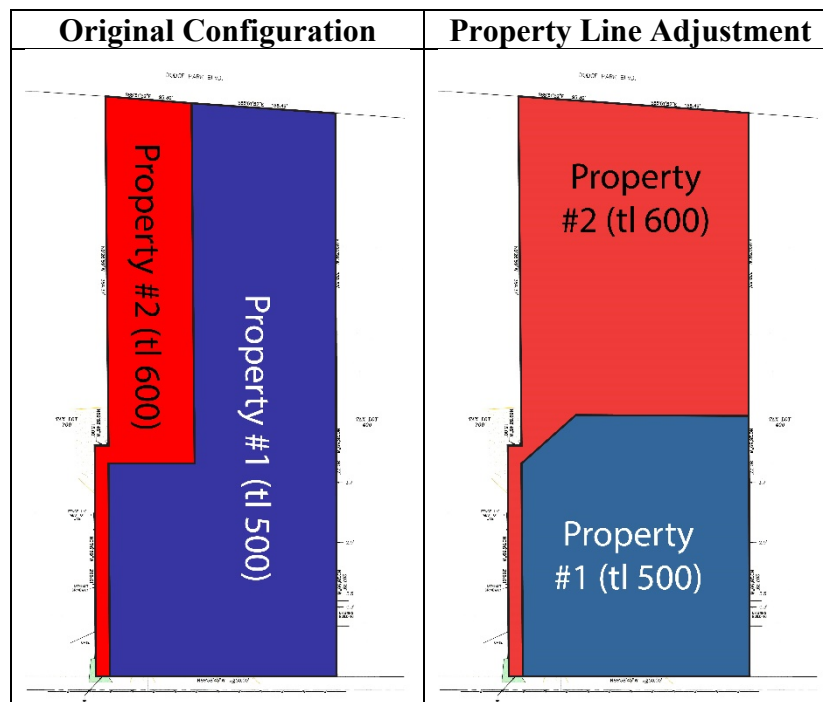
6.0 Multiple Use Agriculture (MUA-20) Criteria:

6.1 § 39.4315 REVIEW USES.

6.1.1 (C) Property Line Adjustment pursuant to the provisions of MCC 39.4330.

Staff: The applicant is requesting a property line adjustment between Property #1 (tax lot 500) and Property #2 (tax lot 600) as shown in the Figure below.

Figure #1

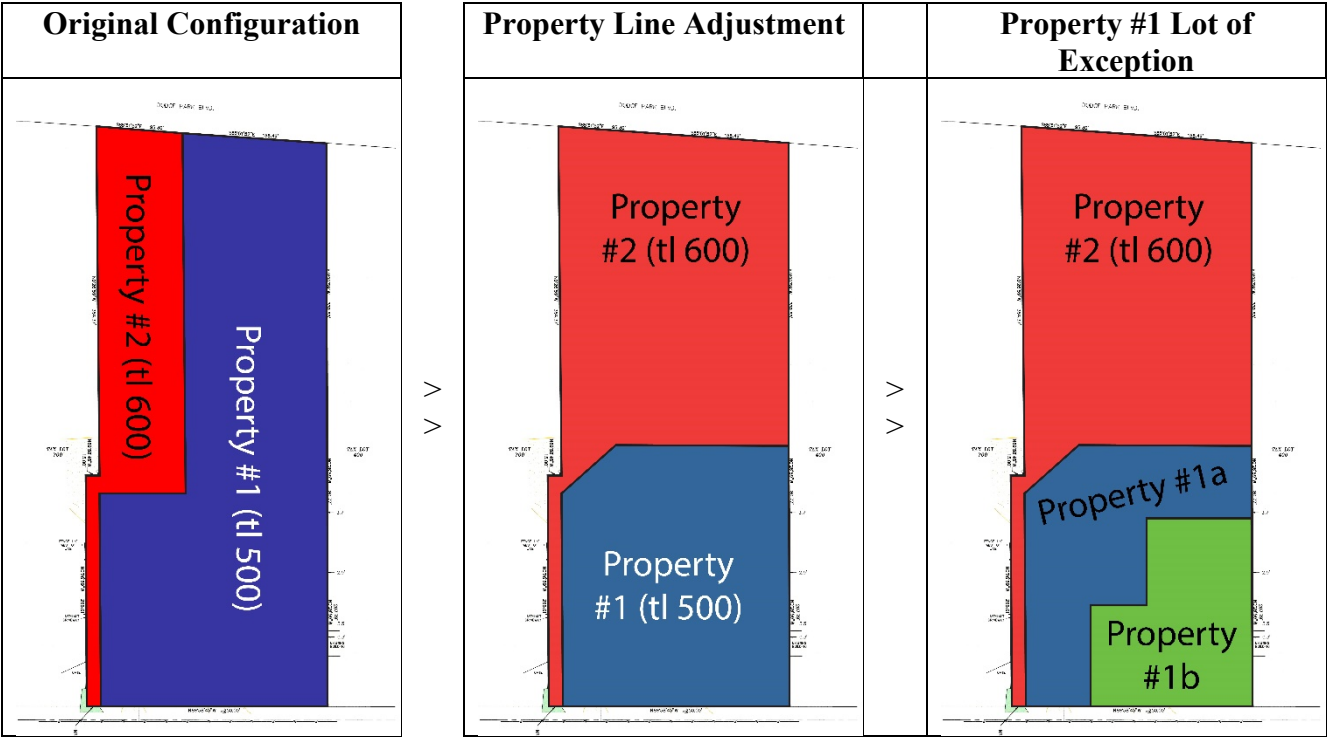


As required above, the property line adjustment is subject to MCC 39.4330, which is discussed in Section 6.3.1 below.

6.1.2 (E) Lots of Exception pursuant to the provisions of MCC 39.4330.

Staff: The applicant is requesting a Lot of Exception for Property #1. After completion of the Property Line Adjustment, Property #1 will be split into two lots (which are referred to as Property #1a and #1b) as shown in the Figure below.

Figure #2



As required above, the Lot of Exception is subject to MCC 39.4330, which is discussed in Section 6.3.2 below.

6.2 § 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

All development proposed in this base zone shall comply with the applicable provisions of this section.

(A) Except as provided in MCC 39.3080, 39.4330, 39.4335 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be 20 acres.

(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 applicant is requesting a Lot of Exception and a Property Line Adjustment. As noted above, the provisions of MCC 39.4430 is listed as an exception to the requirement that the minimum lot size for new parcels or lots being 20 acres; therefore, criterion (A) and (B) are not applicable. *These criteria are not applicable.*

(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.

