

## POST-HEARING MEMORANDUM

To: Record in Hearing of T2-2022-16204  
From: County Staff  
Date: April 21, 2023  
RE: Response to New Information Submitted by the Applicant into the Hearing Record

At the April 14, 2023 Hearing, the Applicant presented additional information to the Hearing's Officer ("HO") in response to the County's Decision ("Decision") regarding the subject Lot of Record Verification application. Below, staff addresses Multnomah County Code ("MCC") and Oregon Revised Statutes ("ORS") for the HO to account for in their analysis.

### CONSIDERATIONS

**1. Are the "Needed housing" provisions of ORS 197 applicable to the subject application?**

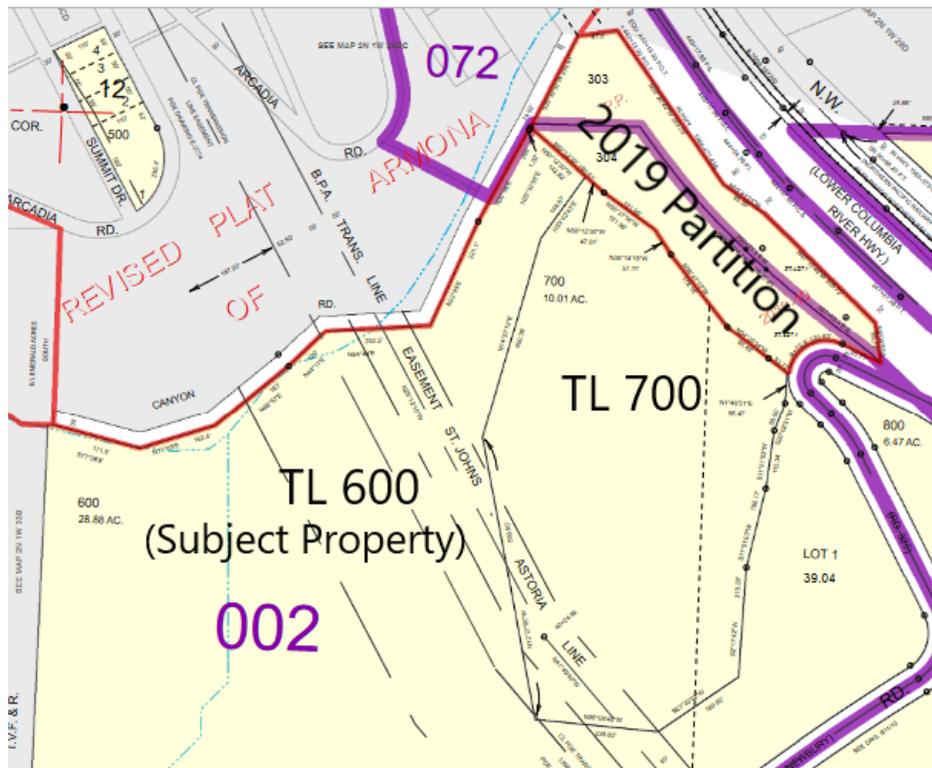
As staff noted at the Hearing, the subject application is not an application to establish a dwelling on the subject property. The applicant specifically referenced ORS 197.307(4), which is under the "Urban Growth Boundaries and Needed Housing Within Boundaries" section. ORS 197.303 defines "Needed housing" as "all housing...determined to meet the need shown for housing *within an urban growth boundary*..." (emphasis added). The subject property is *outside* of the Urban Growth Boundary. Therefore, ORS 197.307(4) is not applicable.

**2. The applicant believes that Partition Plat no. 2019-010 ("2019 Partition") affects the subject property and serves as a "Property Line Adjustment". In section 7.0 of the Decision, County Staff refutes the applicant's position.**

As noted in Section 7.0 of the Decision, the 2019 Partition (Exhibit B.4) created a new parcel (adjacent to the subject property) according to the "Legalization of Lots And Parcels That Were Unlawfully Divided"

(“Lot Legalization”) criteria of MCC 33.7785 (current code citation MCC 39.9700). The Lot Legalization section is separate and distinct from the ‘Property Line Adjustments’ section of MCC 39.9300.

The County’s Lot Legalization process aligns with requirements of ORS 92.176 - 92.178. ORS 92.178(3) states that “Approval of an application under this section *does not affect the legal status of land that is not the subject of the application*” (emphasis added). As noted in Section 7.0 of the Decision, the associated Lot Legalization application (Exhibit B.9) for the 2019 Partition did not include the subject property (Tax Lot 600, T2N, R1W, Section 33A) or the other contiguous property (Tax Lot 700, T2N, R1W, Section 33A). Staff created an image below from County Tax Maps that shows the 2019 Partition, which involved only (what is currently identified on Tax Maps as) tax lots 303 & 304, T2N, R1W Section 33A.



Pursuant to ORS 92.176 – 92.178, only one parcel can be created via the Lot Legalization process.

The subject property was not part of the 2019 Partition; hence, it was not legalized through the plat.

**3. Other land use application(s) to potentially rectify the Lot of Record issue for the subject property.**

Staff identified the Applicable Approval Criteria for the subject application on p.2 of the Decision. The feasibility of any other land use application(s) to potentially rectify the Lot of Record issue for the subject property is not part of the subject application, and is not eligible for consideration as part of this appeal.

### **CONCLUSION**

Based on the information in the record, and as discussed in the Decision, the subject property identified as 2N1W33A – 00600 is *not* a Lot of Record in its current configuration.