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## NOTICE OF DECISION

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**Case File:** T2-2019-12674

**Permit:** Property Line Adjustment

**Applicants:** Ryan Moye **Owners:** Lorelei & Ryan Moye

**Tract 1:** 30850 NE Springhill Road, Troutdale  
Tax Lot 2100, Section 32C, Township 1 North, Range 4 East, W.M.  
Alternate Account #R053506900 Property ID #R111695

**Tract 2:** 30900 NE Springhill Road, Troutdale  
Tax Lot 2000, Section 32C, Township 1 North, Range 4 East, W.M.  
Alternate Account #R053506960 Property ID #R111696

**Base Zone:** Multiple Use Agriculture – 20 (MUA-20)

**Overlays:** Geologic Hazards (GH)

**Proposal Summary:** Adjust the common side property line between Tract 1 and Tract 2 identified above.  
The proposed adjusted common side property line would transfer approximately 0.75 acres (32,670 sq. ft.) from Tract 1 to Tract 2.

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**Decision:** Approved with Conditions

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, March 20, 2020 at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Chris Liu, Staff Planner at 503-988-2964 or [chris.liu@multco.us](mailto:chris.liu@multco.us)

**Opportunity to Appeal:** An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

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**Issued by:** 

**By:** Chris Liu, Planner

**For:** Carol Johnson, AICP  
Planning Director

**Date:** Friday, March 6, 2020



**Applicable Approval Criteria:** Multnomah County Code (MCC):

General Provisions: MCC 39.1515 Code Compliance and Applications, MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – MUA-20

MUA-20 Zone: MCC 39.4325 – Dimensional Requirements (A), (C), (D), (G), MCC 39.4330(B) - Property Line Adjustments, MCC 39.4345 - Access

Property Line Adjustment: MCC 39.9300 – Property Line Adjustment

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

**Chapter 39 - Zoning Code**

**Conditions of Approval**

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

1. Permit Expiration – This land use permit shall **expire two (2) years** after the date of the final decision, unless the property line adjustment is finalized by the recording of the plat and compliance with the conditions of approval.

**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. No new parcel shall be created through this process. [MCC 39.9300]

3. The approved property line adjustment shall be finished by recording a new plat.

- a. Prior to recording the plat to complete the property line adjustment, the property owner or representative thereof, shall submit copies of the draft plat to Multnomah County Planning for verification that the adjusted properties conform to the approved Tentative Plan Map. If the submitted documents conform to the approved Tentative Plan Map (Exhibit A.5) and zoning requirements, planning staff will sign the plat when it is ready to be recorded. Land Use Planning must sign the plat before it can be recorded.
- b. After the Planning Director and County Surveyor have signed off on the Plat, the property owners shall record the plat with the County Recorder's office. Please note that state law requires that property taxes be paid before a plat can be recorded.

**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 applicants request a property line adjustment to transfer approximately 0.75 acres (32,670 sq. ft.) from Tract 1 to Tract 2. Following the proposed property line adjustment, Tract 1 will be approximately 8.19 +/- acres and Tract 2 will be approximately 8.41 +/- acres.

### **2.0 PROPERTY DESCRIPTION:**

**Staff:** The subject properties are in rural East Unincorporated Multnomah County in the Multiple Use Agriculture – 20 (MUA-20) zone. Tract 1 contains a single-family dwelling and an accessory building. Tract 2 is vacant and consists of many trees and other vegetation. A stream is located approximately 250 feet from the east side property line of Tract 2. The subject properties are outside of the Columbia River Gorge National Scenic Area.

### **3.0 GENERAL PROVISIONS:**

#### **3.1 MCC 39.1515 Code Compliance and Applications**

**Except as provided in subsection (A), the County shall not make a land use decision approving development, including land divisions and property line adjustments, or issue a building permit for any property that is not in full compliance with all applicable provisions of the Multnomah County Zoning Code and/or any permit approvals previously issued by the County.**

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**Staff:** Tract 2 is vacant. There are no active compliance cases for Tract 2 and Staff is not aware of any compliance issues on Tract 2.

