

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

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<http://www.multco.us/landuse>

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## NOTICE OF DECISION

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This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

**Case File:** T2-2012-2423

**Permit:** Planning Director's Determination

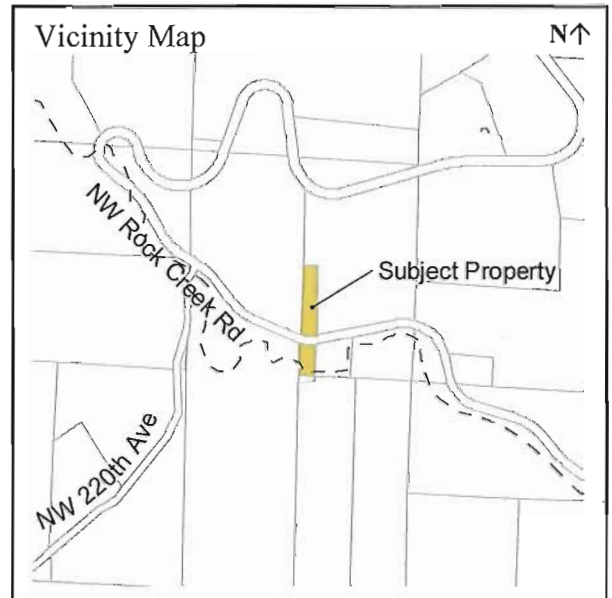
**Location:** West of 14027 NW Rock Creek Road  
Tax Lot 1100, Section 26C,  
Township 2N, Range 2W, W.M.  
R972260560

**Applicants:** Frank Walker

**Owners:** Carol Nelson

**Base Zone:** Commercial Forest Use-2 (CFU-2)

**Overlays:** Significant Environmental Concern –  
Streams (SEC-s), Habitat (SEC-h);  
Slope Hazard



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**Summary:** Applicant is requesting a Planning Director's Determination that the structure on the subject property is a Lawfully Established and Habitable Dwelling as defined in MCC 33.0005.

**Decision:** The Planning Director finds that the structure on site was once a lawfully established dwelling but is no longer considered Lawfully Established due to unpermitted additions and improvements to install the necessary elements to qualify as a "Dwelling Unit." The Planning Director also finds the structure is not Habitable as defined in MCC 33.0005.

Unless appealed, this decision is effective Monday, April 15, 2013, at 4:00 PM.

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Issued by:

By:

  
Don Kienholz, Planner

For: Karen Schilling- Planning Director

Date: Monday, April 1, 2013

**Opportunity to Review the Record:** A copy of the Planning Director Decision, and all evidence submitted associated with this application, is available for inspection, at no cost, at the Land Use Planning office during normal business hours. Copies of all documents may be purchased at the rate of 30-cents per page. The Planning Director Decision contains the findings and conclusions upon which the decision is based, along with any conditions of approval. For further information on this case, contact Don Kienholz, Staff Planner at 503-988-3043, ext. 29270.

**Opportunity to Appeal:** This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. 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 offices at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Monday, April 15, 2013 at 4:00 pm.**

**Applicable Approval Criteria:** Multnomah County Code (MCC): 37.0560 Code Compliance; 33.0005 Habitable Dwelling and Lawfully Established Dwelling.

Copies of the referenced Multnomah County Code (MCC) sections can be obtained by contacting our office at 503-988-3043 or by visiting our website at <http://www.co.multnomah.or.us/landuse> or <http://web.multco.us/transportation-planning>.

## **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*.

### **1.00 Project and Property Description:**

**Staff:** As noted on the General Application Form (Exhibit A.1), the applicant is requesting the Planning Director Determine the structure on site is a “Lawfully Established” and “Habitable Dwelling” as defined in MCC 33.0005.

The subject property is located off of NW Rock Creek Road, but is unaddressed. The 1.4-acre Commercial Forest Use-2 property is bisected by the public road and has a Portion of Rock Creek flowing across the southern tip roughly 75-feet from the existing structure. A significant Environmental Concern overlay for the stream covers the entire portion of the property south of Rock Creek Road, including over the structure. Access is taken from the property adjacent to the east, which is also partially owned by the owner of the subject property, Carol Nelson.

### **2.00 Code Compliance:**

#### **MCC 37.0560 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 Land Use Code and/or any permit approvals previously issued by the County.**

**(A) A permit or other approval, including building permit applications, may be authorized if:**

- (1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or**
- (2) It is necessary to protect public safety; or**
- (3) It is for work related to and within a valid easement over, on or under an affected property.**

**Staff:** The subject application is not seeking a request to develop the property or receive approval on any permits.

### **3.00 Public Comments:**

**Staff:** An Opportunity to Comment was sent to property owners within 750-feet of the subject properties’ boundaries on February 15, 2013. Several comments were received as summarized below.

**Comments by Charlotte Brake and Harold Rolette** – Their comments (Exhibit C.1) focused on the history of the subject structure and that it has not been continuously lived in. The comments also testify that the subject structure was used as an art studio in lieu of a dwelling; that there was a malfunctioning or

non-existing 'cess pool' on site for sewage disposal; and that a septic system has been installed without permits for an unpermitted dwelling on an adjacent property.

**Comments by Yvonne Roach** - Ms. Roach's comments (Exhibit C.2) provided testimony on the history of the subject structure. Her comments state her family lived on the property in the past and in the subject structure for a period of time. Her comments go on to state the lack of amenities that are required in the definition of Habitable and the overall poor condition of the home as reasons her family moved out about 1969. Lastly, her comments also include that the structure had been used as an art studio instead of a dwelling for a period of time.

**Comments by Cindy Roach** - Ms. Roach's comments (Exhibit C.3) also provide a history of the property as her relatives used to live on the property and in the subject structure. Her comments detail the condition of the home; the lack of amenities and elements that are necessary to be deemed a Habitable dwelling as defined; and the lack of a sanitary sewage disposal system.

#### **4.00 Lawfully Established Dwellings:**

**Staff:** The applicant has requested an interpretation on whether or not the structure on the subject property is a lawfully established dwelling, or what is commonly referred to as a legal dwelling. Lawfully Established is referenced in the context of the alteration, restoration or replacements of a dwelling in the CFU-2 zone under MCC 33.2220(D). While none of those actions are proposed under this application, we can utilize the definitions found in MCC 33.0005 in the context of the uses section of the CFU-2 code to determine if the structure on the property is lawfully established.

#### **MCC 33.0005                      LAWFULLY ESTABLISHED DWELLING DEFINITION**

**A dwelling that was 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 completed.**

**Staff:** As defined, in order for a dwelling to have been lawfully established, it must have all the elements of a dwelling unit as defined, and met the laws in effect at the time of establishment –both zoning code and building code permit requirements. The elements that form a dwelling unit are defined in MCC 33.0005 Dwelling Unit:

*Dwelling Unit – A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.*

County precedence on when building permits were first required has evolved over the past decade as historical records on building permit and zoning history have been discovered and better understood over time. Section B below explains early building code requirements in more detail.

#### **A.        Zoning Requirements:**

**Staff:** Zoning requirements for Multnomah County date back to 1953 with the County's first interim zoning ordinance (Exhibit B.25). The interim zoning code applied to all areas that were not already covered by a zoning district. The interim zoning code had language that provided for a very permissive list of allowed uses as well as a list of specific uses that that required a special permit (Sections III, IV and V, Exhibit B.25). Later, a permanent zoning code was adopted on

August 4, 1955 (Exhibit B.27). The 1955 zoning code required all structures meet the zoning code and obtain building permits for improvements.

Multnomah County Department of Assessment, Recording and Taxation indicate the structure on the subject property was built in 1937. 1937 predates the zoning and building codes that were adopted in 1955.

Based on the above, it can be determined that without zoning rules in place when the home was first established in 1937, it was lawful. Any alterations or additions to dwellings after August 4, 1955 were required to satisfy the zoning requirements, particularly those that would qualify the structure as a Dwelling Unit as defined.

#### **B. Building Permit Requirements:**

**Staff:** An interim building code was established in Multnomah County in 1954 (Exhibit B.26), but it is not clear the extent of the jurisdiction of the code. A permanent building code was adopted for the entire County west of the Sandy River on August 4, 1955 (Exhibit B.26). Staff also discovered many letters clearly stating that building permits were clearly required after August 4, 1955 (Exhibit B.28).

Section 3.11 of the 1955 Zoning Ordinance (B.27) defines the term Building Department. The Definition is as follows: "The Planning Commission is designated as the Building Department and is therefore charged with the administration and enforcement of this ordinance." Staff finds Multnomah County had an established authority in place for a building department as of August 4, 1955.

The term 'Building Permits' is defined in section 5.70 on Page 13 of the 1955 Zoning Ordinance. The definition states building permits shall be required within the boundaries of the area affected by this ordinance for the erection or alteration of all structures or land uses. Staff finds that construction of a single family dwelling on the subject property prior to August 4, 1955 did not require a building permit. Alterations or additions to dwellings after August 4, 1955 did need a building permit.

#### **C. History of Structure on Subject Property**

Staff researched the County permit records for any building and land use permits that may have been issued for the subject property. There was no evidence found that any land use or building permits have ever been issued for the subject property.

The body of evidence in the record for the subject property consists of the following:

- A site plan consisting of an unsigned survey performed by James Hepler submitted by the applicant (Exhibit A.3).
- Affidavits from Velma and Harvey Elmore (nearby residents) (Exhibits A.5 and A.6).
- Affidavit from Douglas Wallower (Exhibit A.7).
- Affidavit from Carol Nelson (Exhibit A.8).
- Multnomah County Assessor's Note Card submitted by Staff (Exhibit B.7).

The Assessor's Card provided by staff provides a detailed view of what the home was like when viewed by the Assessor in 1972. In 1972, the structure had 1 sink, no dishwasher, no toilet, no wash basin, no tub, no shower, no laundry facilities, and no water heater. Additionally it notes

there was no fireplace, no heat, and no attic. The notes also indicate there were a total of five rooms – a living room, kitchen, and three bedrooms. The second page of the Assessors card contains a pictograph of the shape of the house. It indicates that there were two additions made to the structure – both in 1955.

