

**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.

**Date:** Friday, July 24, 2020



**Applicable Approval Criteria:**

**Multnomah County Code (MCC):**

Multnomah County Code (MCC): MCC 39.1515 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3090 Lot of Record – Rural Residential

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 & PROPERTY DESCRIPTION:**

**Staff:** The applicant requests a Lot of Record Verification for the property identified as 10424 NW Laidlaw Road (the “subject property”). The subject property is in unincorporated west Multnomah County and is zoned Rural Residential. Washington County’s border with Multnomah County is immediately west of the subject property. The subject property is outside of the metro urban growth boundary. A single-family dwelling is located on the subject property. This application does not propose any new development.

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 parcel, lot or 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 parcel, lot or 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.**

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

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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:**

#### **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**

**\*\*\***

**Staff:** To qualify as a Lot of Record, the subject property, when created or reconfigured, must meet (B) of this Section and meet the Lot of Record standards set forth in the RR zoning district. More specifically, Section (B) above requires demonstration that the subject property (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. The Lot of Record standards set forth in the RR district establish additional requirements unique to the district, which are evaluated in Sections 3.2-3.3 of this decision. The finding below analyzes whether the Lot of Record provisions in Section (B) have been met.

The applicant provided a deed recorded in 1972 that contains a legal description matching the current configuration of the subject property (Exhibit A.6). In 1972, the subject property was zoned ‘R-10’ per County Zoning Maps (Exhibit B.3). The R-10 zone had a minimum lot size requirement of 10,000 square feet, a minimum average lot width of 70 feet, a minimum average lot depth of 100 feet, and a requirement of public road frontage or other access deemed safe and convenient (Exhibit B.4). The subject property is 0.52 acres (22,561 +/- square feet), abuts NW Laidlaw Road (a public road), has an average lot width greater than 70 feet, and has an average lot depth greater than 100 feet (Exhibit B.2). The applicant provided a current deed for the subject property (Exhibit A.4) that contains a legal description that matches the recorded 1972 legal description (Exhibit A.6).

*The subject property complied with all zoning minimum lot size, dimensional standards, and access requirements of the R-10 zone in 1972 when it was created/reconfigured.*

In 1972, the process to divide a property required a deed or sales contract dated and signed by the parties to the transaction. The document needed to be in recordable form or recorded with

the County Recorder prior to October 19, 1978. As evidenced by the warranty deed recorded in 1972 (Exhibit A.6), the applicable land division laws were satisfied.

*Based on the above, the subject property satisfied all applicable zoning and land division laws in 1972. The subject property is a Lot of Record in its current configuration.*

### **3.2 MCC 39.3090 Lot of Record – RR**

**(A) In addition to the standards in MCC 39.3005, for the purposes of the RR district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:**

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**(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 39.4395, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.**

**(C) Except as otherwise provided by MCC 39.4380, 39.4385, and 39.5300 through 39.5350, 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.**

**Staff:** Subsections (A) & (C) are for information purposes. The subject property is a Lot of Record and is subject to (B) above. The subject property met all applicable zoning and land division laws at the time of its creation. It may be occupied by any allowed, review or conditional use when in compliance with the other requirements of this district provided it remains a Lot of Record. The subject property is in the same configuration as described in the 1972 warranty deed (Exhibit A.6).

### **3.3 (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.**

**Staff:** The subject property is not an area of land described as a tax lot 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. *Criteria met.*

## **4.0 PUBLIC COMMENT:**

Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 39.1105 (Exhibit C.2). Staff did not receive any public comments during the 14-day comment period. As Staff did not receive any public comments, this decision has satisfied the requirements of MCC 39.1105.



## 5.0 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 T2-2020-13458.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	06.30.2020
A.2	1	Applicant Statement	06.30.2020
A.3	3	Parcel Record Card for 1N1W26BB -02000	06.30.2020
A.4	4	Warranty Deed recorded September 06, 2019 as instrument no. 2019-094086	06.30.2020
A.5	2	Warranty Deed recorded June 7, 1979 in Book 1357, Page 955-956	06.30.2020
A.6	3	Warranty Deed recorded July 31, 1972 in Book 872, Page 754-756	06.30.2020
‘B’	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 1N1W26BB - 02000	06.30.2020
B.2	1	Department of Assessment, Records and Taxation (DART): Map for 1N1W26BB	06.30.2020
B.3	1	1966 Zoning Map for 1N1W26B	06.30.2020
B.4	4	Residential Districts Zoning Regulations from Zoning Ordinance 100 as adopted May 21, 1968	06.30.2020
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (Day 1)	06.30.2020
C.2	2	Opportunity to Comment	07.08.2020
C.3	6	Administrative Decision	07.24.2020