(1) Notwithstanding the Minimum Yard Dimensions, but subject to all other applicable Code provisions, a fence or retaining wall may be located in a Yard, provided that a fence or retaining wall over six feet in height shall be setback from all Lot Lines a distance at least equal to the height of such fence or retaining wall.

(2) An Accessory Structure may encroach up to 40 percent into any required Yard subject to the following:

(a) The Yard being modified is not contiguous to a road.

(b) The Accessory Structure does not exceed five feet in height or exceed a footprint of ten square feet, and

(c) The applicant demonstrates the proposal complies with the fire code as administered by the applicable fire service agency.

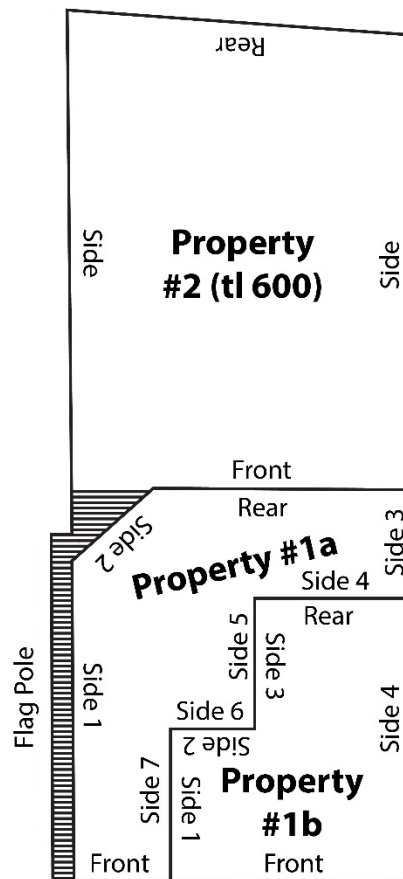
(3) A Variance is required for any Accessory Structure that encroaches more than 40 percent into any required Yard.

(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 yard dimensions are required to ensure that there is sufficient open space between buildings and property lines to provide space, light, air circulation, and safety from fire hazards. Additionally, as required under criterion (D), minimum yard dimensions are required to be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The right-of-way adjacent to the subject properties are SE Carpenter Lane, a rural local road and SE Dodge Park Boulevard, a rural collector road. A rural local road is required to be 50 feet and a rural collector road is required to be 60 feet. As indicated in DART assessment maps, right-of-way along SE Carpenter Lane is 30 feet wide and the right-of-way along SE Dodge Park Road is 100 feet wide (Exhibit B.2). The right-of-way along SE Carpenter is insufficient whereas the right-of-way along SE Dodge Park Road is sufficient to serve the area. Therefore, the minimum front yard dimensions along SE Carpenter Lane need to be increased by 15 feet for a front yard dimension of 45 feet.

As required by the Table in MCC 39.4325(C), the minimum yard dimensions need to be met by all buildings and structures on the subject property after the land division and property line adjustment. The applicant has provided a site plan showing the location of all the existing buildings and structures on the property (Exhibit A.9). The Figure below indicates the front, side, and rear lot lines.

Figure #3 – Front, Side, and Lot Lines



The yard requirements and distance from lot lines are shown in the table below:

Table 1: Distance of the proposed Accessory Buildings from Property Lines

Lot Line	Yard Requirement	Distance of building to Property Line	Encroachment
Property #1a			
Single-Family Dwelling			
Front (adjacent to SE Carpenter Ln.)	45'	±140.2'	0'
Side #1	10'	25.3'	0'
Side #2	10'	±58.7'	0'
Rear (line opposite of SE Carpenter Ln.)	30'	±106.3'	0'
Side #3	10'	±192.7'	0'
Side #4	10'	±75.9'	0'
Side #5	10'	±71.3'	0'
Side #6	10'	±30.5	0'
Side #7	10'	±30.5	0'
Accessory Building			

Lot Line	Yard Requirement	Distance of building to Property Line	Encroachment
Front (adjacent to SE Carpenter Ln.)	45'	±207'	0'
Side #1	10'	±96.2'	0'
Side #2	10'	±62.5'	0'
Rear (line opposite of SE Carpenter Ln.)	30'	50'	0'
Side #3	10'	±132.4'	0'
Side #4	10'	16.3'	0'
Side #5	10'	16.3'	0'
Side #6	10'	±96.7'	0'
Side #7	10'	±99.7'	0'
Property #1b			
Single-Family Dwelling			
Front (adjacent to SE Carpenter Ln.)	45'	37.2'	7.8'
Side #1	10'	18.8'	0'
Side #2	10'	25'	0'
Side #3	10'	25'	0'
Rear (line opposite of SE Carpenter Ln.)	30'	±121.7'	0'
Side #4	10'	115'	0'
Exhibit A.9			

The buildings on Property #1a meet the yard requirements. The single-family dwelling on Property #1b does encroach into the front yard. However as was found in T2-2019-11563, the single-family dwelling was, “built and used as a single-family dwelling on or before 1950 and prior to the adoption of County zoning or building code regulations” (Exhibit B.8). As that is the case, the single-family dwelling is allowed to continue encroaching into the front yard as it was established before zoning requirements were implemented in Multnomah County.

Additionally, the applicant’s Tentative Plan Map shows extensive fencing on Property #1a and #1b. Google Streetview photos indicate that the fencing is chain link and less than 6 feet in height; therefore, the fencing may encroach into the yard (Exhibit B.11).

Lastly, the minimum front lot length of each property is:

Table 2: Front Lot Line Length

	Minimum Front Lot Line Length	Front Lot Line Length
Property #1a	50'	71.32'
Property #1b	50'	179.68'
Property 2	50'	15'

As shown in the table above, Property #1a and #1b meet the minimum front lot length. Property #2 is an existing Lot of Record and the front lot line length not being modified. Therefore, the length can continue to exist. *These criteria are 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: The applicant is not proposing a barn, silo, windmill, antennae, chimney, or similar structure as part of this application. Therefore, this criterion is not applicable. *This criterion is not applicable.*

(F) Agricultural structures and equine facilities such as barns, stables, silos, farm equipment sheds, greenhouses or similar structures that do not exceed the maximum height requirement may have a reduced minimum rear yard of less than 30 feet, to a minimum of 10 feet, if:

* * *

Staff: The applicant is not proposing an agricultural structure or equine facility such as a barn, stable, silo, farm equipment shed, greenhouse, or similar structure as part of this application. Therefore, these criteria are not applicable. *These criteria are not applicable.*

(G) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.

(1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.

(2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.

Staff: The applicant has provided a tentative plan map, Septic Review Certification, Storm Water Certificate, and a Certification of Water Service. As previously discussed in subsection (C), the tentative plan map shows the required parking areas and yard areas (Exhibit A.9). The required parking areas and yard areas that are required for each lot are provided on that individual lot.