As defined, for a structure to qualify as a dwelling unit it must have permanent provisions for living, sleeping, eating, cooking and sanitation (MCC 33.0005 Dwelling Unit). The Assessor's notes (Exhibit B.7) indicate the structure had provisions for living and sleeping (rooms), most likely provisions for eating and cooking (the assessor's notes indicate the presence of a kitchen and a kitchen sink), but no provisions for sanitation (no toilet, no bath/shower, no wash basin). Additionally, as defined, a Lawfully Established Dwelling must have a heat source and the Assessor's notes clearly show that there was no heat, fireplace or a water heater.

In contrast, the applicant's photographs show that there is a wood stove, a shower, a toilet, a bathroom sink, a water heater, a kitchen sink, and interior improvements such as plumbing and electrical items. Narrative statements note that a new electrical panel was installed in 1990 and a water connection to a well on an adjacent property in 1992. Narrative and email statements provided by the applicant also indicate there has never been a septic system connected to the structure. An unpermitted septic system was installed on the subject property in 2011 for a house on an adjacent property due to land and space limitations but the applicant has stated the subject structure is not connected to it. The City of Portland Sanitarian has confirmed she has not permitted the structure to be connected to the septic system. The applicant on behalf of the land owner is currently in the process of trying to legalize the system for the dwelling on the adjacent property.

All the noted improvements above other than the kitchen sink were done after 1972, which is after the adoption and implementation of the 1955 Building Code that required building permits for those improvements. Between 1972 and the application, improvements were added to the structure that would qualify it as a Dwelling Unit as defined. No evidence that permits were obtained or issued for the structure and improvements have been submitted into the record. The unpermitted improvements blemish the initial lawful establishment of the structure in 1937. Unless a structure and all the elements that qualify it as a Dwelling Unit are fully lawfully established, then it is entirely unlawfully established.

Based on the evidence in the record, the structure is not a lawfully established dwelling.

## **5.00 Habitable Dwelling:**

### **MCC 33.0005 Habitable Dwelling**

#### **Habitable Dwelling – An existing dwelling that:**

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

**Staff:** In the commercial forest use zones within Multnomah County, dwellings are not considered allowed uses, and therefore property can lose the right to a dwelling under certain circumstances – such as the lack of elements that make up a Dwelling Unit as defined or the degrading of the structure to the point it no longer has the required elements of a “Habitable Dwelling.” For properties that had dwellings on them prior to the adoption of the commercial forest zones, the dwellings are permitted to continue their residential use as what many colloquially call a “grandfathered use” or a non-conforming use. However, under state law, the forest zones don’t provide non-conforming use protections for dwellings; rather, they have their particular provisions for dwellings to remain and continue – that the dwelling be Lawfully Established and Habitable as defined above.

Anytime land owners request an alteration, modification, or replacement of a dwelling, they must demonstrate that the dwelling was lawfully established. Once that has been established, then the owners must demonstrate that the current condition of the home is habitable. Because habitable is a relative term, the state provided a basic definition to ensure equal administration of the law. Additionally, the provision intends for forest land to continue supporting commercial forest operations by limiting density and ensuring that hunting shacks or abandoned dwellings do not become new residences.

For the subject property and structure, questions first arose about the structure being a habitable dwelling in 2009 when an application was submitted for a replacement dwelling in case T2-09-064. Part of the incomplete letter identified the requirement for photographic evidence that was necessary. The applicant withdrew the application. This application is for a determination that the structure on the property is habitable as defined.

The applicant has submitted photographs of the exterior of the structure and interior (Exhibit A.9, A.16). Affidavits were also submitted testifying that the structure has been used as a dwelling for the last 20+ years (Exhibits A.5, A.6, A.7 and A.8).

Staff reviewed the applicant’s materials as well as Multnomah County Department of Assessment, Records, and Taxation (DART) detailed assessments of the property from 1989 (Exhibit B.8), 1990 (Exhibit B.9) and summary assessments for the years 1995 through 2012 (Exhibit B.10). Staff also reviewed the Assessor’s notes from 1972 (Exhibit B.7), emails between the applicant and staff, as well as emails between staff and the City of Portland Sanitarian (Exhibits B.13 through 24). Staff conducted a site visit and took photographs of the structure (Exhibit B.6). Finally, Staff considered comment letters sent in during the opportunity to comment (Exhibits C.1, C.2 and C.3).

Staff’s analysis of the evidence is presented below.

**B Applicant’s Exterior Photo Exhibits:**

The exterior of the dwelling in the photographs does not contain any readily apparent holes or gaps. However, it is clear that portions of the protective exterior siding are missing as seen in the applicant’s photos Exhibits 2, 5, 6, 7, 8, 9, and 10 (Exhibit A.9, A.16). It also appears that there were in fact holes in the structure that were covered with plywood in applicant’s picture Exhibits 3, 4, 5, and 6. Applicant’s picture Exhibit 7 shows an exterior door and window portion of the dwelling that is without protective siding; contains new lumber around the window; contains a haphazard collection of wood siding pieces near the door; and contains a precarious tin roof overhang as a protective porch cover. Two segments of the home, shown in applicant’s picture Exhibits 3, 4 and 5 clearly show areas of the home that were exposed and not intact as having been covered by plywood in order to keep out the elements. In applicant’s photo Exhibits 3 and 4 the area is explained to be a closed off front door but there is no explanation as to the boarded up hole in the wall in picture Exhibit 5. Lastly, in the narrative from case T2-09-064 (A request for a



replacement dwelling to replace the same structure), the same applicant noted on page 3 that the structure "...has no continuous foundation..."

Dictionary.com (Random House Dictionary) defines "intact" as used in the County's definition of Habitable Dwelling as:

*"not altered, broken, or impaired; remaining uninjured, sound, or whole; untouched; unblemished: The vase remained intact despite rough handling."*

Based on the definition of intact and physical condition of the exterior of the structure as seen in the photographs, the applicant has not demonstrated that the structure contains an intact exterior. The plywood over previous doorways (applicant's photo Exhibits 3 and 4) and other holes (Applicant's Exhibits 4, 5, and 6) as well as the door's framing in applicant's photo Exhibit 7 depict an altered, broken and impaired exterior. It would be difficult to make a finding that the exterior of the structure is *sound* as used in the definition of Intact. Furthermore, applicant's photo Exhibits 1, 2, 7, and 9 show that the bottom portion of the exterior wall is missing coverings in some areas – exposing open holes to the crawl space and foundation areas. Applicant's photo Exhibits 7 and 9 show that porch areas and/or steps are missing from the structure adjacent to entry doors into the structure.

*The holes in the bottom of the dwelling wall and lack of porches and stairs do not meet the definition of "Intact" as defined by Random House Dictionary.*

**B. Applicant's Interior Photo Exhibits:**

Applicant's photo Exhibits 11, 12 and 13 shows a wood stove for a heating source.

Applicant's photo Exhibits 15, 16, 17, 20, and 21 show plumbing for the shower, bathroom sink, toilet, and kitchen sink. It should be noted that the shower, toilet, bathroom wash basin and possible water heater appear to have been recently installed in the structure and without evidence of building permits. Lastly, the structure was only recently connected to a sanitary waste disposal system – an unpermitted and installed system primarily placed for use by the dwelling on the adjacent property. The land owner also connected the subject structure to the system in roughly 2011. While the physical elements are in the structure, unpermitted and unlawful elements cannot be considered. As such, it appears the dwelling does not have plumbing as required under the definition of habitable.

Applicant's photo Exhibits 1, 9, 10, 12, 13, 14, and 18 show electric lights turned on. Again, it should be noted that the electric panel in applicant's photo Exhibit 18 appears installed without evidence of a permit. Page 4 of the narrative for T2-09-064, for the subject property and written by the same applicant, notes that a new electrical panel was installed 1990. Again, while the physical elements are in the structure, unpermitted and unlawful elements cannot be considered.

*As such, it appears the dwelling does not have electrical elements as required under the definition of habitable.*

**C. Department of Assessment, Records, and Taxation Records:**

Staff obtained a copy of the Multnomah County Assessors notes (Exhibit B.7) for what staff assumes to be the last known physical assessment of the structure on the subject property. The notes are from a 1972 appraisal of the property and provide detailed notes on the condition, amenities, improvements and value of the structure.



Staff first notes that the assessor assigned the structure a Class 2 rating. Ratings from the Assessor are given between a 1 (Least expensive) and 8 (most expensive) class rating. As noted in an email from Karla Hartenberger, Multnomah County Tax Exemption Specialist (Exhibit B.24), Class 2 ratings would have been for structures that are low cost and below building code requirements at the time as analyzed by the tax assessor reviewing the property. But what is important to note is the lack of amenities in the structure at the time. According to the note card, there was a sink but no toilet, no wash basin, no tub, no shower, no laundry facilities, no water heater, no fire place and no heat source. The sketch provided by the assessor on the second page also indicates that there were two additions to the structure in 1955. The picture painted by the note card is that the structure was more of an out building than what would be considered a dwelling today. At the time, the County assessed an appraised value of \$3,800 for the structure in question.

Staff obtained tax records for the property from 1989 and 1990 (Exhibits B.8 and B.9). The assessor downgraded the structure from a Class 2 in 1972 to a Class 1 in both 1989 and 1990. In other words, the structure was downgraded to the lowest possible class value afforded structures. Additionally, in both 1989 and 1990 the assessor valued the improvements on the property, the subject structure, at only \$100 while the land was assessed at \$9,500 and \$10,500 respectively in those years. This change in value and class value clearly show the structure degraded significantly to the point where the assessor barely assessed any value to it.

Lastly, staff obtained an Assessment History of the structure from 1995 to 2012 (Exhibit B.10). The value of the subject structure in 1995 was \$500 and remained valued as such until 2000 when it was raised to \$520. The structure continued to contain nominal value through the housing explosion of the mid 2000's up until 2012 when the value of the structure was increased from \$780 in 2011 to \$18,820 in 2012. Again, the assessor's records show that the value of the structure was not as a dwelling but more of a dilapidated structure with minimal value. The jump in value correlates to the timing of unpermitted improvements made to the structure in the form of adding a toilet, bathroom wash basin, shower and the septic system in recent years. Furthermore, the lack in value and subsequent jump in value correlates to comments received from neighbors indicating the structure was vacant and uninhabitable until recently when the current tenant moved in.

