

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE, PART 3 (LOT OF RECORD)**

PART 3 – LOT OF RECORD

3.A – GENERAL PROVISIONS

§ 39.3005- LOT OF RECORD – GENERALLY.

(A) An area of land is a “Lot of Record” if it is comprised of one or more “lawfully established units of land,” each of which meets the standards in Subsection (B) of this Section and each lawfully established unit of land, or group thereof, meets the standards set forth in Subsection (C) of this Section, 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.~~

~~(1) “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.~~

~~(2) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:~~

~~(a) By a subdivision plat under the applicable subdivision requirements in effect at the time; or~~

~~(b) 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~~

~~(c) 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~~

~~(d) By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and~~

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

~~(3) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.~~

~~(a) Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.~~

~~(b) An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.~~

~~(Ord. 1309, Amended, 08/18/2022; Ord. 1270, Amended, 03/14/2019)~~

(B) To be a “lawfully established unit of land,” a unit of land (lot or parcel) must meet the criteria in Subsections (1), (2) or (3), below.

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(1) The lot or parcel was created or reconfigured pursuant to ORS 92.010 to 92.192, including the following:

(a) A lot created by a subdivision plat under the applicable subdivision requirements in effect at the time;

(b) A parcel created by partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978;

(c) A lot or parcel reconfigured in compliance with the property line adjustment provisions of the land division code (reconfiguration completed on or after December 28, 1993); or

(d) A lot or parcel reconfigured following a judgment of a circuit court that relocates a property line in compliance with ORS 92.017.

(2) The lot or parcel was created or reconfigured by a deed or a sales contract that meets all of the following criteria:

(a) The lot or parcel complied with minimum lot size, dimensional standards, and access requirements that were in effect on the date that the lot or parcel was created. The applicant is responsible for demonstrating that the lot or parcel was created in compliance with the zoning requirements as specified in Section 39.3010; and

(b) The deed or sales contract (dated and signed by the parties to the transaction) creating or reconfiguring the lot or parcel was recorded with the Recording Section of the public office responsible for public records, or was in recordable form, prior to the following dates; and

<u>Zoning District</u>	<u>Date</u>
<u>MUF zoning district</u>	<u>August 14, 1980</u>
<u>LR-5, LR-7, LR-10, MR-4 and UF-20 zoning districts</u>	<u>July 26, 1979</u>
<u>All other zoning districts</u>	<u>October 19, 1978</u>

(c) For the purposes of Section (b), “in recordable form” shall, at a minimum, mean:

(i) The deed is a written document with a full legal description of the property, the buyer and seller's names, signed and dated by the grantor.

(ii) The sales contract is a written document with a full legal description of the property and purchase price, which has been signed and dated by all parties involved in the agreement.

(3) The lot or parcel was lawfully established pursuant to 39.9700 Legalization of Lots And Parcels that were Previously Unlawfully Divided.

(4) The following shall not be deemed a lawfully established unit of land:

(a) An area of land described as a tax lot solely for assessment and taxation purposes.

(b) A Mortgage Lot.

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(C) Except as specified in Subsections (D) and (E), each lawfully established unit of land meeting the criteria in Subsection (B) of this Section shall be deemed a Lot of Record.

(D) The following shall not be deemed a Lot of Record:

(1) In the CFU, CFU-1, CFU-2, CFU-3, CFU-4, CFU-5, EFU, MUA-20, RR, RC, BRC, SRC, PH-RC, OR and OCI zoning districts:

(a) An area of land created by the foreclosure of a security interest; and

(b) An area of land created by court decree.

(E) In the CFU, CFU-1, CFU-2, CFU-3, CFU-4, CFU-5 and EFU zoning districts, the creation of a Lot of Record may require the aggregation of two or more lawfully established units of land (lots or parcels) as specified in Subsections (1) and (2), below.

(1) In the CFU, CFU-1, CFU-2, CFU-3, CFU-4, CFU-5 and EFU zoning districts, a group (two or more) contiguous lots or parcels shall be aggregated to create one or more Lots of Record if:

(a) The group of contiguous lots or parcels was held under the same ownership on February 20, 1990; and,

(b) One or more of the lots or parcels in the group is less than 19 acres in size.

