

# NOTICE OF DECISION



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone: (503) 988-3043

## Application for Lot Consolidation and Property Line Adjustment

**Case File:** T2-2024-0070

**Applicant:** Peter Fry

**Proposal:** Request for a Lot Consolidation of Property #2 and #3 and a Property Line Adjustment between Property #1 and the newly consolidated lot/parcel.

**Location:** **Property #1:** 41025 SE Loudon Rd, Corbett

**Property ID #** R342782

**Map, Tax lot:** 1S5E06C -00100

**Alt. Acct. #** R995060260

**Property #2:** 41029 SE Loudon Rd, Corbett

**Property ID #** R342776

**Map, Tax lot:** 1S5E06 -00700

**Alt. Acct. #** R995060180

**Property #3:** No situs address along Loudon Rd

**Property ID #** R588865

**Map, Tax lot:** 1S5E06 -00701

**Alt. Acct. #** R995060300

**Base Zone:** Commercial Forest Use – 4 (CFU-4)

**Overlays:** **Property #1, #2, and #3:** Geologic Hazards (GH)  
**Property #1 and #3:** Significant Environmental Concern for Streams (SEC-s)

**Determination:** 1) The property identified as 1S5E06C -00100 is a Lot of Record in its current configuration.  
2) The properties identified as 1S5E06 -00700 and 1S5E06 -00701 are not a Lot of Record in their current configuration. After the consolidation of the two (2) areas of land, the consolidated property will be a Lot of Record.

**Decision:** 3) The requested Lot Consolidation and Property Line Adjustment (PLA) are Approved with Conditions

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, June 17, 2025 at 4:00 pm.

**Issued by:**

A digital signature of Rithy Khut, consisting of a stylized black line forming the name "RITHY KHUT" in all caps.

Digitally signed by Rithy Khut  
DN: cn=Rithy Khut, o=Multnomah County,  
ou=Department of Community Services,  
email=rithy.khut@multco.us, c=US

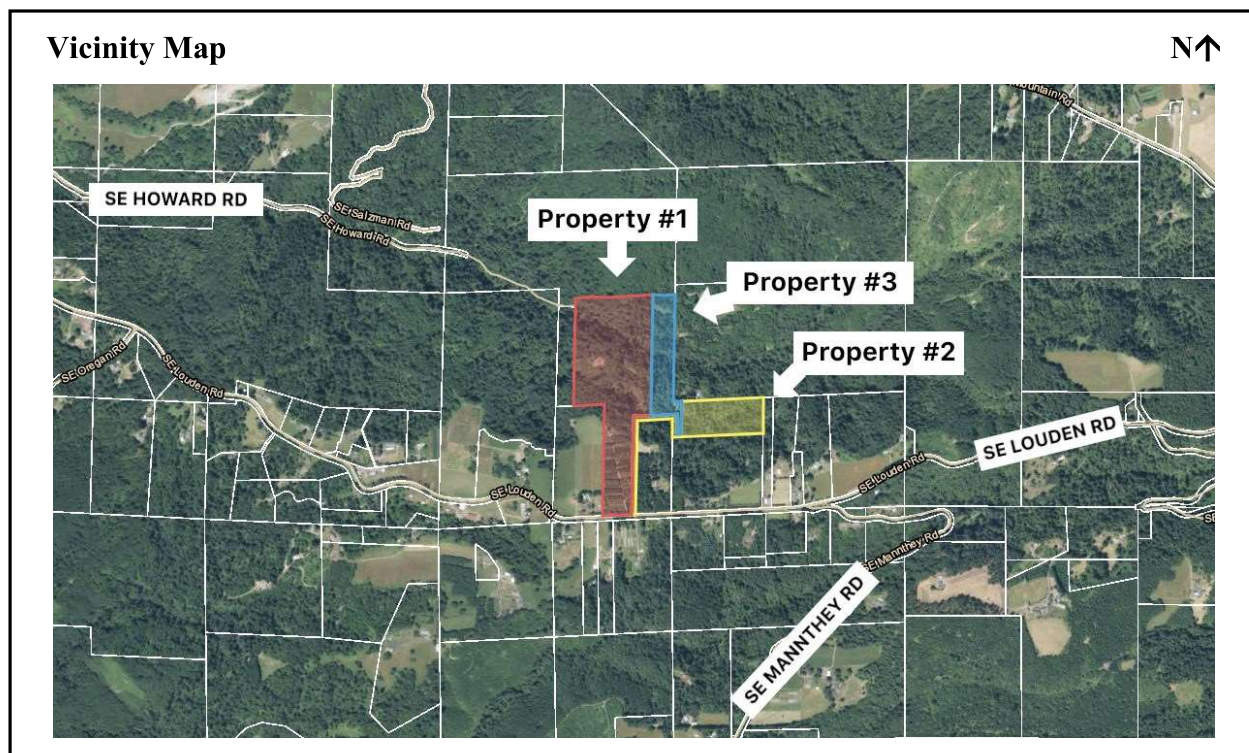
Rithy Khut, Senior Planner

**For:** Megan Gibb,  
Planning Director

**Date:** Tuesday, June 3, 2025

**Opportunity to Review the Record:** The complete case file and all evidence associated with this application is available for review by contacting [LUP-comments@multco.us](mailto:LUP-comments@multco.us). Paper copies of all documents are available at the rate of \$0.46/page.