The Septic Review Certification was reviewed and approved by Nicole Blais, Registered Environmental Health Specialist on October 8, 2020 (Exhibit A.7). The Septic Review Certification states, “The proposed land division and property line adjustment to create three lots poses no concern to septic” (Exhibit A.7). A Site Evaluation was also completed for Property 2. Completed by Lindsey Reschke, WWS on May 18, 2020, the Site Evaluation indicated that Property 2 could be approved for a standard septic tank and drainfield disposal system (Exhibit B.4).

The Storm Water Drainage Control Certificate was reviewed and signed by Kelli Grover, Registered Professional Engineer. The Certificate recommends construction of an on-site stormwater drainage system on the subject properties. It is recommended that three separate infiltration trenches be constructed to manage storm water from a 10-year/24-hour storm event does, so that the runoff is no greater than that before the development. (Exhibit A.5). The infiltration trenches are located adjacent to each building located on the subject properties (Exhibit A.9)

The Certification of Water Service was reviewed and signed by Cassandra Lashbaugh, Manger, Pleasant Home Water District on August 7, 2020. The subject properties are served by the Pleasant Home Water District by a 12” cast iron line located on SE Carpenter Lane. (Exhibit A.6). *These criteria are met.*

(H) New, replacement, or expansion of existing dwellings shall minimize impacts to existing farm uses on adjacent land (contiguous or across the street) by:

* * *

Staff: The applicant is not proposing a new, replacement, or expansion of an existing dwelling. Therefore, these criteria are not applicable. *These criteria are not applicable.*

(I) Required parking, and yard areas shall be provided on the same Lot of Record as the development being served.

Staff: The applicant has provided a tentative plan map showing the required parking and yard areas. As previously discussed in subsection (C), the tentative plan map shows the required parking areas and yard areas (Exhibit A.9). The required parking areas and yard areas that are required for each lot are provided on that individual lot. *This criterion is met.*

(J) All exterior lighting shall comply with MCC 39.6850.

Staff: As required, all exterior lighting shall comply with MCC 39.6850, if it meets the thresholds within MCC 39.6850. As required in MCC 39.6850, all exterior lighting shall comply, if:

(C) The following standards apply to all new exterior lighting supporting a new, modified, altered, expanded, or replaced use approved through a development permit and to all existing exterior lighting on property that is the subject of a development permit approval for enlargement of a building by more than 400 square feet of ground coverage.

As the applicant is not proposing a new, modified, altered, expanded, or replaced use, nor is the applicant seeking approval for the enlargement of a building by more than 400 square feet of ground coverage; therefore, these criteria are not applicable. *These criteria are not applicable.*

6.3 § 39.4330 LOTS OF EXCEPTION AND PROPERTY LINE ADJUSTMENTS.

6.3.1 (A) Lots of Exception

An exception to permit creation of a parcel of less than 20 acres, out of a Lot of Record, may be authorized when in compliance with the dimensional requirements of MCC 39.4325(C) through (E). Any exception shall be based on the following findings:

Staff: The applicant is requesting a Lot of Exception to permit the creation of a parcel of less than 20 acres out of a Lot of Record. The Lot of Exception would be created out of Property #1, tax lot 500. As discussed previously in Section 5.0 and T2-2019-11925, Property #1 was found to be a Lot of Record. Additionally, as discussed in Section 6.2 under subsection (C), the applicant has provided a tentative plan map showing the required yard areas. The tentative plan

map shows that the buildings comply with the dimensional requirements of MCC 39.4325(C) through (E). *This criterion is met.*

(1) The Lot of Record to be divided has two or more permanent habitable dwellings;

Staff: The Lot of Exception would be created out of Property #1, tax lot 500. In land use case #T2-2019-11563, it was found that Property #1 had the condition of having two single-family dwellings on the same property that were established prior to and in existence in 1977 before Multnomah County imposed a limit of one single-family home per lot or parcel (Exhibit B.8). As two permanent habitable dwelling exist on the Lot of Record, the Lot of Record is eligible to be divided. *This criterion is met.*

(2) The permanent habitable dwellings were lawfully established on the Lot of Record before October 4, 2000;

Staff: In land use case #T2-2019-11563, it was found that Property #1 had the condition of having two single-family dwellings on the same property that were established prior to and in existence in 1977 before Multnomah County imposed a limit of one single-family home per lot or parcel (Exhibit B.8). The two permanent habitable dwelling were both lawfully established before October 4, 2000. *This criterion is met.*

(3) Each new parcel created by the partition will have at least one of the habitable dwellings; and

Staff: The applicant has provided a tentative plan map showing location of the habitable dwellings. As shown on the map, each parcel created as part of the partition of Property #1 will contain one habitable dwelling (Exhibit A.9). *This criterion is met.*

(4) The partition will not create any vacant parcels on which a new dwelling could be established.

Staff: The applicant has provided a tentative plan map showing location of the habitable dwellings. As shown on the map, the partition will not create any vacant parcels as each of the parcels will contain one habitable dwelling (Exhibit A.9). *This criterion is met.*

6.3.2 (B) Property Line Adjustment

Pursuant to the applicable provisions in MCC 39.9300, 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.

Staff: The applicant is requesting a property line adjustment between Property #1 and Property 2. As shown in Figure #1 in Section 6.1.1, the property line adjustment will adjust the common property line between Property #1 and #2. As required above the property line adjustment must meet the approval criteria in (1) and (2) below.

(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;**

Staff: The applicant has provided a tentative plan map showing relocated common property line, all lot lines, and yard areas. As previously discussed in Section 6.2 in subsection (C), the yard areas meet the minimum distance requirements between buildings and the relocated line (Exhibit A.9). Additionally, the Lots of Record are in compliance with the minimum front lot line length requirements. *This criterion is met.*

- (b) If the properties abut a street, the required access requirements of MCC 39.4345 are met after the relocation of the common property line; and**

Staff: The applicant has provided a tentative plan map showing access to the subject properties. Each of the properties abuts a street. As required by MCC 39.4345 below, all lots and parcels are required to abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians, passenger vehicles, and emergency vehicles. After the common property line is relocated, Property #2 and Property #1a will continue to abut a street (Exhibit A.9). *This criterion is met.*

(2) One of the following situations occurs:

- (a) The lot or parcel proposed to be reduced in area is larger than 20 acres prior to the adjustment and remains 20 acres or larger in area after the adjustment, or**
(b) The lot or parcel proposed to be enlarged in area is less than 40 acres in area prior to the adjustment and remains less than 40 acres in area after the adjustment.

