

NOTICE OF DECISION



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone: (503) 988-3043

Application for Lot of Record Verification

Case File: T2-2024-0075

Applicant: H. Weston Drumheller

Proposal: The applicant is requesting a Lot of Record Verification for the property identified below. A Lot of Record Verification determines if a property was lawfully established in compliance with zoning and land division laws at the time of its creation or reconfiguration. No development is proposed at this time.

Location: 5705 SE Altman Rd, Gresham

Property ID # R341853

Map, Tax lot: 1S4E16CB -01000

Alt. Acct. # R994160070

Base Zone: Multiple Use Agriculture – 20 (MUA-20)

Overlays: None

Determination: The subject property known as 1S4E16CB -01000 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 Thursday, February 13, 2025 at 4:00 pm.

Opportunity to Review the Record: The complete case file and all evidence associated with this application is available for review by contacting LUP-comments@multco.us. Paper copies of all documents are available at the rate of \$0.46/page.

Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted

Issued by:

A handwritten signature in black ink, appearing to read "Rithy Khut", written over a horizontal line.

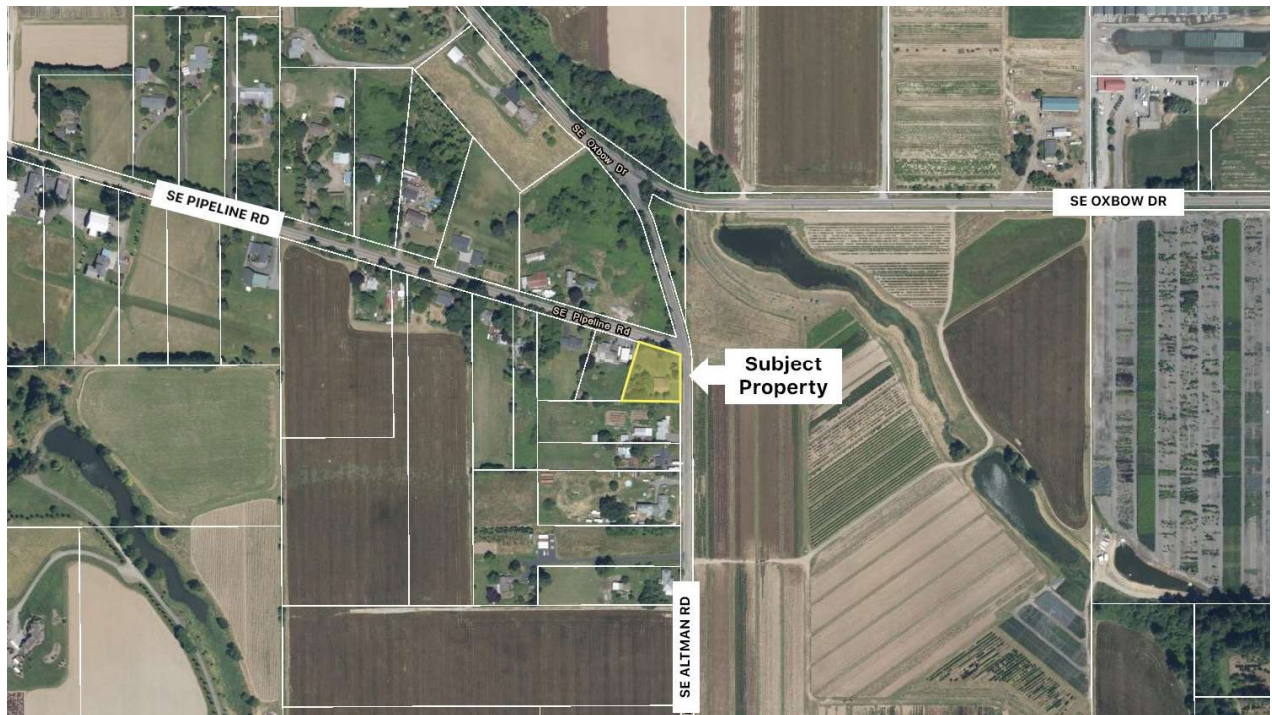
Digitally signed by Rithy Khut
DN: cn=Rithy Khut, o=Multnomah
County, ou=Land Use Planning
Division,
email=rithy.khut@multco.us, c=US

Rithy Khut, Senior Planner

For: Megan Gibb,
Planning Director

Date: Thursday, January 30, 2025

Vicinity Map



Applicable Approval Criteria:

Multnomah County Code (MCC): MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – Multiple Use Agriculture – 20 (MUA-20)

Copies of the referenced Multnomah County Code sections are available by visiting <https://www.multco.us/landuse/zoning-codes> under the link **Chapter 39: Multnomah County Zoning Code** or by contacting our office at (503) 988-3043.

