

# NOTICE OF DECISION



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## Application for Lot of Record and Property Line Adjustment

**Case File:** T2-2025-0016

**Applicant:** Peter Fry

**Proposal:** Request for a Lot of Record (LOR) Verification and Property Line Adjustment (PLA). A Lot of Record Verification determines if a property was lawfully established in compliance with zoning and land division laws at the time of its creation or reconfiguration and the County's aggregation requirements. The Property Line Adjustment is between Property #1 and Property #2 below.

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**Location:** **Property #1:** 41029 SE Loudon Rd, Corbett

**Property ID #** R342776

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

**Alt. Acct. #** R995060180

**Property #2:** No situs address north of Property #1

**Property ID #** R342768

**Map, Tax lot:** 1S5E06D -00100

**Alt. Acct. #** R995060080

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

**Overlays:** Property #1 and #2: Geologic Hazards (GH)  
Property #2: Significant Streams (SEC-s)

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**Determination:** 1) The property identified as 1S5E06D -00100 is a Lot of Record in its current configuration.

**Decision:** 2) The requested Property Line Adjustment (PLA) is Approved with Conditions

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, February 13, 2026 at 4:00 pm.**

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**Issued by:**

A handwritten signature in black ink, appearing to read "Rithy Khut", written over a horizontal line.

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:** Friday, January 30, 2026

**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

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) Review Uses - Lot Line Adjustment..., 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

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. T2-2025-0016 referenced in the subject line. [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 representatives 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 Property Line Adjustment Final Review. [MCC 39.1170(A) & (B)]
- c. Complete all conditions of approval from land use case no. T2-2024-0070. [MCC 39.1250]

**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 2.b. [MCC 39.1170(A) & (B)]
- b. Provide copies of the deeds and evidence that all conditions of approval from land use case no. T2-2024-0070 have been completed, as required in Condition 2.c. [MCC 39.1250 and MCC 39.1170(A) & (B)]
- c. Submit a copy of the deeds with metes and bounds legal description that will be recorded to complete the Property Line Adjustment (PLA). [MCC 39.1250(A) and MCC 39.9300(D)]
  - i. **Transferring from the Property #1 to Property #2:** The draft deed and metes and bounds legal description for the area of land to be transferred from Property #1 to Property #2.

- ii. **Transferring from the Property #2 to Property #1:** The draft deed and metes and bounds legal description for the area of land to be transferred from Property #2 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. T2-2025-0016.
  - iv. **Property #2:** The draft deed and the metes and bounds legal description for Property #2 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. T2-2025-0016.
- 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. **Transfer of Property #1:** Area of land to be transferred from Property #1 to Property #2
    - ii. **Transfer of Property #2:** Area of land to be transferred from Property #2 to Property #1
    - iii. **Property #1:** Property #1 after the transfer and reconfiguration.
    - iv. **Property #2:** Property #2 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 review of conditions of approval. “Prior to the recording the deeds...” and “When submitting deeds for Property Line Adjustment Final Review ...” 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 recording may be made with 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 of Record Verification for the property identified as 1S5E06D -00100 (Property #2) and a Property Line Adjustment (PLA) between the property identified as 1S5E06 -00700 also known as 41029 SE Loudon Rd, Corbett (Property #1) and Property #2.

### 2.0 Property Description & History:

**Staff:** This application is for the properties identified as 1S5E06C -00700 also known as 41029 SE Loudon Rd, Corbett (“Property #1”) and 1S5E06D -00100 (“Property #2”). 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 #2 have the Geologic Hazards (GH) overlay, while Property #2 additionally has the Significant Streams (SEC-s) overlay.

Property #1 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 the property is vacant (Exhibit B.5). 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
T2-2024-0070	06/17/2025	Lot Consolidation and a Property Line Adjustment

Property #2 does not contain any buildings or structures according to the County Assessor. The Assessor lists the property at approximately 80.00 acres. Aerial photos from 2025 show one structure (Exhibit B.5). There are no previous land use/building permits associated with the property.