(2) A group of contiguous lots or parcels meeting the criteria in Subsection (1), which individually, or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line in accordance with Subsections (a) and (b). Exceptions to this requirement are provided in Subsection (3).

(a) Each lot of record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. (See examples 1 and 2 in Figure 1)

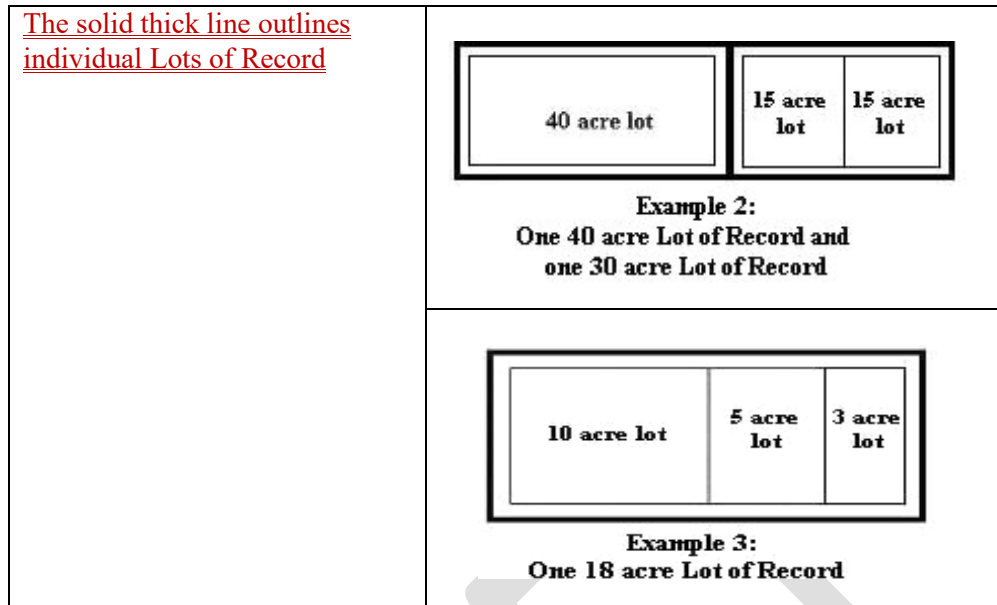
(b) If the entire ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, the entire grouping shall be one lot of record. (See example 3 in Figure 1)

Figure 1: Three examples of how parcels and lots shall be aggregated



**Example 1:
One 55 acre Lot of Record**

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(3) The requirement to aggregate contiguous parcels or lots shall not apply to:

- (a) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990;
- (b) A parcel or lot that was not contiguous to any other parcel or lot under the same ownership on February 20, 1990;
- (c) A parcel or lot meeting one or more of the exception in Subsection 39.3010(B);
- (d) A lot or parcel within an exception, urban, or Columbia River Gorge National Scenic Area zoning districts (e.g. MUA- 20, RR, SRC, R-10, GGA-40);
- (e) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990; or
- (f) Within CFU, CFU-1, CFU-2, CFU-3, and CFU-4 districts, two contiguous parcels or lots that are each developed with a lawfully established habitable dwelling. In this case, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.

(F) Disaggregation of Lots of Record. Within the CFU-4 district, a Lot of Record existing on or before August 8, 1998 (effective date of Ordinance 916) and consisting of two or more legally created lots or parcels may be disaggregated for consideration of a new template or heritage tract dwelling under MCC 39.4090 and 39.4095 if the following criteria are met:

- (1) Except as provided in subsection (6), the lots or parcels constituting the lot of record were in the same ownership prior to January 1, 1985;

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(2) The disaggregation occurs along existing lot or parcel lines without creating any new lots or parcels;

(3) One of the lots or parcels is currently developed with a legally established dwelling;

(4) The lot or parcel on which application will be made for the new dwelling is less than 19 acres; and

(5) For a Lot of Record consisting of three or more lots or parcels the following additional standards must be met:

(a) Only one lot of less than 19 acres shall be disaggregated; and

(b) The remaining lots or parcels shall be combined into a single lot.