**Opportunity to Appeal:** The appeal form is available at [www.multco.us/landuse/application-materials-and-forms](http://www.multco.us/landuse/application-materials-and-forms). Email the completed appeal form to [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us). An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted



### **Applicable Approval Criteria:**

**Multnomah County Code (MCC):** General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.6235 Stormwater Drainage Control

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3050 Lot of Record – Commercial Forest Use - 4 (CFU-4)

Commercial Forest Use Districts: MCC 39.4070(G) Lot Line Adjustment..., MCC 39.4070(K) Consolidation of Parcels and Lots..., MCC 39.4110 Forest Practices Setbacks and Fire Safety Zones, MCC 39.4115(D) and (E) Development Standards for Dwellings and Structures, MCC 39.4130 Lot Line Adjustment; Property Line Adjustment, MCC 39.4135 Access

Consolidation of Parcels and Lots: MCC 39.9200 Consolidation of Parcels and Lots

Property Line Adjustments: MCC 39.9300 Property Line Adjustment

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

## Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

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

- a. 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 a property line adjustment (PLA), “established” means the final deed have been recorded with the County Recorder.
  - ii. For purposes of 1.a, the property owner shall provide notification of the establishment of the use or development and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us) with the case no. T2-2024-0070 referenced in the subject line. [MCC 39.1170 and MCC 39.1185]

**Note:** 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.

**2. Prior to recording the deeds**, the property owner(s) or their representative(s) shall:

- a. Submit a request for Property Line Adjustment Final Review [MCC 39.1105, MCC 39.1170(A) and MCC 39.1250(A)].
- b. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. The signed document shall be submitted and uploaded when submitting for Zoning Review and Review of Conditions of Approval [MCC 39.1170(A) & (B)].

**3. When submitting deeds for Property Line Adjustment Final Review**, the property owner(s) or their representative(s) shall:

- a. Provide a Letter of Acknowledgement as required in Condition 3.b. [MCC 39.1170(A) & (B)]
- b. Submit a copy of the deeds with metes and bounds legal description that will be recorded to complete the Lot Consolidation and Property Line Adjustment (PLA). [MCC 39.1250(A), MCC 39.9200(C)(1)(c), and MCC 39.9300(D)]
  - i. **Consolidating Property #2 and #3:** The draft deed and metes and bounds legal description for the area consolidating Property #2 and #3. The legal description shall include the words: This new legal description is to complete the Lot Consolidation approval in land use case no. T2-2024-0070.
  - ii. **Transferring from the consolidated Property #2 and #3 to Property #1:** The draft deed and metes and bounds legal description for the area of land to be transferred from the consolidated Property #2 and #3 to Property #1.

- iii. **Property #1:** The draft deed and the metes and bounds legal description for the Property #1 after the transfer and reconfiguration. The legal description shall include the words: This new legal description is to complete the Property Line Adjustment approval in land use case no. T2-2024-0070.
  - iv. **Consolidated Property #2 and #3:** The draft deed and the metes and bounds legal description for the consolidated Property #2 and #3 after the transfer and reconfiguration. The legal description shall include the words: This new legal description is to complete the Property Line Adjustment approval in land use case no. T2-2024-0070.
- 4. **After submitting deeds for Property Line Adjustment Final Review**, the property owner(s) or their representative(s) shall:
  - a. Record the reviewed deeds that contain the stamped legal descriptions by Land Use Planning. The deeds shall be recorded in the following order: [MCC 39.1250(A), MCC 39.9200(C)(1)(d), and 39.9300(B)]
    - i. **Consolidation of Property #2 and Property #3:** The two areas of land contained in Property #2 and #3 consolidated into one (1) property.
    - ii. **Transferring of consolidated Property #2 and #3:** Area of land to be transferred from the Consolidated Property #2 and #3 to Property #1
    - iii. **Property #1:** Property #1 after the transfer and reconfiguration.
    - iv. **Consolidated Property #2 and #3:** Consolidated Property #2 and #3 after the transfer and reconfiguration.
- 5. The transferred properties shall not exist as a separate unit of land or tax lot after the property line adjustment is completed. No additional lot or parcel shall be created through this property line adjustment process. If either of these occurs, it shall be a violation of this approval. If not resolved prior to the expiration of this case, a new application will be required to correct the situation. [MCC 39.9300(A)]

**Note:** Land Use Planning must sign off on the building plans before you can go to the Building Department. When ready to submit Building Plans for Zoning Review, 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, “**When submitting deeds for Property Line Adjustment Final Review...**” Be ready to demonstrate compliance with the conditions.
- 2. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions regarding the submission of your deeds and metes and bound descriptions and review of conditions of approval. Please ensure that any items required under, “Prior to the recording the deeds...” and “When submitting deeds for Property Line Adjustment Final Review and Review of Conditions of Approval...” are ready for review. Land Use Planning collects additional fees at the time of zoning review.

