

**MULTNOMAH COUNTY****LAND USE AND TRANSPORTATION PROGRAM**1600 SE 190TH Avenue Portland, OR 97233

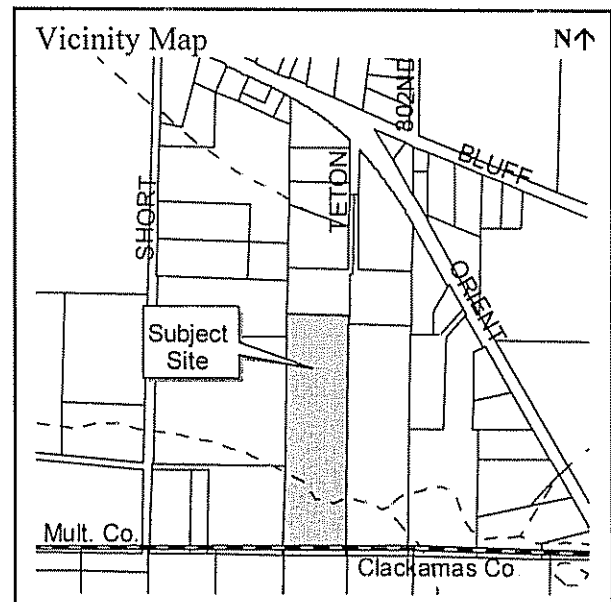
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<http://www.co.multnomah.or.us/landuse>

NOTICE OF DECISION

This notice concerns a Hearings Officer's Decision on the land use case(s) cited and described below.

Case File: T2-06-051
Permit: Lot of Record Determination
Location: SE Teton Drive
TL 200, Sec. 19DD, T 1S, R 4E, W.M.
Tax Account #R99419-1790
Applicant: Jay Ellis
Property Owner: Ronald & Marlene Rasmor
11910 SE Wildwood Drive
Gresham, OR 97080
Base Zone: Multiple Use Agriculture - 20
Overlay Zones: Significant Environmental Concern for
water resources (SEC-wr)



Summary: Applicant is requesting a Planning Director's Determination that Tax Lot 200 is a Lot of Record in the MUA-20 zoning district.

Determination: Tax Lot 200, 1S4E19DD is a Lot of Record pursuant to MCC 36.2870.

This decision is the County's final decision in this matter.

Issued by: Liz Fancher
Hearings Officer

Planner: Lisa Estrin, Planner

Date: September 25, 2006

Opportunity to Appeal: This decision is the County's final decision in this matter. It may be appealed to the Land Use Board of Appeals provided a timely and proper appeal is filed.

Applicable Approval Criteria: Multnomah County Code (MCC): MCC 36.2870 Multiple Use Agriculture -20 Lot of Record, MCC 36.0005(L)(13) Definitions – Lot of Record and Chapter 37 – Administration and Procedures.

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.

Finding of Facts: Written findings are contained herein. The Multnomah County Code criteria are in **bold** font. Staff comments and analysis are identified as **Staff:** and follow Applicant comments identified as **Applicant:** to the applicable criteria. Staff comments include a conclusionary statement in *italic*.

Introduction:

Applicant: The applicant's understanding of the history of this property has come from an at length title search with the help of Larry Ball of First American Title Company, research at the Multnomah County Yeon Building and discussions with the property owners.

This the property has changed hands a number of times over the years, as is common with many properties. Over those years specifically prior to 1977 property divisions in the State of Oregon were rather informal and no-demanding, especially when compared to today's standards. In my experience, that prior to computer documenting of property, discussions by Multnomah County, it was not uncommon for the local governing authority to do many things "over the desk" or "across counter" or "via hand shake", that did not always get properly documented. This should not later invalidate the land division that occurred over 30 years ago.

The purpose of this application is to determine if this subject property is a LOT OF RECORD, so that the property can be developed with a Single Family Residence. A Single Family Residence is an approved use in the current MUA-20 zoning.