(6) A property that was originally a portion of a Lot of Record that would otherwise satisfy the criteria and standards of subsections (1) through (5), above, but has subsequently been legally transferred to another owner, may be developed with a single family dwelling if found to satisfy the standards of MCC 39.4090 or 39.4095.

§ 39.3010- VERIFICATION OF LOT OF RECORD STATUS

(A) For units of land created through a deed or sales contract, the applicant shall demonstrate that the lot or parcel was created in compliance with the minimum lot size, dimensional standards, and access requirements that were in effect on the date that the lot or parcel was created. Exception to these requirements are provided in Subsection (B) of this Section. A person may request verification of the Lot of Record status of a lot or parcel. The application shall be processed as a Type II application.

TABLE 1: Significant Dates and Ordinances

<u>Significant Dates and Ordinances</u>	<u>Zoning Districts</u>					
	<u>CFU (all)</u>	<u>EFU</u>	<u>MUA</u>	<u>RR, RC</u>	<u>BRC, SRC</u>	<u>PH- RC, OR, OCI</u>
<u>July 10, 1958</u>						
• <u>F-2 zone applied</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
• <u>SR zone applied</u>			<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
• <u>R zone applied</u>					<u>X</u>	<u>X</u>
<u>December 9, 1975, Ord. 115 & 116</u>						
• <u>F-2 minimum lot size increased</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>
• <u>RL-C zone applied</u>		<u>X</u>				
<u>October 6, 1977, Ord. 148 & 149</u>						
• <u>MUF-20 and CFU-38 zones applied</u>	<u>X</u>					
• <u>MUA-20 zone applied</u>		<u>X</u>	<u>X</u>			
• <u>EFU-38 zone applied</u>		<u>X</u>				
• <u>RR zone applied</u>				<u>X</u>		
• <u>RC zone applied</u>					<u>X</u>	<u>X</u>
<u>August 14, 1980, Ord. 236 & 238;</u>						
• <u>MUF-19 & 38 and CFU-80 zones applied</u>	<u>X</u>					
• <u>Zone change from MUA-20 to EFU-38 for some properties, zone change from EFU-38 to EFU-76 for some properties.</u>		<u>X</u>				
<u>October 13, 1983, Ord. 395</u>						

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<u>Significant Dates and Ordinances</u>	<u>Zoning Districts</u>					
	<u>CFU</u> (all)	<u>EFU</u>	<u>MUA</u>	<u>RR,</u> <u>RC</u>	<u>BRC,</u> <u>SRC</u>	<u>PH- RC,</u> <u>OR, OCI</u>
• <u>Zone change from EFU to MUA-20 for some properties</u>			<u>X</u>			
• <u>Zone change from MUF-19 to RR for some properties</u>				<u>X</u>		
• <u>Zone change to RC for some properties</u>					<u>X</u>	<u>X</u>
<u>February 20, 1990, lot of record definition amended, Ord. 643;</u>	<u>X</u>	<u>X</u>				
<u>January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;</u>	<u>X</u>					
<u>April 5, 1997, EFU zone repealed and replaced with language in compliance with 1993 ORS and 1994 Statewide Planning Goal 3 OARs for farmland, Ord. 876</u>		<u>X</u>				
<u>August 8, 1998, CFU-1, CFU-2, CFU-3 and CFU-4 zones applied, Ord. 916 (reenacted by Ord. 997);</u>	<u>X*</u>					
<u>January 21, 1999, CFU-5 zone applied, Ord. 924 (reenacted by Ord. 997)</u>	<u>X*</u>					
• <u>20 acre minimum lot size for properties within one mile of Urban Growth Boundary</u>				<u>X</u>		
• <u>Applied a minimum 2 acre lot size to RC zoned areas outside “acknowledged unincorporated communities” except where properties are within one mile of the Urban Growth Boundary the minimum is 20 acres</u>					<u>X</u>	
<u>May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>

(B) Exceptions to minimum lot size, dimensional standards and access requirements. The following exceptions to minimum lot size, dimensional standards and access requirements apply when establishing Lots of Record:

(1) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.