Staff: The applicant has provided a tentative plan map showing the size of the parcels. As shown in the Table below the parcels will be reduced/enlarged as follows:

Table 3 – Parcel Reduction / Enlargement

	Prior to Adjustment	Reduced / Enlarged	After Adjustment
Property #1	119,500 square feet (2.74 acres)	Reduced	70,532 square feet (1.61 acres)
Property #2	41,915 square feet (0.96 acres)	Enlarged	90,883 square feet (2.08 acres)

As shown in the Table, Property #2 will be enlarged in area; however as it is less than 40 acres, it remains less than 40 acres. *These criteria are met.*

6.4 § 39.4345 ACCESS.

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record

Staff: The subject properties are part of a land division and property line adjustment. The access requirement is applicable as the units of land are not pre-existing. After the creation of the parcel and then the reconfiguration, the all of the properties, #1a, #1b, and #2 will abut a public street. Each of the properties will be abut SE Carpenter Lane, a rural local road. Property #2 will be also abut SE Dodge Park Boulevard, a rural collector road. *This criterion is met.*

7.0 Category 3 Land Division Criteria:

7.1 § 39.9045 CATEGORY 3 LAND DIVISIONS.

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 this Chapter.

Staff: The applicant is requesting a Lot of Exception as permitted in MCC 39.4315(E) and MCC 39.4330. The Lot of Exception will result in a partition of land for which an Exception is required. As defined in MCC 39.9055, a partition and partition land are:

Partition means either an act of partitioning land or an area or tract of land partitioned as defined in this Chapter.

Partition land means to divide an area or tract of land into not more than three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.

As shown on the tentative plan map, the applicant is proposing to divide an area of land into two parcels within this calendar year. As such, this application is subject to a Category 3 Land Division, which is discussed within this Section below.

7.2 § 39.9400- CRITERIA FOR APPROVAL, CATEGORY 1 AND CATEGORY 2 TENTATIVE PLAN AND FUTURE STREET PLAN.

In granting approval of a Category 1 or Category 2 tentative plan, the approval authority shall find that:

* * *

Staff: As required by MCC 39.9430, in granting approval of a Category 3 land division, the applicant must demonstrate compliance with subsection (B), (C), and (H), which is discussed below.

(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: As required above, in granting approval of the Category 3 Land Division, the approval will permit development of the remainder of the property under the same ownership as allowed

in the base zone of Multiple Use Agriculture – 20 (MUA-20). At this time, the subject property contains the non-confirming use of a second single-family dwelling. As the subject property will be partitioned so one single-family dwelling will be located on each parcel, the applicant(s)/owner(s) will continue to be able to seek future permits in accordance with the base zone. *This criterion is met.*

(C) The tentative plan [or future street plan] complies with the applicable provisions, including the purposes and intent of this Ordinance.

* * *

Staff: The applicant has provided a tentative plan map showing the partition plat. The applicable provisions including the purpose and intent of this ordinance are discussed in this Section below.

(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: As required, the approval of this land division must be safe from known flooding and flood hazards in addition to minimizing or preventing infiltration of floodwaters into public utilities and water supply systems. The subject property is not located within an area of Special Flood Hazard as mapped by the Federal Emergency Management Agency (FEMA). The applicant has also provided a tentative plan map, Septic Review Certification, and Storm Water Certificate.

The Septic Review Certification was reviewed and approved by Nicole Blais, Registered Environmental Health Specialist on October 8, 2020 (Exhibit A.7). The Septic Review Certification states, “The proposed land division and property line adjustment to create three lots poses no concern to septic” (Exhibit A.7). A Site Evaluation was also completed for Property 2. Completed by Lindsey Reschke, WWS on May 18, 2020, the Site Evaluation indicated that Property 2 could be approved for a standard septic tank and drainfield disposal system (Exhibit B.4).

The Storm Water Drainage Control Certificate was reviewed and signed by Kelli Grover, Registered Professional Engineer. The Certificate recommends construction of an on-site stormwater drainage system on the subject properties. It is recommended that three separate infiltration trenches be constructed to manage storm water from a 10-year/24-hour storm event does, so that the runoff is no greater than that before the development. (Exhibit A.5). The infiltration trenches are located adjacent to each building located on the subject properties (Exhibit A.9).

As the subject properties are not located in an area of Special Flood Hazard, as mapped by the Federal Emergency Management Agency (FEMA) and have been reviewed for both sanitary systems and stormwater, the approval of this land division will be safe from known flooding and flood hazards. *These criteria are met.*

7.3 § 39.9430 CRITERIA FOR APPROVAL, CATEGORY 3 TENTATIVE PLAN.

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 39.9400 are satisfied and that the tentative plan complies with the area and dimensional requirements of the base zone.

Staff: As required above, in granting approval of a Category 3 Land Division, the applicant must demonstrate compliance with subsection (B), (C), and (H), which was discussed in Section 7.2.

7.4 § 39.9500- APPLICATION OF GENERAL STANDARDS AND REQUIREMENTS.

Every land division proposal shall comply with the applicable provisions of MCC 39.9505 through 39.9585.

Staff: As required above, the Category 3 Land Division must comply with the applicable provisions of MCC 39.9505 through 39.9585 as discussed below.

7.5 § 39.9505 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;**
- (F) Subject to slumping, earth slides or movement;**
- (G) Pre-existing field drains or other subsurface drainage systems.**

Staff: The approval of this land division cannot be permitted if the land is both unsuitable and incapable of being made suitable for the intended uses. A review of the topography and potential environmental hazards show that the subject property does not exceed 20% and is not located within an area of Special Flood Hazard. The Storm Water Drainage Control Certificate was reviewed and signed by Kelli Grover, Registered Professional Engineer. The Certificate indicates that the soil type is Mershon Silt Loam, which has a saturated hydraulic conductivity of 0.638 in/hr (4.500 um/s) (Exhibit A.5). The applicant also included a Septic Review Certification and a Site Evaluation (Exhibit A.5 and A.7). The Certification and Evaluation did not indicate that there were concerns of a high seasonable water table or fragipan. The Certification and Evaluation showed the location of existing drainfields and an area of a potential drainfield for a new septic system.

Based on this understanding of the intended use, a single-family dwelling on each property, the land within the partition is suitable for division because there are areas provided on the land to support that use. *These criteria are met.*

7.6 § 39.9510 LOTS AND PARCELS.