The applicant had noted in the narrative that the dwelling had been continuously occupied for roughly the last 20-years. However, when rental agreements were requested, only the last rental agreement that began on May 1, 2010 was provided. No rental agreements or proof of occupancy was provided prior to May of 2010. Again, this lack of rental correlates to the neighbors assertion that the property was vacant prior to 2010. While lack of occupancy does not disqualify a structure from being a dwelling through discontinuance (such as in non-conforming use law), the vacancy would correlate to the structure lacking the necessary elements of a Dwelling Unit as defined until installed without permits, the lack of value given to the structure by the Assessor, and the lack of residential use claimed by neighbors. The applicant's own words and photographic evidence, corroborated by the Assessor's valuation prior to 2012, indicate that the dwelling only recently was upgraded and improved to provide a minimal standard that would allow for habitation.

*Given the evidence found in the Assessor's records, the structure did not contain the minimal elements necessary for a Dwelling Unit or Habitable Dwelling until the last couple of years. Furthermore, those minimal elements were added without any evidence of proper permitting and therefore cannot be considered when determining if the structure is a Habitable Dwelling. As such, staff cannot find that the dwelling is Habitable as defined.*

**D. Narrative and Email Evidence:**

In previous correspondence, the applicant provided evidence that the structure was not continuously lived in other than by the current tenant and that the structure had improvements without required permits. Improvements without the required permits renders those improvements unlawful and they cannot be considered for the necessary elements of a Habitable Dwelling as defined. Correspondence included the following excerpts:

“All of the uses on the property were established in compliance with all land use procedures even though there were enforcement issues related to the building and sanitation codes.” (Page 4, Narrative, Exhibit A.4).

“The owner of Tax Lot 1100 contends that there were no glaring non-conforming issues except the presence of an antiquated sewage disposal system on the west side of the Tax Lot.” (Page 4, Narrative, Exhibit A.4).

“The house on Tax Lot 1100 was constructed in 1937, was upgraded with a new electrical panel in 1990 and obtained a water connection to the well on Tax Lot 1200 in 1992.” (Page 4, Narrative, Exhibit A.4).

“The nonconforming issue is not the dwelling itself but the absence of modern gray water and sewage disposal. Prior to 1992 the subject dwelling depended on a spring across Rock Creek for domestic water.” (Page 5, Narrative, Exhibit A.4).

“I don’t know if it is good or bad but the search need only go back to August-September 2011 when the Sand Filter Septic was installed. The dwelling at 14027 NW Rock Creek Road (discussing the subject structure) was hooked up to a well in 1993 and what Erin Mick (current City of Portland Sanitarian) saw was the severed water line from the spring that was pulled up by Subcom Excavation. Mike Ebeling<sup>1</sup> was actually on site to assist with the septic installation and he did observe the severed 1” black abs plastic water line.” (November 5, 2012 email from Frank Walker – Exhibit B.18)

“Tax Lot 1100, 2N, 2W, 26C: ...The dwelling has no site address since it has been used for an art studio/shop in recent years.” (December 13, 2011 email from Frank Walker – Exhibit B.13).

“...Erin Mick was definitely correct that the water line from the spring uphill and across the road had been severed and for that reason it appeared the dwelling had no water and therefore was not occupied. In 1993 Doug Wallower extended a water line from a well that Don Feakin Well Drilling had completed in 1986 (Staff – On the adjacent property for a dwelling on Tax Lot 1200) (April 27, 2012 Email From Frank Walker Exhibit B.15).

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<sup>1</sup> The septic installation that is discussed in the email and subsequent emails was related to a code compliance complaint of multiple and unlawful dwellings on the adjacent tax lot 1200 and an unpermitted waste disposal system. Code Compliance began an investigation due to the proximity to Rock Creek and in talking with the land owner discovered a restroom had been added on without permits. The unpermitted restroom in the dwelling on Tax Lot 1200 contained a propane fired incinerator toilet that was not connected to a sanitary waste disposal system in violation of Oregon Law and did not meet plumbing or Multnomah County septic code. Code Compliance then began to work with the land owners to try and obtain full code compliance. Since the sewage disposal system didn’t meet code and was a health and safety issue, it was one of the issues needing to be cleared up. The land owners were notified of the need for land use review prior to installation but they installed the system before applying for any land use review.

Due to some of the conflicting statements in the applicant's narrative, emails, and land owners statements staff also sought insight and clarification from the City of Portland Sanitarian who has knowledge of the property.

"The plan I approved for the Cert of Onsite has the septic crossing the property line and the one house closes (sic) to the road is a 'studio', which they will need to clarify for me on plans." (September 9, 2011 email from City of Portland Sanitarian to Land Use Planning staff – Exhibit B.30).

"... I just received an email from Frank Walker about this site and wanted to put into writing what I recall. The front building ("old home") was used as an art studio but hadn't been lived in in a while. This was pointed out during my first site visit, a couple years ago now, for the test pits on other side b/c the spring that's over there used to feed the front home and it hasn't for some time and the water line to building was broken. There hasn't been any commercial use on this property to my knowledge; only that there was a shop and art studio on it." (April 27, 2012 email from City of Portland Sanitarian to Land Use Planning staff – Exhibit B.14).

In response to the last email quote above, there was an email exchange between Land Use Staff and the City of Portland Sanitarian as follows:

"Hi Erin,

Thanks for the information. That information is in the records that we have (Pre-Filing Cases). I had a pre-filing meeting with Frank not too long ago to discuss the requirements for a Planning Director's Determination for 1: Lawfully Established Dwellings and 2. Habitable Dwellings for each of the homes. Before we can approve any kind of permit (building, septic etc) those determinations for each home must be made. I anticipate Frank will be submitting sometime in the future." (April 27, 2012 Email from Land Use Staff to City of Portland Sanitarian – Exhibit B.16).

The City of Portland Sanitarian responded with:

"The old front home is not habitable and hadn't been for a while without water and now w/o septic as well. Just so you know." (April 27, 2012 email response from City of Portland Sanitarian to Land Use Staff – Exhibit B.16).

Staff also notes receiving the following email from City of Portland Staff:

"Hi Don,

If we're talking about the original house in the middle....

They, the Wallowers, had told me it was an art studio for years I want to say and that no one had lived in there for a while. Exact number of years I can't give you but it had been my impression that is several years since the water line from the spring had broke, which was mentioned in conversation with Mr. Wallower during the test pit evaluation in 2010.

It was clearly indicated to me that it had been only a studio since it didn't even have water service to it. That is a discrepancy from the 4 months vacated they are telling you. The

brick cistern/cesspool (Large tank type in size round and brick about 5' deep.) on the west side of the home was exposed and dry (as I recall) since there wasn't any water service to it. I believe it was decommissioned before or during the new sand filter but I honestly can't remember since there was so much issue with sand filter install." (August 20, 2012 email from City of Portland Sanitarian to Land Use Staff – Exhibit B.17).

The conflicting information in the applicant's narratives and email responses only added confusion to the substantive evidentiary history of the structure in question. The information in the same narratives and emails did not match the evidence in the photos, tax record history, or information provided by City of Portland Staff.

On November 7, 2012 the applicant submitted a letter reaffirming his and the land owner's position that the dwelling is Habitable (Exhibit A.13, A.14). On December 20, 2012 the applicant submitted a rebuttal letter (Exhibit A.15) to the emails between Land Use Planning staff and City of Portland staff regarding the art studio, habitability of the dwelling, and the history of the structure. However, the substantial evidence in the record does not support the explanations or statements in the letters.

*Taken as a whole, the evidence in the record does not demonstrate that the structure in question had the required elements to be a "dwelling unit" and "habitable dwelling" until recently, which conflicts with what the applicant and land owners have stated. Additionally, it has not been demonstrated that permits were obtained for the necessary improvements that make the structure qualify as a Dwelling Unit or Lawfully Established. As such, staff cannot make an affirmative finding that the dwelling in question is Habitable as defined.*

E. **Comments Received:**

Ms. Yvonne Roach's comments (Exhibit C.2) provide a history of the subject house in question wherein her family owned the subject house and moved out in 1969 due to a lack of basic modern amenities. Her statements are corroborated by the notes of the County Assessor for the property in 1969 and 1972 (Exhibit B.7). Her statements of the structure being used as a studio also are consistent with the applicant's own emails as well as testimony from the City of Portland Sanitarian.

Comments from Cindy Roach (Exhibit C.3), another neighbor who had family living in the house in its past, also paint a different picture than the property owners convey. Her testimony also notes that the structure did not have the amenities and elements that are necessary to qualify a structure as a "Habitable" dwelling as defined in MCC 33.0005. Her testimony also corroborates another neighbor's comments, the applicant, and City of Portland staff that the structure was without water for a significant time and was not hooked to a septic sanitary waste disposal system.

Lastly, comments from Charlotte and Harold Brake (Exhibit C.1) contained testimony about the lack of residential use, the structure being used as a studio, and problems with the cesspool, sewage disposal system or lack thereof.

Overall, the comments received on the application are substantive and bring into question the stated evidence from the applicant and land owners. What's more is that the testimony in the letters corroborates information from the Assessor's office, City of Portland, and photos of the structure.

*Based on the evidence, the structure is not a Habitable dwelling as defined.*

**F. Lawfully Established as used in the Definition of Habitable Dwelling:**

The final test of being a habitable dwelling is that the structure and all components that make it a Dwelling Unit were lawfully established. Lawfully established means all necessary land use and building permits were properly obtained. As discussed in the findings above, there is no evidence that the two additions to the dwelling were permitted; there is no evidence that the alterations of the structure to include a bathroom consisting of a wash basin, toilet and shower received the necessary permits; and there is no evidence that the plumbing, electrical panel, and water heater received the necessary permits.

