

NOTICE OF DECISION



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

Application for Category 3 Land Division

Case File: T2-2025-0033

Applicant: Sarah Selden and David Selden

Proposal: Request for a Category 3 Land Division for a two (2) parcel partition along the Exclusive Farm Use (EFU) and Springdale Rural Center (SRC) zoning boundary.

Location: No situs address, adjacent to and west of 32431 E. Bell Rd., Corbett **Property ID #** R688073

Map, Tax lot: 1N4E33C -00703 **Alt. Acct. #** R649683270

Base Zone: Exclusive Farm Use (EFU) and Springdale Rural Center (SRC)

Overlays: None

Decision: **Approved with Conditions**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is March 20, 2026 at 4:00 pm.

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. Paper copies of all documents are available at the rate of \$0.71/page.

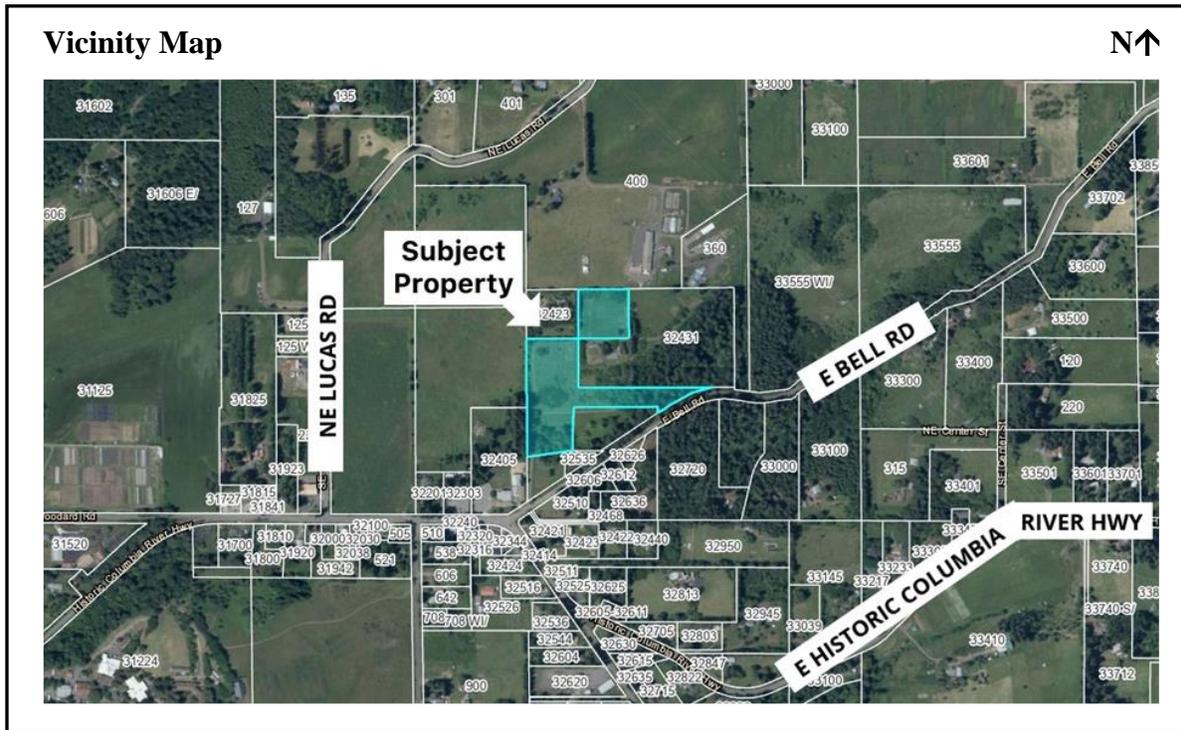
Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable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

Issued by: _____

Anna Shank-Root, Planner

For: Megan Gibb,
Planning Director

Date: March 6, 2026



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 39.3070 Lot of Record – Exclusive Farm Use (EFU), MCC 39.3110 Lot of Record – Burlington Rural Center (BRC) and Springdale Rural Center (SRC)

Exclusive Farm Use (EFU): MCC 39.4245 Dimensional Requirements and Development Standards, MCC 39.4260 Access

Springdale Rural Center (SRC): MCC 39.4575 Dimensional Requirements and Development Standards, MCC 39.4595 Access

