

# NOTICE OF DECISION



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## Application for Lot of Record Verification

**Case File:** T2-2024-0081

**Applicant:** Kathy Taggert

**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.

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**Location:** 30105 – 30115 SE Orient Dr, Gresham  
**Map, Tax lot:** 1S4E19DA-00300

**Property ID #** R342145  
**Alt. Acct. #** R994190360

**Base Zone:** Orient Commercial Industrial (OCI)

**Overlays:** None

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**Determination:** The subject property known as 1S4E19DA-00300 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 Tuesday, March 4, 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](mailto: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](http://www.multco.us/landuse/application-materials-and-forms). Email the completed appeal form to [LUP-submittals@multco.us](mailto: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

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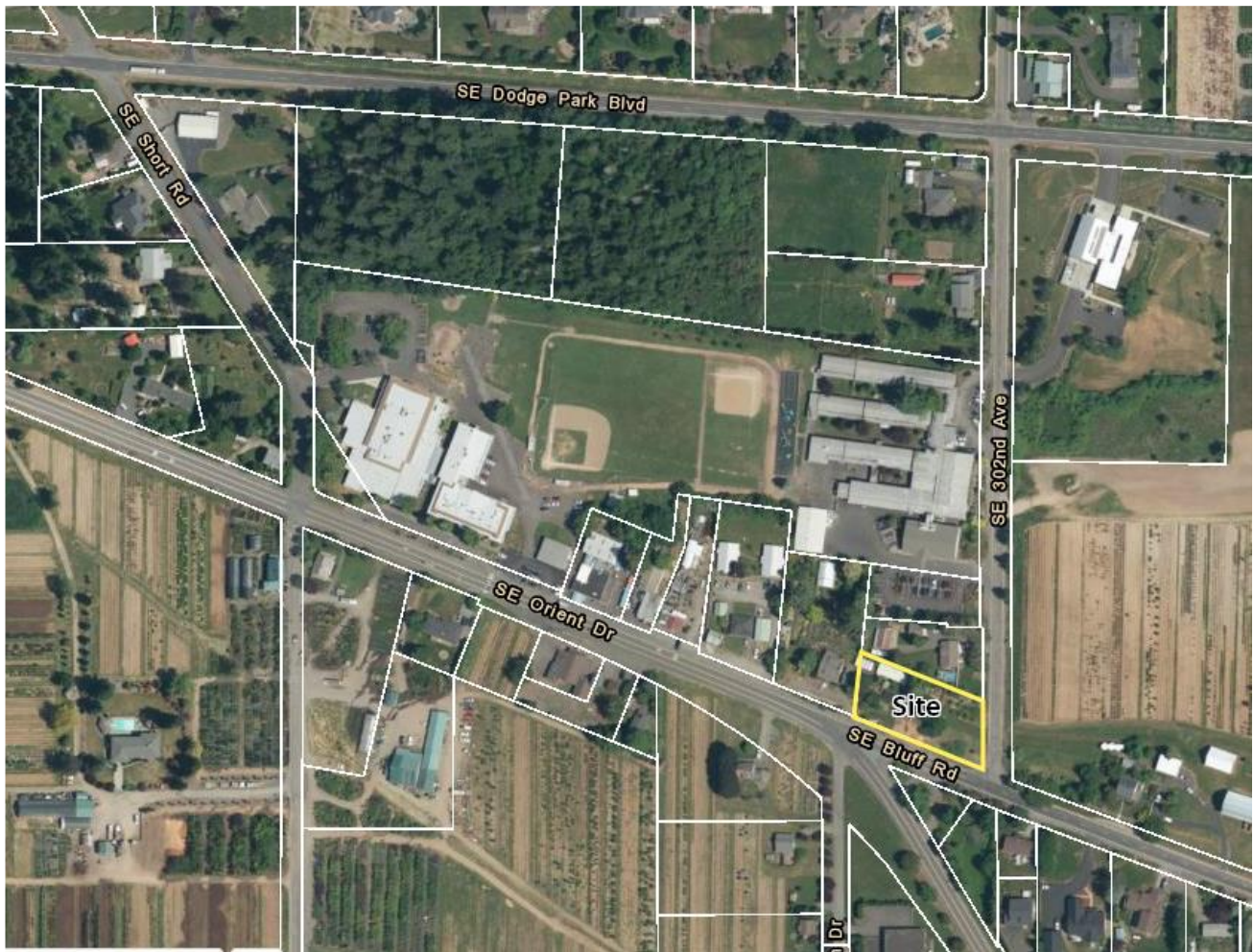
**Issued by:** *Lisa Estrin*  
Lisa Estrin, Senior Planner

**For:** Megan Gibb,  
Planning Director

**Date:** Tuesday, February 18, 2025

## Vicinity Map

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### 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 39.3120 Lot of Record – Orient Commercial Industrial (OCI)

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 1S4E19DA-00300 (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 Orient Commercial Industrial (OCI) and is located outside of Metro’s Urban Growth Boundary (UGB).