*Since there is no evidence that the basic elements of the dwelling necessary to be "dwelling unit" and "habitable" received land use or building permits when permits were required, the elements cannot be relied upon to make a finding that the structure was lawfully established, and thus the dwelling cannot be found to be Habitable as defined.*

**6.00 Conclusions:**

Based on the findings and other information provided herein, the applicant has not carried the burden necessary to establish the structure on site is Habitable or Lawfully Established as defined in MCC 33.0005.

**7.00 Exhibits:**

'A' Applicant's Exhibits

'B' Staff Exhibits

'C' Comments Received

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 T2-2012-2423 at the Land Use Planning office.

Exhibit #	# of Pages	Applicant Exhibits
A.1	1	General Application Form
A.2	2	July 20, 2012 Summary Statement
A.3*	1	July 20, 2012 Site Plan
A.4	10	Applicant's July 12, 2013 Narrative
A.5	1	Affidavit of Velma Elmore
A.6	1	Affidavit of Harvey Elmore
A.7	1	Affidavit of Douglas Wallower
A.8	1	Affidavit of Carol T. Nelson

A.9*	25	Applicant's Copied Photo Exhibits 1-25
A.10	2	Rental Agreement With Dustin Sauer Signed April 30, 2010 to Begin May 1, 2010
A.11	1	1979 Well Log For Douglas Wallower
A.12	4	Applicant's Copy of Pre-Filing Conference Notes PF 2012-2091
A.13	2	November 7, 2012 Email and Attached Summary Letter Of Applicant's Conversation with Mike Ebling, City of Portland Senior Environmental Inspector
A.14	1	November 2, 2012 Email From Frank Walker Requesting Email Correspondence Between Land Use Planning Staff and City of Portland Sanitarian
A.15	5	Applicant's December 20, 2012 Response to Emails Between Land Use Planning Staff and City of Portland Sanitarian
A.16	25	Applicant's Original Developed Photo Exhibits 1-25 Submitted January 15, 2013
A.17*	4	Applicant's January 15, 2013 Updated Narrative
A.18	4	Applicant's March 18, 2013 Rebuttal Letter to Comments Received During Opportunity to Comment Period
'B'	#	Staff Exhibits
B.1	1	Multnomah County Department of Assessment, Records and Taxation Information Sheet
B.2	2	August 17, 2012 Incomplete Letter
B.3	1	Applicant's Response Letter
B.4	1	January 18, 2013 Complete Letter
B.5	9	February 15, 2013 Opportunity to Comment
B.6	2	Staff Site Visit Photos
B.7*	2	Multnomah County Tax Assessor 1972 Assessor's Note Card
B.8*	1	Multnomah County 1989 Tax Assessment Information
B.9*	1	Multnomah County 1990 Tax Assessment Information
B.10*	1	Multnomah County Tax Assessment Information for Years 1995 Through 2012
B.11	6	Packet of Emails Sent to Frank Walker November 8, 2012 at His Request
B.12	2	City of Portland Sanitarian Site Plan From Septic Permit Application 11-173548-000-00-SP Showing Subject Structure as Studio
B.13	4	December 13, 2011 Email Conversation Between Staff and Applicant Where Applicant States Structure Use as Studio/Shop

		In recent Years and has Elements of Dwelling Unit
B.14	1	Email From City of Portland Sanitarian Describing Her Recollections on the Subject Structure
B.15	2	April 27, 2012 Email From Applicant Discussing Well Connection, Art Studio and Continuity of Use
B.16	2	April 27, 2012 Email Discussion Between Staff and City of Portland Sanitarian Regarding Plumbing Issues and Use of Structure as Art Studio
B.17	2	August 20, 2012 Email Discussion Between Staff and City of Portland Sanitarian Regarding Lack of Water to the Subject Property and its Use as Art Studio
B.18	2	November 5, 2012 Email From Applicant to Staff Responding to Water Line Break and Art Gallery/Studio Issues.
B.19	1	December 20, 2012 Email to Applicant Noting Case is on Day 153 of 180 Day Incompleteness Clock
B.20	1	December 31, 2012 Email to Applicant Noting Case is on Day 164 of 180 Day Incompleteness Clock
B.21	2	December 31, 2012 Email to Applicant Seeking Clarification of Newly Submitted Letter
B.22	3	December 31, 2012 Email From Applicant Stating Application is Only For Structure on Tax Lot 1100 and That He will Submit Additional Information
B.23	1	Email From Karla Hartenberger Explaining Assessors Notes on Class Value
B.24	3	Email From City of Portland Sanitarian Providing Clarifying Information on Timing of Septic Installation
B.25	7	1953 Interim Zoning Code
B.26	1	February 4, 1954 Interim Building Code Adoption
B.27	18	August 4, 1955 Zoning Code
B.28	9	Letters Stating Building Permits Were Required in 1955
B.29	1	September 9, 2011 Email From City of Portland Sanitarian Regarding Structure as a Studio
'C'	#	Comments Received
C.1	1	Comments From Charlotte Brake and Harold Rolette
C.2	1	Comments From Yvonne Roach
C.3	2	Comments From Cindy Roach



8/17/10

TENTATIVE PLAN MAP  
FOR  
DOUG WALLOWER  
in the SW 1/4 of SECTION 26, T. 2 N., R. 2 W., W.M.  
MULTNOMAH COUNTY, OREGON  
FEBRUARY 10, 2009

# SITE PLAN

PRELIMINARY  
SUBJECT TO CHANGE

AZIMUTH SURVEYING  
2015 Market Street, NE  
Salem, Oregon 97301  
Phone (503) 364-0026  
Project No. 09-004

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 25, 1990  
JAMES S. HEPLER  
2451

EXPIRATION DATE: 6-30-09

TAX LOT 1100

(ALL NORTH OF ROCK CREEK ROAD)

## LEGEND

- = Found Monument as noted, flush with ground surface and in good condition unless otherwise noted
- = Iron Rod to be set
- x-x- = Fence

SCALE : 1" = 60'

LARGE FIR TREE

16' SETBACK

APPROX. LOCATION OF TEST PITS FROM S. 32-81

PROPOSED NEW DWELLING SITE

TRACT 2

EXISTING DRIVEWAY

EXISTING ROAD SURFACE

ROCK CREEK ROAD

(COUNTY ROAD NO. 1321) (60')

PROPOSED PROPERTY LINE

EXISTING DRIVEWAYS

HOUSE

SHOP

GREENHOUSE

WELL

TRACT 1

HOUSE

BEAVER DAM

BEAVER DAM

BEAVER POND

ROCK CREEK

EXHIBIT

A.3

Exhibit 1: Exterior of Dwelling at 14027 Rock Creek Road, Portland, Oregon



View of south side of dwelling on Tax Lot 1100. Walls and roof are intact. Siding is in full repair and good condition

12 JUL 20 PM 3:43  
PL/operation/1100



Exhibit 2: Exterior of Dwelling at 14027 Rock Creek Road, Portland, Oregon



View of south side of dwelling on Tax Lot 1100 with an orientation to the west. Walls and roof are intact. Siding and gutters are in full repair and good condition

12 JUL 20 PM 3:43  
PLI andrew.sullivan

Exhibit 3: Exterior of Dwelling at 14027 Rock Creek Road, Portland, Oregon



View of north side of dwelling on Tax Lot 1100 with an orientation to the south. Walls and roof are intact. Asphaltic roll roofing is in excellent condition. The front door was sealed off in favor of using the doors on the east and west ends of the house. Chimney from interior wood stove is in excellent repair and is double walled for fire safety.

12 JUL 20 PM 3:43  
CAMERA 1100N

Exhibit 4: Exterior of Dwelling at 14027 Rock Creek Road, Portland, Oregon



View of north side of dwelling on Tax Lot 1100 with an orientation to the west end of structure. Walls and roof are intact. Asphaltic roll roofing is in excellent condition. The front door was sealed off in favor of using the doors on the east and west ends of the house. The new white door on the west end of the dwelling replaces the sealed off door.

12 JUL 20 PM 3:14  
PLC AREA 1100



A photograph of a concrete block wall, likely part of a building's exterior. The wall is constructed from light-colored concrete blocks with visible mortar joints. On the right side, a white door is partially visible, featuring a brass-colored handle and lock. To the left of the door, a white downspout runs vertically along the wall. The wall shows signs of weathering, including some staining and a faint, curved crack. The background is dark and indistinct, suggesting a wooded area or a shadowed space.

12 JUL 20 PM 3:44  
PLANNING SECTION

Exhibit 6: Exterior of Dwelling at 14027 Rock Creek Road, Portland, Oregon



View of north side of dwelling on Tax Lot 1100 with an orientation to the west end of structure. Siding is intact.





Exhibit 7: Exterior of Dwelling at 14027 Rock Creek Road, Portland, Oregon



View of east side of dwelling on Tax Lot 1100 with a view of the main entry door. Though in need of paint, the siding and exposed wood areas are very structurally sound. No dry rot or holes were noted anywhere on the east side of the structure. This portion of the building is actually located on Tax Lot 1200 due to inaccurate survey monumentation near the Willamette Meridian. The proposed Property Boundary Adjustment and the replacement of this dwelling to the portion of Tax Lot 1100 across the road would alleviate this situation.

12 JUL 20 PM 3:54  
PLANNING DEPARTMENT



Exhibit 9: Exterior of Dwelling at 14027 Rock Creek Road, Portland, Oregon



View of west side of dwelling on Tax Lot 1100 with a view to the east. The siding and the roof are intact as can be seen in this photograph.

12 JUL 20 PM 3:16  
FLORIAN 3:20 1104

A photograph of a small, light-colored building, possibly a shed or garage, heavily overgrown with dense, dark foliage and trees. The building is partially obscured by the vegetation. A wooden fence or post is visible in the foreground on the right side.

Exhibit 11: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon



View of the interior of the dwelling showing the large capacity wood stove and the stainless steel triple walled chimney. Note the large size of the stove pipe. This pipe reduces the risk of fire danger and the large fire box capacity of the stove easily heats the interior of the structure. This hearing system was operating at the time of this photograph and the interior of the structure was very comfortable.