Once you have obtained an approved zoning review, application for building permits may be made with the Multnomah County Division of Recording, Taxation, and Assessment (DART).

**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 Lot Consolidation of the properties identified as 1S5E06 -00700, which is also known as 41029 SE Loudon Rd, Corbett (“Property #2”) and 1S5E06 -00701 (“Property #3”). Upon the consolidation, the applicant also requests a Property Line Adjustment between the property identified as 1S5E06C -00100, which is also known as 41025 SE Loudon Rd, Corbett (“Property #1”) and the newly consolidated lot/parcel.

### 2.0 Property Description & History:

**Staff:** This application is for the properties identified as 1S5E06C -00100 also known as 41025 SE Loudon Rd, Corbett (“Property #1”), 1S5E06 -00700 also known as 41029 SE Loudon Rd, Corbett (“Property #2”), and 1S5E06 -00701 (“Property #3”). The subject properties are located north of SE Loudon Road in unincorporated east Multnomah County outside of Metro’s Urban Growth Boundary (UGB). The subject properties are zoned Commercial Forest Use – 4 (CFU-4). Property #1 and #3 each have two overlays Geologic Hazards (GH) and Significant Environmental Concern for Streams (SEC-s). Property #2 only has one overlay Geologic Hazards (GH)

Property #1 contains a single-family dwelling and deck according to the County Assessor. The Assessor first assessed the dwelling in 1988 and lists the property at approximately 34.79 acres. Aerial photos from 2025 show how one structure (Exhibit B.6). These are the previous land use/building permits associated with the property.

Permit No.	Date	Description
761973	10/26/1976	Aquaculture Building #1
761974	10/26/1976	Aquaculture Building #2
MC-364	09/25/1987	New replacement single-family dwelling
LD 3-88	03/10/1988	Land Division
T2-05-079	11/23/2005	Property Line Adjustment

Property #2 contains a single-family dwelling according to the County Assessor. The Assessor first assessed dwelling in 1984 and lists the property at approximately 10.77 acres. Aerial photos from 2025 show how one structure (Exhibit B.6). These are the previous land use/building permits associated with the property.

Permit No.	Date	Description
LD 3-88	03/10/1988	Land Division
N/A	06/07/1989	New single-family dwelling
T2-05-079	11/23/2005	Property Line Adjustment
T2-2021-15041	10/18/2022	Lot of Record Verification and Planning Director’s Decision

Property #3 is vacant according to the County Assessor and approximately 8.24 acres.

### 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 (Exhibit C.4). Staff did not receive public comments during the 14-day comment period.

### 4.0 Code Compliance and Applications Criteria:

#### 4.1 § 39.1250 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 or zoning review approval of development or any other approvals authorized by this code 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**

**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.

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 39.1250.

Staff identified several code compliance issues. The first relating to a Property Line Adjustment, land use case no. T2-05-079 that was not correctly implemented between Property #1 and Property #2 thus resulting in a land division creating Property #3. The second issue relates to the incorrect placement of the dwelling on a property north of Property #2. Staff described these issues to the property owner's representative on April 1, 2021 in a pre-file meeting (Exhibit B.7).

The applicant first responded by applying for Planning Director's Decision and Lot of Record Verification, land use case no. T2-2021-15041, to partially address the second issue. A Hearings Officer found that the dwelling was lawfully established and that Property #2 was a Lot of Record (Exhibit B.8). However, the Hearings Officer also found that the dwelling was incorrectly placed on a property north of Property #2.

This application, a Type II application is the second part of a sequencing of permits needed to resolve the code compliance issues. This application will address the incorrectly implemented Property Line Adjustment by consolidating Property #3 into Property #2. In completing the required Conditions of Approval in this Decision, the applicant will correct the land division issue, which would then allow the applicant to seek a second Property Line Adjustment to move the dwelling to the correct property. *As conditioned, criterion 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.**

**(1) “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.**

**(2) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:**

\* \* \*

**(d) By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and**

**(e) “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:** To qualify as a Lot of Record, a property, when created or reconfigured, must meet MCC 39.3005(B) of this section and meet the Lot of Record standards set forth in the CFU-4 zoning district. More specifically, section (B) above requires demonstration that the subject property (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. The Lot of Record standards set forth in the CFU-4 district establish additional requirements unique to the district, which are evaluated in Sections 5.2 of this decision. The findings below analyze whether the Lot of Record provisions in section (B) have been met.