Tract 1 contains a single-family dwelling and an outbuilding. Staff found permit reference cards for a single-family dwelling and a garage. There are no active compliance cases on Tract 1 and Staff is not aware of any compliance issues on Tract 1.

#### **3.2 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.**



**(a) “Satisfied all applicable zoning laws” shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.**

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

- 1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or**
- 2. By a deed, or a sales contract dated and signed by the parties to the transaction, that was recorded with the Recording Section of the public office responsible for public records prior to October 19, 1978; or**
- 3. By a deed, or a sales contract dated and signed by the parties to the transaction, that was in recordable form prior to October 19, 1978; or**

**\*\*\***

**Staff:** On November 10, 1982 the County authorized an Exempt Minor Partition for three (3) parcels (Exhibit B.3). The stamped legal description for Parcel II (Exhibit B.3) matches the current legal description for Tract 2 (Exhibit A.4). The stamped legal description for Parcel III (Exhibit B.3) matches the current legal description for Tract 1 (Exhibit A.3). The legal descriptions were recorded on January 24, 1983. Therefore, through the authorization of the Exempt Minor Partition, the County verified that the subject properties satisfied all applicable land division laws, zoning minimum lot size, dimensional standards and access requirements at that time. The recording of the new legal descriptions created these two parcels.

As Tract 1 and Tract 2 have not changed configuration since that time, Tract 1 and Tract 2 each remain an individual Lot of Record. *Criteria met.*

### **3.3 MCC 39.3080 LOT OF RECORD – MULTIPLE USE AGRICULTURE-20 (MUA20).**

**(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:**

**\*\*\***

**(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 39.4345, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.**

**(C) Except as otherwise provided by MCC 39.4330, 39.4335, and 39.5300 through 39.5350, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.**

**(D) The following shall not be deemed to be a Lot of Record:**

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

**Staff:** Although Tract 1 and Tract 2 do not meet the current minimum lot size for new parcels in the MUA-20 zone, as noted in section 3.2 above, Tract 1 and Tract 2 are each an individual Lot of Record. They are not an area of land described as a tax lot solely for assessment and taxation purposes; an area of land created by the foreclosure of a security interest; or an area of land created by court decree. *Criterion (A), (B), (D) are met.*

Criteria (C) is not applicable. Tract 1 and Tract 2 have not been reconfigured since the recording of the legal descriptions for the Exempt Minor Partition in 1982. *Criterion (C) is not applicable.*

#### **4.0 MULTIPLE USE AGRICULTURE – 20 ZONE:**

##### **4.1 MCC 39.4325 Dimensional Requirements and Development Standards**

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

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##### **(C) Minimum Yard Dimensions – Feet**

<b>Front</b>	<b>Side</b>	<b>Street Side</b>	<b>Rear</b>
<b>30</b>	<b>10</b>	<b>30</b>	<b>30</b>

**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet**

**(D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The county Road Official shall determine the necessary right-of-way widths based upon the county “Design and Construction Manual” and the Planning Director shall determine any additional yard requirements in consultation with the Road Official.**

**Staff:** Tract 1 contains an existing single-family dwelling and an outbuilding (Exhibit A.9). As shown on the tentative plan map (Exhibit A.9), both structures exceed the minimum required yard dimensions. Tract 2 is vacant. No additional right-of-way requirement was identified.

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

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

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

**Staff:** Tract 1 has an on-site sewage disposal system as outlined in the Septic Review Certification completed by the Multnomah County Onsite Sanitation program (Exhibit A.8). Tract 2 will qualify for an on-site sewage disposal system as outlined in the Septic Review Certification completed by the Multnomah County Onsite Sanitation program (Exhibit A.7). Corbett Water District provides water service for NE Springhill Rd. This Property Line Adjustment application does not propose any new impervious surfaces. *Criteria met.*

#### **4.3 MCC 39.4330 Property Line Adjustments**

**(B) Property Line Adjustment Pursuant to the applicable provisions in MCC 39.9300, the approval authority may grant a property line adjustment between two contiguous Lots of Record upon finding that the approval criteria in (1) and (2) are met. The intent of the criteria is to ensure that the property line adjustment will not increase the potential number of lots or parcels in any subsequent land division proposal over that which could occur on the entirety of the combined lot areas before the adjustment.**

