

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: T2-2024-0093

Applicant: Sasha Beckwith

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: 29655 SE Dodge Park Blvd, Gresham
Map, Tax lot: 1S4E19AC-00200

Property ID # R342210
Alt. Acct. # R994191150

Base Zone: Orient Rural Center Residential (OR)

Overlays: None

Determination: The subject property known as 1S4E19AC-00200 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, February 24, 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: *Lisa Estrin*

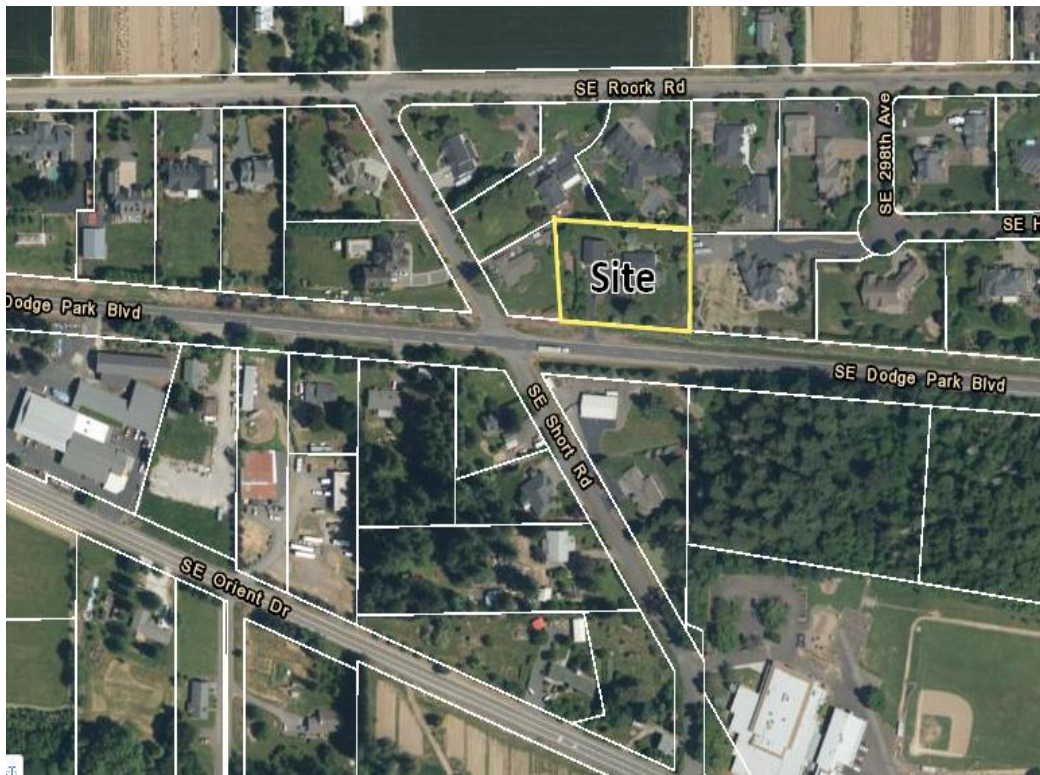
Lisa Estrin, Senior Planner

For: Megan Gibb,
Planning Director

Date: Monday, February 10, 2025

Vicinity Map

N↑



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 – OR

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 1S4E19AC-00200 (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 Rural Center Residential (OR) 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 an attached garage and a detached 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. *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 Orient Rural Center Residential (OR) 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 eight (8) deed(s) to support the Lot of Record request (Exhibit A.4 – A.7, A.9 – A.12). The earliest deed (Exhibit A.4) provided was recorded in January 1966 and contains a legal description matching the current configuration of the subject property (Exhibit A.3). In 1966, the subject property was zoned Single Family Residential (R-10) District per historical County zoning maps (Exhibit B.2 & B.3).

The R-10 zone had a minimum lot size of 10,000 square feet, a minimum average lot width of 70 feet, and a minimum average lot depth of 100 feet. All lots were required to front on a public street or have other access approved by the Planning Commission.

The subject property is 1.42 acres (61,855.2 sq. ft) (including ½ of the public right-of-way), abuts SE Dodge Park Blvd (a public road), and has a front lot line length of 264.44 feet and has an average lot width of approximately 271 feet and average lot depth of 180 +/- feet (Exhibit A.3). The applicant provided a current deed for the subject property that contains a legal description that matches the recorded 1966 legal description (Exhibit A.4 and A.12).

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

In 1966, 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 1966 deed, the applicable land division laws were satisfied (Exhibit A.4).

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1966.

5.2 § 39.3120 LOT OF RECORD – ... ORIENT RURAL CENTER RESIDENTIAL (OR).

(A) In addition to the standards in MCC 39.3005, for the purposes of the ... OR ... 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 OR zone is one (1) acre. The subject property is 1.423-acre (48,787.503 sq. ft.) including of the half of the adjacent public right-of-way, fronts onto SE Dodge Park Blvd and has a front lot line over 50-ft in length. *The subject property is not subject to (B) above.*

(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.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	11/01/2024
A.2	1	Narrative	11/01/2024
A.3	1	Tax Map 1S4E19AC	11/01/2024
A.4	1	Warranty Deed recorded in B458, P615 on January 17, 1966 [Describes TL 200/Subject Property]	11/01/2024
A.5	2	Warranty Deed recorded in B1271, P1102 & 1103 on June 14, 1978 [Parcel 1: TL 300, Parcel 2: TL 200]	11/01/2024
A.6	2	Bargain & Sale Deed recorded March 27, 1998 Instrument #98049124 [Parcel 2: TL 200]	11/01/2024
A.7	4	Warranty Deed recorded June 24, 2005 Instrument #2005-116133 [Describes TL 200]	11/01/2024
A.8	7	Private Easement for use and enjoyment of a piece of property dated June 22 & June 23, 2005	11/01/2024
A.9	3	Bargain & Sale Deed recorded May 19, 2006 Instrument #2006-092463 [describes TL 200]	11/01/2024
A.10	3	Bargain & Sale Deed recorded October 27, 2006 Instrument #2006-199842	11/01/2024
A.11	3	Warranty Deed recorded August 31, 2012 Instrument #2012-109838	11/01/2024
A.12	3	Warranty Deed recorded June 12, 2024 Instrument #2024-034529	11/01/2024
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E19AC-00200 (Alt Acct# R994191150 / Property ID# R342210)	11/01/2024
B.2	1	1962 Zoning Map (R-10 District)	01/30/2025
B.3	1	October 5, 1977 Zoning Map (R-10 District)	01/30/2025
B.4	2	1964 Zoning Districts	01/30/2025
B.5	4	1964 R-10 Zoning District	01/30/2025
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (Day 1: November 30, 2024)	01/15/2025
C.2	4	Opportunity to Comment	01/22/2025
C.3	6	Decision	02/10/2025