(2) On a lawfully established unit of land reconfigured following a judgment of a circuit court that relocates a property line of the unit of land in compliance with ORS 92.017, applications for permits, including those defined under ORS 215.402 or 227.160 or ORS chapter 455, must be decided based upon the property lines as relocated and may not be denied based solely upon the judgment.

(3) CFU-5 district: Separate Lots of Record may be created under the provisions of MCC 39.4140.

(4) MUF district: Separate Lots of Record shall be deemed created when a County maintained road or an EFU, CFU, MUA-20, RR or RC zoning district boundary intersects a parcel, or aggregated group of contiguous parcels, of land.

§ 39.3020- LOT OF RECORD - STANDARDS

(A) A Lot of Record that does not conform to the minimum lot area, minimum dimension or access standards of the zoning district in which it is located is subject to the provisions below.

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(1) Except as provided in Subsection (2), below, a Lot of Record which has less than the minimum lot size for new parcels, less than the minimum dimensions required, or which does not meet the access requirements of the applicable zoning district, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of the applicable zoning district.

(2) In LR-5, LR-7, LR-10, and MR-4 districts, a Lot of Record that has less than the area minimum required, but at least 3,000 square feet, may be occupied by a single family detached dwelling, duplex or approved use when in compliance with the other requirements of the applicable zoning district.

(3) Compliance with the requirements of the applicable zoning district may preclude some uses from being developed on a Lot of Record.

(B) Except as provided by this Chapter, no sale or conveyance of any portion of a lot, for other than a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of the applicable zoning district.

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~~3.B – LOT OF RECORD REQUIREMENTS SPECIFIC TO EACH ZONE~~

~~§ 39.3010 – LOT OF RECORD – COMMERCIAL FOREST USE (CFU).~~

~~—(A) In addition to the standards in MCC 39.3005, for purposes of the CFU 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~~

~~(2) A group of contiguous parcels or lots:~~

~~(a) Which were held under the same ownership on February 20, 1990; and~~

~~(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.~~

~~1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.~~

~~2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.~~

~~3. Three examples of how parcels and lots shall be aggregated are shown in MCC 39.3070 Figure 1 with the solid thick line outlining individual Lots of Record.~~

~~4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, RC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or~~

~~(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.~~

~~(4) Exceptions to the standards of (A)(2) above:~~

~~(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.~~

~~(b) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.~~

~~—(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;~~

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- ~~(2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;~~
- ~~(3) October 6, 1977, MUF 20 and CFU 38 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;~~
- ~~(6) January 7, 1993, MUF 19 & 38 zones changed to CFU 80, Ord. 743 & 745;~~
- ~~(7) May 16, 2002, Lot of Record section amended, Ord. 982.~~

~~—(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.~~

~~—(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.~~

~~§ 39.3020 LOT OF RECORD – COMMERCIAL FOREST USE 1 (CFU 1).~~

~~—(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU 1 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~~
- ~~(2) A group of contiguous parcels or lots:~~
 - ~~(a) Which were held under the same ownership on February 20, 1990; and~~
 - ~~(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.~~

~~1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be an existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.~~

~~2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.~~

~~3. Three examples of how parcels and lots shall be aggregated are shown in MCC 39.3070 Figure 1 with the solid thick line outlining individual Lots of Record:~~

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~~4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA-20, RR, BRC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or~~

~~(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.~~

~~(4) Exceptions to the standards of (A)(2) above:~~

~~(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.~~

~~(b) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.~~

~~—(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 CFU-38 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;~~

~~(6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;~~

~~(7) August 8, 1998, CFU-1 zone applied, Ord. 916 (reenacted by Ord. 997);~~

~~(8) May 15, 2002, Lot of Record section amended, Ord. 982 & reenacted by Ord. 997;~~

~~—(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.~~

~~—(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.~~

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~~§ 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~~

~~(2) A group of contiguous parcels or lots:~~

~~(a) Which were held under the same ownership on February 20, 1990; and~~

~~(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.~~

~~1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.~~

~~2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.~~

~~3. Three examples of how parcels and lots shall be aggregated are shown in MCC 39.3070 Figure 1 with the solid thick line outlining individual Lots of Record:~~