Category 3 Land Division: MCC 39.9045(C) Category 3 Land Division, MCC 39.9400(B), (C), and (H), Criteria for Approval, Category 1 and Category 2 Tentative Plan and Future Street Plan, MCC 39.9430 Criteria for Approval: Category 3 Tentative Plan, MCC 39.9435 Contents of Category 3 Tentative Plan, MCC 39.9500 Application of General Standards and Requirements , MCC 39.9505 Land Suitability, MCC 39.9510 Lots and Parcels, MCC 39.9515 Acreage Tracts, MCC 39.9520 Street Layout, MCC 39.9525 Street Design, MCC 39.9555 Easements, MCC 39.9570 Water System, MCC 39.9575 Sewage Disposal, MCC 39.9580 Surface Drainage and Storm Water Systems, MCC 39.9585 Electrical and Other Wire, MCC 39.9587 Required Improvements, MCC 39.9588 Streets, Sidewalks, Pedestrian Paths and Bikeways, Water System, Sewage Disposal, Surface Drainage, and Storm Water Systems

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. For a use or development that does not include a structure shall expire two (2) years after the date of the final decision, unless the use or development was established according to all specifications and conditions of approval in the land use approval. [MCC 39.1185(A)]
 - i. For the purposes of 1.a, expiration of an approval means that a new application is required for uses that are not established during the approval period. For land divisions, “established” means the final deed or plat has 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 with the case no. T2-2025-0033 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. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein. [MCC 39.1170(B)]
3. No parcel shall be sold, transferred, or assigned until the partition plat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records. [MCC 39.9620(C)]
4. **Prior to submitting the partition plat for final review**, the property owners or their representative shall:
 - a. 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 sent to Anna Shank-Root at anna.shank-root5@multco.us. [MCC 39.1170(A) & (B)]
 - b. Retain a surveyor to complete the instructions as described in "Finishing a Land Division" handout and submit to the County Surveyor a plat in accordance with the requirements of Oregon Revised Statutes (ORS), Chapters 92. [MCC 39.9605]
 - c. Have the surveyor ensure that all parcels created are surveyed, monumented and platted, regardless of parcel area. [MCC 39.9605(B)]
5. **When submitting the partition plat for final review**, the property owner or their representative shall:
 - a. Submit a blue-line copy of the plat and pay the required fee conforming to all applicable requirements as established by the Oregon Revised Statutes (ORS) Chapters 92 and 209.

The Planning Director will determine whether the plat conforms to this decision and the conditions of approval contained herein. When the Planning Director determines the plat complies with this decision and applicable conditions, notification of zoning compliance will be provided to the Multnomah County Surveyor. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity and the County Surveyor finishes their plat check, it shall be signed and dated by the Planning Director. [MCC 39.9605 and MCC 39.9620]

i. The partition plat shall show:

1. A total of two (2) parcels as shown in Exhibit A.3 Each parcel shall be consistent with the proposed preliminary plan diagram in size and shape. [MCC 39.9605]
2. A five (5) foot wide utility easement along the front property line abutting a street for the Parcels. [MCC 39.9555(A)]

ii. The partition plat shows the following, if applicable:

1. Corners of adjoining subdivisions or partitions.
2. The location, width, and centerline of streets and easements abutting the boundaries of the land division.
3. Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC 39.2000, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.
4. The ownership of each private street shall be shown.
5. Other certifications required by law. [MCC 39.9610]

6. **As an on-going condition**, the property owner(s) shall:

- a. Place underground all new utility wires, including but not limited to electrical power, communication, cable television wires, fiber optics, serving the parcels. [MCC 39.9585]
 - i. A deed restriction shall be recorded for the above condition on the deed transferring each parcel to each new owner, if sold. [MCC 39.9585]
- b. Not place utility infrastructure within one foot of a survey monument location noted on the partition plat. [MCC 39.9555(A)]

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

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

Land Use Planning will collect additional fees for the review of the Partition Plat.

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 Category 3 Land Division for a two (2) parcel partition along the Exclusive Farm Use (EFU) and Springdale Rural Center (SRC) zoning boundary.

2.0 Property Description & History:

Staff: This application is for 1N4E33C -00703. The subject property is located on the north side of E Bell in unincorporated east Multnomah County outside of Metro’s Urban Growth Boundary (UGB). The subject property is split-zoned Exclusive Farm Use (EFU) and Springdale Rural Center (SRC) and is not within any overlays.

