



WASHINGTON COUNTY
 Dept. of Land Use & Transportation
 Current Planning Services
 155 N. 1st Avenue, #350-13
 Hillsboro, OR 97124
 Ph. (503) 846-8761 Fax (503) 846-2908
 http://www.co.washington.or.us

CASEFILE: 16-424-PLA

APPLICANT:
Wolverine Financial LLC
Bob Bobosky
6770 SW Canyon Drive
Portland, OR 97225

**NOTICE OF DECISION
& STAFF REPORT**

APPLICANT'S REPRESENTATIVE:
Pioneer Design Group
Ben Altman
9020 SW Washington Sq. Rd, Ste 170
Portland, OR 97223

PROCEDURE TYPE: I
 CPO: 14
 COMMUNITY PLAN: Rural/Natural Resource

PROPERTY DESCRIPTION:

PROPERTY OWNERS OF TAX LOTS 600 & 800:
Wolverine Financial LLC
Bob Bobosky
6770 SW Canyon Drive
Portland, OR 97225

ASSESSOR MAP: 2N4 36 TAX LOT: 600
 SITE ADDRESS: 42580 and 42638 NW Cedar Canyon Road
 LAND USE DISTRICT(S): Exclusive Farm Use EFU, and Future Development FD-10
 SITE SIZE: 126.07 acres

Lone Oak Land and Investment Co.
Mike Cropp
31395 NW North Avenue
North Plains, OR 97133

ASSESSOR MAP: 2N4 36 TAX LOT: 800
 SITE ADDRESS: Unaddressed Property
 LAND USE DISTRICT(S): Exclusive Farm Use EFU, and Future Development FD-10
 SITE SIZE: 46.89 acres

PROPERTY LOCATION:
On the south side of NW Cedar Canyon Road, south west of the intersection with NW Highway 47

PROPOSED DEVELOPMENT ACTION: Property line adjustment to align the common boundary between tax lots 600 and 800 with the Urban Growth Boundary for the City of Banks

Decision: Approval X Denial _____
 Signature [Signature] Date 10/28/16
 Tom Harry, Interim Principal Planner, Current Planning

Staff: Dylan Clayton, 503-846-8196

- Attachments: A. Summary of Code Requirements
 B. Staff Report
 C. Site Plan

Appeal Information: Approval or denial of this request or any conditions may be appealed if a written appeal is filed with the Washington County Department of Land Use and Transportation within twelve (12) days of the date this notice is provided. A motion for reconsideration may be filed within seven (7) days of the date this notice was provided. This decision will be final if no appeal is filed by the due date and a motion for reconsideration is not granted by the review authority. For information about an appeal, contact the Appeals Secretary at (503) 846-8134.

APPEAL PERIOD: Date mailed: 10-28-16 to 4:00 pm on 11-16 (Appeal Due Date).

SUMMARY OF CODE REQUIREMENTS

I. SUMMARY OF CODE REQUIREMENTS:

- A. A common property line that is relocated through a property line adjustment shall be surveyed and monumented unless the parcels are greater than ten (10) acres. It is the property owner's responsibility to have this completed.
- B. If any easement(s) exist along the property lines, they are to be adjusted and shall be vacated and rededicated along the new property lines. It is the property owner's responsibility to have this completed.
- C. All property line adjustments shall be executed by deed and must comply with ORS Chapter 92. It is the property owner's responsibility to have this completed.
- D. New deeds reflecting the property line adjustment **must** be recorded within FOUR (4) years of the approval date shown on this document or a request for an extension must be filed prior to the expiration date, or the approval will expire. It is the property owner's responsibility to complete the deed recordation or the request for an extension.

II. ADDITIONAL INFORMATION:

- A. Approval of the property line adjustment application DOES NOT adjust the property lines. The deeds and record of survey must be recorded to finalize the adjustment. This is the responsibility of the property owner.
- B. In order to map the property line adjustments, all property taxes must be paid in full on all properties.
- C. When preparing the deeds for the property line adjustment, the names should match existing deeds.
- D. If there is a mortgage, you may wish to notify the mortgage holder. They may require a loan modification or release.
- E. Contact Assessment & Taxation Cartography (503-846-8871) for assistance with deed recordation.