~~4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g. MUA 20, RR, BRC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or~~

~~(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.~~

~~(4) Exceptions to the standards of (A)(2) above:~~

~~(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.~~

~~(b) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.~~

~~—(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;~~

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- ~~(3) October 6, 1977, MUF 20 and CFU 38 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;~~
- ~~(6) January 7, 1993, MUF 19 & 38 zones changed to CFU 80, Ord. 743 & 745;~~
- ~~(7) August 8, 1998, CFU 2 zone applied, Ord. 916 (reenacted by Ord. 997);~~
- ~~(8) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997;~~

~~—(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.~~

~~—(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.~~

§ 39.3040 — LOT OF RECORD — COMMERCIAL FOREST USE 3 (CFU 3).

~~—(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU 3 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~~
- ~~(2) A group of contiguous parcels or lots:~~
 - ~~(a) Which were held under the same ownership on February 20, 1990; and~~
 - ~~(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.~~

~~1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.~~

~~2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.~~

~~3. Three examples of how parcels and lots shall be aggregated are shown in MCC 39.3070 Figure 1 with the solid thick line outlining individual Lots of Record:~~

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~~4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception, urban, or Columbia River Gorge National Scenic Area zones (e.g. MUA-20, RR, SRC, R-10, GGA-40), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or~~

~~(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.~~

~~(4) Exceptions to the standards of (A)(2) above:~~

~~(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.~~

~~(b) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.~~

~~—(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 CFU-38 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;~~

~~(6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;~~

~~(7) August 8, 1998, CFU-3 zone applied, Ord. 916 (reenacted by Ord. 997);~~

~~(8) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.~~

~~—(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.~~

~~—(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.~~

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE, PART 3 (LOT OF RECORD)**

~~§ 39.3050 – LOT OF RECORD – COMMERCIAL FOREST USE 4 (CFU 4).~~

~~—(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU 4 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~~

~~(2) A group of contiguous parcels or lots:~~

~~(a) Which were held under the same ownership on February 20, 1990; and~~

~~(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.~~

~~1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.~~

~~2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.~~

~~3. Three examples of how parcels and lots shall be aggregated are shown in MCC 39.3070 Figure 1 with the solid thick line outlining individual Lots of Record:~~

~~4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception, urban, or Columbia River Gorge National Scenic Area zones (e.g. MUA 20, RR, SRC, R 10, GGA 40), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or~~

~~(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.~~

~~(4) Exceptions to the standards of (A)(2) above:~~

~~(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.~~

~~(b) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.~~

~~(c) Disaggregation of a Lot of Record for consideration of a new template or heritage tract dwelling may be allowed subject to the standards in (E) below.~~

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

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
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- ~~(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 CFU-38 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;~~
- ~~(6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;~~
- ~~(7) August 8, 1998, CFU-4 zone applied, Ord. 916 (reenacted by Ord. 997);~~
- ~~(8) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.~~

~~—(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.~~

~~—(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.~~

~~—(E) Disaggregation of Lots of Record existing on or before August 8, 1998, being the effective date of Ordinance 916:~~

~~(1) A Lot of Record may be disaggregated for consideration of a new dwelling under MCC 39.4090 and 39.4095 if:~~

~~(a) It consists of two legally created, aggregated lots or parcels and:~~

- ~~1. The disaggregation occurs along existing lot or parcel lines without creating any new lots or parcels;~~
- ~~2. One of the lots or parcels is currently developed with a legally established dwelling;~~
- ~~3. The lot or parcel on which application will be made for the new dwelling is less than 19 acres; and~~
- ~~4. The lots or parcels constituting the disaggregated Lot of Record were in the same ownership prior to January 1, 1985.~~

~~(b) It consists of three or more lots or parcels and:~~

- ~~1. Only one lot of less than 19 acres shall be disaggregated;~~
- ~~2. The remaining lots or parcels shall be combined into a single lot; and~~

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
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~~3. The disaggregation occurs along existing lot or parcel lines without creating any new lots or parcels;~~