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

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

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

**Staff:** As described in section 3.0 above, Tract 1 and Tract 2 are each an individual Lot of Record as a result of the recordation of the new legal descriptions through the County's authorized Exempt Minor Partition authorized in 1982 (Exhibit B.3). Following the proposed adjustment, both Tract 1 and Tract 2 will have a front lot line length of over 50 feet (Exhibit A.9). The relocated line does not cause the existing structures on Tract 1 to have less than the required minimum yards listed in MCC 39.4325(C) (Exhibit A.9). Both Tract 1 and Tract 2 meet satisfy the requirements of MCC 39.4345 as described in section 4.5 below. *Criteria met.*

#### **4.4 (2) One of the following situations occurs:**

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

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

**Staff:** Tract 1 is currently 8.94 +/- acres and Tract 2 is currently 7.66 +/- acres. Following the proposed adjustment Tract 1 will be approximately 8.19 +/- acres and Tract 2 will be approximately 8.41 +/- acres (Exhibit A.9). Therefore, both parcels are less than 40 acres in area prior to the proposed adjustment and will remain less than 40 acres in area after the proposed adjustment. *Criteria met.*

#### **4.5 MCC 39.4345 Access**

**All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3080(B).**

**Staff:** The subject properties have access from NE Springhill Rd. As described in section 3.0 above, Tract 1 and Tract 2 are both existing Lots of Record as described in MCC 39.3080(B). Therefore, *this access requirement is not applicable.*

### **5.0 PROPERTY LINE ADJUSTMENT**

#### **5.1 MCC 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:** As per the Tentative Plan Map (Exhibit A.9), no new lot or parcel will be created as a result of the proposed property line adjustment. A condition of approval is also included ensuring this requirement is met. *Criteria met through a condition of approval.*

#### **5.2 (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 listed property owners for Tract 1 and Tract 2 signed the Property Line Adjustment Application form included as Exhibit A.1. *Criteria met.*

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

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

**Staff:** Section 4.3 – 4.5 above discuss the approval criteria for a property line adjustment in the MUA-20 zone. The applicant submitted the required forms for a property line adjustment; these forms are included as Exhibit A.1 – A.9. *Criteria met.*



## 6.0 PUBLIC COMMENT:

### Comments from George and Margaret Gorciak, Neighboring property owners.

**Staff:** The Gorciaks noted their support of the proposed lot line adjustment.

## 7.0 CONCLUSION:

Based on the findings and other information provided above, the applicant has carried the burden necessary for the Property Line Adjustment in the MUA-20 zone. This approval is subject to the conditions of approval established in this report.

## 8.0 EXHIBITS:

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Public Comment

Exhibits with a “\*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2019-12674 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Property Line Adjustment Application Form	11.13.2019
A.2	2	Memo from Firwood Design Group	11.13.2019
A.3	1	Warranty Deed recorded September 30, 1991 in Book 2461, Page 3115	11.13.2019
A.4	4	Real Estate Contract recorded March 17, 1992 in Book 2518, Page 2015 – 2018.	11.13.2019
A.5	9	Site Evaluation Report (SER) 25-19 completed by Multnomah County Onsite Sanitation.	11.13.2019
A.6	1	Tentative Plan Map for Boundary Line Adjustment completed by Firwood Design Group. (Not-to-scale)	11.13.2019
A.7	4	Septic Review Certification for 30900 NE Springhill Rd.	12.12.2019
A.8	5	Septic Review Certification for 30850 NE Springhill Rd.	12.12.2019
A.9	1	Tentative Plan Map for Boundary Line Adjustment completed by Firwood Design Group. (To-scale)	12.23.2019
‘B’	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 1N4E32C-02000	11.13.2019

B.2	1	Department of Assessment, Records and Taxation (DART): Property Information for 1N4E32C-02100	11.13.2019
B.3	4	Stamped Legal Descriptions and Map for an Exempt Minor Partition on November 10, 1982	11.13.2019
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	12.12.2019
C.2	3	Opportunity to comment & mailing list	01.17.2020
C.3	10	Administrative decision & mailing list	03.09.2020
'D'	#	Public Comment	Date
D.1	1	Comments from George and Margaret Gorciak	01.31.2020