The property is vacant and approximately 8.33 acres according to the County Assessor.

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.6). Staff did not receive public comments during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 MCC 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:

* * *

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.

For purposes of the current application, there are no known open compliance cases associated with the subject property, and there is no evidence in the record of any specific instances of noncompliance on the subject property. *Criterion met.*

5.0 Lot of Record Criteria:

5.1 MCC 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

* * *

Staff: The subject property was created as part of a Category 3 Land Division in land use case no. T2-2015-4410 (Exhibit B.5). A Partition Plat was recorded as PN2017-82 on December 18, 2017 (Exhibit B.6). The subject property has not been subject to a subsequent boundary reconfiguration and/or land division since those findings were written; therefore, the subject property remains a Lot of Record in its current configuration. *Criteria met.*

(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.

(a) Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.

(b) An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.

Staff: The applicant proposes a partition along the acknowledged community boundary of Springdale, which intersects the subject property (Exhibit A.3). Section 8.0 of this decision evaluates the land division provisions. *Criterion met.*

5.2 MCC 39.3070 LOT OF RECORD – EXCLUSIVE FARM USE (EFU)

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

* * *

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

Staff: The subject property was created as part of a Category 3 Land Division in land use case no. T2-2015-4410 (Exhibit B.5). A Partition Plat was recorded as PN2017-82 on December 18, 2017 (Exhibit B.6). The subject property has not been subject to a subsequent boundary reconfiguration and/or land division since those findings were written; therefore, the subject property remains a Lot of Record in its current configuration. *Criteria met.*

* * *

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

* * *

(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 39.4260 may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: The subject property has less than the minimum lot size for new parcels or lots in the EFU zone and is subject to (C) above. It 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 subject property is not an area of land described as a tax lot solely for assessment and taxation purposes. The subject property is not an area of land created by the foreclosure of a security interest, mortgage lot, or created by court decree. *Criterion met.*

Based on the findings in 5.1 & 5.2 above, the subject property is a single Lot of Record.

5.3 MCC 39.3110 LOT OF RECORD – BURLINGTON RURAL CENTER (BRC) AND SPRINGDALE RURAL CENTER (SRC).

(A) In addition to the standards in MCC 39.3005, for the purposes of the BRC district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

* * *

Staff: The subject property was created as part of a Category 3 Land Division in land use case no. T2-2015-4410 (Exhibit B.5). A Partition Plat was recorded as PN2017-82 on December 18, 2017 (Exhibit B.6). The subject property has not been subject to a subsequent boundary reconfiguration

and/or land division since those findings were written; therefore, the subject property remains a Lot of Record in its current configuration. *Criteria met.*

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 39.4495, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: The portion of the subject property zoned Springdale Rural Center does not have road frontage and is subject to (C) above. It 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.*

(C) Except as otherwise provided by MCC 39.4480, 39.4485, and 39.5300 through 39.5350, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

Staff: No structures exist on the subject property. *This criterion does not apply.*

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

* * *

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

Based on the findings in 5.1 & 5.2 above, the subject property is a single Lot of Record

6.0 Exclusive Farm Use (EFU) Criteria:

6.1 MCC 39.4245 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

(A) Except as provided in MCC 39.3070, the minimum lot size for new parcels shall be 80 acres in the EFU base zone.

Staff: Proposed Parcel 1 meets the provisions of MCC 39.3070(C). *Criterion met.*

6.2 MCC 39.4260 ACCESS.

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3070(C).

Staff: Per MCC 39.3005(B)(3)(a), access requirements do not apply to this proposal.

7.0 Springdale Rural Center (SRC) Criteria:

7.1 MCC 39.4575 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS.

(A) Except as provided in MCC 39.3110, 39.4580, 39.4585 and 39.5300 through 39.5350, the minimum lot size for new parcels or lots shall be one acre.

Staff: Proposed Parcel 2 meets the provisions of MCC 39.3070(C). *Criterion met.*

7.2 MCC 39.4595 ACCESS.

All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3110(B).

Staff: Per MCC 39.3005(B)(3)(a), access requirements do not apply to this proposal.

8.0 Land Division Criteria:

8.1 MCC 39.9045 CATEGORY 3 LAND DIVISIONS.

A land division proposal under any of the following circumstances is designated a Category 3 Land Division:

* * *

(F) A partition of land located within the Significant Environmental Concern Overlay (SEC), Willamette River Greenway Overlay (WRG), Flood Hazard Overlay, or Exclusive Farm Use (EFU) base zone.