The applicant provided a narrative to support the Lot of Record request (Exhibit A.3 through A.11).

Property #1 was previously found to be a Lot of Record in land use case no. T2-05-079 (Exhibit B.9). As part of the land use case, the property was supposed to be enlarged; however, the deeds were not recorded in the correct manner; therefore, the property was not subject to a boundary reconfiguration. As the property was not reconfigured from its original configuration as reviewed

in land use case no. LD 3-88, the subject property continues to satisfy all applicable zoning and land division laws

*Property #1 is a unit of land legally created by deed, reconfigured in full compliance with all zoning requirements, and met the applicable land partitioning requirements in effect on or after October 19, 1978. Property #1 is a Lot of Record.*

Property #2 was previously found to be a Lot of Record in land use case no. T2-2021-15041 (Exhibit B.8). As the subject property has not been subject to a subsequent boundary reconfiguration since those findings were written, the subject property continues to satisfy all applicable zoning and land division laws

*Property #2 is a unit of land legally created by deed, reconfigured in full compliance with all zoning requirements, and met the applicable land partitioning requirements in effect on or after October 19, 1978. Property #1 is a Lot of Record.*

Property #3 was created in 2005 under land use case T2-05-079. However, the property was created in error as the deeds were not recorded in the correct manner. As part of land use case no. T2-05-079, the property was the portion that was to be transferred from Property #2 to Property #1. The transfer was not completed correctly resulting in the creation of Property #3.

In 2005, the property was zoned Commercial Forest Use – 4 (CFU-4) per historical zoning maps (Exhibit B.10). The CFU-4 zone had a minimum lot size of 80 acres, a minimum front lot line length of 50 feet, and a requirement that a newly created property abut a street or have access determined by approval authority to be safe and convenient... (Exhibit B.11). Property #3 met none of those requirements. Therefore, the property did not comply with all applicable zoning laws at the time of its creation.

*Based upon the above, the Property #3 did not satisfy all applicable zoning and land division laws when it was created or reconfigured in 2005. As such, the applicant has sought to consolidate Property #3 into Property #2 as allowed by MCC 39.9200 Consolidation of Parcels and Lots. When Property #3 is consolidation into Property #2, the consolidated unit of land will be become a Lot of Record.*

\* \* \*

## **5.2 § 39.3050 LOT OF RECORD – COMMERCIAL FOREST USE-4 (CFU-4).**

**(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU-4 district a Lot of Record is either:**

- (1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or**
- (2) A group of contiguous parcels or lots:**
  - (a) Which were held under the same ownership on February 20, 1990; and**
  - (b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.**
    - 1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of**



parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

3. Three examples of how parcels and lots shall be aggregated are shown in MCC 39.3070 Figure 1 with the solid thick line outlining individual Lots of Record:

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception, urban, or Columbia River Gorge National Scenic Area zones (e.g. MUA-20, RR, SRC, R-10, GGA-40), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

\* \* \*

**Staff:** Based on ownership data, the Property #1 and #2 were contiguous parcels or lots under the same ownership on February 20, 1990. Using taxation data from 1989 and 1990 from Multnomah County Division of Assessment, Recording, and Taxation (DART) a comparison of ownership is shown below:

**Table 1 – Comparison of ownership of the Property #1 and surrounding properties**

State ID	Alternative Acct. #	Size	On 05/01/1989	On 05/01/1990
1S5E06C -00100	R995060260	34.79	Chamberlin, John G & Madnick, Ellen G	Chamberlin, John G & Madnick, Ellen G
1S5E06 -00700	R995060180	19.00	Chamberlin, John G et al	Chamberlin, John G & Madrick, Ellen G
1S5E06 -00701	R995060300	N/A	Did not exist	Did not exist
1S5E06C -00800	R995060150	15.89	Wilson, Steven A & Linda H	Wilson, Steven A & Linda H
1S5E06 -00500	R995060040	82.62	Lenske, Ruben & Smith, Raymond	Lenske, Ruben & Smith, Raymond
1S5E06C -00200	R995060070	4.97	Wilson, Jack L & Joan	Wilson, Jack L & Joan

**Table 2 – Comparison of ownership of the Property #2 and surrounding properties**

State ID	Alternative Acct. #	Size	On 05/01/1989	On 05/01/1990
1S5E06 -00700	R995060180	19.00	Chamberlin, John G et al	Chamberlin, John G & Madrick, Ellen G
1S5E06 -00701	R995060300	N/A	Did not exist	Did not exist
1S5E06D -00100	R995060080	80.00	Lenske, Ruben & Smith, Raymond	Lenske, Ruben & Smith, Raymond
1S5E06D -00300	R995060130	3.42	Axling, James L & Marilee	Axling, James L & Marilee
1S5E06C -00900	R995060200	9.72	Egner, Kenneth & Sandra L	Egner, Kenneth & Sandra L
1S5E06D -00200	R995060230	20.25	Dodd, Douglas R & Sears Victoria C	Dodd, Douglas R & Sears Victoria C