### 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, in land use case no. T2-05-079, that was not correctly implemented between Property #1 and the adjacent property to the west, identified as 1S5E06C -00100 (41025 SE Loudon Rd, Corbett). An area of land identified as 1S5E06 -00701 was created. The second issue relates to the incorrect placement of the dwelling on a property north of Property #1. Staff described these issues to the property owner's representative on April 1, 2021 in a pre-file meeting (Exhibit B.6).

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 #1 was a Lot of Record (Exhibit B.7). However, the Hearings Officer also found that the dwelling was incorrectly placed on a property north of Property #1.

Then the applicant requested a Lot Consolidation of the properties identified as 1S5E06 -00700 (41029 SE Loudon Rd, Corbett) and 1S5E06 -00701, in addition to a Property Line Adjustment between Property #2 and the newly consolidated lot/parcel. The request was reviewed under land use case no. T2-2024-0070 (Exhibit B.8). A Decision was issued, and finalized Tuesday, June 17, 2025.

This application, a Type II application is the third part of a sequencing of permits needed to resolve the code compliance issues. This application will address the incorrect placement on the

dwelling on the property north of Property #1. In completing the required Conditions of Approval in this Decision, the applicant will resolve the compliance issue and bring the property back into compliance with Multnomah County code. *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:**

\* \* \*

**(b) 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**

**(c) 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**

\* \* \*

**Staff:** To qualify as a Lot of Record, the subject 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 Commercial Forest Use – 4 (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.

Property #1 was previously found to be a Lot of Record in land use case no. T2-2021-15041. Property #1 will be subject to a boundary reconfiguration as approved in land use case no. T2-2024-0070. Upon recording of deeds, the applicant will be consolidating Property #1 and the adjacent property identified as 1S5E06 -00701. Then the applicant will record deeds to reconfigure the newly consolidated property with 1S5E06C -00100. Upon recording of the deeds, Property #1 will satisfy all applicable zoning. A condition will be required that prior to recording deeds for this Property Line Adjustment that Conditions of Approval for T2-2024-0070 be completed and appropriate deeds be recorded.

*As conditioned, Property #1 complied with all applicable zoning laws and all applicable land division laws at the time of its creation and will comply with all applicable zoning laws and all applicable land division laws when the property is reconfigured.*

For Property #2, the applicant provided 1 deed to support the Lot of Record request (Exhibit A.11). Staff also obtained 3 deeds/contracts and 1 Parcel Record – Cartographic Unit Card (Exhibit B.9 through B.12) The earliest contract provided was recorded/in recordable form in 1968 and contains a legal description matching the current configuration of the Property #2 (Exhibit B.9). In 1968, the Property #2 was zoned Agricultural District (F-2) per historical County zoning maps (Exhibit B.13).

The F-2 zone had a minimum lot size of 2 acres. There was no requirement for road frontage or minimum front lot line length or lot width requirements.

Property #2 is 3,484,800 sq. ft or 80 acres The current deed for the Property #2 contains a legal description that matches the recorded 1968 legal description (Exhibit B.9 and B.11).

*The subject property complied with all applicable zoning laws at the time of its creation or reconfiguration.*

In 1968, the process to create or divide a parcel required a deed or sales contract dated and signed by the parties to the transaction. The document needed to be in recordable form or recorded with the County Recorder prior to October 19, 1978. As evidenced by the 1968 deed, the applicable land division laws were satisfied (Exhibit B.9).

*Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1968.*

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

\* \* \*

**Staff:** The applicant is not requesting that separate Lots of Record be recognized or for separate Lots of Record be partitioned; therefore, these criteria are not applicable. *Criteria not applicable.*

## **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:**

\* \* \*

**Staff:** Based on ownership data, Property #1 and Property #2 were contiguous parcels/lots, but not under the same ownership on February 20, 1990. Further, in land use case no. T2-2024-0070, it was found that Property #1 was subject to an improperly finalized Property Line Adjustment. The property identified as 1S5E06 -00701 was created in error from Property #1. As was discussed in T2-2024-0070, 1S5E06 -00701 was the only property that was contiguous, under the same ownership, and less than 19 acres in size; therefore, aggregating it with Property #1.