12 JUL 20 PM 3:14  
PL/0001 0001-0001



Exhibit 12: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon



View of the interior of the dwelling. Note dry wall construction (intact) windows, electric lights hardwood floors and wood stove heating system. The abstract art in the photo is personal property only.

12 JUN 20 PM 3:14  
14027 NW ROCK CREEK RD  
PORTLAND, OREGON 97229

Exhibit 13: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon



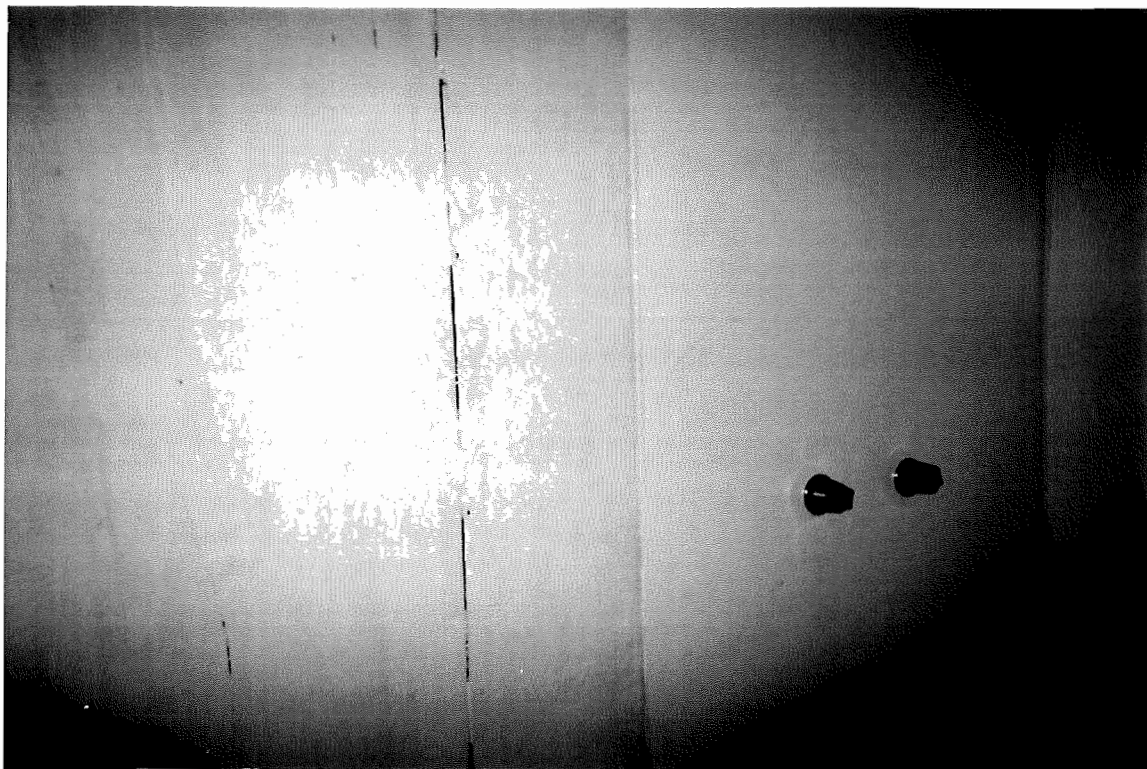
View of the interior of the dwelling. Note the electric lights, tract lights and ceiling access to attic. This photograph also demonstrates that the walls and ceilings are intact.

12 JUL 20 PM 2014  
PLA 000000 000 11000



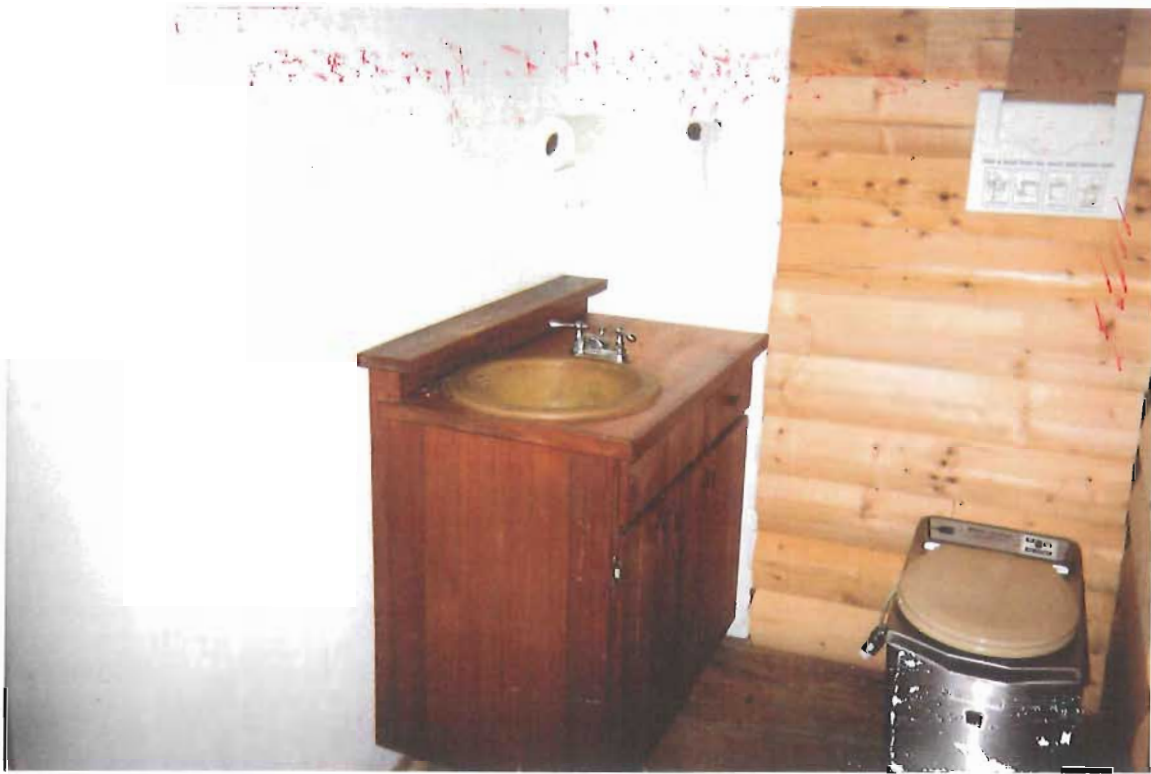


Exhibit 15: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon



View of bathroom facility in subject dwelling. This is a view of the interior portion of the shower enclosure. Hot and cold water faucets.

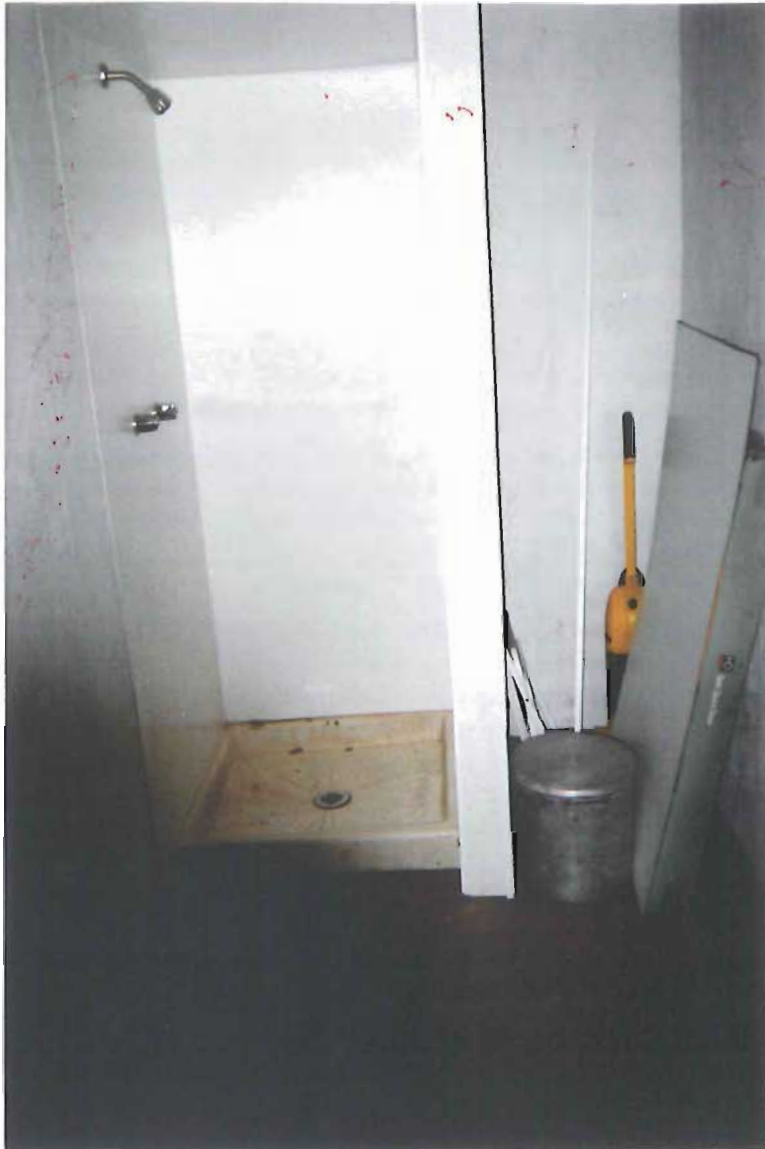
Exhibit 16: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon



View of bathroom wash basin and toilet. Dual faucets for hot and cold running water.

12 JUL 20 PM 3:45  
PLEASE DO NOT REMOVE

Exhibit 17: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon



12 JUN 00 PM 5:15  
KJL 14027 NW ROCK CREEK RD  
PORTLAND, OR 97229

View of floor to ceiling shower stall including faucets and drain.



Exhibit 20: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon



Newly installed kitchen sink with hot and cold swivel faucet. Note drywall construction in kitchen.