* * *

Staff: Proposed parcel 1 of the land division is zoned for Exclusive Farm Use (EFU), and therefore this application is for a Category 3 Land Division.

8.2 MCC 39.9430 CRITERIA FOR APPROVAL, CATEGORY 3 TENTATIVE PLAN.

In granting approval of a Category 3 tentative plan, the Planning Director shall find that the criteria listed in Subsections (B), (C) and (H) of MCC 39.9400 are satisfied and that the tentative plan complies with the area and dimensional requirements of the base zone.

Staff: As required, a Category 3 Land Division must meet the criteria listed in Subsections (B), (C), and (H) of MCC 39.9400. The criteria are as follows:

MCC 39.9400(B) Approval will permit development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this and other applicable ordinances;

MCC 39.9400(C) The tentative plan [or future street plan] complies with the applicable provisions, including the purposes and intent of this Ordinance.

MCC 39.9400(H) Approval will permit development to be safe from known flooding and flood hazards. Public utilities and water supply systems shall be designed and located so as to minimize or prevent infiltration of flood waters into the systems. Sanitary sewer systems shall be designed and located to minimize or prevent:

- (1) The infiltration of flood waters into the system; and
- (2) The discharge of matter from the system into flood waters.

Approval of this permit will not preclude either created parcel of development and therefore the proposed land division meets MCC 39.9400(B). All applicable provisions, including the purpose and intent of this Ordinance are evaluated by this review, satisfying the requirement of MCC 39.9400(C). The subject property is not within the mapped flood hazard area, and no other known flood hazards exist, satisfying the requirement of MCC 39.9400(H). *These criteria are met.*

8.3 MCC 39.9500-APPLICATION OF GENERAL STANDARDS AND REQUIREMENTS.

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

Staff: MCC 39.9505 through 39.9585 are evaluated in sections 8.4 through 8.20 of this decision. *Criterion met.*

8.4 MCC 39.9505 LAND SUITABILITY.

A land division shall not be approved on land found by the approval authority to be both unsuitable and incapable of being made suitable for the intended uses because of any of the following characteristics:

- (A) Slopes exceeding 20%;**
- (B) Severe soil erosion potential;**
- (C) Within the 100-year flood plain;**
- (D) A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;**
- (E) A fragipan or other impervious layer less than 30 inches from the surface;**
- (F) Subject to slumping, earth slides or movement;**
- (G) Pre-existing field drains or other subsurface drainage systems.**

Staff: The applicant indicates that the intended use for proposed parcel 1 is continued agricultural use and the intended use for parcel 2 is development of a residential use (Exhibits A.3 and A.9). The current agricultural use on proposed parcel 1 is sufficient to indicate its suitability for its intended use. Proposed parcel 2 appears to contain areas that are suitable for residential development, as the slopes are less than 20% according to contours on the applicant's site plan, the area is not within any mapped environmental zoning such as Geologic Hazards or Flood Hazard that would pose challenges to development, and the applicant has an approved Site Evaluation for proposed parcel 2 which includes an evaluation of the suitability of the soils (Exhibits A.3, A.4 and A.9). *These criteria are met.*

8.5 MCC 39.9510 LOTS AND PARCELS.

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

* * *

Staff: The applicant is proposing a Land Division under MCC 39.3005, which allows for partition of separate lots of record along acknowledged unincorporated community boundaries, and therefore the applicant is unable to design the proposed parcels as described in MCC 39.9510, as the nature of the land division type specifies the location of the boundaries. *This criterion does not apply.*

8.6 MCC 39.9515 ACREAGE TRACTS.

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

Staff: Neither of the proposed parcels will be capable of redivision as the acreage of both parcels will not meet the minimum acreage for new parcels in their respective base zones (Exhibit A.3). *Criterion is not applicable.*

8.7 MCC 39.9520 STREET LAYOUT.

(A) Except as otherwise provided in subsections (B) and (C) of this Section, the arrangement of streets in a land division shall be designed:

* * *

(B) Where topography or other conditions make conformance to the existing street pattern or continuance to an adjoining tract impractical, the street layout shall conform to an alternate arrangement authorized by the approval authority.