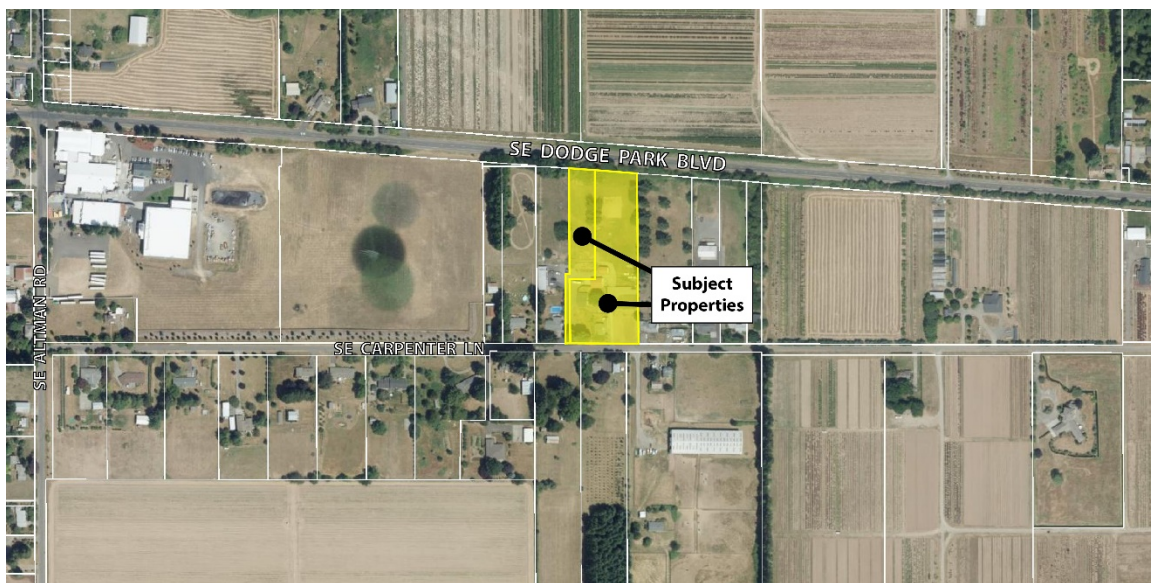
The design of lots and parcels shall comply with the following:

(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 design of the parcels must be appropriate to criteria above. The parcels that will be created as part of this land division each contain a single-family dwelling. As was discussed in Section 6.2, the single-family dwelling on each property meet the dimensional standards for the Multiple Use Agriculture – 20 (MUA-20) zoning district. The parcels therefore are sized to be appropriate to the type of development and use contemplated. Additionally, in comparing the development pattern of the area, the nature of the existing development is of a rural nature with farmland and typically one single-family dwelling on each property.

Figure #4 – Vicinity Map



The slopes of the area indicate that the area is generally flat. It is not anticipated that more development of this area is expected as the minimum lot size and zoning of the area limit potential development. This insures that the existing slopes, vegetation, and natural drainage will be preserved. Additionally, the dimensional requirements of the MUA-20 zone require adequate yard space between building and property boundaries, these standards will ensure that the privacy of semi-public and private areas will not be encroached upon at this time. *These criteria are met.*

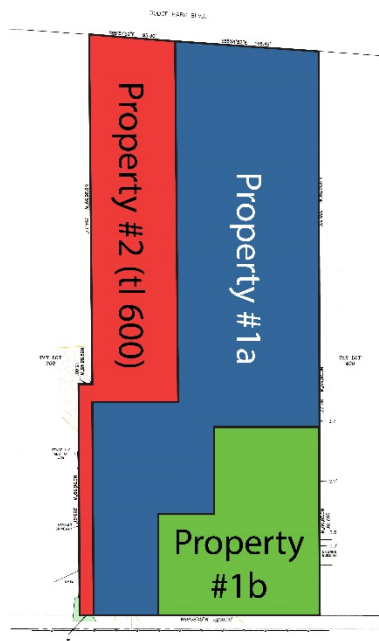
(B) The side lot lines shall be perpendicular to the front lot line or radial to the curve of a street, to the extent practicable.

Staff: The applicant has provided a tentative plan map showing the configuration of parcels within the partition. The side lot lines are all perpendicular to the front lot line (Exhibit A.9). *This criterion is met.*

(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: The property that is subject to the Lot of Exception and Category 3 Land Division will result in one of the newly created parcels to be a double frontage parcel. As seen in the Figure below, Property #1a will front both SE Carpenter Lane and SE Dodge Park Boulevard.

Figure #5 – Final Configuration



As the subject property prior to the land division was also a double frontage parcel, the double frontage is essential to overcome the specific disadvantage of parcel orientation. There does not appear to be a configuration that would ensure that one single-family dwelling is located on each of the parcels and still maintain access on the lower classification street, which is SE Carpenter Lane. *This criterion is met.*

(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 base zone, subject to the following:

* * *

Staff: The applicant is not proposing a land division that will include the creation of a flag lot with a pole that does not satisfy the minimum frontage requirement of the Multiple Use Agriculture – 20 (MUA-20) zone. The minimum front lot length of Property #1a is 71.32 feet

and Property #1b is 179.68 feet (Exhibit A.9). Both parcels meet the minimum frontage requirement. *This criterion is met.*

(E) Within a land division, flag lots shall not be stacked one behind the other as shown in MCC 39.9510 Figure 3. Instead, a private accessway shall be used as shown in MCC 39.9510 Figure 4.

* * *

Staff: The applicant is not proposing a land division that will include the creation of a flag lot therefore this criterion is not applicable. *This criterion is not applicable.*

7.7 § 39.9515 ACREAGE TRACTS.

Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this or any other ordinance, the approval authority shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future rights-of-way or building sites.

Staff: The tract of land to be divided will not be capable of revision as the subject property is less than 20 acres, the minimum lot size of the Multiple Use Agriculture – 20 (MUA-20) zone. Therefore, this criterion is not applicable. *This criterion is not applicable.*

7.8 § 39.9520 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;**
- (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 by the Comprehensive Plan, the arrangement of streets in the land division shall conform to the established layout.

Staff: The applicant has provided a tentative plan map showing the proposed street layout. In comparing the existing conditions to the proposed tentative plan map, the applicant is not

proposing to alter any streets as part of this partition nor is the applicant proposing any streets to bisect the property (Exhibit A.9). The existing roads, SE Carpenter Lane and SE Dodge Park Boulevard conform to the established arrangement as the street pattern was already established in accordance with the Comprehensive Plan. *These criteria are met.*

(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.

Staff: The applicant is not requesting or required to provide a half street, as no road is required to be created as part of the land division. Therefore, this criterion is not applicable as no right-of-way is being requested by the County. *This criterion is not applicable.*

(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 applicant has provided a tentative plan map showing the existing street layout. The land division is not required to create a road. The street layout does include an arterial abutting the land division. Therefore, this criterion is not applicable as no arterials abut the land division or are being proposed. *This criterion is not applicable.*

7.9 § 39.9525 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 Multnomah County Road Rules and Design and Construction Manual; and

(B) For a private street, in accordance with the Multnomah County Road Rules and Design and Construction Manual, 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 Community Services Transportation Division. Accessways shall have a maximum length of 300 feet.