# BOUNDARY LINE ADJUSTMENT EXHIBIT

BETWEEN LOT 63 AND A PORTION OF LOT 64,  
"BANNER ACRES" LOCATED IN THE SW 1/4 SECTION 32,  
T. 1N, R. 4E, W.M.  
MULTNOMAH COUNTY, OREGON

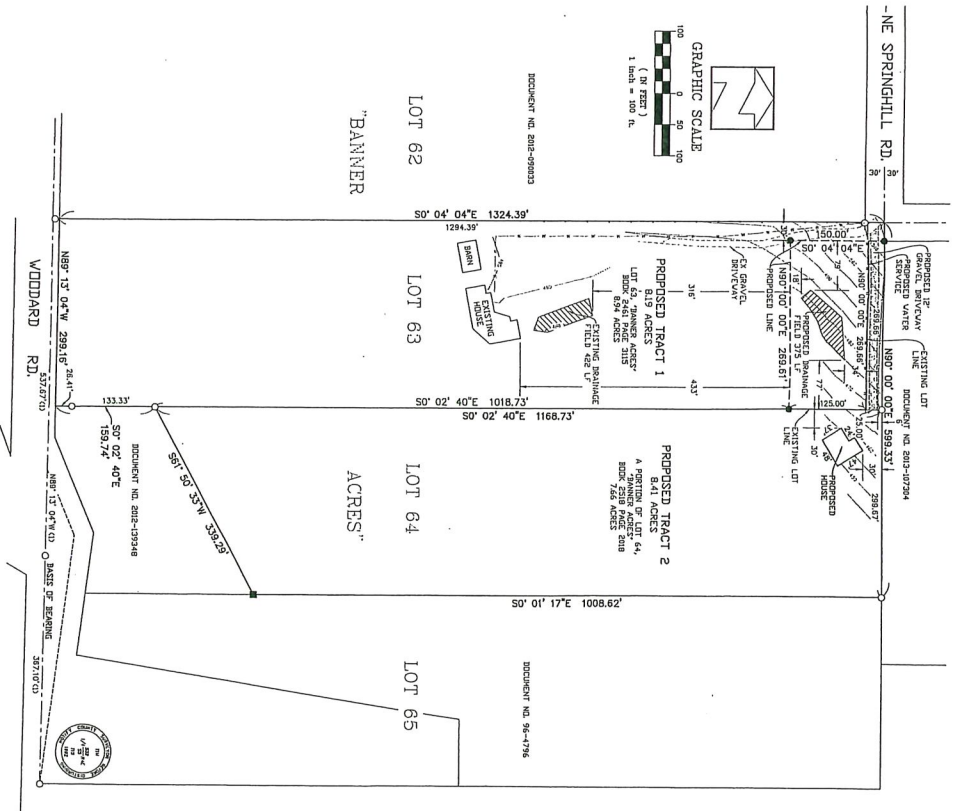
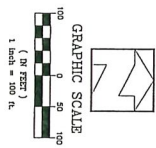
SCALE 1" = 100'

## NOTES

ZONING: EAST OF SANDY RIVER RPA-40430  
FIRE DISTRICT: CORBETT RURAL FIRE PROTECTION  
WATER DISTRICT: CORBETT WATER DISTRICT - (BOTH LOTS SERVED BY PUBLIC WATER)

## LEGEND

----- EXISTING WIRE FENCE  
----- EXISTING EDGE OF GRAVEL ROAD  
----- EXISTING WATER SERVICE  
----- PROPOSED GRAVEL DRIVEWAY  
----- PROPOSED WATER SERVICE



359 E HISTORIC COLUMBIA RIVER HIGHWAY  
TROUTDALE, OREGON 97060  
Fimwood Design Group, LLC BUS: (503) 668-3737 FAX: (503) 668-3788  
SURVEYING + ENGINEERING + PLANNING



CLIENT: RYAN MORE  
SITE ADDRESS: 20900 & 20950 NE SPRINGHILL RD.  
JOB NUMBER: 10-23-19  
DATE: 10-23-19

\* This copy Reduced \*  
Not-to-scale