To correct the issue, the applicant proposed to consolidate Property #1 and 1S5E06 -00701. Then the applicant reconfigured the common boundary between the consolidated property and the property identified as 1S5E06C -00100. Upon recording of the deeds, Property #1 will return to being not contiguous to any other parcel/lot under the same ownership on February 20, 1990.

*As conditioned, Property #1 aggregated with the property identified as 1S5E06 -00701, as both areas of land are contiguous and under the same ownership on February 20, 1990.*

For Property #2, using taxation data from 1989 and 1990 from Multnomah County Division of Assessment, Recording, and Taxation (DART), Property #2 was not contiguous to any other parcel or lot under the same ownership on February 20, 1990

**Table 1 – Comparison of ownership of the Property #2 and surrounding properties**

State ID	Alternative Acct. #	Size	On 05/01/1989	On 05/01/1990
1S5E06D -00100	R995060080	80.00	Lenske, Ruben & Smith, Raymond	Lenske, Ruben & Smith, Raymond
1S5E05 -00100	R995050050	99.00	Longview Fibre Co	Longview Fibre Co
1S5E06 -00500	R995060040	82.62	Lenske, Ruben & Smith, Raymond	Lenske, Ruben & Smith, Raymond
1S5E06 -00600	R995060020	80.00	Lenske, Ruben & Smith, Raymond	Lenske, Ruben & Smith, Raymond
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 -00300	R995060130	3.42	Axling, James L & Marilee	Axling, James L & Marilee
1S5E06D -00400	R995060140	6.70	Helland, Ernest & Palmer, James	Helland, Ernest & Palmer, James
1S5E06D -00600	R995060160	9.35	Blum, John C	Blum, John C
1S5E06D -00700	R995060090	23.49	Tribe, William F & Diane	Tribe, William F & Diane

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 #2 in 1990 was over 19 acres in size. No other

continuous properties were owned by Lenske, Ruben & Smith, Raymond that was less than 19 acres and required to be aggregated.

*Property #2 is not aggregated to any contiguous other parcel or lot under the same ownership on February 20, 1990. Property #2 is an individual 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 less than the minimum lot size for new parcels or lots in this zone and subject to (C) above. Property #2 has less than the minimum front lot line length required and does not front onto a public street; therefore, Property #2 is subject to (C) above. Both properties may be occupied by any allowed, review or conditional use when in compliance with the other requirements of this district provided it remains a Lot of Record. *Criterion met.*

**(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 Property #1 and #2 are not an area of land described as a tax lot solely for assessment and taxation purposes. Property #1 and #2 are also not an area of land created by the foreclosure of a security interest, a mortgage lot, or created by court decree. *Criterion met.*

*Based on the findings in 5.1 & 5.2 above, as conditioned, Property #1 is an individual Lot of Record and Property #2 is an individual Lot of Record.*

**(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.**

**The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter:**

**(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 (1S5E06 -00700) and Property #2 (1S5E06D -00100). As required above, the PLA is subject to MCC 39.4130, which is discussed in Section 6.4 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.**

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

**(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.3 and B.4). No additional front setback is required currently.

After the property line adjustment is completed, there will be three (3) structures on Property #1. As existing structures, the buildings are allowed to maintain their nonconforming setback. As measured, two of the buildings on Property #1 are more than 30 feet from any property lines (Exhibit A.10). The third building may maintain the 5.6-foot setback to the east property line. Lastly, none of the buildings were part of a land use decision that required a primary (“PFSZ”) or secondary fire safety zone (“SFSZ”); therefore, no new PFSZ or SFSZ is required. *Criteria met.*

## **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.12). The Water Service Review indicates that a 6-inch line is being used to provide water to Property #1. *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 Nicole Blais, Multnomah County Sanitarian on August 31, 2023 (Exhibit A.13). The Septic Review Certification states, “Proposed PLA poses no concern to septic.”