Attachment B STAFF REPORT

I. BACKGROUND FINDINGS

- A. The applicant has requested a Property Line Adjustment between Tax Lots 600 and 800 (located on assessor's map 2N4 36). Both tax lots lie west of the existing city limits of Banks, and both are partially within the city's Urban Growth Boundary (UGB); both tax lots are "split-zoned" as EFU and FD-10. The purpose of the property line adjustment is to reconfigure both lots so that they align with the UGB, with one lot completely outside of the UGB and the other completely inside. The lot within the UGB would then be eligible for annexation into the city and subsequent development pursuant to city standards.
- B. Tax Lot 600 is currently 126.07 acres according to Assessment and Taxation records, most of which is outside of the UGB; this parcel includes agricultural buildings and two residential dwellings in the northeastern portion of the site, within the UGB. Tax lot 800 is 46.89 acres, most of which is outside the UGB; this parcel currently contains no structures. The Community Development Code Section does not specify a minimum size for lots within the EFU District, but does require a minimum size of 80 acres for lots/parcels created for farm use (340-8.1). In this case, both of the subject parcels are actively farmed. The property line adjustment will leave tax lot 800 completely outside the UGB and completely within the EFU District; at 144.40 acres, the reconfigured lot will exceed the 80-acre minimum.
- C. Pursuant to Section 309-6.1, the minimum lot size required for the FD-10 District is 10 acres. As a result of the property line adjustment, tax lot 600 will be completely within the UGB and the FD-10 District; at 30.07 acres, the lot will exceed the minimum lot size requirement of the district.
- D. The 100 year floodplain of Dairy Creek, originating from the west and northwest of the subject parcels, encompasses approximately 100 acres of Tax Lot 600 and 32 acres of Tax Lot 800. The existing UGB roughly aligns with the floodplain, and therefore the new bounds of Tax Lot 600 will be almost entirely outside of the floodplain, with the exception of approximately 1.3 acres at the southwestern corner of the adjusted property. No development is proposed as part of this application, therefore no delineation and/or assessment is required under Section 421. Future development may require a detailed floodplain delineation and floodplain assessment, subject to Section 421 of the Community Development Code.
- E. A Significant Natural Resource area (*Water Area and Wetland*) exists over most of Tax Lots 600 and 800, with the exception of approximately 4 and 1.75 acre portions of the southwest corner of each parcel, respectively. Additionally, a Significant Natural Resource area (*Water Area, Wetland and Fish and Wildlife Habitat*) encroaches up to 100 feet into the parcel along the northern and western boundary of existing Tax Lot 600. No development is proposed within the Significant Natural Resource areas on either tax lot; therefore Section 422 does not apply to this application.
- F. This application is subject to the standards of Section 600 which guides land divisions and property line adjustments to further the orderly division of land in a manner which provides for the public health and general welfare. This application is being processed through a Type I procedure in accordance with Section 610-1.1 B(3)(e), which allows a property line adjustment to reconfigure a lot or parcel to align with an urban growth boundary.