The applicant believes that it was, obviously, the intent of the Taylor's & Greiner, the owners at the time of the subject land division in 1975 see contract (Taylor's & Greiner to Floyd Smith) to create two additional parcels from the parent property, Tax Lot 118. These new parcels were identified as Tax Lot 178 (Northwestern 2.0 acres), and Tax Lot 179 (Southwester 8.67 acre). The Taylor's & Greiner entered into two separate contracts with the purchaser Mr. Floyd Smith for Tax Lot 178 & Tax Lot 179. The parties had these Contracts and Deeds recorded with the County. They were recorded in Book 1069 page 1625 and Book 1069 page 1622 respectively. They also had the property surveyed by Marx & Chase of Gresham in September of 1975. As part of the sale, they also recorded this survey with the county on November 17, 1975.

Shortly after recording both the sale and survey of Tax Lots 178 & 179 the purchaser Mr. Floyd Smith obtained a building permit for Tax Lot 178. This permit was issued from Mult. Co., as Permit #75-1751, for the construction of a residence/attached garage. The applicant feels that it is important to note that permit 75-1751, specified that this parcel had "access to Orient Drive". This was approved by Multnomah County in 1975. The applicant feels that since the access was OK for Tax Lot 178 it would also be adequate for Tax Lot 179. This would satisfy Multnomah County Code 3.527 and as such would make this subject property a LOT OF RECORD.

The current owner Mr. Rasmor documents that he checked with and verified with Multnomah County

Planning Department prior to purchasing the property that the subject parcel was a "Buildable Lot". He did this in 1986. The applicant has been a Real Estate agent in Oregon for over 6 years. It is my experience that it is standard or normal of potential purchasers of rural property like Mr. Rasmor to check on a property with the appropriate local planning department in this case Multnomah. In fact it would be unusual not to conduct this as part of the discovery process when buying undeveloped rural property.

All other previous and future property divisions of the parent piece of property have been recognized as, lots of record with the county. All, but one other parcel has been developed. The county tax assessor in 1975 created a tax account for this property from Tax Lot 118 (see exhibit) and has taxed it at a value that would be consistent of a lot that is a Lot of Record.

The applicant has shown that at the time this lot was created all involved (including Mult. Co.) understood and acted as if both new parcels were to be Lots of Record. I can not believe that Multnomah County can recognize only two parcels of a three lot partition. As a result this lot should be recognized as a Lot of Record by Multnomah County.

Land Use History from Ron Rasmor, Owner:

Item #1 Originally purchased from Floyd & Colleen Smith on January 1988. Warranty Deed – Multnomah County Recorded Bk 2074, PP.26

(1) We checked with Mult. Co. Re: land use, before we purchased! We were told the property was currently under "Farm Deferral" and also #1 – "Single Family Dwelling could be built on property, but could not be subdivided for multiple residences." The only building on this prop – at this time was a large barn & corrals.

(2) This parcel was part of a larger 10.67 property which was purchased by the Smiths and immediately divided with a subtraction of the northern 2 acres & southern 8.67 acres created with easement access, from public road. Easement thru east portion of 2 acres to rear parcel of 8.67 acres.

Item #2 July 1986 – we (Ron & Marlene Rasmor) purchased the front 2 acres with 4,000 plus sq. ft. home and large shop from Floyd & Colleen Smith, but they would not sell the rear prop 8.67 acres. They said they might want to build a home in the future on this property. A year later the 8.67 acres went on the market and we purchased it, as list above item #1.

Item #3 Mult. Co. disqualified special farm assessment on June 1994. Reappraised to RMV land and improvements with a potential \$6,118.00 tax liability.

(1) Ron & Marlene Rasmor meet with Mult. Co. at office in southeast Portland. Land Use mgr. pulled up documents and told us: Class Property Use: Residential Land 1-Single Family Residence, no subdivision at this time! Landuse: AGR, SFD and attached improved. Zoning: MUA-20. County will send out somebody to help me and review property for future use!

Mult. Co. Land Staff employee came out. Brought Flood Plain Map. Walked over property review creek for possible bridge crossing. Was told I should speak with Army Corp of Engineer's regarding Bridge questions and requirements. "Our plans at this time were to plan on building home on farm south/east corner of our property".

Item #4 Jan. 1998 we had Attorney Stephen C. Lewis, make an easement adjust by adding 10 feet to Road Access thru our 2 acre property to the back 8.67 acres property. Creating a 25 foot road/connection to the front 50 foot road used by 3-three other residences! Recorded Mult. Co. Jan. 1998 #98010781.