As part of the second requirement under MCC 39.3050(A)(2), if the continuous parcels or lots were under the same ownership on February 20, 1990 and were less than 19 acres, they would be

required to be aggregated to comply with the minimum lot size of 19 acres. Based on ownership data provided by DART above, Property #1 and Property #2 at 1990 were both 19 acres or larger in size. However, as previously discussed in Section 5.1, the applicant has sought to consolidate into Property #2 and Property #3 as allowed by MCC 39.9200 Consolidation of Parcels and Lots.

*Property #1 is not aggregated to any contiguous parcel or lot and originally Property #2 was also not aggregated to any contiguous parcel or lot. However, due to an incorrectly finalized Property Line Adjustment, Property #3 was created in error. Therefore, Property #2 and #3 are aggregated to comply with the minimum lot size of 19 acres. As previously discussed in Section 5.1, the applicant has sought to consolidate into Property #2 and Property #3 as allowed by MCC 39.9200 Consolidation of Parcels and Lots. When Property #2 and #3 are consolidated, the consolidated unit of land will be returned into its last lawfully configuration as described in 1976 and become a Lot of Record.*

**(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:**

\* \* \*

**Staff:** Section (B) is for information purposes.

**(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 39.4135, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.**

**Staff:** Property #1 is approximately 34.79 acres, Property #2 is approximately 10.77 acres, and Property #3 is approximately 8.24 acres, which are all less than the minimum lot size for new parcels or lots in this zone and subject to (C) above. The applicant has sought a Lot Consolidation and a Property Line Adjustment (PLA) which are each a Review Use. The applicant will need to demonstrate compliance with the requirements of the district as discussed in Section 6.0

**(D) The following shall not be deemed 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) A Mortgage Lot.**
- (4) An area of land created by court decree.**

**Staff:** As discussed above under section 5.1, the subject properties are not an area of land described as a tax lot solely for assessment and taxation purposes. The subject properties are not an area of land created by the foreclosure of a security interest, a mortgage lot, or created by court decree. *Criterion met.*

**(E) Disaggregation of Lots of Record existing on or before August 8, 1998, being the effective date of Ordinance 916.**

\* \* \*

**Staff:** The applicant is not seeking to disaggregate separate Lots of Record. *Criterion not applicable.*

## 6.0 Commercial Forest Use Districts (CFU) Criteria:

### 6.1 § 39.4075 REVIEW USES.

**(G) Lot Line Adjustment pursuant to all applicable approval criteria, including but not limited to the provisions of MCC 39.4130.**

**Staff:** The applicant is requesting a Lot Line Adjustment [also known as Property Line Adjustment (PLA)] between Property #1 (1S5E06C -0010) and the consolidated property of Property #2 (1S5E06 -00700) and Property #3 (1S5E06 -00701). As required above, the PLA is subject to MCC 39.4130, which is discussed in Section 6.4 below.

**(K) Consolidation of Parcels and Lots pursuant to MCC 39.9200.**

**Staff:** The applicant is requesting a consolidation of Property #2 (1S5E06 -00700) and Property #3 (1S5E06 -00701). As required above, the consolidation is subject to MCC 39.9200, which is discussed in Section 7.1 below.

### 6.2 § 39.4110 FOREST PRACTICES SETBACKS AND FIRE SAFETY ZONES.

**The Forest Practice Setbacks and applicability of the Fire Safety Zones is based upon existing conditions, deviations are allowed through the exception process and the nature and location of the proposed use. The following requirements apply to all structures as specified:**

**Table 1.**

Use	Forest Practice Setbacks			Fire Safety Zones
Description of use and location	Nonconforming Setbacks	Front Property Line Adjacent to County Maintained Road (feet)	All Other Setbacks (feet)	Fire Safety Zone Requirements (FSZ)
Property Line Adjustment; Lot of Exception; Land Divisions.	May maintain current nonconforming setback to existing structures	30	30	On tracts with required Primary & Secondary FSZ as part of a land use decision, both shall be maintained.

**(A) Reductions to a Forest Practices Setback dimension shall only be allowed pursuant to approval of an adjustment or variance.**

\* \* \*

**(C) The minimum forest practices setback requirement shall be increased where the setback 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 setback requirements in consultation with the Road Official.**

**Staff:** The existing structures on each property that is subject to the PLA are required to meet the Forest Practice Setbacks (“setbacks”) in Table 1 above. Additionally, as required under criterion (C), 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 Loudon Road, a rural local road. A rural local road is required to be 50 feet. As

indicated in DART assessment maps, the right-of-way along SE Loudon Road is 60 feet wide (Exhibit B.4 and B.5). No additional front setback is required at this time.