### 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. *These criteria are 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 OCI 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 two (2) deed(s) and the Assessment & Taxation Parcel Record Card to support the Lot of Record request (Exhibit A.2 through A.4). Planning staff added additional records and deeds to the records to verify the date of creation or reconfiguration for the subject property (Exhibits B.8 through B.13). The subject property was created or reconfigured into its current configuration in January 1955 (Exhibit B.8) when the area currently contained in tax lots 1S4E19DA-00100 & 1S4E19DA-00200 was divided out of the subject property (tax lot 1S4E19DA-00300). The subject property was a remainder piece with no separate deed recorded to establish a new legal description. From May 26, 1953 through August 3, 1955, the County’s 1<sup>st</sup> Interim Zoning Ordinance (Exhibit B.4) was in effect. While this ordinance regulated uses within certain areas of the County, it did not have minimum lot size regulations. As such, the subject property satisfied all applicable zoning laws in January 1955.

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

In 1955, the process to create or divide a parcel 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 Exhibit B.8 deed, the applicable land division laws were satisfied.

*Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1955.*

**5.2 § 39.3120 LOT OF RECORD – ... ORIENT COMMERCIAL-INDUSTRIAL (OCI).**

**(A) In addition to the standards in MCC 39.3005, for the purposes of the ... and OCI districts 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 39.4545, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.**

**Staff:** The minimum lot size to establish a new lot in the OCI zone is one (1) acre. The subject property is 0.921 of an acre (40,118.76 sq. ft.) including half of the public rights-of-way adjacent to it. As the subject property is smaller in size than the minimum lot size for new parcels or lots in the OCI zone, it is subject to (B) above. *Criteria met.*

**(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.**

**Staff:** Subsection (C) is for informational purposes. The property owner is not proposing to convey any portion of the property at this time. *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. *Criteria 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](mailto:LUP-comments@multco.us).

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	3	Application Form	9/11/2024
A.2	2	Parcel Record Card for 1S4E19DA-00300	9/11/2024
A.3	1	Warranty Deed recorded August 17, 1994 Instrument #94-124605	9/11/2024

A.4	2	Warranty Deed recorded December 03, 1996 Instrument #96181750	9/11/2024
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment and Taxation Property Information for 1S4E19DA-00300 (Alt Acct# R994190360/ Property ID# R342145)	9/11/2024
B.2	1	Current Tax Map for 1S4E19DA	10/4/2024
B.3	1	Survey 49009 dated May 28, 1986	10/4/2024
B.4	6	Interim Zoning Ordinance Adopted May 26, 1953	10/4/2024
B.5	18	Interim Zoning Ordinance Adopted August 4, 1955	10/4/2024
B.6	1	1962 Zoning Map for 1S4E19D [Prop zoned C-2]	10/4/2024
B.7	1	10.5.1977 Zoning Map for 1S4E19D [Prop zoned C-2]	10/4/2024
B.8	1	Warranty Deed recorded January 21, 1955 in B1701, P501 [Describes TLs 1S4E19DA-00200 & -00100 combined]	10/10/2024
B.9	4	Contract of Sale recorded May 2, 1972 in B854, Pgs. 536 – 539 [Describes TL 1S4E19DA-00100]	10/10/2024
B.10	2	Warranty Deed recorded October 22, 1996 Instrument #96159509 [Describes TL 1S4E19DA-00300]	10/10/2024
B.11	1	Warranty Deed (Corrective Deed) recorded August 17, 1994 Instrument #94124605 [Describes TL 1S4E19DA-00300]	10/10/2024
B.12	3	Parcel Record Card for R994191030 (1S4E19DA-00400)	10/10/2024
B.13	3	Parcel Record Card for R994191060 (1S4E19DA-00200)	10/10/2024
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	1	Complete letter (day 1)	10/10/2025
C.2	2	Opportunity to Comment	01/30/2025
C.3	6	Decision	02/18/2025