Item #5 May 1998 – Sold our home and 2 acres to R. Rasmussen & wife. Deed recorded our existing road easement to our 8.67 acre property.

Item #6 Currently, after paying taxes since Jan. 1988 and fair market value retail residential taxes since June 1994, we have decided not to build retirement home because of economics. But, would like to have

our oldest daughter build their home on this property. But, Multnomah County Planning Dept will not allow this. "NOT A LOT OF RECORD NO; NO; NO; - My multiple comments will be heard at this time!! Mult. Co. Taxation and Assessment have it right – Planning/Land Use need help & help!!

P.S. We seriously (survival financially) need to move this property! – NOW –

Site Characteristics and Vicinity

Staff: The subject property is currently zoned Multiple Use Agriculture - 20 (MUA-20) with a minimum lot size of 20-acres. A Significant Environmental Overlay for Water Resources (SEC-wr) covers a portion of the property. The subject property is 8.67 acres in size and is currently being utilized for nursery stock and pasture/grasses. The property includes a large barn. The property takes access through an easement to Teton Drive which intersects with Orient Drive approximately 870 ft north of the subject property. There is a mixture of Multiple Use Agriculture and Orient Residential zoning in the immediate vicinity. Many of the properties nearby are occupied by a dwelling and some are planted with nursery stock.

1.00 *General Provisions*

1.01 *Type II Case Procedures*

MCC 37.0530(B): ...Upon receipt of a complete application, notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood associations and property owners within 750 feet of the subject tract. The Planning Director accepts comments for 14 days after the notice of application is mailed and renders a decision...

Staff: The application was submitted April 27, 2006 and an "Opportunity to Comment" notice was mailed on May 10, 2006 to all properties within 750 feet of the subject properties in compliance with MCC 37.0530. Comments were received from Ronald Rasmussen who owns and lives at 8005 SE Teton Dr. (property immediately to north of subject site). Mr. Rasmussen is concerned about the trees that line the easement leading to the property in question and does not want to see them harmed. This land use decision is to decide if the property is a Lot of Record only and no development is being proposed at this time or being reviewed. Depending on where a dwelling may be proposed, a Significant Environmental Concern permit may be necessary in the future for development of the subject site. No other comments were received.

1.01 *Proof of Ownership*

MCC 37.0550 *Initiation Of Action.*

Except as provided in MCC 37.0760, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser. PC (legislative) actions may only be initiated by the Board of Commissioners, Planning Commission, or Planning Director.

Staff: Multnomah County Assessment and Taxation records show Ronald Rasmor as the owner of the subject property. He has signed the General Application Form (Exhibit A.1) and has authorized Jay Ellis to be the applicant on this matter. *This criterion has been met.*

1.02 *MCC 37.0560 Code Compliance And Applications.*

The County shall not approve any application for a permit or other approval, including building permit applications, for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County. A permit or other approval, including building permit applications, may be authorized if it results in the parcel coming into full compliance with all applicable provisions of the Multnomah County Code

Staff: At this time, there are no known violations on the subject property.

2.00 ***Lot of Record Provisions***

2.01 **MCC 36.0005(L)(13) Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof which when created and when reconfigured (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. 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

4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

5. “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See *Date of Creation and Existence* for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

Staff: The applicant has submitted in a number of deeds involving this property (Exhibits A.8 – A.28). The first document in recordable form creating the subject property was a Contract (Book 1069, Pages 1622 – 1624) between Taylor & Greiner selling the 8.67 acres of land to Smith and granting access to the property from Teton Road via a 15’ to 25’ wide easement over Tax Lot 178, 1S4E19. This document was recorded in October 1975 (Exhibit A. 20).

Hearings Officer: At the time that the 8.67-acre tract of land was created, a two-acre lot was created, by deed from the same parent parcel as the 8.67-acre tract. The two-acre lot adjoins a public road. The 8.76-acre lot does not adjoin a road. Instead, it adjoins an access easement that crosses the two-acre parcel and another nearby lot. When the 8.76-acre lot was created, Multnomah County did not regulate partitions. It was lawful to divide land by conveying land by deed or land sale contract.

