

Welcome to Multnomah County Land Use Planning. Our planning staff is here to assist you in understanding the rules for developing property and to help you tailor your project to meet them. As part of that effort, we have developed a series of handouts to explain the development standards and processes that you will need to follow. This handout covers the requirements for replacing or altering dwellings in farm or forest zones.

What are the Requirements for Replacing / Altering a Dwelling?

To replace or alter a dwelling in the farm or forest zones, it must be lawfully established and currently habitable. A *Lawfully Established Dwelling* is constructed in compliance with the laws in effect at the time of establishment. The laws in effect shall include zoning, land division, and building code requirements. Compliance with building code requirements shall mean that all permits necessary to qualify the structure as a dwelling unit were obtained, and all qualifying permitted work is completed.

What is in this handout?

- Lawful Establishment
- Habitable Dwelling
- Locating Permit Records

How Do I Show that my Dwelling was Lawfully Established?

Depending on when your house was constructed, different actions may have been necessary to lawfully establish your dwelling. The County began requiring building permits to construct a single family dwelling on August 4, 1955. If the dwelling was:

- Constructed prior to August 4, 1955, no building permit documentation will be needed.
- Constructed after August 4, 1955, at least some of the following documents will need to be provided:
 - Building Permit sign off or inspection records;
 - Septic Permit (if after 1965) for the establishment of the on-site sewage disposal system;
 - Stamped building plans;
 - Signed and Final Inspection Cards;
 - Any other documents that may prove lawful establishment.

I pay taxes on my Dwelling. Doesn't that prove it is lawfully established?

The County Assessor bases the property taxes on the improvements found on your property and the current use of the structure. They do not evaluate the legality of a particular use.

We have some historic building permit records and staff is happy to check them for you.

How Do I Show My Dwelling is Habitable?

Oregon law establishes the basic amenities a building must have to qualify as a dwelling. A *Habitable Dwelling* is an existing dwelling that:

- Has intact exterior walls and roof structure;
- Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;
- Has interior wiring for interior lights;
- Has a heating system; and
- Was lawfully established.

You need to take photographs of the above features and present them to the planner handling your request. In addition, you will need to provide documentation that the property has an on-site sewage disposal system. This can be documented by obtaining the septic permit record from the City of Portland's Sanitarian 1900 SW 4th Avenue, 5th Floor, Portland Oregon Phone 503.823.6892.

What if I cannot find Permits for my Dwelling?

After looking for the various permits, if you cannot find the building permit, you can file a request for a land use determination that your dwelling was lawfully established based upon the evidence you have collected. To file a request, you will need to submit:

- A signed General Application Form;
- Any documents you have to support that the dwelling has the necessary permits;
- A Site Plan showing all dwellings, buildings, improvements and structures;
- Photographs showing that the dwelling is habitable;
- Applicable fees (please refer to the County's current fee schedule).

Where to Look for Records:

Portland's Records Dept
1900 SW 4th Ave, 1st Flr
Portland 503.823.7660

Gresham Building Dept
1333 NW Eastman Pkwy
Gresham 503.618.2845

Assessment & Taxation
501 SE Hawthorne Blvd
Portland 503.988.3326

This determination follows the Type II application process (see separate handout for explanation of Type II process). Once you submit the materials, a planner will evaluate the documents against the applicable zoning and subdivision laws, provide notice to surrounding property owners, and prepare a written decision. (There is an additional 14 day appeal period before the decision is final.) If at any point you have questions about the land use rules or process, please contact our staff and they will be happy to assist you.