As measured all buildings on Property #1 are more than 30 feet from the property lines (Exhibit B.12). The buildings on property #2 and #3 do not currently meet the setback as this request is part of a sequence of permits to correct previous code compliance issues on those properties. Lastly, none of the buildings were part of a land use decision that required a primary or secondary fire safety zone; therefore, none are newly required.

\* \* \*

### **6.3 § 39.4115 DEVELOPMENT STANDARDS FOR DWELLINGS AND STRUCTURES.**

**(D) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 1 stream as defined in the Forest Practices Rules.**

\* \* \*

**Staff:** The applicant has provided a Water Service Review reviewed and approved by Corbett Water District (Exhibit A.8). The Water Service Review indicates that a 6-inch line is being used to provide water to both properties. *Criterion met.*

**(E) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, shall be provided on the Lot of Record.**

**(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 Septic Review Certification. The Septic Review Certification were reviewed and approved by Lindsey Reschke, Multnomah County Sanitarian on October 24, 2023 (Exhibit A.14). The Septic Review Certification states, “The proposed PLA...poses no concern to septic.”

The applicant is not proposing any new impervious surfaces as part of this application; therefore stormwater/drainage control systems are not required to be reviewed at this time. *Criterion met.*

### **6.4 § 39.4130 LOT LINE ADJUSTMENT; PROPERTY LINE ADJUSTMENT.**

**(A) Pursuant to the applicable provisions in MCC 39.9300, an adjustment of the common lot line between contiguous Lots of Record may be authorized based on a finding that:**

**(1) The permitted number of dwellings will not thereby be increased above that otherwise allowed in this base zone;**

**Staff:** The applicant has provided a tentative plan map showing location of the dwelling on Property #1. The dwelling is not being relocated from Property #1 and will remain on the same lot after the adjustment (Exhibit A.5). *Criterion met.*



**(2) The resulting lot configuration is at least as appropriate for the continuation of the existing commercial forest practices in the area as the lot configuration prior to adjustment;**

**Staff:** The narrative, tentative plan map, and aerial photos show the configuration of the properties to simplify the configuration of each property (Exhibit A.5, A.10, and B.5). Additionally, the new property line will allow Property #1 additional forested area acreage that could be utilized for commercial forest practices further from the existing dwelling. *Criterion met.*

**(3) The new lot line is in compliance with the dimensional requirements of MCC 39.4110;**

**Staff:** The tentative plan map shows the relocated common property line, all lot lines, and setback areas. As previously discussed in Section 6.2, the relocated common property line complies with all setbacks (Exhibit A.5). *Criterion met.*

**(4) Neither of the properties is developed with a dwelling approved under the provisions for a mobile home on a Health Hardship, or a dwelling for the housing of help required to carry out a farm or forest use; and**

**Staff:** None of the properties are developed with a dwelling approved under a health hardship or housing of help required to carry out a farm or forest use; therefore, this criterion is not applicable. *Criterion not applicable.*

**(5) If the properties abut a street, the required access requirements of MCC 39.4135 are met after the relocation of the common property line.**

**Staff:** The tentative plan map shows access to the subject properties. Each of the properties abuts a street. Both Property #1 and the newly consolidated Property #2 and #3 will continue to abut a public street (Exhibit A.5). *Criterion met.*

**(B) Subject to subsection (C) of this section, for land located entirely outside the corporate limits of a city, a county may approve a property line adjustment in which:**

- (1) One or both of the abutting lawfully established units of land are smaller than the minimum lot or parcel size for the applicable zone before the property line adjustment and, after the adjustment, one is as large as or larger than the minimum lot or parcel size for the applicable zone; or**
- (2) Both abutting lawfully established units of land are smaller than the minimum lot or parcel size for the applicable zone before and after the property line adjustment.**

**Staff:** Both Property #1 and the newly consolidated Property #2 and #3 are located entirely outside of the corporate limits of a city. The tentative plan map shows the size of the subject properties (Exhibit A.5). Each of the properties are smaller than the minimum lot or parcel size for the CFU-4 zone before and after the PLA. *Criterion met.*

**(C) A property line adjustment may not be used to:**

- (1) Decrease the size of a lawfully established unit of land that, before the relocation or elimination of the common property line, is smaller than 80 acres and contains an existing dwelling or is approved for the construction of a dwelling, if another lawfully established unit of land affected by the property line adjustment would be increased**

**to a size as large as or larger than the minimum lot or parcel required to qualify the other affected lawfully established unit of land for a dwelling;**

**Staff:** The tentative plan map showing the size of the subject properties (Exhibit A.5). Each of the properties are smaller than 80 acres. Property #1 contains an existing dwelling; however, the newly consolidated Property #2 and #3 that is affected by the PLA will not be increased to a size as larger or larger than the minimum lot size to qualify for a dwelling. *Criterion met.*