These conveyances created two lots that complied with “all applicable land division rules” as the lots were created by a sales contract and a deed that were recorded prior to October 19, 1978. Whether the conveyances created two lots that complied with “all applicable zoning laws” is a far more difficult question to answer. That question is addressed below.

Staff: At the time the property was divided from the parent parcel, it was zoned R-10 (Single Family Residential). The R-10 zoning district had a minimum lot size of 10,000 square feet and required street frontage. MCC 3.527 specified *"All lots in this district shall abut a street or shall have such other access held suitable by the Planning Commission."* Staff reviewed County records to determine whether the Planning Commission had held that the easement was suitable, but found no record of action. Nor has the applicant submitted any documentation of approval of the alternative access via easement. In addition, staff reviewed the County's building permit records to see if a past determination that the property was a lawfully created parcel had been made. No building permit activity on this property was found. No evidence of a building permit determination has been submitted by the applicant. Since the property does not have street frontage and its alternative access was not approved at the time of its creation, Tax Lot 179, 1S4E19 did not *satisfy all applicable zoning laws* at the time of its creation and cannot be determined to be a *Lot of Record* pursuant to present day codes.

Hearings Officer: In October 1975, MCC 3.527 required that *"[a]ll lots in this district shall abut a street or shall have such other access held suitable by the Planning Commission."* The meaning of this requirement is unclear in part. It is clear that one way to meet the requirements of this section is to create a lot that abuts a street. The two-acre lot abutted a street. The 8.67-acre lot did not. Another way to comply with MCC 3.527 was to "have such other access held suitable by the Planning Commission." Multnomah County has interpreted this code requirement in a prior case issued by a County Hearings Officer. While that decision is not binding, the County strives to apply its laws equally to similarly situated persons. For the most part, the Estcourts and Rasmors are similarly situated.¹

This part of the code is unclear. As determined by County Hearings Officer Joan Chambers in the Estcourt decision, T2-01-100:

"I do not see anything in this code provision that specifically calls for a public hearing or an individual review of a specific access. For example, if the Planning Commission had made a general interpretation that easements created prior to 1955 constituted suitable access, the staff in 1977 might have made a determination that the Estcourt property under review fell into a class of access standards that had been generally approved by the Planning Commission or the policy may have been that the Planning Commission only reviewed access questions if an easement was proposed as an alternative to access from a connecting public street. In the instant case, the only access available was an existing access by easement. Perhaps the staff made an interpretation that no further review was required."

In 1975, after the Rasmor lot was created, MCC 3.527 was amended to require that lots abut a street or have "such other access held suitable by the Hearings Council." After this amendment was adopted, the County records reflect that property owners who divided land filed applications to have the Hearings Council review and approve easement access for lots that did not abut a street. This proves that the code was then interpreted by Multnomah County to require a hearing or individual review by the Hearings Council to approve easement access for lots created by deed. This fact supports the position of County staff that the code required a hearing or review of the easement by the Planning Commission. This position is, however, undercut by other evidence in the record. County Planning staff advised the hearings

¹ The Estcourt easement was created prior to 1955, the year Multnomah County first adopted zoning regulations. The Rasmor lots were created prior to the time that the Hearings Council was given authority to issue access approvals while the Estcourts lot was created after that date. The Estcourt decision, however, indicates that Planning Commission, rather than Hearings Council approval, was required in 1977 for lots in the zone in which the Estcourt property was located.

officer, at the land use hearing, that lot access issues were handled by the Planning Commission's Board of Adjustment. Apparently, the County agrees with the applicant that this issue was not handled by the Planning Commission itself. Staff submitted copies of minutes for the Board of Adjustment from 1975 and 1976, Exhibit H9. This exhibit shows that in 1976 the Board of Adjustment considered whether to approve the use of an easement as access to new lots. All of these cases were appeals from the Hearings Council. The record shows that no easement access cases were heard by the Board of Adjustment in 1975 at the time that MC 3.527 required that lots have such other access held suitable by the Planning Commission. This supports the applicant's claim that Multnomah County did not require or provide a review process for landowners to utilize to obtain approval of alternative access for lots as a number of access cases were decided on appeal in 1976. This indicates that many more such cases were likely decided by the Hearings Council. The fact that no such cases were decided by the Board of Adjustment in 1975 when it was, according to staff, the body that should have heard all such cases indicates that cases of this type were simply not heard by the Board of Adjustment. This fact supports the finding by Hearings Officer Chambers that it is possible that the Planning Commission adopted an across-the-board rule regarding lot access by easements.