(C) Where a street layout affecting the proposed land division has been established by the Comprehensive Plan, the arrangement of streets in the land division shall conform to the established layout.

(D) A half street may be permitted only where appropriate to the future division of adjoining undeveloped property, provided that when possible, additional dedicated right-of-way exceeding one-half of a street may be required to provide adequate width to accommodate two-way vehicle traffic.

(E) When necessary for adequate protection of existing or proposed land uses or to afford separation of through and local traffic, a land division abutting or containing an existing or proposed arterial may be required to include, among other things, a frontage street, reverse frontage lots with extra depth, or screen plantings in a non-access reservation along a property line.

Staff: The applicant indicates that existing access conditions are sufficient to serve the proposed land division, with Parcel 1 maintaining frontage onto E Bell Road (Exhibit A.3) and Parcel 2 utilizing an existing access easement that has been reviewed and approved by Multnomah County Transportation Planning Staff (Exhibit A.10). No new streets are required. *This criterion does not apply.*

8.8 MCC 39.9525 STREET DESIGN.

The width, design and configuration of all streets in or abutting the land division shall comply with applicable ordinance standards as follows:

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

(B) For a private street, in accordance with the Multnomah County Road Rules and Design and Construction Manual, subject to the following additional requirements:

* * *

(C) A cul-de-sac shall be as short as possible and shall have a maximum length of 400 feet and serve building sites for not more than 18 dwelling units. A cul-de-sac shall terminate with a turnaround having a radius of 50 feet.

Staff: No public or private streets are proposed as part of this partition. *Criteria not applicable.*

8.9 MCC 39.9530 STREET RESERVE STRIPS.

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

Staff Multnomah County Transportation Planning Staff has not requested a street reserve strip. *Criterion not applicable.*

8.10 MCC 39.9535 TEMPORARY TURNAROUNDS.

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

Staff: No public or private streets are proposed as part of this partition. *Criteria not applicable.*

8.11 MCC 39.9540 STREET NAMES.

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

Staff: No new public streets are proposed. *Criterion not applicable.*

8.12 MCC 39.9545 REQUIRED IMPROVEMENTS.

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

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

8.13 MCC 39.9550 STREETS, SIDEWALKS, PEDESTRIAN PATHS AND BIKEWAYS.

(A) Sidewalks shall be required in Urban Area public streets in accordance with the provisions of the Multnomah County Road Rules and Design and Construction Manual.

(B) A sidewalk shall be required along any private street serving more than six dwelling units.

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

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

(E) In order to provide for an appropriate circulation system, the approval authority may require a pedestrian path and bikeway across an unusually long or oddly-shaped block.

(F) The width, design and configuration of sidewalks and pedestrian paths and bikeways shall comply with applicable standards, as follows:

* * *
* * *

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

(H) Underground utilities and street lighting facilities, sanitary sewers, storm drains and water mains located in a street shall be installed prior to the surfacing of the street.

Staff: The subject property is not located in an Urban Area and does not include a private street serving more than six dwellings. *Criteria not applicable.*

8.14 MCC 39.9555 EASEMENTS.

Easements shall be provided and designed according to the following:

(A) Along the front property line abutting a street, a five-foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.

(B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a Drainage District or Water Control District, such easement or right-of-way shall be approved by the District Board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.

(C) Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.

Staff: Recording a five-foot easement running along the length of the property line abutting E Bell Road for Parcel 1 is a condition of approval. There are no drainageways, channels or streams on the subject property and therefore no stormwater or drainage easements are required. No pedestrian paths or bikeways are proposed. *As conditioned, this criterion is met.*

8.15 MCC 39.9560 STREET TREES.

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

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

8.16 MCC 39.9565 STREET LIGHTING.

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

Staff: The proposed partition is not located within an Urban Area, and therefore no street lighting is required. *Criterion not applicable.*

8.17 MCC 39.9570 WATER SYSTEM.

The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of Subsections (4)(a), (b), or (c) of ORS 92.090 and the following:

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

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

Staff: The applicant is proposing a partition; therefore, they are not required to comply with the requirements of subsections (4)(a), (b), or (c) of ORS 92.090. The revised statute only applies to the subdivision of land and not the partitioning of land. *Criterion not applicable.*