(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 subject parcels that are part of the land division are not required to meet the applicable ordinance standards for width, design, and configuration. The streets within the land division are subject Multnomah County Road Rules and Design and Construction Manual. However, the Multnomah County Transportation Division through their Road Rules have not requested right of way dedication, street exactions, or frontage improvements, as a Transportation Impact has not been triggered. Therefore, these criteria for width, design, and configuration are not applicable at this time. *These criteria are not applicable.*

7.10 § 39.9530 STREET RESERVE STRIPS.

The land division shall provide for the appropriate extension or widening of streets serving the division or for allocating the improvement costs among future land divisions. A reserve strip or street plug may be required for such purposes. The control and disposition of reserve strips or plugs shall be placed within the jurisdiction of the County.

Staff: The County is not requesting a reserve strip or plug, nor is the County requesting an allocation for the improvement cost. Multnomah County Transportation Division through their Road Rules have not requested a reserve strip, street plug or a portion of the improvement cost, as a Transportation Impact has not been triggered. Therefore, these criteria are not applicable at this time. *This criterion is not applicable.*

7.11 § 39.9535 TEMPORARY TURNAROUNDS.

A temporary turnaround shall be provided on any street that is appropriate for continuation, either within the land division or beyond, when the street serves more than six interior lots.

Staff: The County is not requiring temporary turnarounds as no street is being proposed as part of this land division. Therefore, this criterion is not applicable. *This criterion is not applicable.*

7.12 § 39.9540 STREET NAMES.

Names for public streets shall conform to the street naming system of Multnomah County. In order to discourage unnecessary traffic, the nature of a private street, a dead end street or a cul-de-sac shall be identified by a sign approved as to design, content and placement by the County Engineer.

Staff: As no new public streets are proposed, this criterion is not applicable. *This criterion is not applicable.*

7.13 § 39.9545 REQUIRED IMPROVEMENTS.

Improvements in a land division shall be made in accordance with the provisions of MCC 39.9550 through 39.9590 and 39.9600.

Staff: As discussed subsequently, if any required improvements are needed, they will be discussed below.

7.14 § 39.9550 STREETS, SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS.

**(A) Sidewalks shall be required in Urban Area public streets in accordance with the provisions of the Multnomah County Road Rules and Design and Construction Manual.
(B) A sidewalk shall be required along any private street serving more than six dwelling units.**

(C) A pedestrian path located outside a street right-of-way may be substituted for a required sidewalk when it serves the same circulation function.

(D) Where a pedestrian path and bikeway is part of an approved plan for the area or has been approved on adjoining property, the approval authority may require the provision of a pedestrian path or bikeway within the land division.

* * *

Staff: As the proposed land division is not located within an urban area, is not along a private street serving more than six dwelling units, or located in an area with an approved plan for the area, these criteria are not applicable. *This criterion is not applicable.*

7.15 § 39.9555 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: A five (5) foot wide utility easement adjacent to the Property #1a and #1b, the southern property line is required. To insure compliance with this criterion, a condition of approval is required, as it is not presently shown on the plans. The property does not contain a watercourse so no storm water easement will be necessary. The newly created parcels are also located within the rural areas of Multnomah County, where no facilities for pedestrian paths and/or bikeways are planned or are being planned. *As conditioned, this criterion is met.*

7.16 § 39.9560 STREET TREES.

Street trees shall be planted by the applicant according to the street tree planting plan and schedule approved by the County Engineer as an element of the tentative plan. Trees which have not survived for one year after initial planting shall be replaced by the applicant within four months of loss.

Staff: No street trees are required to be planted, as the land division is not located in an area with a street tree planting plan. Therefore, this criterion is not applicable. *This criterion is not applicable.*

7.17 § 39.9565 STREET LIGHTING.

Street lighting shall be provided in all Urban Area subdivisions in accordance with the requirements of the Multnomah County Road Rules and Design and Construction Manual.

Staff: No street lighting is required to be constructed, as the land division is not an Urban Area subdivision. Therefore, this criterion is not applicable. *This criterion is not applicable.*

7.18 § 39.9570 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 the following:

(A) Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

- (1) In a public street, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and**
- (2) In a private street, as approved by the approval authority.**

Staff: As required above, the applicant must comply with the requirements of subsections (4)(a), (b), or (c) of ORS 92.090. The applicant has provided a certification by a domestic water supply system as required by ORS 92.090(4)(a). The Certification of Water Service was reviewed and signed by Cassandra Lashbaugh, Manager, Pleasant Home Water District on August 7, 2020. The parcels subject to this land division are served by the Pleasant Home Water District by a 12" cast iron line located on SE Carpenter Lane. (Exhibit A.6). The Certification did not indicate that the additional requirements are needed by the Water District. *This criterion is met.*

7.19 § 39.9575 SEWAGE DISPOSAL.

The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of Subsections (5)(a), (b) or (c) of ORS 92.090 and the following:

(A) Except as provided in Subsection (B) of this Section, a sanitary sewer line shall be installed to serve every lot or parcel in a land division by extension of an existing sewer line:

- (1) In a public street, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and**
- (2) In a private street, as approved by the approval authority.**

(B) Where sanitary sewer is not available to the site or where the State Department of Environmental Quality determines that it is impractical to serve any lot or parcel by an existing sewer system, a private sewage disposal system approved by the Department shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require that a sanitary sewer line, with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.

(C) Where a private subsurface sewage disposal system is used, the parcel or lot shall contain adequate land area to accommodate both a primary and reserve septic system drainfield area, and for surface and storm drainage systems.

Staff: As required, the approval of this land division must meet the provisions for the disposal of sewage from every parcel in a land division. Additionally, the applicant must comply with the requirements of subsections (5)(a), (b), or (c) of ORS 92.090. As there is no sanitary sewer

line, the applicant has provided a certification by Department of Environmental Quality that has approved the proposed method or an alternative method of sewage disposal as required by ORS 92.090(5)(c). The applicant has provided a Septic Review Certification that was reviewed and approved by Nicole Blais, Registered Environmental Health Specialist on October 8, 2020 (Exhibit A.7). The Septic Review Certification states, "The proposed land division and property line adjustment to create three lots poses no concern to septic" (Exhibit A.7). A Site Evaluation was also completed for Property 2, which is currently vacant. Completed by Lindsey Reschke, WWS on May 18, 2020, the Site Evaluation indicated that Property 2 could be approved for a standard septic tank and drainfield disposal system (Exhibit B.4). As agents for the State Department of Environmental Quality, the Multnomah County Sanitarians have confirmed the ability to utilize a system, if needed, on the parcel as each parcel contains adequate land area to accommodate both a primary and reserve septic system drainfield area, and for surface and storm drainage systems. *These criteria are met.*

7.20 § 39.9580 SURFACE DRAINAGE AND STORM WATER SYSTEMS.