Given the passage of time it is virtually impossible for anyone to determine with certainty whether the Planning Commission, prior to the creation of the Hearings Council, had determined that easement access or easement access of a particular width was "such other access held suitable by the Planning Commission."² It is possible that County staff failed to enforce the requirement when it issued building permits for newly created lots. This would also explain the lack of decisions by the Board of Adjustment in 1975. In determining which is the more likely scenario, the Hearings Officer believes that it is reasonable to assume that County staff was aware of and followed the law in issuing permits. This would mean that if Board of Adjustment hearing and approval of easement access was needed, cases seeking that approval would have been presented to the Board of Adjustment in 1975. Since no cases were presented, the Hearings Officer finds that it is most likely that the Planning Commission had generally authorized the use of easements for access to lots where lots did not abut a public street. This interpretation is consistent with evidence presented by the applicant that shows that he checked with Multnomah County in 1988 prior to purchasing his property and was told that he could build a single-family dwelling on the property but that he could not divide the land. Based on this evidence, the Hearings Officer finds that the creation of the Rasmor lot in 1975 complied with the zoning law in effect at the time it was created and that the lot is a lot of record.

The Hearings Officer also finds that Multnomah County has made a prior decision in 1994, LE 8-94, that necessarily determined that the creation of Tax Lot 179 was legal. Case LE 8-94 is a lot line adjustment approval between Tax Lot 118 and 180. Both of these lots were a part of the same parent parcel as Tax Lot 179 at the time Tax Lot 179 was created. Tax Lot 179 was created out of parent parcel Tax Lot 118 which then included what became Tax Lots 118, 179 and 180. At the time, Tax Lot 118 included Tax Lot 180.³ Tax Lot 118 abutted a public road. The deed that created Tax Lot 179 created the newly configured Tax Lot 118 (later Tax Lots

² While the applicant has the burden of proof in this application, it is the responsibility of Multnomah County to identify the applicable law and approval standards for the applicant. In this case, the standards have been identified but their meaning is unclear and there is only circumstantial evidence of how the law was applied and interpreted at the time the lot was created – the time period that is relevant for purposes of determining whether a lot was lawfully created.

³ Tax Lot 178 was created at the same time as Tax Lot 179. For the purpose of clarity, it is assumed that Tax Lot 179 was created after Tax Lot 178 was created.

118 and 180). If the deed created an illegal land division because it created a parcel that lacked street frontage, Tax Lot 118 and Tax Lot 179 would have remained a single legal lot of record as the attempt to separate the lots would fail because it was illegal. Multnomah County necessarily determined in LE 8-94, however, that Tax Lot 179 and Tax Lot 118 are not a part of a single lot of record as it found that the boundaries of Tax Lot 118 do not include Tax Lot 179. Thus, the act that separated Tax Lot 179 from Tax Lot 118 must have been legal and must have separated Tax Lot 179 from Tax Lot 118.

The deed that created Tax Lot 179 cannot be legal for one purpose, to create a smaller Tax Lot 118, and illegal for another, to create Tax Lot 179. After the creation of Tax Lot 179, Tax Lot 180 was created. It, like Tax Lot 178, abutted a public right-of-way. Tax Lot 118, however, had no street frontage. Multnomah County allowed the owner of Tax Lot 118 to adjust the boundaries of that lot to reduce the size of that lot. In such a setting, the County is required by State law to show that the lot being reduced in size complies with the applicable provisions of the County's land use laws. One such County requirement is that Tax Lot 118 be a lot of record. To be a lot of record, that parcel must have been lawfully created. Since Tax Lot 118 was created, in part, by the 1975 deed that created Tax Lot 179 the creation of Tax Lot 179 must have been legal in order for the County to find that Tax Lot 118 was a lot of record that could be adjusted. Thus, the issue of the legality of Tax Lot 179 was necessarily determined in the lot line adjustment approval. This hearings officer is bound by that result and cannot logically issue a contrary determination in this proceeding. A finding that Tax Lot 179 would necessarily mean that it is still a part of a legal lot of record that includes Tax Lot 118. As it is impossible for this hearings officer to issue a decision to that effect without contradicting the results of a previously issued and final County land use decision on the same topic, the hearing officer finds that she must find that the Rasmor lot is a lot of record.