8.18 MCC 39.9575 SEWAGE DISPOSAL.

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

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

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

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

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

Staff: There is no sanitary sewer available. The applicant has provided a Septic Review Certification (Exhibit A.4) indicating that the proposed partition poses no concern to Septic. The applicant has also provided a Septic Site Evaluation for proposed parcel 2, which is intended for residential development, which indicates that the site is preliminarily approved for a standard septic tank and drainfield as of May 12, 2025 (Exhibit A.4). The Site Evaluation (Exhibit A.4) also states that, “a Treatment Standard 1 alternative treatment technology (ATT) system” is approved for the replacement drainfield area. *Criteria (A) and (B) are not applicable. Criterion (C) is met.*

8.19 MCC 39.9580 SURFACE DRAINAGE AND STORM WATER SYSTEMS.

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

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

(B) Drainage facilities shall be constructed as follows:

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

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

Staff: No development is proposed on either process at this time. At the time of the development, the applicant will be required to provide a stormwater certificate meeting the requirements of MCC 39.6235. *Criteria met.*

8.20 MCC 39.9585 ELECTRICAL AND OTHER WIRES.

Wires serving within a land division, including but not limited to electric power, communication, street lighting and cable television wires, shall be placed underground. The approval authority may modify or waive this requirement in acting on a tentative plan upon a finding that underground installation:

(A) Is impracticable due to topography, soil or subsurface conditions;

(B) Would result in only minor aesthetic advantages, given the existence of above-ground facilities nearby; or

(C) Would be unnecessarily expensive in consideration of the need for low-cost housing proposed on the lots or parcels to be served.

Staff: The applicant has agreed to install all electrical and other wire utilities underground (Exhibit A.9, page 10). A condition of approval will be included to ensure future development locates electrical wires underground. *As conditioned, criterion met.*

9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Category 3 Land Division to create two (2) Lots of Record in the Exclusive Farm Use (EFU) and Sprindale Rural Center (SRC) zones. 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.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	07/23/2025