**(2) Decrease the size of a lawfully established unit of land that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than 80 acres, if another lawfully established unit of land affected by the property line adjustment would be increased to a size as large as or larger than the minimum lot or parcel size required to qualify the other affected lawfully established unit of land for a dwelling;**

**Staff:** The tentative plan map shows the size of the subject properties (Exhibit A.5). Each of the properties are smaller than 80 acres. Property #1 contains an existing dwelling. The newly consolidated Property #2 and #3 will not be increased to a size as larger or larger than the minimum lot size to qualify for a dwelling. *Criterion met.*

**(3) Allow an area of land used to qualify a lawfully established unit of land for a dwelling based on an acreage standard to be used to qualify another lawfully established unit of land for a dwelling if the land use approval would be based on an acreage standard; or**

**Staff:** The tentative plan map shows the size of the subject properties (Exhibit A.5). The PLA will increase the size of either property subject to the PLA to allow for a dwelling based on the acreage standard. *Criterion met.*

**(4) Adjust a property line that resulted from a subdivision or partition authorized by a waiver (as that term is defined in ORS 195.300) so that any lawfully established unit of land affected by the property line adjustment is larger than:**

\* \* \*

**Staff:** The subject properties were not created by subdivision or partition; therefore, no property line authorized by a waiver will be adjusted. *Criterion met.*

## **6.5 § 39.4135 ACCESS.**

**All lots and parcels in this base zone shall abut a public street or shall have other access deemed 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 preexisting lot and parcel that constitutes a Lot of Record described in MCC 39.3010(C), 39.3020(C), 39.3030(C), 39.3040(C), 39.3050(C) or 39.3060(C).**

**Staff:** As the properties will be adjusted by the PLA, both properties are subject to the access requirement above since they are not pre-existing. The tentative plan map shows access to the subject properties (Exhibit A.5). Each of the properties will continue to abut a public street after the PLA is completed. *Criterion met.*

## **7.0 Consolidation of Parcels and Lots Criteria:**

### **7.1 § 39.9200 CONSOLIDATION OF PARCELS AND LOTS.**

\* \* \*

**(C) Consolidation of parcels created by “metes and bounds” deed descriptions may be approved under the standards of either Subsections (1) or (2) of this Subsection as follows:**

**(1) If all the subject parcels proposed for consolidation were created by deed instruments prior to October 19, 1978, (the effective date of Ord. 174), or are Lots of Record created by deed instrument under the “minor partitions exempted” section 1.224 of Ord. 174 and MCC 39.9050, then the following shall apply:**

**(a) Under a Type I Permit Review , an application and fee shall be submitted to the Land Use Planning office. The contents of the application shall include maps, copies of all current deeds, a title report, an affidavit signed by the owner that verifies that the owner has the authority to consolidate the parcels, and any supplementary material that is determined by the Planning Director to be necessary and relevant to demonstrate compliance with the standards in (b);**

**Staff:** The applicant is requesting a consolidation of Property #2 and #3. As discussed in Section 4.0 and 5.1, Property #3 is not a LOR as it is a result of an incorrectly finalized PLA. To correct land division violation, Property #3 will be consolidated back into Property #2. Originally in 1988, Property #2 and #3 were one metes and bounds description (Exhibit B.9).

The applicant is electing to process the consolidation as part of a Type II permit review. They have provided a tentative plan map, copies of all current deeds, title reports, and an attestation signed by the owner that verifies that the owner has the authority to consolidate the parcels (Exhibit A.11 through 13). *Criterion met.*

**(b) The Planning Director shall verify the following in a written report:**

**1. The subject parcels are in the same ownership and there are no ownership or financing obstacles to completing the consolidation;**

**Staff:** The applicant has provided an attestation that there are no ownership or financing obstacles that would prevent completing the consolidation Property #2 and #3 into a single lot/parcel (Exhibit A.13). *Criterion met.*

**2. The parcels to be consolidated are either existing Lots of Record or the act of consolidation will correct a past unlawful land division;**

**Staff:** As discussed above in Section 5.1, Property #3 was divided as it is a result of an incorrectly finalized PLA. By consolidating Property #3 back into Property #2, it will correct a past unlawful land division. *Criterion met.*

**(c) The applicant shall submit to the Planning Director a copy of an unrecorded deed that conforms to the requirements of the Director’s report; and**

**Staff:** The applicant has provided a map and legal description that conforms to the requirements to consolidate Property #2 and #3 (Exhibit A.16 and A.17). A condition will be required to record consolidation for it to be perfected. *As conditioned, criterion met.*

**(d) The applicant shall record the approved deed that accurately reflects the approved parcel consolidation.**

**Staff:** The legal description accurately reflects the consolidated properties (Exhibit A.12). A condition will be required to record consolidation for it to be perfected. *As conditioned, criterion 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:**

