

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: T2-2024-0087

Applicant: Shawn Bacon

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 and the County's aggregation requirements. No development is proposed at this time.

Location: 15839 NW Rock Creek Road, Portland

Property ID # R325826

Map, Tax lot: 2N2W23C -00900

Alt. Acct. # R972230250

Base Zone: Commercial Forest Use (CFU-2)

Overlays: Significant Environmental Concern – Wildlife Habitat (SEC-h), Significant Environmental Concern – Stream (SEC-s), Geologic Hazard (GH)

Determination: The subject property known as 15839 NW Rock Creek Road 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 Monday, June 23, 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 be "Izze Liu", written over a horizontal line.

Izze Liu, Planner

For: Megan Gibb,
Planning Director

Date: June 9, 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 39.3030 Lot of Record – Commercial Forest Use – 2 (CFU-2)

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 15839 NW Rock Creek Road (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. In the CFU zone, the County also considers adjacent ownership on February 20, 1990 in determining whether a parcel, lot, or unit of land is a Lot of Record on its own. If the parcel, lot, or unit of land met all applicable zoning laws, applicable land division laws and meets the aggregation requirements, it may be determined to be a Lot of Record.

2.0 Property Description:

Staff: The subject property is in unincorporated west Multnomah County in the area known as the West Hills rural area. The property is zoned Commercial Forest Use (CFU-2) 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 and two detached buildings.

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.4). 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 CFU-2 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 CFU district establish additional requirements unique to the district, which are evaluated in Sections 5.2 of this decision. The findings below analyze whether the Lot of Record provisions in section (B) have been met.

The applicant provided three deed(s) to support the Lot of Record request (Exhibits A.2 - A.4). The earliest deed provided was recorded/in recordable form in 1972 and contains a legal description matching the current configuration of the subject property (Exhibit A.3). In 1972, the subject property was zoned F2 per historical County zoning maps (Exhibit B.2).

The F2 zone had a minimum lot size of 2 acres. There was no requirement for road frontage or minimum front lot line length or lot width requirements.

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

Prior to October 19, 1978 – Created by Deed.

In 1972, 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 1972 deed, the applicable land division laws were satisfied (Exhibit A.2).

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1972.

5.2 MCC 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

Staff: Based on ownership data, the property was not contiguous to any other parcel or lot under the same ownership on February 20, 1990. Using taxation data from 1989 and 1990 from Multnomah County Division of Assessment, Recording, and Taxation (DART) a comparison of ownership is shown below:

Table 1 – Comparison of ownership of the subject properties and surrounding

State ID	Alternative Acct. #	Size (Acres)	Pre 1990	Post 1990
2N2W23C -00100	R972230380	13.37	Angelina & Franklyn Fish	Angelina & Franklyn Fish
2N2W23C-00200	R972230450	24.83	Marybelle Allen	Marybelle Allen
2N2W23C -00800	R972230550	54.88	Edna & Edward Sutton	Edna & Edward Sutton
2N2W23C -01100	R972230310	19.39	Nona Amack	Nona Amack
2N2W23D -01100	R972230390	4.4	Angelina & Franklyn Fish	Angelina & Franklyn Fish
2N2W23C -00900 (Subject Property)	R972230250	19.39	Dexter Bacon	Dexter Bacon

The subject property is not aggregated to any contiguous parcel or lot and as discussed in Section 5.1 is an individual Lot of Record.

* * *

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

* * *

Staff: Section (B) is for information purposes.

(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.

Staff: The subject property is 19.39 acres, which is less than the minimum lot size for new parcels or lots in this zone and subject to (C) above.

(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.

Staff: As discussed 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, a mortgage lot, or created by court decree. *Criterion met.*

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	09.20.2024
A.2	2	1972 Warranty Deed	09.20.2024
A.3	2	2003 Personal Representative’s Deed	09.20.2024
A.4	1	1942 Warranty Deed	12.10.2024
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 2N2W23C -00900 (Alt Acct# R972230250 / Property ID# R325826)	09.20.2024
B.2	1	Current Tax Map for 2N2W23C -00900	09.20.2024

B.3	1	1962 Zoning Map	09.20.2024
B.4	2	1968-5-21 Zoning Ordinance 100 as amended	09.20.2024
‘C’	#	Administration & Procedures	Date
C.1	2	Incomplete letter	10.23.2024
C.2	1	Applicant’s acceptance of 180-day clock	11.09.2024
C.3	1	Complete letter	01.15.2025
C.4	3	Opportunity to Comment	02.25.2025
C.5	7	Decision	06.09.2025