~~4. One of the lots or parcels is currently developed with a legally established dwelling;~~

~~5. The lot or parcel on which application will be made for the new dwelling is less than 19 acres; and~~

~~6. The lots or parcels constituting the disaggregated Lot of Record were in the same ownership prior to January 1, 1985.~~

~~(2) A property that was originally a portion of a Lot of Record that would otherwise satisfy the standards of MCC 39.3050(E)(1) above, but has subsequently been legally transferred to another owner, may be developed with a single family dwelling if found to satisfy the standards of MCC 39.4090 or 39.4095.~~

~~§ 39.3060 LOT OF RECORD COMMERCIAL FOREST USE 5 (CFU 5).~~

~~—(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU 5 district the significant dates and ordinances 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 CFU 38 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;~~

~~(6) January 7, 1993, MUF 19 & 38 zones changed to CFU 80, Ord. 743 & 745;~~

~~(7) January 21, 1999, CFU 5 zone applied, Ord. 924 (reenacted by Ord. 997);~~

~~(8) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.~~

~~—(B) Separate Lots of Record may be created under the provisions of MCC 39.4140.~~

~~—(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.~~

~~(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.~~

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE, PART 3 (LOT OF RECORD)**

~~§ 39.3070 – LOT OF RECORD – EXCLUSIVE FARM USE (EFU).~~

~~—(A) In addition to the standards in MCC 39.3005, for the purposes of the EFU 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~~

~~(2) A group of contiguous parcels or lots:~~

~~(a) Which were held under the same ownership on February 20, 1990; and~~

~~(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.~~

~~1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.~~

~~2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.~~

~~3. Three examples of how parcels and lots shall be aggregated are shown in Figure 1 below with the solid thick line outlining individual Lots of Record:~~

~~4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g., MUA-20, RR, RC, SRC, BRC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or~~

~~(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.~~

~~(4) Exception to the standards of (A)(2) above:~~

~~(a) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.~~

~~(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, RL-C zone applied, F-2 minimum lot size increased, Ord. 115 & 116;~~

~~(3) October 6, 1977, MUA-20 and EFU-38 zones applied, Ord. 148 & 149;~~

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
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~~(4) August 14, 1980, zone change from MUA-20 to EFU-38 for some properties, zone change from EFU-38 to EFU-76 for some properties. Ord. 236 & 238;~~

~~(5) February 20, 1990, lot of record definition amended, Ord. 643;~~

~~(6) April 5, 1997, EFU zone repealed and replaced with language in compliance with 1993 Oregon Revised Statutes and 1994 Statewide Planning Goal 3 Oregon Administrative Rules for farmland, Ord. 876;~~

~~(7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997;~~

~~—(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 39.4260 may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.~~

~~—(D) The following shall not be deemed a Lot of Record:~~

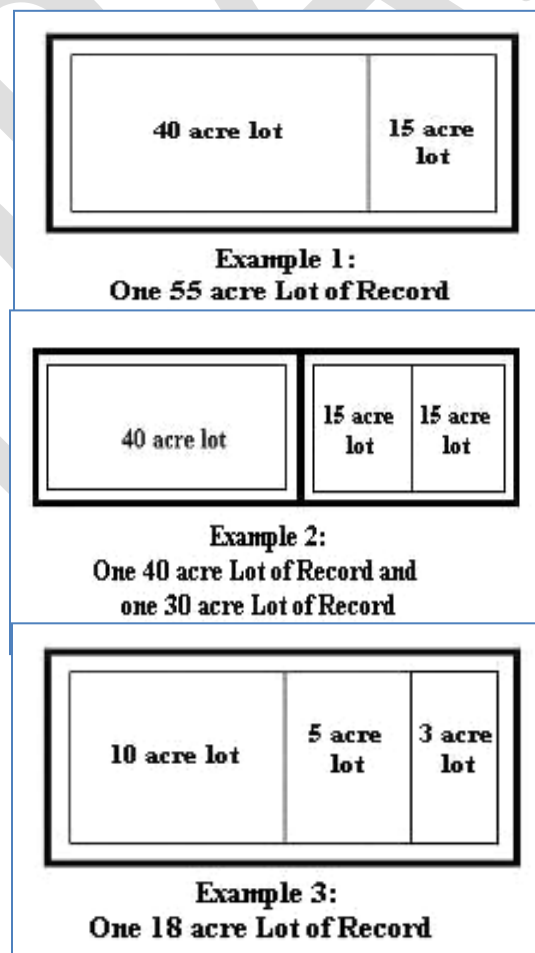
~~(1) An area of land described as a tax lot solely for assessment and taxation purposes;~~