Finally, the Hearings Officer finds that it is likely the Rasmor lot easement access is safe and convenient for pedestrians and for passenger and emergency vehicles as defined by the current, applicable zoning district. MCC 36.2885. In the event the County reverses this decision, it would be reasonable for the applicant to seek approval to ratify the creation of its lot by obtaining either the Planning Commission approval required under the 1975 law or approval of the access under the current legal standard for access. If the easement provides safe access, there is no compelling public reason to deny the Rasmors the right to develop their property as any owner creating a lot today could use this type of access for a new lot. Additionally, nothing in the 1975 law required that Planning Commission approval be obtained within any particular time frame. As such, it seems only fair to allow the applicant the right to complete this step now.

MCC 36.2870 Lot of Record.

(A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;**
- (2) July 10, 1958, F-2 zone applied;**
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;**
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;**

(6) May 16, 2002, Lot of Record section amended, Ord. 982.

Hearings Officer: The MUA-20 zone applied to the subject property on October 6, 1977. That zone continued to allow lots to be created that do not abut a public road if adequate access is provided by some other means.

(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 36.2885, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Hearings Officer: This provision only applies if the subject property is a legal lot of record. If the lot was not lawfully created, this provision does not excuse the applicant from demonstrating compliance with the access requirements of the zoning code in effect at the time the lot was created. Since the subject property is a legal lot of record, it is not required to comply with the current access requirements of the County's zoning ordinance.

(C) Except as otherwise provided by MCC 36.2860, 36.2875, and 36.4300 through 36.4360, 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.

Hearings Officer: The applicant is not seeking to sell any portion of a lot and to leave a structure on a substandard lot.

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

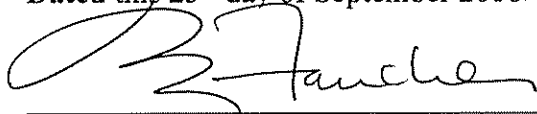
- (1) An area of land described as a tax lot solely for assessment and taxation purposes;**
- (2) An area of land created by the foreclosure of a security interest.**
- (3) An area of land created by court decree.**

Hearings Officer: The Rasmor lot was not created by any of these methods.

3.00 ***Conclusion***

Based on the findings and other information provided above, the Hearings Officer determines the property south of 8005 SE Teton Drive (Tax Lot 200, 1S4E19DD) was legally created and is a Lot of Record.

Dated this 25th day of September 2006.



Liz Fancher, Hearings Officer

4.00 ***Exhibits***

The list of exhibits is a separate document prepared by County staff that will be mailed with this decision.

Exhibit List for T2-06-051 Appeal Hearing

Hearing Date: July 28, 2006

'A' Applicant's Exhibits

'B' Staff Exhibits

'C' Procedural Exhibits

'D' Comments Received During Opportunity to Comment

'H' Hearing Exhibits

'I' After Hearing Exhibits

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	General Application Form	4/27/06
A.2	1	Vicinity Map	4/27/06
A.3	1	Current Tax Map – 1S4E19DD	4/27/06
A.4	1	Tax Map for 1S4E19DA	4/27/06
A.5	1	Previous Tax Map	4/27/06
A.6	2	Jay Ellis Narrative	4/27/06
A.7	2	Ron Rasmor Narrative	4/27/06
A.8	2	1891 Deed from Proctor to Miller [164/178]	4/27/06
A.9	3	1937 ROW deed Takaki et al to State Hwy Commission [433/88]	4/27/06
A.10	1	1909 Deed Takaki to Security Investment Co [503/20]	4/27/06
A.11	1	1922 Deed Iwakushi to Security Investment Co. [909/253]	4/27/06
A.12	2	1942 Deed Takaki to Glenn [893/549]	4/27/06
A.13	3	1944 Deed Takaki to Wells [893/551]	4/27/06
A.14	2	1944 Deed Wells to Nelson [893/553]	4/27/06
A.15	1	1959 Deed Wells to Taylor & Greiner [1988/41] (Property Prior to Division)	4/27/06
A.16	1	1964 Deed Taylor & Greiner to West Coast Telephone Co. [2201/497]	4/27/06
A.17	3	1964 Deed Taylor & Greiner to Multnomah County ROW Dedication [122/203]	4/27/06
A.18	2	1972 Deed Taylor & Greiner to Holmlund [869/1625]	4/27/06
A.19	2	1975 Deed Taylor to Smith [1069/1625]	4/27/06