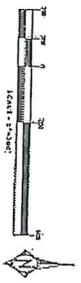
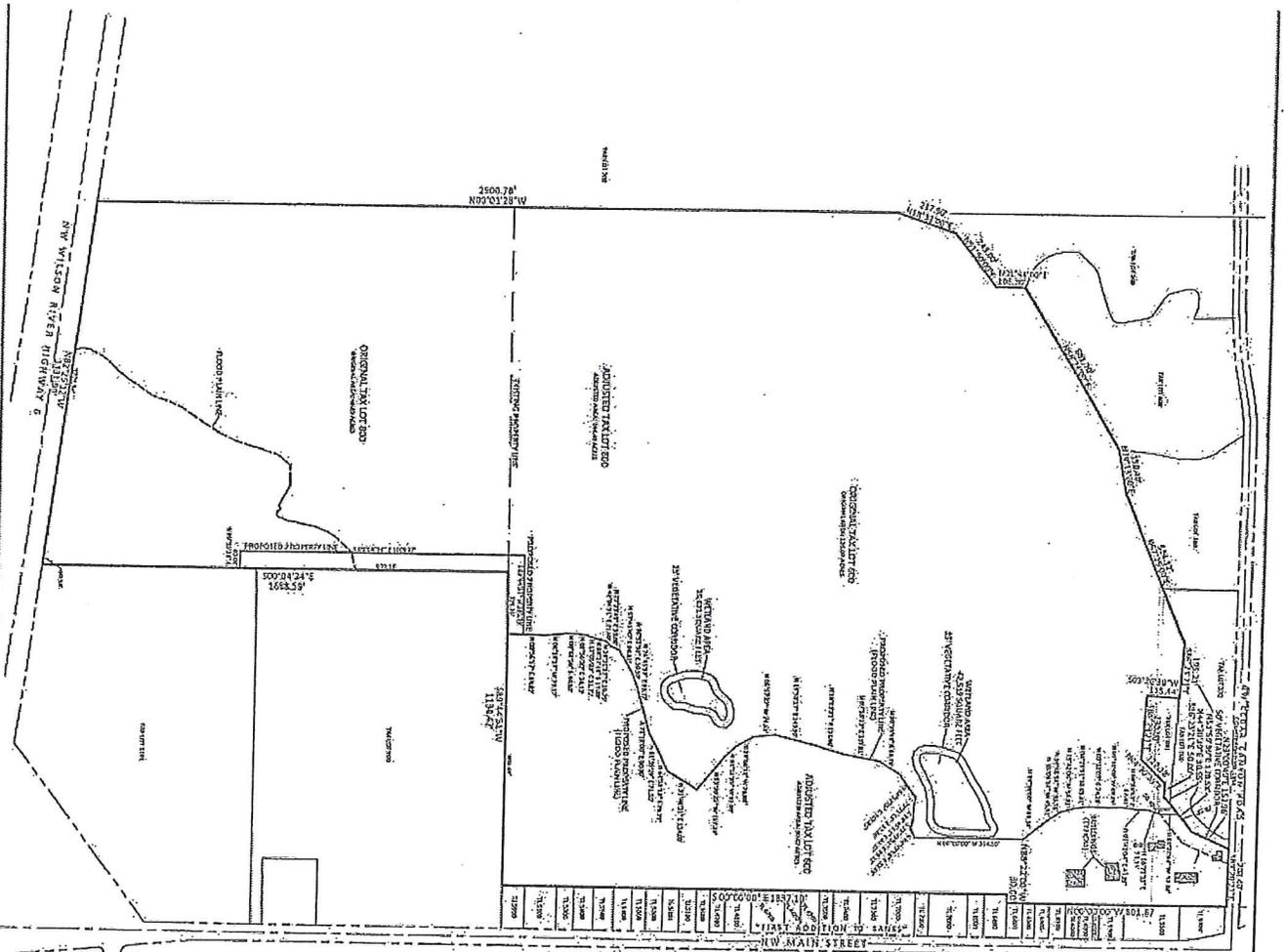
II. FINDINGS OF FACT for ADJUSTMENT BETWEEN TAX LOTS 600 and 800

- A. The applicant has submitted the information required for Property Line Adjustment as listed in Section 610 of the Code.
- B. The proposed Property Line Adjustment is permitted in the EFU and FD-10 Districts through the Type I procedure.
- C. The subject properties are both lots of record.
- D. The proposed lot configurations will better meet the dimensional and lot area requirements of the EFU and FD-10 Districts.
- E. The existing structure(s) on the lots will meet the District's minimum required setbacks after the proposed boundary adjustment.
- F. The proposed Property Line Adjustment meets the access standards of Section 409.
- G. The property line adjustment has no impact to either parcel's compliance with the sight distance standards of Section 501-9.5.
- H. The request is in compliance with previous land use actions that have been approved on the subject properties, Casefile No.:
- I. The request complies with the Property Line Adjustment review standards of Sections 601 and 610 of the Code.
- J. The request complies with the standards of the Rural/Natural Resource Plan.
- K. **Other:** The purpose of this property line adjustment is to reconfigure the existing parcels to align with the Urban Growth Boundary (UGB). This request will reduce Tax Lot 600 from 126.07 acres to 30.07 acres, which will be completely within the UGB. Tax Lot 800 will increase from 46.89 acres to 144.40 acres, completely outside the UGB.

II. CONCLUSION:

Information submitted by the applicant demonstrates that the request complies with the applicable regulations of the Community Development Code and the Rural/Natural Resource Plan. Based upon the above findings, final approval of this request is granted provided the Code requirements outlined in Attachment A are met.

Attachment C Site Plan



Washington County D.L.U.T.
 Land Development
PRELIMINARY APPROVAL

FILE NO. 16-424-PLA DATE 10-27-16

SIGNED [Signature] /STAFF DIR. INT.

NO.	DATE	DESCRIPTION
1	10/27/16	PRELIMINARY APPROVAL

PROPERTY LINE ADJUSTMENT EXHIBIT
 TAX LOTS 600 & 800 - 2N 4 36 AND
 PORTION OF TAX LOT 5200 - 2N 3 318C
 ANNEXATION TO THE CITY OF BANKS
 WASHINGTON COUNTY, OREGON