~~(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.~~

Figure 1



**PRELIMINARY DRAFT AMENDMENTS RELATED TO
CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE, PART 3 (LOT OF RECORD)**

~~§ 39.3080 – LOT OF RECORD – MULTIPLE USE AGRICULTURE 20 (MUA 20).~~

~~—(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA 20 district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:~~

- ~~(1) July 10, 1958, SR zone applied;~~
- ~~(2) July 10, 1958, F 2 zone applied;~~
- ~~(3) December 9, 1975, F 2 minimum lot size increased, Ord. 115 & 116;~~
- ~~(4) October 6, 1977, MUA 20 zone applied, Ord. 148 & 149;~~
- ~~(5) October 13, 1983, zone change from EFU to MUA 20 for some properties, Ord. 395;~~
- ~~(6) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.~~

~~—(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 39.4345, 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 39.4330, 39.4335, 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.~~

~~—(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.~~

~~§ 39.3090 – LOT OF RECORD – RURAL RESIDENTIAL (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:~~

- ~~(1) July 10, 1958, SR zone applied;~~
- ~~(2) July 10, 1958, F 2 zone applied;~~
- ~~(3) December 9, 1975, F 2 minimum lot size increased, Ord. 115 & 116;~~
- ~~(4) October 6, 1977, RR zone applied, Ord. 148 & 149;~~
- ~~(5) October 13, 1983, zone change from MUF 19 to RR for some properties, Ord. 395;~~
- ~~(6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;~~
- ~~(7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.~~

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
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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.~~

~~(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.~~

~~§ 39.3100 LOT OF RECORD – RURAL CENTER (RC).~~

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

- ~~(1) July 10, 1958, SR zone applied;~~
- ~~(2) July 10, 1958, F 2 zone applied;~~
- ~~(3) December 9, 1975, F 2 minimum lot size increased, Ord. 115 & 116;~~
- ~~(4) October 6, 1977, RR zone applied, Ord. 148 & 149;~~
- ~~(5) October 13, 1983, zone change from MUF 19 to RR for some properties, Ord. 395;~~
- ~~(6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004, 20 acre minimum lot size for properties within one mile of Urban Growth Boundary;~~
- ~~(7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.~~

~~—(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.~~

~~—(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.~~

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE, PART 3 (LOT OF RECORD)**

~~§ 39.3110 LOT OF RECORD – BURLINGTON RURAL CENTER (BRC) AND SPRINGDALE RURAL CENTER (SRC).~~

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

- ~~(1) July 10, 1958, SR and R zones applied;~~
- ~~(2) July 10, 1958, F 2 zone applied;~~
- ~~(3) December 9, 1975, F 2 minimum lot size increased, Ord. 115 & 116;~~
- ~~(4) October 6, 1977, RC zone applied, Ord. 148 & 149;~~
- ~~(5) October 13, 1983, zone change to RC for some properties, Ord. 395;~~
- ~~(6) October 4, 2000, Oregon Administrative Rules Chapter 660 Division 004 applied a minimum 2-acre lot size to RC zoned areas outside “acknowledged unincorporated communities” except where properties are within one mile of the Urban Growth Boundary the minimum is 20 acres;~~
- ~~(7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.~~

~~—(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 39.4495, 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 39.4480, 39.4485, 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.~~

~~—(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.~~

~~§ 39.3120 LOT OF RECORD – PLEASANT HOME RURAL CENTER (PH-RC) AND ORIENT RURAL CENTER RESIDENTIAL (OR) AND ORIENT COMMERCIAL-INDUSTRIAL (OCI).~~