A.20	3	1975 Taylor & Greiner Contract to Smith [1069/1622] (Deed of Creation) Tax Lot 179 then, now 200.	4/27/06
A.21	1	1976 Taylor & Greiner to Smith [1111/1938]	4/27/06
A.22	2	1987 Smith to Rasmor [2053/488]	4/27/06
A.23	1	1987 Smith easement to Rasmor [2053/490]	4/27/06
A.24	7	1986 Smith Contract to Rasmor [1918/594]	4/27/06
A.25	2	1988 Smith to Oregon Bank, Trs for R&R Associates [2074/26]	4/27/06
A.26	3	Statutory Bargain and Sales Deed, Frost to Silva [96-29679]	4/27/06
A.27	5	1998 Agreement for Easement Rasmor to Rasmor [98-010781]	4/27/06
A.28	2	2002 Bank of America Trs for R and R to Rasmor [2002-100150] (Current Deed)	4/27/06
A.29	1	Survey #38849	4/27/06
A.30	1	Survey #39588	4/27/06
A.31	2	8008 SE Teton Drive Building Permit	4/27/06
A.32	1	Parcel Record Card for R99419-1790	4/27/06
A.33	4	R-10 Zoning District - Multnomah County (3/16/1979)	4/27/06
A.34	5	MUA-20 Zoning District – Multnomah County	4/27/06
A.35	1	List of Deeds from First American Title Insurance Company of Oregon	4/27/06
'B'		Staff Exhibits	Date
B.1	1	A&T Property Information for 1S4E19DD - 00200	4/27/06
B.2		R-10 Zoning District (5/17/1974)	5/5/06
B.3	1	1962 Zoning Map	6/12/06
B.4	1	October 5, 1977 Zoning Map	6/12/06
B.5	1	October 6, 1977 Zoning Map	6/12/06
B.6	1	1978 A&T Map	6/12/06
B.7	1	Staff Created Legend to Various Deeds	6/12/06
'C'		Administration & Procedures	Date
C.1	1	Complete Letter – Complete May 10, 2006 (Day 1)	5/10/06

C.2	2	14 Day Opportunity to Comment	5/9/06
C.3	15	Administrative Decision – Day 50	6/15/06
'D'		Comments Received During O.T.C.	Date
D.1		Comments from Ronald Rasmussen, 8005 SE Teton Drive	5/17/06
'H'	#	Hearing Exhibits	Date
H.1	3	Notice of Appeal	6/19/06
H.2	5	Notice of Public Hearing	6/22/06
H.3	1	Letter from Attorney Gary Shepherd requesting the Hearing be Rescheduled	6/23/06
H.4	4	Notice of Rescheduled Public Hearing	7/16/06
H.5	4	Newspaper Notice	7/8/06
H.6	1	2004 Air Photo of Area	7/28/06
H.7		<p>Hearing Memorandum from Gary Shepherd to Hearings Officer & Exhibit List – 21 pages</p> <ul style="list-style-type: none"> a. Land Division Overview – 3 pages b. Current Tax Map – 3 pages c. Historical Zoning and Tax Maps – 6 pages d. Recorded Sale and Deed Documents, Lots 178 and 179 – 7 pages e. Public Street Dedication Document – 1 page f. Property Survey – 2 pages g. Area Map with Home Dates – 2 pages h. Portland Maps Land Records – 25 pages i. Tax Assessments – 7 pages j. Property Line Adjustment Survey, Lot 180 and 118 – 5 pages k. Property Purchase and Authorization Documents – 5 pages l. Building Permit Card, Lot 178 – 1 page m. Building Permit Card, Lot 180 – 2 pages n. Ordinance No. 100, 1974 ed. – 31 pages o. Deed, Lot 167 – 1 page p. County fax – 1 page q. Ordinance No. 100, 1962 ed. – 13 pages r. HB 2680, County Subdivision/Partition List – 1 page s. Ordinance No. 174 – 36 pages t. 2001 Rural Lot of Record and Statewide Policy Goal 14 Update – 6 pages u. Ordinance No. 100, 1978 ed. – 16 pages 	7/27/06