12 JUN 00 PM 8:45  
PLS. SEE ME AT 14027 N.W. ROCK CREEK RD.



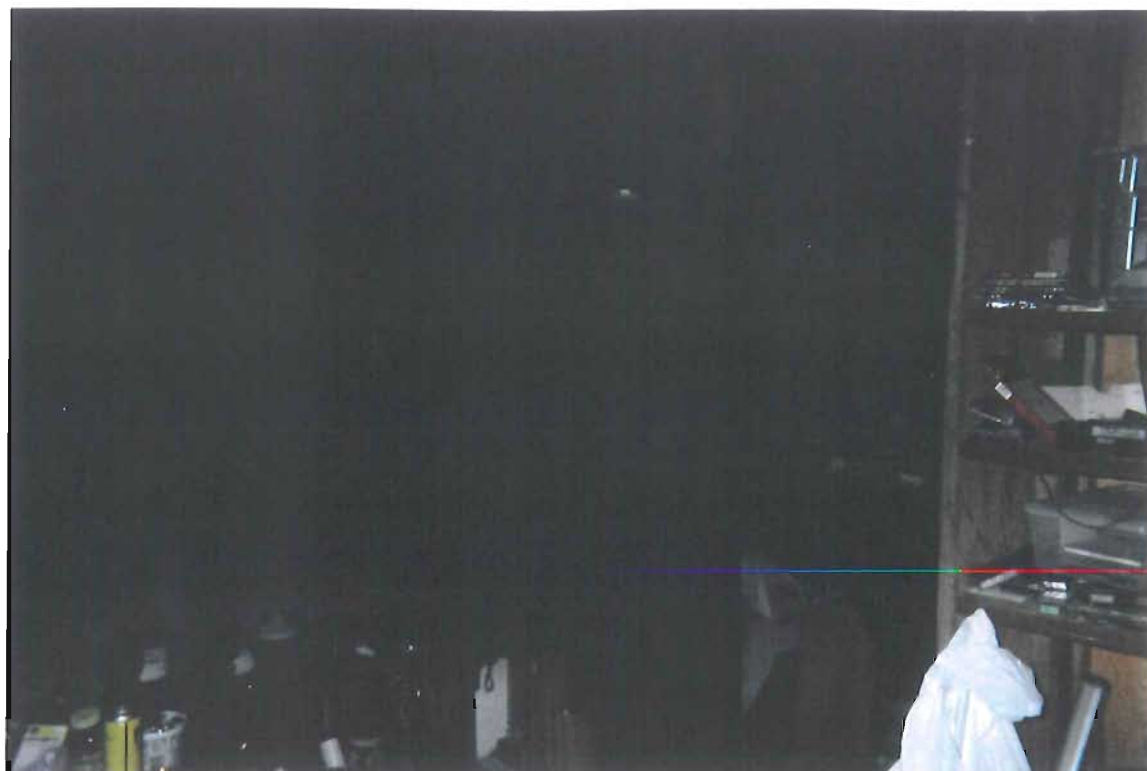
Exhibit 21: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon



New chrome and white PVC pipe attached to kitchen sink.

12:00 PM 8/15  
PLC 10/15/2015

Exhibit 22: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon



Kitchen and dining area.

12 JUN 2008 PM 3:45  
PLJ:adl:10/25/08/10/08

Exhibit 23: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon



Wood intake doors to outside wood box. Note electrical plug to left of firewood door. Note baseboards and excellent conditions of drywall interior wall.

12/20/20 PM 5:15  
PL/ JESSICA L. GUNTER

Exhibit 24: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon.



View of newly remodeled living room. Note vintage windows and new drywall.

12 JUN 20 PM 3:15  
PLANNING DEPARTMENT

Exhibit 25: Interior of Dwelling at 14027 N.W. Rock Creek Road, Portland, Oregon.



View of newly remodeled living room on opposite side of room from Exhibit 24.

PLFreddy saw fish

12 JUN 20 PM 5:15

PROPOSED PLANNING DIRECTORS DETERMINATION  
for  
DETERMINATION OF A LAWFULLY ESTABLISHED  
HABITABLE DWELLING

Property Owner:

Carol Nelson  
16292 Highway 4  
P.O. Box 6  
Jemez Springs, New Mexico 87025

Property Location:

Township 2 North, Range 2 West,  
Section 26C, Tax Lots 1100

Property Address:

14027 N.W. Rock Creek Road  
Portland, Oregon 97231

Property Owners' Representative:

Frank Walker dba Frank Walker & Associates  
37708 Kings Valley Highway  
Philomath, Oregon 97370

RECEIVED  
13 JAN 15 PM 3:05  
MILLER COUNTY  
PLANNING SECTION





## Introduction

This is an application for a Planning Directors Determination of whether the dwelling on Tax Lot 1100, as referenced in the previous page, was Lawfully Established and is Currently Habitable. The criteria in MCC Chapter 33 of the West Hills Rural Plan Area apply to this application. The criteria in 33.0005 under the headings Habitable Dwelling and Lawfully Established Dwelling apply.

For the record, references will be made to Tax Lot 1200 only because the domestic water for Tax Lot 1100 originates on Tax Lot 1200 and the sewage disposal drainfield for Tax Lot 1200 is wholly located on Tax Lot 1100.

The approval criteria are as follows:

### 33.0005

**Habitable Dwelling** - An existing dwelling that:

(a) Has intact exterior walls and roof structure:

This dwelling is built with very high quality lumber milled in the immediate vicinity of the dwelling since a mill was located on Tax Lot 1200 on the south and east. The dwelling, though established in 1937, is structurally stable and has intact exterior walls and a strong roof. The property owners representative got on a ladder and walked on the roof and it is fully covered with asphaltic shingles and no soft areas on the roof were found to exist.

The exterior walls of the dwelling also had no identifiable structural problems. The siding is Western Red Cedar shingles that have absolutely no evidence of rot or structural displacement. This species of cedar is very resistant to rot and is one of the most highly insect resistant woods known.

A positive finding can be made that the dwelling has intact exterior walls and floor structure.

(b) Has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system.

A field visit to the dwelling shows that all of the above indoor plumbing facilities exist though some of the fixtures are older, particularly the kitchen sink. The bathroom has a new toilet and shower enclosure as shown in the photographs contained in the Appendix.

An examination of the outdoor plumbing revealed that there is a "french drain" that accepts the gray water from the kitchen sink and a "cesspool" that receives water from the bathroom facilities. The cesspool is close to the western boundary and Rock Creek and yet there are no obvious or physical signs of degradation of water in the creek as evidenced by pollution

intolerant water cress. The cesspool is only allowed because it pre-exists modern sanitation code.

A positive finding can be made that all fixtures connect to sanitary disposal systems and that all basic types of fixtures for food preparation and human sanitation are present.

Appendix 1 of this application contains signed Affidavits from long-time area residents that both dwelling on Tax Lot 1100 existed before the enactment and amendments to this zoning code. The Affidavits are compelling evidence that the dwellings were legally established before the earliest zoning laws in Multnomah County.

(C) Has interior wiring for interior lights;

An examination of the interior of the dwelling revealed an electrical panel with wires that go into circuits that power lights. The photographs in the appendix of this report clearly show lighted fixtures within the dwelling as required by this criterion.

A positive finding can be made that the dwelling has interior wiring (including electrical panel) for interior lights.

(D) Has a heating system; and

An examination of the interior of the dwelling reveals that a wood stove of sufficient size and capacity exists with the purpose of providing heat. A field visit to the dwelling in the winter months revealed that the wood stove was in use and that the heat reached all areas of the house and at sufficient temperatures to be comfortable. Despite the age of the dwelling, it is very well insulated in the attic and has drywall, wood exterior walls and cedar shakes to produce near modern standards for "R" ratings. The dwelling was not drafty nor did the heat appear poorly distributed in farther corners and separate rooms away from the wood stove.

A positive finding can be made that the dwelling does have a heating system consisting of a wood stove that provides radiant heat for the entire interior.

(E) Was lawfully established.

The house was built in 1937 according to Multnomah County Assessment data.

The Affidavits contained in the Appendix of this report also attest to the fact that the dwelling was lawfully established before building codes and land use were in effect in Multnomah County. At no time since Carol Nelson secured possession of the property has it been abandoned. The misinformation provided by the Portland Bureau of Buildings Sanitarian

are patently incorrect because the tenant did not want to be in the dwelling on Tax Lot 1100 while construction of the septic system was occurring. Also a rent agreement covering that time period is entered into the record to clearly demonstrate the dwelling on Tax Lot 1100 has been continuously occupied. The house has never set vacant as attested to by the Affidavits covering a period of 61 years dating to 1951. It should be noted for the record that no building and planning permits were required at that time either.

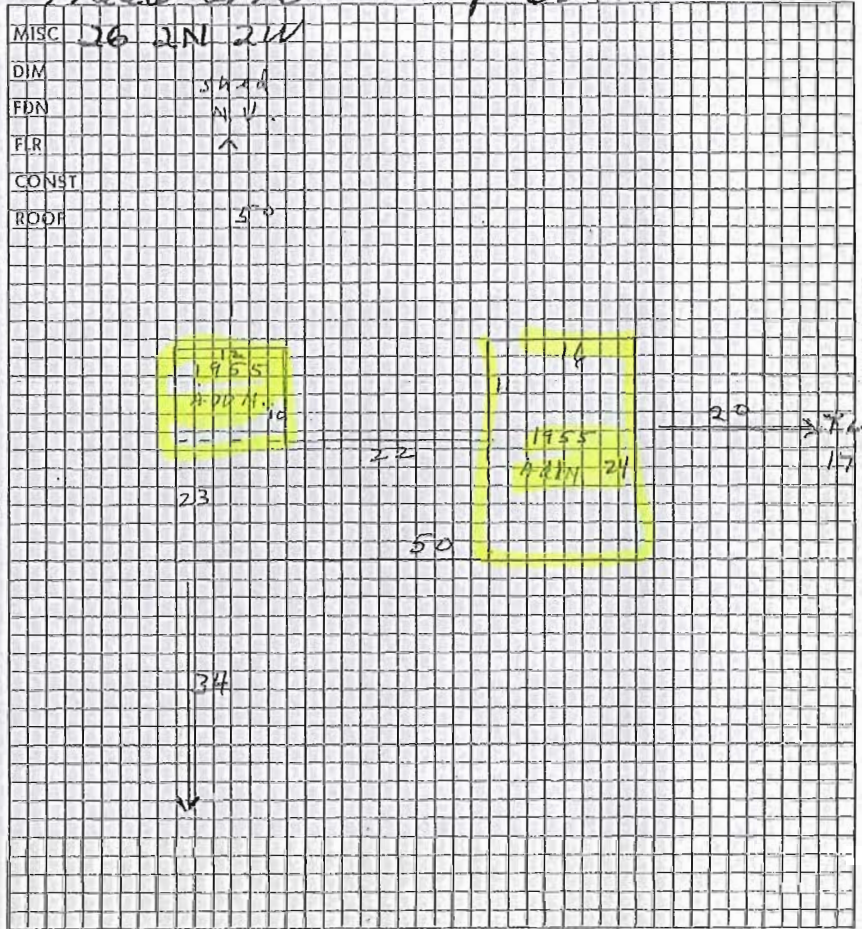
Multnomah County had no requirements for building permits in 1937 nor were there any zoning permits to establish the dwelling. A separate and special heading in the same chapter of the code is entitled: **Lawfully Established Dwelling**. The response to that criterion has already been addressed under the heading for Habitable Dwelling.