~~—(A) In addition to the standards in MCC 39.3005, for the purposes of the PH-RC, OR, and OCI districts the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:~~

- ~~(1) July 10, 1958, SR and R zones applied;~~
- ~~(2) July 10, 1958, F 2 zone applied;~~
- ~~(3) December 9, 1975, F 2 minimum lot size increased, Ord. 115 & 116;~~
- ~~(4) October 6, 1977, RC zone applied, Ord. 148 & 149;~~

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
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~~(5) October 13, 1983, zone change to RC for some properties, Ord. 395;~~

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

~~—(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 39.4545, 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 39.4530, 39.4535, 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 the minimum lot or yard requirements or result in a lot of less than the area or width requirements of this district.~~

~~(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.~~

~~§ 39.3130 LOT OF RECORD—URBAN LIGHT MANUFACTURING (LM).~~

~~—(A) In addition to the standards in MCC 39.3005, for the purposes of LM district a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to July 26, 1979.~~

~~—(B) 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 the minimum lot or yard requirements or result in a lot with less than the area or width requirements of the district.~~

**~~§ 39.3140 LOT OF RECORD—URBAN LOW DENSITY RESIDENTIAL (LR-5, LR-7, LR-10)
AND URBAN MEDIUM DENSITY RESIDENTIAL (MR-4).~~**

~~—(A) In addition to the standards in MCC 39.3005, for the purposes of the LR-5, LR-7, LR-10, and MR-4 districts, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to July 26, 1979.~~

~~—(B) A Lot of Record which has less than the area minimum required, but at least 3,000 square feet, may be occupied by a single family detached dwelling or approved use when in compliance with the other requirements of the applicable district.~~

~~—(C) A Lot of Record which has less than the front lot line minimums required may be occupied by any use permitted in the district when in compliance with the other requirements of the applicable district.~~

~~—(D) 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 the applicable districts.~~

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE, PART 3 (LOT OF RECORD)**

~~§ 39.3150 – LOT OF RECORD – MULTIPLE USE FOREST (MUF).~~

~~— (A) In addition to the standards in MCC 39.3005, for the purposes of the MUF district a Lot of Record is:~~

~~— (1) A parcel of land:~~

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to August 14, 1980;~~
- ~~(b) Which satisfied all applicable laws when the parcel was created; and~~
- ~~(c) Which satisfies the minimum lot size requirements of MCC 39.4717; or~~

~~(2) A parcel of land:~~

- ~~(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;~~
- ~~(b) Which satisfied all applicable laws when the parcel was created;~~
- ~~(c) Does not meet the minimum lot size requirements of MCC 39.4717; and~~
- ~~(d) Which are held under the same ownership.~~

~~— (B) For the purposes of this subsection:~~

~~(1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right of way;~~

~~(2) Substandard Parcel refers to a parcel which does not satisfy the minimum lot size requirements of MCC 39.4717; and~~

~~(3) Same Ownership refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.~~

~~— (C) Separate Lots of Record shall be deemed created when a County maintained road or an EFU, CFU, MUA 20, RR or RC zoning district boundary intersects a parcel, or aggregated group of contiguous parcels, of land.~~

~~— (D) A Lot of Record which has less than the front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.~~

~~— (E) Except as otherwise provided by MCC 39.4720 and 39.4722, no sale or conveyance of any portion of a Lot of Record, other than for a public purpose, shall leave a structure on the remainder of the lot with less than the minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.~~

~~§ 39.3160 – URBAN FUTURE (UF 20).~~

~~— (A) In addition to the standards in MCC 39.3005, for the purposes of the UF 20 district a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the~~

**PRELIMINARY DRAFT AMENDMENTS RELATED TO
CHAPTER 39 – MULTNOMAH COUNTY ZONING CODE, PART 3 (LOT OF RECORD)**

~~Department of Administrative Services or was in recordable form prior to July 26, 1979, and which, when established, satisfied all applicable laws.~~

~~—(B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.~~

~~—(C) Except as otherwise provided by subsection (B) and MCC 39.4743(D), 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.~~