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## NOTICE OF DECISION

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**Case File:** T2-2019-12742

**Permit:** Lot of Record Verification

**Applicants:** Bradlee Hersey, Faster Permits      **Owners:** Wesley & Shannon Shinn

**Location:** 17819 NW Skyline Boulevard, Portland  
Tax Lot 2000, Township 2 North, Range 2 West, Section 14C, W.M.  
Tax Account #R972140130      Property ID #R325714

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

**Overlays:** Significant Environmental Concern for Wildlife Habitat (SEC-h)  
Geologic Hazards (GH)

**Proposal Summary:** The applicant requests a Lot of Record Verification for 17819 NW Skyline Boulevard, as described above. SEC and GH permits are not required given this proposal does not include any development.

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**Determination:** The subject property 2N2W14C -02000 is a Lot of Record in its current configuration.

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Friday, April 17, 2020 at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Chris Liu, Staff Planner at 503-988-2964 or at [chris.liu@multco.us](mailto:chris.liu@multco.us)

**Opportunity to Appeal:** 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 office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

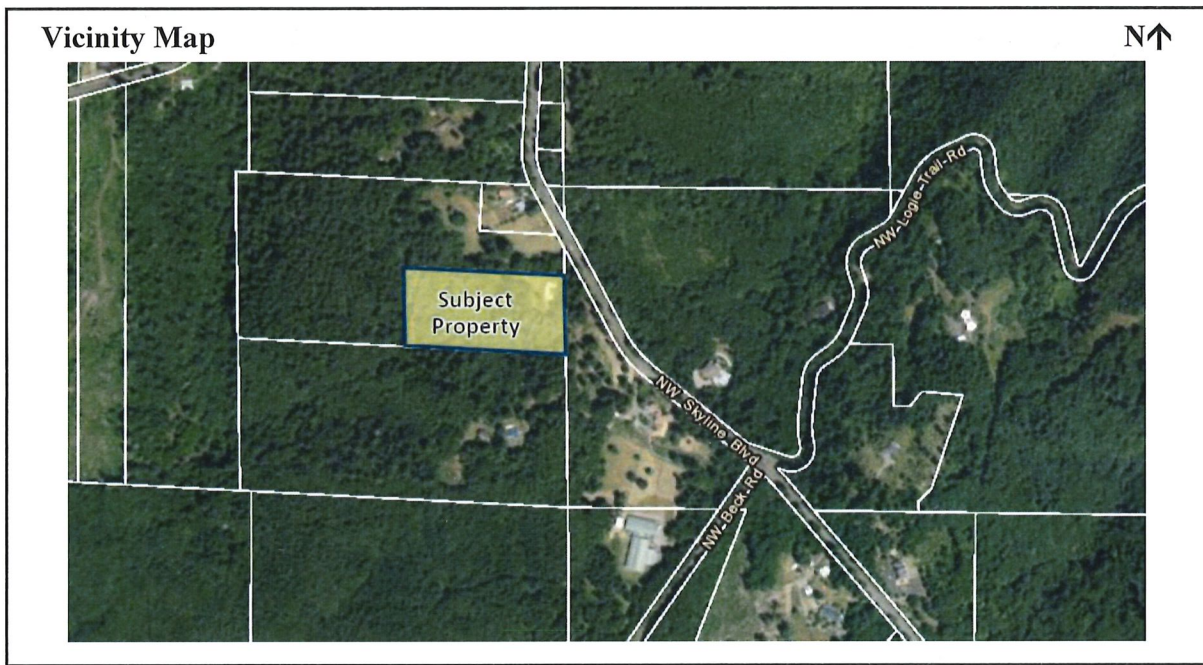
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**Issued by:** **Chris Liu** Digitally signed by Chris Liu  
Date: 2020.04.02 06:43:58  
-07'00'

**By:** Chris Liu, Planner

**For:** Carol Johnson, AICP  
Planning Director

**Date:** Friday, April 3, 2020



**Applicable Approval Criteria:**

**Multnomah County Code (MCC):** MCC 39.1515 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3030 Lot of Record – Commercial Forest Use-2 (CFU-2)

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link:

**Chapter 39 - Zoning Code**

**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.

## **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*.

### **1.0 PROPOSAL:**

**Staff:** The applicant requests a Lot of Record Verification for Tax Lot 2N2W14C - 02000 (the “subject property”). The subject property is located adjacent to NW Skyline Blvd. and is identified as 17819 NW Skyline Blvd. The subject property is located in rural West Unincorporated Multnomah County in the Commercial Forest Use -2 (CFU-2) zone. The subject property is 4.98 +/- acres and is outside the Urban Growth Boundary.

Through the Lot of Record Verification process, the County reviews the creation or reconfiguration of each parcel, lot or unit of land involved in the request. The County then verifies that the creation or reconfiguring of the unit of land satisfied all applicable zoning laws and all applicable land division laws in effect on the date of its creation or reconfiguration. If the unit of land met all the applicable zoning and land division laws in effect at the time, it may be determined to be a Lot of Record.