A positive finding can be made that the dwelling on Tax Lot 1100 was lawfully created and that it also has been in continuous residential use from 1937 until the present, a time period of 73 years. Please refer to the Appendix of this report for Affidavits and other support documentation.

ACCOUNT NO. 1-97226-0190 0560										1972					
ADDRESS NW ROCK CREEK RD															
CLASS 2-A STORY 1										SQ. FT. AREA 946 #		BASE FACTOR 12.700			
FDN. Cn. Br. 500 # 304 W.P. Bsm. Sq. Ft.										+		150		-	
BSMT. Bath Lav. Parl. Gar. Dr. O.E. Rms. Sq. Ft.															
FLRS. D 304 Lin. H.W. Fr. Con. Tile												280			
ROOF GAF Alum. 2-shd. Shk. B-Up Tile No. 200 G.P.S.												190			
EXTER. 6 S Cump. Shk. Sdg. Blk. Sluc. Br. P.D.															
INTER. L & P Dry W. Typ. Fr. Hdwr. B.I. Avg.															
PLUMB'G R.I. Sink D.W. Toile W.B. Tub Enc. O.T. SHOWER St. Laun. W.H.															
Quantity												960			
HEAT H.W. Pkg. Pipe Flr. Oil Gas Electr. HA Sq. Ft.														180	
FIREPL. (1-S) (1-2S) (2-BB) (2-2S-ST) (3-2S-ST & B) Flue															
ATTIC Unf. Fin. Bdrms. Bath Lav. H Rms. Sq. Ft.															
2ND STORY Bdrms. Bath Lav. H															
DORMERS BAYS - O.H. X															
MISC. V.F. & H. R. & O. V.F. Tile X															
OUTSIDE Yd.L. Sprnk. F. & B. B.T. Con.															
CARPORT C.C. Patio Fr. Met. Flr. X															
GARAGE 1/4 1/3 1/2 Fr. Br. Flr. X															
MISC.										TOTAL		1580		12880	
										SUB				1580	
														11300	
Rec. Hall Misc. F										ADD		ADD			
Serv. Hall Dim. X E															
Liv. Rm. Fdn. C															
Din. Area Flr. IMPS. AREA REPL. COST ADJUSTED REPL. COST R.G.												11300			
Fam. Rm. Const. DWG. 946 11300 6780 54												3796			
Nook Roof MISC.															
Kitchen AGE 35 39															
Bkky. BUILT 1937															
Bedroom PERM. NO. 1972														3800	
Bath PREV. APPR. 1967															
Lav. COND -5															
Den D-RA RM MO Tel 56															
I-3800															
L-1500															
3300															



0560 R325996  
 97226-0560 Map 262 N2W Dist 6



AVE. OR ST.

AVE. OR ST.

Rock Creek Rd

FRONT OF BUILDING

AVE. OR ST.



FUNCT. G A P

ECON. G A P

COND. G A P

REMARKS CARPORT ON LAST R/A NOW RAZED

INSP. OUTSIDE

DATE 7/7/71

SIGN V. Silvey

DEPUTY

	CHECKED	REVIEWED	BLOG. COUNT	INDEX	RE-CHECKED	NOTIFIED
DATE						
BY						

FORM 67 REV 9/69



ACCT. NUMBER R-97226-0540 10/23/89 TAX INFORMATION INTEREST TO 11/15/89									
RECEIVABLE					TRANSACTIONS				
YEAR	TAXES DUE	TAXES LEVIED	TAXABLE VALUE	DATE	YEAR	CODE	DATE	RECEIPT	TRAN AMOUNT I/D
84-85	.00 BAL	1,379.34	83,740	18.8600	85-86	101	10/1/85	TAXEXT AU64	\$1,613.26 D
	.00 INT	170.00	599	LESS STATE PAYMENT	86-87	101	10/1/86	TAXEXT AU64	\$1,744.27 D
	.00 TOTAL	1,549.34	83,740		87-88	136	6/1/87	187245 2011	\$1,948.70 I
85-86	.00 BAL	1,713.28	278	86.880 19.7200	88-89	136	6/1/88	187245 2011	\$2,130.30 I
	.00 INT	100.00	599	LESS STATE PAYMENT	89-90	101	10/1/89	TAXEXT AU64	\$1,900.84 D
	.00 TOTAL	1,813.28	86,880		85-86	136	4/21/88	180852 2687	\$1,905.12 I
86-87	1,744.27 BAL	1,844.27	278	86.830 21.2400	86-87	136	4/21/88	180852 2687	\$1,905.12 I
*DEL*	598.87 INT	100.00	599	LESS STATE PAYMENT	88-89	101	10/1/88	TAXEXT AU64	\$1,998.57 D
	.00 TOTAL	1,744.27	86,830		89-90	136	2/15/89	215682 0676	\$2,133.55 I
87-88	1,900.84 BAL	1,900.84	278	82.430 23.0600	87-88	136	2/15/89	215682 0676	\$2,162.90 I
*DEL*	424.53 INT	1,900.84	82,430		88-89	136	2/15/89	215682 0676	\$1,409.63 I
	.00 TOTAL	2,325.37	82,430		89-90	136	2/15/89	215682 0676	\$2,162.90 I
88-89	1,998.57 BAL	1,998.57	278	82.460 24.2369	87-88	136	2/15/89	215682 0676	\$2,162.90 I
*DEL*	206.52 INT	1,998.57	82,460		88-89	136	2/15/89	215682 0676	\$2,162.90 I
	.00 TOTAL	2,205.09	82,460		89-90	136	2/15/89	215682 0676	\$2,162.90 I
89-90	2,010.28 BAL	2,010.28	278	82.630 25.0812	86-87	136	4/20/89	915682 6322	\$2,162.90 I
*DEL*	1,354.01 FULL (3X)	2,010.28	82,630		87-88	136	4/20/89	915682 6322	\$2,162.90 I
	.00 INT	2,010.28	82,630		88-89	136	4/20/89	915682 6322	\$2,162.90 I
	.00 TOTAL	2,010.28	82,630		89-90	136	4/20/89	915682 6322	\$2,162.90 I
	8,883.88 TOTAL AMOUNT NEEDED TO PAY IN FULL ON 10/23/89				85-86	136	6/1/88	180852 2687	\$1,998.57 D

STATE I.D.: ANNEXATION NUMBER: ACCT. NUMBER R-97226-0560 10/15/89 STATUS 2902 56.64 03/04/88									
NAME MEDINA, BENSON P & RHEA					LEGAL DESCRIPTION				
YR-AD- 86 BK/PG-1894/2117					11 56 1.40 ACRES				
MAIL 378 NW 183RD ALHQA, OR 97006					TRUE CASH VALUE BEFORE EXEMPTION				
PROP NW ROCK CREEK RD 97231					LAND IMPROVEMENT TOTAL				
PORTLAND, OR MAP-262N2W CENSUS TRACT-031.50 NEIGHBORHOOD 220					LAND IMPROVEMENT TOTAL				
LEVY/CODE-278					LAND IMPROVEMENT TOTAL				
LAND CHARACTERISTICS					LAND IMPROVEMENT TOTAL				
RATIO CODE- 441 6 -APPR DISTRICT					LAND IMPROVEMENT TOTAL				
AREA- 1.40 A ZONING-MUF19					LAND IMPROVEMENT TOTAL				

ACCT. NUMBER R-97236-006									
RECEIVABLE									
YEAR	TAXES DUE								
88-89	.00	BAL							
	.00	INT							
	.00	TOTAL							
89-90	1,960.52	BAL							
	3,841.70	FULL (3X							
	2,587.54	2/3 (2X							
	1,320.18	1/3 (NE							
	5,841.70	TOTAL A							
STATE I.D.									
ACCT. NUMBER R-97236-006									
DEFERRED ACCOUNT									
NAME KRUERER, RAYMOND J									
YR-AG- 88 81 47 BK/I									
MAIL									
12407 NW SKYLINE BLVD									
PORTLAND, OREGON									