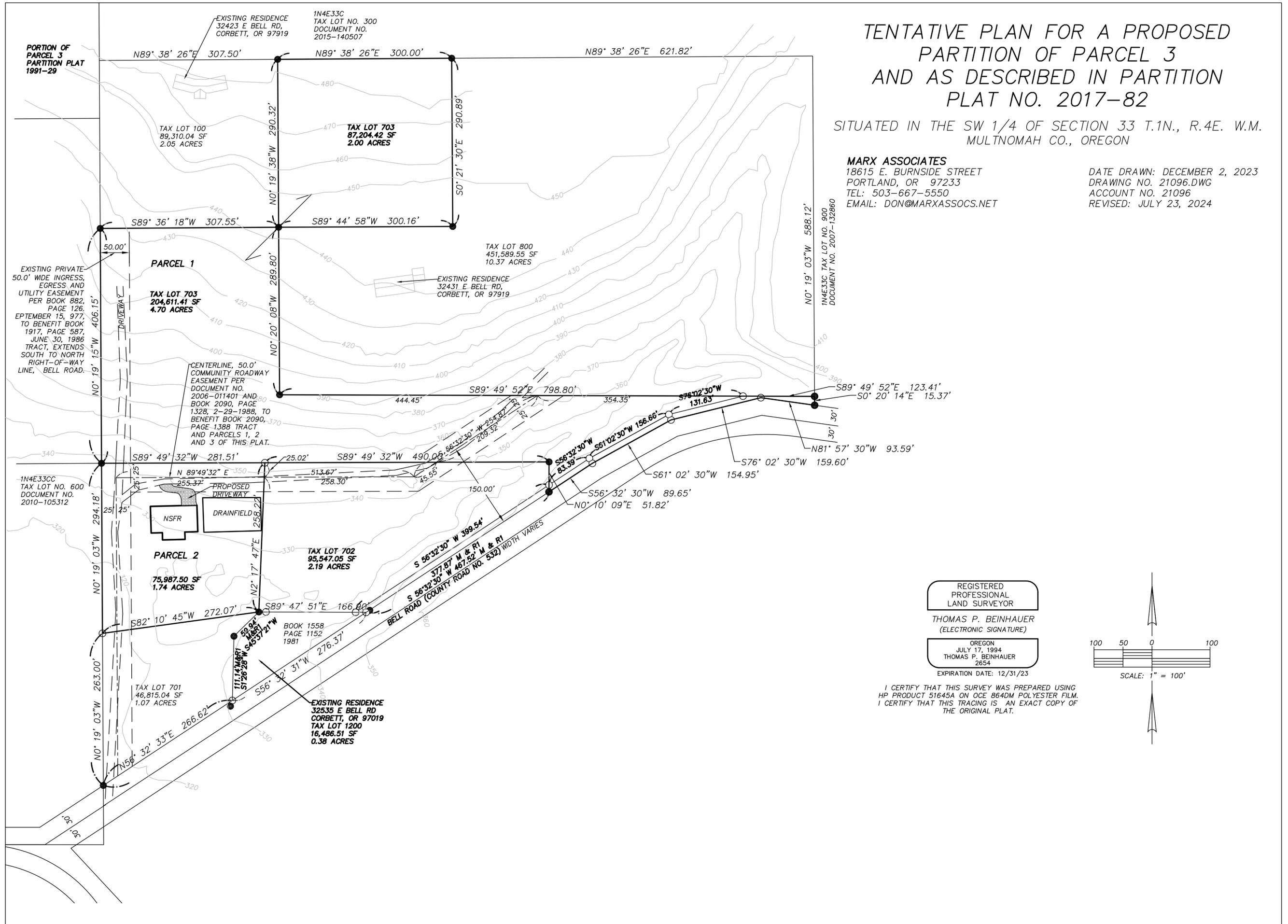
A.2	9	Narrative	07/23/2025
A.3*	1	Tentative Plan Map	07/23/2025
A.4	13	Septic Review Certification	07/23/2025
A.5	3	Fire Service Provider Review	07/23/2025
A.6	1	Water Service Certification	07/23/2025
A.7	2	Email from Applicant concerning approval criteria	08/20/2025
A.8	2	Revised Application Form	10/06/2025
A.9	11	Revised Narrative	10/06/2025
A.10	1	Transportation Planning and Development Review, TPR-2025-0014	10/06/2025
'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N4E33C -00703 (Alt Acct #R649683270 / Property ID #R688073)	07/23/2025
B.2	1	Current Tax Map for 1N4E33C	07/23/2025
B.3	1	Aerial Photo	07/23/2025
B.4	10	Pre-Filing Meeting Summary Notes, PF-2022-16002	07/23/2025
B.5	25	Land Use Case no. T2-2015-4410	12/03/2025
B.6	3	Partition Plat No. 2017-82	12/03/2025
'C'	#	Administration & Procedures	Date
C.1	8	Incomplete letter	08/18/2025
C.2	1	Applicant's acceptance of 180-day clock	08/19/2025
C.3	6	Incomplete letter #2	09/17/2025
C.4	1	Email clarifying permit requirements	09/19/2025
C.5	2	Complete letter (day 1)	11/04/2025
C.6	4	Opportunity to Comment	12/09/2025
C.7	16	Decision	03/03/2026

TENTATIVE PLAN FOR A PROPOSED PARTITION OF PARCEL 3 AND AS DESCRIBED IN PARTITION PLAT NO. 2017-82

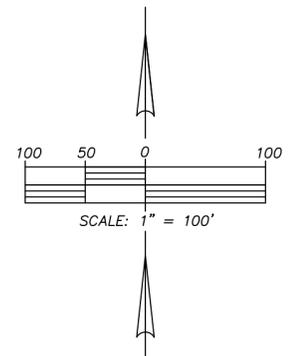
SITUATED IN THE SW 1/4 OF SECTION 33 T.1N., R.4E. W.M. MULTNOMAH CO., OREGON

MARX ASSOCIATES
 18615 E. BURNSIDE STREET
 PORTLAND, OR 97233
 TEL: 503-667-5550
 EMAIL: DON@MARXASSOCS.NET

DATE DRAWN: DECEMBER 2, 2023
 DRAWING NO. 21096.DWG
 ACCOUNT NO. 21096
 REVISED: JULY 23, 2024



REGISTERED PROFESSIONAL LAND SURVEYOR
 THOMAS P. BEINHAUER
 (ELECTRONIC SIGNATURE)
 OREGON
 JULY 17, 1994
 THOMAS P. BEINHAUER
 2654
 EXPIRATION DATE: 12/31/23



I CERTIFY THAT THIS SURVEY WAS PREPARED USING HP PRODUCT 51645A ON OCE 864DM POLYESTER FILM. I CERTIFY THAT THIS TRACING IS AN EXACT COPY OF THE ORIGINAL PLAT.