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 Project Description:

Staff: The applicant requests a Lot of Record Verification for the property identified as 1S4E16CB -01000 also known as 5705 SE Altman Rd, Gresham (“subject property”). The application does not propose any new development currently.

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 reconfiguration 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.

2.0 Property Description:

Staff: The subject property is in unincorporated east Multnomah County in the area known as the West of Sandy River rural area. The property is zoned Multiple Use Agriculture – 20 (MUA-20) and is located outside of Metro’s Urban Growth Boundary (UGB). According to Assessment and Taxation records, the subject property is occupied by a single-family dwelling with attached garage.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 39.1105 (Exhibit C.2). Staff did not receive public comments during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 MCC 39.1250 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 or zoning review approval of development or any other approvals authorized by this code 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:

* * *

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, including land divisions and property line adjustments, or issue a building permit or zoning review approval. *This requirement is not applicable.*

5.0 Lot of Record Criteria:

5.1 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.

(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

* * *

Staff: To qualify as a Lot of Record, the subject property, when created or reconfigured, must meet MCC 39.3005(B) of this section and meet the Lot of Record standards set forth in the Multiple Use Agriculture – 20 (MUA-20) 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 applicant provided one (1) deed to support the Lot of Record request (Exhibit A.5). The earliest deed provided was recorded/in recordable form on May 7, 1958 and contains a legal description matching the current configuration of the subject property (Exhibit B.3). In 1958, the subject property was not zoned, but was required to meet the Interim Zoning Ordinance adopted on August 4, 1955. Zoning was not applied until July 18, 1958 (Exhibit B.4).

For property that did not have a zoning district, the property was required to have a minimum lot size of 7,000 square feet, a minimum average lot width of 60 feet, and a minimum average lot depth of 80 feet. There was no requirement to abut a public street, have road frontage, or minimum front lot line length. The subject property is ±36,219 sq. ft or 0.83 acres (including ½ of the public right-of-way), has an average lot width of ±181 feet and average lot depth of ±199 feet (Exhibit B.2).

The current deed for the subject property that contains a legal description matches the recorded 1958 legal description (Exhibit A.5 and B.3). There were no boundary configurations between the 1958 deed and the most current deed (Exhibit B.5 and B.6).

The subject property complied with all applicable zoning laws at the time of its creation or reconfiguration.

In 1958, the process to create or divide a parcel or lot 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 1958 deed, the applicable land division laws were satisfied (Exhibit A.5).

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1958.

5.2 MCC 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:

* * *

Staff: Section (A) is for information purposes.

(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.

Staff: The subject property has less than the minimum lot size for new parcels or lots in the MUA-20 zone and is subject to (B) above. *Criterion met.*

(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.

Staff: Subsection (C) is for informational purposes. The property owner is not proposing to convey any portion of the lot currently. *Criterion met.*

(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: As discussed above under section 5.1, the subject property is not an area of land described as a tax lot solely for assessment and taxation purposes. The subject property is not an area of land created by the foreclosure of a security interest or created by court decree. *Criterion met.*

Based on the findings in 5.1 & 5.2 above, the subject property is a single Lot of Record.

6.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	09/12/2024
A.2	1	Narrative	09/12/2024
A.3	1	Site Plan	09/12/2024
A.4	9	Property Detail Report	09/12/2024
A.5	1	Warranty Deed recorded in Book 1896, Page 449 on May 7, 1958	09/12/2024
‘B’	#	Staff Exhibits	Date
B.1	3	Assessment and Taxation Property Information for 1S4E16CB - 01000 (Alt Acct #R994160070 / Property ID #R341853)	09/12/2024
B.2	1	Current Tax Map for 1S4E16CB	10/02/2024
B.3	6	Warranty Deed recorded as Instrument #2023-052510 on August 22, 2023	01/21/2025
B.4	18	Interim Zoning Ordinance Adopted on August 4, 1955	01/21/2025
B.5	3	Statutory Warranty Deed recorded as Instrument #2023-051752 on August 18, 2023	01/23/2025
B.6	1	Special Warranty Deed recorded as Instrument #2014-053390 on June 5, 2014	01/23/2025
‘C’	#	Administration & Procedures	Date
C.1	3	Complete letter (day 1)	10/02/2024
C.2	4	Opportunity to Comment	12/26/2024
C.3	3	Short Decision	01/30/2025
C.3	7	Decision	01/30/2025