R-97226-0560

H 4

STATE I.D.:		ANNEXATION NUMBER:		STATUS		LEGAL DESCRIPTION		LOT		BLOCK	
ACCT NUMBER R-97226-0560		05/01/90		29072 \$6.64 03/04/88		ADD-SECTION 26 2N 2W		TL 56 1.40 ACRES			
NAME OHEN, BARRY F & LINDA R		NELSON, CAROL J		REAP AS OF 1-1-84		TRUE CASH VALUE BEFORE EXEMPTION					
MAIL 378 NW 183RD		797006		UCLR H ACT-821828 UCLR H DIV-821828		YEAR CHG-DATE CD		LAND IMPROVEMENT		TOTAL	
ALOMA, OR				- IMPS CHARACTERISTICS 02/09/84 --		88/89 02/05/88 T		\$9,500		\$9,600	
PROP NW ROCKCREEK RD		797231		CLASS-1 ONE STORY		89/90 04/18/89 T		\$9,500		\$9,600	
PORTLAND, OR				USE-DWG SGL		90/91 05/02/90 T		\$10,500		\$10,600	
MAP-262N2W		CENSUS TRACT-031.50		CONS- BEDROOMS- 2		ASSESSED VALUE BEFORE EXEMPTION					
LEVY/CODE-278				STORIES- 1.0		YEAR SR% LAND IMPROVEMENT		TOTAL			
LAND CHARACTERISTICS				NEIGHBORHOOD 220		88/89 100.0		\$9,500		\$9,600	
RATIO CODE- 441 6 -APPR DISTRICT				LIVING AREA- 946		89/90 100.0		\$9,500		\$9,600	
AREA- 1.40 A ZONING-HUF19				YR BUILT-1937		90/91 100.0		\$10,500		\$10,600	
				% IMP GOOD-		EXEMPTIONS					
						YEAR TYPE LAND IMPROVEMENT		TOTAL			
						NO EXM VALUES					
						YEAR SR% LAND IMPROVEMENT		TOTAL			
						EXEMPTIONS ASSESSED VALUE					
						NO ASSESSED EXM VALUES					
						YEAR SR% LAND IMPROVEMENT		TOTAL			
						TAXABLE VALUE					
						88/89 100.0		\$9,500		\$9,600	
						89/90 100.0		\$9,500		\$9,600	
						90/91 100.0		\$10,500		\$10,600	

ACCT. NUMBER R-97226-0560		05/06/90		***** TAX INFORMATION *****		INTEREST TO 05/15/90*****	
RECEIVABLE							
YEAR TAXES DUE		TAXES LEVIED		LEVIED		TRANSACTIONS	
66-87		.00 BAL		214.53 278		10,100 21.2400	
.00 INT		214.53 TOTAL		10,100			
.00 TOTAL							
87-88		.00 BAL		221.38 278		9,600 23.0600	
.00 INT		221.38 TOTAL		9,600			
.00 TOTAL							
88-89		.00 BAL		232.67 278		9,600 24.2369	
.00 INT		232.67 TOTAL		9,600			
.00 TOTAL							
89-90		.00 BAL		240.77 278		9,600 25.0812	
.00 INT		240.77 TOTAL		9,600			
.00 TOTAL							
.00 3RD1**							
.00 3RD2**							
.00 3RD3**							
.00 YTD							

R-97236-0041

STATE I.D.:

ACCT NUMBER R-97236-0041

DEFERRAL ACCOUNT

NAME BIEREK, HEIDI H & CROSSEN, ALICE-LE

YR-80- 74 71 BK/PC

MAIL TO BIEREK, WILLIAM V

RT 1 BOX 818

HILLSBORO, OR

PROP MAP-362N2W CENSUS TR

LEVY/CODE-002

LAND CHARACTERISTICS

RATIO CODE- 642 6 -APPR

AREA- ZONING

ACCT. NUMBER R-97236-0041

ACREAGE --

CLASS ACRES

FC 35.00

ACCT. NUMBER R-97236-0041

RECEIVABLE

YEAR TAXES DUE

88-89 .00 BAL

.00 INT

89-90 .00 BAL

.00 INT

.00 TOTAL

.00 3RD1\*\*

.00 3RD2\*\*

.00 3RD3\*\*

.00 YTD

R-97226-0570

H 4

STATE I.D.:		ANNEXATION NUMBER:		STATUS		LEGAL DESCRIPTION		LOT		BLOCK	
ACCT NUMBER R-97226-0570		05/01/90		40634 \$38.56 01/11/89		ADD-SECTION 26 2N 2W		TL 57 20.58 ACRES			
NAME VAN RADEN, FRED		DIV FIRE PATROL C111588		REAP AS OF 1-1-84		TRUE CASH VALUE BEFORE EXEMPTION					
MAIL 14501 NW ROCK CREEK RD		797231		UCLR H ACT-880522 UCLR H DIV-881816		YEAR CHG-DATE CD		LAND IMPROVEMENT		TOTAL	
PORTLAND, OREGON				- IMPS CHARACTERISTICS 10/03/88 --		88/89 11/09/88 A		\$23,250		\$49,800	
PROP 14501 NW ROCK CREEK RD		797231		CLASS-5 ONE STORY W/ BSMT		89/90 02/25/89 A		\$23,360		\$49,800	
PORTLAND, OR				USE-DWG SGL		90/91 03/07/90 A		\$23,580		\$49,800	
MAP-262N2W		CENSUS TRACT-071.00		CONS- ARCH-DALITE BS		ASSESSED VALUE BEFORE EXEMPTION					
LEVY/CODE-278				STORIES- 1.0		YEAR SR% LAND IMPROVEMENT		TOTAL			
LAND CHARACTERISTICS				NEIGHBORHOOD 220		88/89 100.0		\$23,250		\$49,800	
RATIO CODE- 646 6 -APPR DISTRICT				LIVING AREA- 1,902		89/90 100.0		\$23,360		\$49,800	
AREA- 20.58 A ZONING-HUF19				YR BUILT-1971		90/91 100.0		\$23,580		\$49,800	
				% IMP GOOD-		EXEMPTIONS					
						YEAR TYPE LAND IMPROVEMENT		TOTAL			
						NO EXM VALUES					
						YEAR SR% LAND IMPROVEMENT		TOTAL			
						EXEMPTIONS ASSESSED VALUE					
						NO ASSESSED EXM VALUES					
						YEAR SR% LAND IMPROVEMENT		TOTAL			
						TAXABLE VALUE					
						88/89 100.0		\$23,250		\$49,800	
						89/90 100.0		\$23,360		\$49,800	
						90/91 100.0		\$23,580		\$49,800	

ACCT. NUMBER R-97226-0570 05/06/90 ***** TAX INFORMATION ***** REQUEST TO 05/15/90*****												
RECEIVABLE				LEVIED		TRANSACTIONS						
YEAR	TAXES DUE	TAXES LEVIED	TAXABLE VALUE	RATE	YEAR	CODE	DATE	RECEIPT	BATCH	TRAN AMOUNT	I/D	I/D AMOUNT
86-87	.00 BAL	1,588.13	002	78,310	20.2800	86-87	T01	10/ 8/86	TAXEXT	AH54	\$1,588.13	D
	.00 INT	15.00	509	FIRE PATROL-NORTH		86-87	T01	10/ 9/86	SAXE	SAX5	\$15.00	D
	.00 TOTAL	1,603.13	TOTAL	78,310		86-87	T36	11/12/86	418060	2132	\$1,555.04	D
87-88	.00 BAL	1,632.49	002	74,170	22.0100	87-88	T01	10/ 1/87	TAXEXT	AH54	\$1,632.49	D
	.00 INT	15.00	509	FIRE PATROL-NORTH		87-88	T01	10/ 8/87	SAXE	SAX5	\$15.00	D
	.00 TOTAL	1,647.49	TOTAL	74,170		87-88	T36	10/ 9/87	415021	2180	\$1,598.07	D
88-89	.00 BAL	1,770.50	278	73,050	24.2369	88-89	T01	10/ 3/88	TAXEXT	AH54	\$1,770.50	D
	.00 INT	1,770.50	TOTAL	73,050		88-89	T68	11/15/88	000014	5094	\$39.75	D
	.00 TOTAL					88-89	T36	11/15/88	436597	2356	\$1,717.38	D
89-90	.00 BAL	1,834.94	278	73,160	25.0812	89-89	T36	11/15/88	436597	2356	\$38.56	D
	.00 INT	1,834.94	TOTAL	73,160		89-89	T31	11/1/89	000579	5051	\$38.56	D
	.00 TOTAL					89-90	T01	10/ 4/89	TAXEXT	AH54	\$1,834.94	D
	.00 3RD1**					89-90	T22	10/23/89	504669	0767	\$1,779.89	D
	.00 3RD2**											\$55.05
	.00 3RD3**											
	.00 YTD											


**MULTNOMAH COUNTY, OREGON  
PROPERTY RECORDS**
**Assessment History**
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Summary](#)
[Logoff](#)
**Search Results for R325996**
**Owner Name**

NELSON, CAROL J

**Property ID Number**

R325996

**Map Tax Lot**

2N2W26C -01100

**Situs Address**
NW ROCK CREEK RD  
PORTLAND, OR 97231
**Assessment History**

Year	Improvements	Land	Special Mkt / Use	RMV	Exemptions	Assessed
2012	\$18,820	\$144,500	\$0 / \$0	\$163,320		\$39,580
2011	\$780	\$150,000	\$0 / \$0	\$150,780		\$38,430
2010	\$820	\$150,000	\$0 / \$0	\$150,820		\$37,320
2009	\$820	\$150,000	\$0 / \$0	\$150,820		\$36,240
2008	\$970	\$196,020	\$0 / \$0	\$196,990		\$35,190
2007	\$860	\$175,010	\$0 / \$0	\$175,870		\$34,170
2006	\$710	\$143,450	\$0 / \$0	\$144,160		\$33,180
2005	\$660	\$134,070	\$0 / \$0	\$134,730		\$32,220
2004	\$610	\$124,140	\$0 / \$0	\$124,750		\$31,290
2003	\$560	\$112,850	\$0 / \$0	\$113,410		\$30,380
2002	\$560	\$112,850	\$0 / \$0	\$113,410		\$29,500
2001	\$540	\$108,510	\$0 / \$0	\$109,050		\$28,650
2000	\$520	\$104,340	\$0 / \$0	\$104,860		\$27,820
1999	\$500	\$101,300	\$0 / \$0	\$101,800		\$27,010
1998	\$500	\$93,800	\$0 / \$0	\$94,300		\$26,230
1997	\$500	\$93,800	\$0 / \$0	\$94,300		\$25,470
1996	\$500	\$83,000	\$0 / \$0	\$83,500		\$83,500
1995	\$500	\$27,800	\$0 / \$0	\$28,300		\$28,300

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