The applicant will be moving an existing dwelling from Property #2 to Property #1. In moving the dwelling, new impervious surfaces will be on Property #1. The applicant has provided a Storm Water/Drainage Control Certificate that was reviewed and certified by Kelli Grover, P.E. The Certificate recommends, “Use of Gutter, downspout, and splash block drainage control system” (Exhibit A.18 and A.19). This system will ensure that the rate of runoff from the subject property during a 10-year/24-hour storm event is no greater than that before the development. *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 existing dwelling on Property #2. The dwelling is being relocated from Property #2 to Property #1. No new dwellings are proposed; therefore, the permitted number of dwellings will remain the same after the adjustment (Exhibit A.10 and A.17). *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.10, A.17, and B.5). The new configuration will move the existing dwelling on Property #2 to Property #1; thereby leaving the remainder of Property #2 available to continued commercial forest practices. Lastly, as Property #1 is a smaller property, moving the existing dwelling to Property #1 will result in less impacts to commercial forest practices that could occur on Property #2 in the future. *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.10). *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:** Neither 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. Property #1 abuts a street. The adjusted Property #1 will continue to abut a public street (Exhibit A.9 and A.10). Property #2 has not historically abutted a street and will continue to not abut a street. *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 Property #2 are located entirely outside of the corporate limits of a city. The tentative plan map shows the size of the subject properties (Exhibit A.9 and A.10). 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 shows the size of the subject properties (Exhibit A.9 and A.10). Each of the properties are smaller than 80 acres. The properties 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.9 and A.10). Each of the properties are smaller than 80 acres. The properties 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.9 and A.10). The PLA will not 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:** The properties subject to the PLA are both preexisting as they both constitute a Lot of Record as discussed in Section 5.0. Property #1 currently abuts a public street and will continue to abut a public street. *Criterion met.*

## **7.0 Property Line Adjustments Criteria:**

### **7.1 § 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 Property #2 (Exhibit A.9 and A.10). 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 Letter of Authorization consenting to this application to record conveyances confirming to the approved PLA (Exhibit A.1, A.5, A.15, and A.16). *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 6.0, 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.*

## **8.0 Conclusion**

Based on the findings and other information provided above, the subject property identified as 1S5E06D - 00100 ("Property #2") is a Lot of Record in its current configuration.

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Property Line Adjustment (PLA) in the Commercial Forest Use – 4 (CFU-4) zone. This approval is subject to the conditions of approval established in this report.

## **9.0 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).

<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>Date Received / Submitted</b>
A.1	2	Application Form	04/04/2025
A.2	4	Narrative	04/04/2025
A.3	1	Property Line Adjustment Tentative Plan Map – Sheet 1 of 2	04/04/2025
A.4	12	Fidelity National Title Report for 1S5E06D -00100	04/04/2025
A.5	1	Letter of Authorization from R. Dennis Wiancko and Cynthia N. Wiancko	04/04/2025
A.6	1	Lot Confirmation Narrative	04/04/2025
A.7	4	Lot Line Adjustments Narrative	04/04/2025
A.8	6	Template Test Narrative	04/04/2025
A.9*	1	Property Line Adjustment Tentative Plan Map – Sheet 1 of 2	04/04/2025
A.10*	1	Property Line Adjustment Tentative Plan Map – Sheet 2 of 2	04/04/2025
A.11	1	Warranty Deed recorded in Book 1216, Page 292 on October 21, 1977	04/04/2025
A.12	1	Certification of Water Service	04/04/2025
A.13	4	Septic Review Certification	04/04/2025
A.14	2	Fire Agency Review	04/04/2025
A.15	1	Letter of Authorization from John Chamberlain, Ellen Madnick, R. Dennis Wiancko, Cynthia N. Wiancko, and Daniel Prince, and Jennifer Prince	04/04/2025
A.16	1	Revised Letter of Authorization from John Chamberlain, Ellen Madnick, R. Dennis Wiancko, Cynthia N. Wiancko, and Daniel Prince, and Jennifer Prince	04/04/2025
A.17	3	Revised Lot Line Adjustments Narrative	04/04/2025
A.18	2	Stormwater Drainage Control Certificate prepared by Kelli Grover, PE	04/26/2025
A.19	19	Stormwater Report prepared by Kelli Grover, PE	04/26/2025
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment and Taxation Property Information for 1S5E06 - 00700 (Alt Acct# R995060180 / Property ID# R342776)	04/04/2025
B.2	2	Assessment and Taxation Property Information for 1S5E06D - 00100 (Alt Acct# R995060080 / Property ID# R342768)	04/04/2025
B.3	1	Current Tax Map for 1S5E06	04/04/2025

