

**Welcome** to Multnomah County Land Use Planning. Our planning staff is here to assist you in understanding 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 explains what a Lot of Record (LOR) is and how you can get a determination that your property is one.

### What is a Lot of Record?

A lot of record is a piece of property that met the zoning and land division laws in effect on the date it was put in its current configuration. In some areas, including lands zoned for farm and forest use, multiple small properties may be treated as one property for development purposes. These are called aggregated properties.

### Why is it important that my property be a Lot of Record?

Properties that are lots of record may be developed, subject to current land use rules. State law requires landowners to obtain County approval to create new properties or alter existing ones (ORS 92.014). These approvals are granted through land division and property/lot line adjustment permits. The County reviews them to ensure that the new and reconfigured properties (parcels or lots) comply with zoning rules, are accurately described, and are suitable for the intended use. Occasionally, a person will create a property without the required review by recording a deed with the County Clerk. There are a number of reasons why this can happen, and remedies under the law are a civil matter between the seller and buyer (ORS 92.018). The County will not issue development permits, lenders may refuse to finance, and insurance may not be available for properties that are not lots of record, so it is worth verifying.

### How do I find out if my property is a Lot of Record?

Contact our Land Use Planning staff. It may be that a determination has already been made in a previous land use permit that your property qualifies. The County makes findings regarding lot of record status when issuing land use decisions. The County also verifies lot of record status prior to issuing a building permit based on your information provided during the zoning review. Recent decisions are available electronically and are easy for our planners to access for your review. Decisions dating back to 1998 are also available on our webpage. For decisions not immediately available, you can file a research request with planning staff (requires a fee) and they will request the documents from archives for your review. Chances are good that your property is a lot of record if:

- It was created a long time ago (i.e. prior to 1958), or
- The property is a parcel in a partition plat or lot in a subdivision, or
- Development exists that was permitted by the County in the past, and the permit legal description or site plan matches the configuration of the property as it is today.

### How do I present evidence for an application?

There are some exceptions, and it is best to talk to our staff to learn about the rules that apply to your specific property. You can conduct much of the research to determine if a property is a lot of record. However, if you want a written determination from the County then you will need to submit the following:

- A signed General Application Form;
- Chain of title sufficient to show when the property was created and how it has been reconfigured over time. The current deed(s) for each transaction must be included;

#### What is in this handout?

- What is a Lot of Record?
- Why is it important that my property be a Lot of Record?
- How do I find out if my property is a Lot of Record?
- How do I present evidence for an application?

The County is not involved in private real estate transactions and you may want to speak to an attorney if you believe that you have purchased or sold a property that was not lawfully created.

Most title companies will prepare a chain of title for a fee. A realtor or attorney may also be able to help. The self help research room at the County Records Office is an option if you want to pull together the deed documents yourself. They are located at 501 SE Hawthorne Blvd, Ste 175. Please note that staff there can not do the research for you.

# Lot of Record Determinations

- Other relevant documents, such as real estate contracts, mortgage notes, trusts, court actions dissolving or dividing property, etc;
- Filing fees (please refer to the County's current fee schedule);
- It is strongly recommended that you submit a site plan or tax lot map marked to show the boundaries each deed is describing, along with a narrative summary explaining the significance and timing of each deed submitted with your application. This information helps to ensure you have the correct documents and helps staff verify the deeds.

When reviewing applications, staff assumes that you have reviewed the deeds you submitted and they are the applicable ones. **Please be advised that staff is required to process the application with the information you provide** and the determination could be made that your property is not a Lot of Record if you do not provide the necessary documentation at submittal.

Lot of record determinations follow the Type II application process (see separate handout for explanation of this process). Generally speaking, Lot of Record determinations are complete upon submittal. 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 a 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.