### **2.0 GENERAL PROVISIONS:**

#### **2.1 MCC 39.1515 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 Zoning Code and/or any permit approvals previously issued by the County.**

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**Staff:** As noted in Section 1.0 above, this application is a request for a Lot of Record Verification, which does not require the County to approve development, a land division, a property line adjustment, or a building permit. Therefore, this standard is not applicable.

### **3.0 LOT OF RECORD CRITERIA:**

#### **3.1 MCC 39.3005: Lot of Record – Generally:**

**(A) An area of land is a “Lot of Record” if it meets the standards in Subsection (B) of this Section and meets the standards set forth in this Part for the Zoning District in which the area of land is located.**

**(B) A Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, either satisfied all applicable zoning laws and satisfied all applicable land division laws, or complies with the criteria for the creation of new lots or parcels described in MCC 39.9700. 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

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**Staff:** To qualify as a Lot of Record, the subject property, when created or reconfigured, must have (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws.

Staff Exhibit B.8 is a Warranty Deed recorded July 24, 1972 in Book 870, Page 1983-1984. The legal description contained in the 1972 Warranty Deed matches the current legal description for the subject property (Exhibit A.2). Per the 1962 and October 5, 1977 zoning maps included as Exhibit B.6, the subject property was zoned ‘F-2’ in 1972. The F-2 zone had a minimum lot size requirement of 2.0 acres (Exhibit B.7) at the time. The subject property is 4.98 +/- acres and has not changed configuration since 1972. The F-2 zone did not have other dimensional standards or access requirements. Therefore, the subject property satisfied all applicable zoning laws in place at the time.

*Based on the information above, the subject property satisfied all applicable zoning laws in 1972.*

In 1972, the process to divide a single property required a deed or sales contract be recorded with the County Records office. As evidenced by the recorded warranty deed included as Exhibit A.4, this requirement was satisfied.

*Based on the information above, the subject property satisfied all applicable land division laws in 1972.*

### **3.2 MCC 39.3030 Lot of Record – Commercial Forest Use -2 (CFU-2)**

**(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU-2 district a Lot of Record is either:**

- (1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or**

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**(B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:**

- (1) July 10, 1958, F-2 zone applied;**
- (2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;**
- (3) October 6, 1977, MUF-20 and CFU38 zones applied, Ord. 148 & 149;**
- (4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;**
- (5) February 20, 1990, lot of record definition amended, Ord. 643;**

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**Staff:** Per County tax records, the Potter family owned the subject property as of February 20, 1990. County tax records do not list the Potter's as owners of any other contiguous parcels or lots on February 20, 1990. The applicant did not provide any deed information that contradicts the ownership shown on County tax records. *Criteria met.*

- 3.3 (C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 39.4135, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.**

**Staff:** The CFU-2 zone has a minimum lot size to create a new parcel of 80 acres, a requirement for a minimum 50-ft front lot line and road frontage. The subject parcel has a front lot line in excess of 50-ft and is adjacent to NW Skyline Blvd., so it also meets the access requirement. The subject 4.98 +/- acre parcel is substandard to the CFU-2 minimum lot size, but as allowed in (C) above it may be occupied by any allowed use, review use or condition use subject to other requirements. *Criterion met.*

- 3.4 (D) The following shall not be deemed 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) A Mortgage Lot.**
  - (4) An area of land created by court decree.**

**Staff:** The subject property is not an area of land described solely for assessment and taxation purposes, an area of land created by the foreclosure of a security interest, or an area of land created by court decree. The subject property is not a Mortgage Lot (Exhibit A.4). *Criteria met.*

#### **4.0 Exhibits**

- 'A' Applicant's Exhibits**
- 'B' Staff Exhibits**
- 'C' Procedural Exhibits**

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 T2-2019-12742 at the Land Use Planning office.



Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	12.10.2019
A.2	11	Preliminary Title Report	12.10.2019
A.3	2	Warranty Deed recorded in Book 871, Page 434-435 on July 25, 1972	12.10.2019
A.4	2	Warranty Deed recorded in Book 1185, Page 1880-1881 on June 14, 1977	12.10.2019
'B'	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 2N2W14C -02000 (R972140130)	12.10.2019
B.2	1	Department of Assessment, Records and Taxation (DART): Map with 2N2W14C -02000 (R972140130) highlighted	12.10.2019
B.3	2	Quitclaim Deed recorded as Document #2018-098040 on September 19/2018	12.30.2019
B.4	3	Statutory Warranty Deed recorded as Document #2019-072644 on July 16, 2019	12.30.2019
B.5	2	Survey 44935 filed on October 13, 1980	12.30.2019
B.6	2	1962 and October 5, 1977 zoning maps for 2N2W14	12.30.2019
B.7	1	F-2 Zoning Regulations - Zoning Ordinance 100 as amended May 21, 1968	12.30.2019
B.8	2	Warranty Deed recorded on July 24, 1972 in Book 870, Page 1983-1984	03.19.2020
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	12.31.2019
C.2	2	Opportunity to comment	03.19.2019
C.3	6	Administrative decision	04.03.2020