B.4	1	Current Tax Map for 1S5E06D	04/04/2025
B.5	1	Aerial Photo from Google Earth taken on August 9, 2025	09/11/2025
B.6	7	Pre-Filing Meeting Summary Notes, PF-2021-14443	09/11/2025
B.7	14	Notice of Hearings Officer Decision, T2-2021-15041	09/11/2025
B.8	21	Notice of Decision, T2-2024-0070	09/11/2025
B.9	4	Contract recorded in Book 609, Page 603-604 on March 18, 1968	01/08/2026
B.10	2	Bargain and Sale recorded in Book 1700, Page 1362-1363 on October 20, 1983	01/08/2026
B.11	3	Statutory Warranty Deed recorded under Instrument #2020-128515 on October 05, 2020	01/08/2026
B.12	3	Parcel Record – Cartographic Unit Card for 1S5E06D -00100 (Alt Acct# R995060080 / Property ID# R342768)	01/08/2026
B.13	1	Multnomah County Sectional Zoning Map showing zoning prior to October 5, 1977	01/20/2026
B.14	2	Multnomah County Zoning Code adopted June 18, 1964 – Section 2.00 Districts	01/20/2026
B.15	49	Multnomah County Zoning Code adopted June 18, 1964 – Section 3.00 Residential Districts	01/20/2026
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	5	Incomplete letter	04/29/2025
C.2	1	Applicant’s acceptance of 180-day clock	05/02/2025
C.3	2	Complete letter (day 1)	06/18/2025
C.4	5	Opportunity to Comment	09/11/2025
C.5	1	Extension Request	11/03/2025
C.6	1	Extension Request #2	12/05/2025
C.7	1	Extension Request #3	01/13/2026
C.7	7	“Short” Decision	01/30/2026
C.8	20	Decision	01/30/2026

# MULTNOMAH COUNTY SURVEY RECORDS

DATE FILED:

REGISTER NUMBER

AREA SUMMARY TABLE			
DOCUMENT NO.	EXISTING	PROPOSED	ADJUSTED
DOCUMENT NO. 2011-063672	3,408.663	-	-
DOCUMENT NO. 2006-023014	484.771	-	-
TRACT 4	-	3,408.663	-
TRACT 5	-	484.771	-
EXCHANGE TRACT 6	-	-	137.987
EXCHANGE TRACT 7	-	-	137.987

NOTE: THE VALUES SHOWN HEREON ARE IN UNITS OF SQUARE FEET.

TRACT 4  
3,408.663 SQ. FT.  
78.25 ACRES

DOCUMENT NO. 2024-XXXXXX

FD 5/8" IRON ROD W/IPC  
STAMPED "S 89°16'00" E  
ASSOCIATES PER SN 62669

NOTES:  
1. THIS PLAT IS SUBJECT TO THE CONDITIONS IMPOSED BY MULTNOMAH COUNTY IN CASE FILE NO.  
2. ALL CALLINGS ARE CARDINAL.



FD 4" BRASS DISC  
PER E.T. BOOK G,  
AS SHOWN (THIS  
POINT WAS NOT  
TIED IN SN 62669)



S 87°45'16" W 2622.49'

N 87°10'09" E 2622.93' (2621.10') 1,2

FD 2-1/4" BRASS DISC  
IN MONUMENT BOX PER  
E.T. BOOK G, PAGE 654,  
STAMPED AS SHOWN



SEE SHEET 2 OF 2

OLD PROPERTY LINE

NEW PROPERTY LINE

TRACT 5

TRACT 6

TRACT 7

TRACT 8

TRACT 9

TRACT 10

TRACT 11

TRACT 12

TRACT 13

TRACT 14

TRACT 15

TRACT 16

TRACT 17

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