**(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 the newly consolidated Property #2 and #3 (Exhibit A.5). No additional lot or parcel is proposed to be created. A condition will be required that the PLA be reviewed by Land Use Planning's staff prior to the recording of the deeds to ensure that no additional lot or parcel is created by the PLA. *As conditioned, criterion 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 owners of both properties have signed the Application Form and Letters of Authorization consenting to this application in order to record conveyances confirming to the approved PLA (Exhibit A.1, A.2, and A.9). *As conditioned, criterion 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, the adjusted properties have met the approval criteria for a PLA in the Commercial Forest Use (CFU-4) base zone. *Criterion 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 PLA to adjust the common property line; a condition will be required that prior to recordation of the conveyances Land Use Planning Staff review the final deeds. *As conditioned, criterion met.*



## 9.0 Conclusion

Based on the findings and other information provided above, the subject property identified as 1S5E06C - 00300 ("Property #1") is a Lot of Record in its current configuration. The subject properties identified as 1S5E06C -00400 ("Property #2") and 1S5E06C -00500 ("Property #3") are not a Lot of Record in their current configuration. Based on the findings and other information provided above, the applicant has carried the burden necessary for a Lot Consolidation to consolidate of Property #2 and #3 so that the two (2) areas of land will be a consolidated property that will be a Lot of Record. Lastly the applicant has carried the burden necessary for a Property Line Adjustment (PLA) in the Commercial Forest Use (CFU-4) 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

Exhibits with an '\*' have been reduced in size and included with the mailed decision. All exhibits are available for digital review by sending a request to [LUP-comments@multco.us](mailto:LUP-comments@multco.us).

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	09/12/2024
A.2	1	Letter of Authorization from John Chamberlin and Ellen Madnick	09/12/2024
A.3	1	Lot Confirmation Narrative	09/12/2024
A.4	4	Lot Line Adjustment Narrative	09/12/2024
A.5*	1	Property Line Adjustment Tentative Plan Map	09/12/2024
A.6	4	Septic Review Certificate	09/12/2024
A.7	2	Fire Service Agency Review	09/12/2024
A.8	1	Water Service Review	09/12/2024
A.9	2	Revised Application Form	12/30/2024
A.10	3	Revised Lot Line Adjustment Narrative	12/30/2024
A.11	2	Lot Consolidation Narrative	12/30/2024
A.12*	2	Lot Consolidation: 1. Tentative Plan Map* 2. Legal Description	12/30/2024
A.13	1	Lot Consolidation Attestation	12/30/2024
<b>'B'</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment and Taxation Property Information for 1S5E06C - 00100 (Alt Acct# R995060260 / Property ID# R342782)	09/12/2024

B.2	2	Assessment and Taxation Property Information for 1S5E06 - 00700 (Alt Acct# R995060180 / Property ID# R342776)	09/12/2024
B.3	2	Assessment and Taxation Property Information for 1S5E06 - 00701 (Alt Acct# R995060300 / Property ID# R588865)	09/12/2024
B.4	1	Current Tax Map for 1S5E06C	09/12/2024
B.5	1	Current Tax Map for 1S5E06	09/12/2024
B.6	5	Aerial Photo	05/09/2025
B.7	7	Pre-Filing Meeting Summary Notes, PF-2024-14443	05/09/2025
B.8	14	Land Use Case No. T2-2021-15041 Notice of Hearings Office Decision	05/09/2025
B.9	59	Land Use Case No. T2-05-079 Notice of Decision	05/09/2025
B.10	1	Zoning Map showing zoning before and on July 8, 1999	05/09/2025
B.11	242	Chapter 35 – East of Sandy River Rural Plan Area Zoning Code adopted on June 13, 2004	05/09/2025
B.12	1	Survey \$50584	05/19/2025
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	8	Incomplete letter	10/09/2024
C.2	1	Applicant’s acceptance of 180-day clock	11/04/2024
C.3	2	Complete letter (day 1)	01/28/2025
C.4	6	Opportunity to Comment	04/29/2025
C.5	7	“Short” Decision	06/03/2025
C.6	21	Decision	06/03/2025





REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Erin Jones

OREGON  
JULY 16, 1982  
ERRIC D. JONES  
1996

RENEWS: 6-30-25

# EXHIBIT MAP

**FOR A  
LOT CONSOLIDATION  
OF**

TAX LOTS 700 AND 701

**SITUATED IN THE SOUTH 1/2 OF SECTION 6, T.1S., R.5E.  
COUNTY OF MULTNOMAH, STATE OF OREGON**

CHASE, JONES & ASSOCIATES INC.  
3410 SE 20TH AVENUE PORTLAND, OREGON 97202

PHONE: (503) 228-9844

PROJECT NO.: 16622

DATE: DECEMBER 27, 2024

SCALE: 1" = 400'

**LOUDEN ROAD**