Surface drainage and storm water control systems shall be provided as required by this section.

(A) On-site water disposal or retention facilities shall be adequate to insure that surface runoff rate or volume from the new parcels after development is no greater than that before development.

(B) Drainage facilities shall be constructed as follows:

(1) In a public street, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and

(2) In a private street and on lots or parcels, in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.

Staff: The applicant has provided a Storm Water Drainage Control Certificate. The certificate was reviewed and signed by Kelli Grover, Registered Professional Engineer. The Certificate recommends construction of an on-site stormwater drainage system on the subject parcels to retain water in order to insure that surface runoff for the parcels is no greater than that before development. It is recommended that three separate infiltration trenches be constructed to manage storm water from a 10-year/24-hour storm event (Exhibit A.5). The infiltration trenches are located adjacent to each building located on the subject parcels in accordance with plans prepared by an Oregon licensed and registered professional engineer (Exhibit A.9). *These criteria are met.*

7.21 § 39.9585 ELECTRICAL AND OTHER WIRES.

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: The land division is required to underground utilities unless one of the standards of (A) through (C) are met. Based on visual review of the parcels subject to the land division, there is one utility pole in front of parcel #1b. There is only a single utility pole in front of the proposed parcels and the area has a rural land use pattern with utility poles spaced 200 feet to 300 feet apart. Based on this pattern, the undergrounding of utilities would only result in a minor aesthetic advantage. Therefore, this requirement is waived as to require a undergrounding of the utilities would provide minimal gain and be unnecessarily expensive in regards to the rural land use pattern of the area. *This criterion is met.*

7.22 § 39.9587 REQUIRED IMPROVEMENTS.

Improvements in a land division shall be made in accordance with the provisions of MCC 39.9587 through 39.9590 and 39.9600.

Staff: As discussed subsequently, if any required improvements are needed, they will be discussed below.

7.23 § 39.9588 STREETS, SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS, WATER SYSTEM, SEWAGE DISPOSAL, SURFACE DRAINAGE AND STORM WATER SYSTEMS.

(A) Any street, pedestrian path or bikeway shall be improved as follows:

- (1) In a public street — in accordance with this Chapter and the Street Standards Code and Rules; and,**
- (2) In a private street — in accordance with the Street Standards Code and Rules.**
- (3) Underground utilities and street lighting facilities, storm drains and water mains located in a street shall be installed prior to the surfacing of the street.**

Staff: As discussed in Section 7.9, 7.14 and 7.21, the applicant is not required to improve a public street. As no street is required to be improved, the requirements of subsection (A)(3) are also not applicable. *These criteria are not applicable.*

(B) Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:

- (1) In a public street - in accordance with the Street Standards Code and Rules; and**
- (2) In a private street - as approved by the approval authority.**

Staff: As discussed in Section 7.18, the Water District did not indicate that water mains, service, and fire hydrants needed to be improved as part of this land division. As improvements are required, these criteria are not applicable. *These criteria are not applicable.*

(C) A sewage disposal system approved by the State Department of Environmental Quality, shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require that a sanitary sewer line,

with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.

(D) Drainage facilities shall be constructed as follows:

- (1) In a public street - in accordance with the Street Standards Code and Rules; and**
- (2) In a private street and on lots or parcels - in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.**

Staff: As discussed in Section 7.19, the applicant provided a Septic Review Certification and Site Evaluation from the City of Portland Bureau of Development Services: Onsite Sanitation. As agents for the State Department of Environmental Quality, the Multnomah County Sanitarians have confirmed the ability to utilize a system, if needed, on the parcel as each parcel contains adequate land area to accommodate both a primary and reserve septic system drainfield area, and for surface and storm drainage systems. *These criteria are met.*

7.24 § 39.9590 OTHER UTILITIES.

Other utilities, including electric, gas, street lighting and cable television facilities shall be provided as required by this Ordinance and as follows:

- (A) In a public street, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and**
- (B) In a private street, as approved by the approval authority.**

Staff: As the subject property will be divided into two parcels so that each contains a single-family dwelling, the subject parcels already have connections to other utilities, including electricity, gas, street lighting, and cable television. Electricity is available from Portland General Electric, gas is available from NW Natural, and cable television is available from Xfinity by Comcast. As those utilities are already provided in the public street, no additional requirements are needed. *This criterion is met.*

7.25 § 39.9605 FINAL DRAWING AND PRINTS.

(A) Two prints of the subdivision or partition plat shall accompany the final drawing, conforming to all applicable requirements as established by the Oregon Revised Statutes (ORS), Chapters 92 and 209.

(B) Notwithstanding optional provisions in ORS Chapter 92, all parcels created shall be surveyed, monumented and platted, regardless of parcel area.

Staff: As required above, a condition of approval will be required that two prints of the partition plat shall accompany the final drawing. The final drawing shall conform to all applicable requirements of ORS 92 and 209. Additionally, all lots created as part of this land division shall be surveyed, monumented, and platted. *As conditioned, these criteria are met.*

7.26 § 39.9610 INFORMATION REQUIRED ON SUBDIVISION PLAT OR PARTITION PLAT.

In addition to the information required to be shown on the tentative plan, the following shall be shown on the subdivision plat or partition plat:

- (A) Corners of adjoining subdivisions or partitions.**
- (B) The location, width and centerline of streets and easements abutting the boundaries of the land division.**
- (C) Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC 39.2000, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.**
- (D) The ownership of each private street shall be shown.**
- (E) Other certifications required by law.**

Staff: As required above, a condition of approval will be required that the partition plat shows the following, if applicable:

- Corners of adjoining subdivisions or partitions.
- The location, width, and centerline of streets and easements abutting the boundaries of the land division.
- Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC 39.2000, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.
- The ownership of each private street shall be shown.
- Other certifications required by law.

As conditioned, these criteria are met.

7.27 § 39.9615 SUPPLEMENTAL INFORMATION WITH SUBDIVISION PLAT OR PARTITION PLAT.