		v. Ordinance No. 111 – 43 pages w. Interim Zoning Ordinance, 1953 – 4 pages x. Estcourt Case File T2-01-100 Hearings Officer Decision – 16 pages y. Case File MC 7-78 – 9 pages z. Case File MC 11-79 – 10 pages aa. HB 2381 – 2 pages bb. HB 2381 Exhibit – 1 page cc. HB 2381 Exhibit – 3 pages	
H.8	2	Board of Adjustment Ordinance – 1974 version	7/28/06
H.9	2	Board of Adjustment Agendas for 1975 & 1976	7/28/06
H.10	3	Affidavit of Ronald Rasmor	7/28/06
H.11	8	Pages from Zoning Ordinance #100 Adopted May 17, 1974	7/28/06
H.12	1	Sign-In Sheet for Hearings Officer Hearing T2-06-051	7/28/06
H.13	1	Map of Parent Property with various Tax Lots Broken Out	7/28/06
H.14	9	LE 4-94 Decision	7/28/06
'I'	#	Post Hearing Exhibits (7/29/06 through 9/1/06)	Date
I.1	3	Request For Extension & Granting of Extension	8/23/06
I.2	14	Memorandum to Liz Fancher from Land Use Planning Section a. Property Legend b. 1978 A&T Map Showing Tax Lots 180 and 118 Before Property Line Adjustment (LE 4-94) c. Parcel Record Card for Tax Lot 167 Showing Date for Deed recorded in Book 869, Page 1625 d. Parcel Record Card for Tax Lot 118 e. Building Permit Cards for 8005 & 8008 SE Teton Dr. (No other B.P. Found) f. Exempt Minor Partition – Tax Lot 196, 197 & 198	8/31/06
I.3	51	Applicant's Open Record Submittal a. LE 8-94 Application for Administrative Lot of Exception b. A&T Real Property Account for R99419-	9/1/06

		<p>180 (T.L. 180)</p> <ul style="list-style-type: none"> c. A&T Real Property Account for R99419-1180 (T.L. 118) d. Legal Description of Parcel II, Fee No. 96-29679 e. Legal Description of Portion of Parcel II, Fee No. 96-29679 f. Legal Description of Parcel I, Fee No. 96-29679 g. Cover Sheet for Zoning Ordinance adopted as of February 20, 1990 h. Cover Page for Zoning Ordinance Effective March 1990 i. MUA-20 Ordinance j. Initial Notice of Violation (ZV 99-02) k. Letter to Daniel & Sandra Silva from the City of Gresham l. Board of Adjustment Application to Permit Lot Division and Second Residence m. Letter from Department of Environmental Services to Dean Dikeman dated July 8, 1975 n. Board of Adjustment Application for Variance to Allow Land Division o. Letter from Richard Nelson to Multnomah County Planning amending his variance request for proposed Lots C & B. p. Letter from Multnomah County to Richard Nelson indicating approval of his requested variance for his proposed lots q. Notice of Public Hearing r. Decision of Multnomah County Hearings Council M 4-76 Request for Approval to use an Easement as a Means of Access s. Letter from Multnomah County Planning to Property Owners for M 4-76 regarding Easement Roadway Standards t. Decision of Multnomah County Hearings Council M 5-76 Request for Approval to Create an Easement as a Temporary Means of Access 	
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		<ul style="list-style-type: none"> u. Agenda B for M 5-76 for the creation of an easement as a temporary means of access Staff Report v. Decision of Multnomah County Hearings Officer M 29-74 Request for approval to use an easement as a means of access w. Agenda B Easement Request M 29-74 Staff Report x. Permit Cards for 12436 SE Stark 	
I.4	2	Final Argument	9/14/06