The following shall accompany the subdivision plat or partition plat, as appropriate:

- (A) A copy of any deed restrictions applicable to the subdivision or partition.**
- (B) A copy of any dedication requiring separate documents.**
- (C) A copy of the future street plan, when required, as recorded according to MCC 39.9465(A).**
- (D) As used in this section, "lot" means a unit of land that is created by a subdivision of land, and a "tract" will be considered a lot, except for street plugs.**
- (E) A map, prepared by an Oregon licensed surveyor, of the subdivision plan or partition plat that depicts the normal flood plain or high water line for any water body or watercourse and the extent of areas of Special Flood Hazard as defined in MCC 39.5005.**

Staff: As required above, a condition of approval will be required that the partition plat shows the following, if applicable:

- A copy of any deed restrictions applicable to the subdivision or partition.
- A copy of any dedication requiring separate documents.
- A copy of the future street plan, when required, as recorded according to MCC 39.9465(A).
- A map, prepared by an Oregon licensed surveyor, of the subdivision plan or partition plat that depicts the normal flood plain or high water line for any water body or watercourse and the extent of areas of Special Flood Hazard as defined in MCC 39.5005.

As conditioned, these criteria are met.

7.28 § 39.9620 TECHNICAL REVIEW AND APPROVAL OF SUBDIVISION PLAT OR PARTITION PLAT.

(A) The subdivision plat or partition plat and all required material shall be filed with the Planning Director for final approval. Within 10 business days of filing, the Planning Director shall determine whether the material conforms with the approved tentative plan and with the applicable requirements of this Ordinance. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the Planning Director.

Staff: As required above, a condition of approval will be required that the partition plat and all required materials shall be filed with the Planning Director for final approval. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity, it shall be signed and dated by the Planning Director. *As conditioned, this criterion is met.*

(B) On a subdivision plat, the approval signature of the Chair of the Board of County Commissioners or the Chair's delegate, shall be required to certify that the plat is approved.

Staff: The code section above is for informational purposes outlining the required approval signature to certify the plat is approved. It is not an approval criterion.

(C) No building permit shall be issued or parcel sold, transferred or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records.

Staff: As required above, a condition of approval will be required that no building permit shall be issued or parcel sold, transferred, or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records. *As conditioned, this criterion is met.*

8.0 Property Line Adjustment Criteria:

8.1 § 39.9300 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:

Staff: The applicant has provided a tentative plan map that illustrates the relocation of the common property line between two abutting properties. The common property line is between Property #1 and Property #2 (Exhibit A.9). *This criterion is met.*

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

Staff: The applicant has provided a tentative plan map that illustrates the relocation of the common property line between two abutting properties. The common property line is between Property #1 and Property #2 (Exhibit A.9). However, as a consolidated land use permit with a Lot of Exception and Category 3 Land Division, a condition will be required that the property line adjustment be finished as part of a partition plat to ensure that no additional lot or parcel is created from any parcel by the property line adjustment. *As conditioned, 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 General Application form indicates that the owners of both properties involved in the property line adjustment are the same persons. The owners of both properties are Brian Stevens and Trisha Stevens (Exhibit A.1, B.1, and B.2). Additionally, as the adjustment is a component within a consolidated land use permit with a Lot of Exception and Category 3 Land Division, a condition will be required that the property line adjustment be finished as part of a partition plat. *As conditioned, this criterion is met.*

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

Staff: As discussed above in Section 6.3.2, the adjusted properties met the approval criteria for a property line adjustment in the Multiple Use Agriculture – 20 (MUA-20) base zone. *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 applicant has applied for a Property Line Adjustment as part of a consolidated land use permit with a Category 3 Land Division through the Lot of Exception to create two parcels. As applicant is adjusting the common property line and then subsequently partitioning an area of land to create two parcels, a partition plat is required. A condition will be required that the property line adjustment be finished as part of a partition plat. A condition of approval will be required that the applicant retain a surveyor to complete the instructions as described in "Finishing a Land Division" handout (Exhibit B.13) and submit to the County Surveyor a plat in accordance with the requirements of Oregon Revised Statutes (ORS), Chapters 92. *As conditioned, this criterion is met.*

9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Property Line Adjustment, Lot of Exception, and Category 3 Land Division in the Multiple Use Agriculture – 20 (MUA-20) zone. This approval is subject to the conditions of approval established in this report.

10.0 Exhibits

‘A’ Applicant’s Exhibits
‘B’ Staff Exhibits
‘C’ Procedural Exhibits
‘D’ Comments Received

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. Those exhibits have been reduced to a size of 8.5” x 11” for mailing purposes. All other exhibits are available for review in Case File T2-2020-13600 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	08/04/2020
A.2	26	Lot of Exception Narrative	08/04/2020
A.3	3	Property Line Adjustment Narrative	08/04/2020
A.4	1	Tentative Plan Map	08/04/2020
A.5	24	Stormwater Certificate	08/04/2020
A.6	2	Certification of Water Service	08/07/2020
A.7	2	Septic Review Certification	10/08/2020
A.8	1	Tentative Plan Map Enlarged	10/08/2020
A.9*	1	Revised Plan Map	10/08/2020
‘B’	#	Staff Exhibits	Date
B.1	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1S4E21DB -00500 (Alt Acct #R994210400)	08/04/2020
B.2	2	Division of Assessment, Recording, and Taxation (DART): Property Information for 1S4E21DB -00600 (Alt Acct #R994210680)	08/04/2020
B.3	1	Division of Assessment, Recording, and Taxation (DART): Map with 1S4E21DB -00500 (Alt Acct #R994210400) and 1S4E21DB -00600 (Alt Acct #R994210680) highlighted	08/04/2020
B.4	4	City of Portland Bureau of Development Services - Onsite Sanitation: Site Evaluation #20-141022-SE / Report # SER 12-20	08/07/2020
B.5	1	Aerial Photo	01/19/2021
B.6	5	Pre-File Meeting Notes – PF-2017-7086	01/19/2021

B.7	10	Pre-File Meeting Notes – PF-2020-17951	01/19/2021
B.8	29	Land use case #T2-2019-11563	01/19/2021
B.9	7	Land use case #T2-2019-11866	01/19/2021
B.10	8	Land use case #T2-2019-11925	01/19/2021
B.11	1	Goggle Map Streetview	01/19/2021
B.12	1	Goggle Aerial Imagery from 2021	01/19/2021
B.13	2	Applicant's and Surveyor's Finishing a Land Division handout	02/09/2021
B.14	6	Voluntary Compliance Agreement	03/05/2021
'C'	#	Administration & Procedures	Date
C.1	3	Incomplete letter	08/07/2020
C.2	1	Applicant's acceptance of 180 day clock	08/07/2020
C.3	1	Incomplete email	10/07/2020
C.4	2	Complete letter (day 1)	10/20/2020
C.5	7	Opportunity to Comment and mailing list	01/22/2021
C.6	8	"Short" Administrative Decision and mailing list	03/05/2021
C.7	41	Administrative Decision and mailing list	03/05/2021
'D'	#	Comments	Date
D.1	2	Email and Letter from Houston and Gail Fuller (33537 SE Carpenter Lane)	02/05/2021