

# NOTICE OF DECISION



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

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## Application for a Replat

**Case File:** T2-2024-0096

**Applicant:** Brandon Yoder

**Proposal:** Request for a replat of Proctor Subdivision, Block 7, Lots 5 and 6.

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**Location:** No Situs Address

**Property ID #** R250463

**Map, Tax lot:** 1S4E20AA -01200

**Alt. Acct. #** R677803580

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

**Overlays:** None

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**Decision:** Approved with Conditions

**This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, October 21, 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 \$0.71/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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A handwritten signature in black ink, appearing to read "Anna Shank-Root", written over a horizontal line.

Digitally signed by Rithy Khut  
DN: cn=Rithy Khut, o=Multnomah  
County, ou=Department of  
Community Services,  
email=rithy.khut@multco.us, c=US

**Issued by:** p.p.

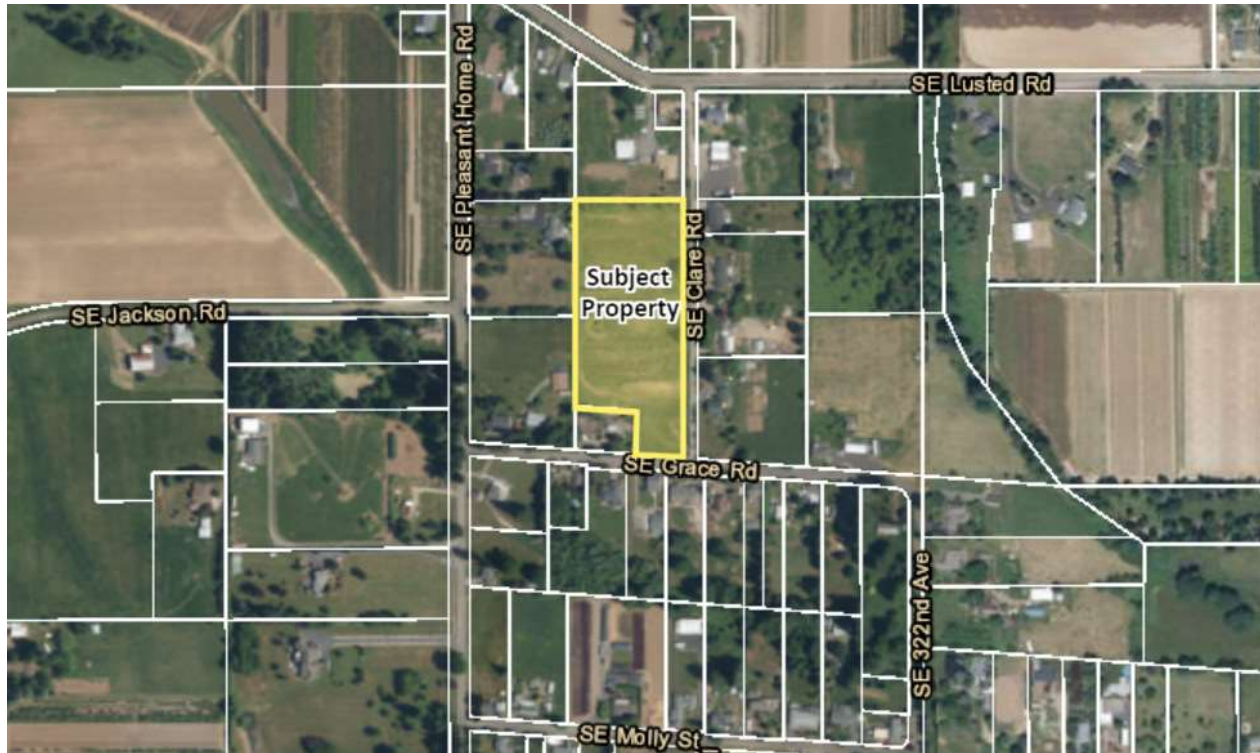
Anna Shank-Root, Planner

**For:** Megan Gibb,  
Planning Director

**Date:** Tuesday, October 7, 2025

## Vicinity Map

N↑



### **Applicable Approval Criteria:**

**Multnomah County Code (MCC):** General Provisions: MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3080 Lot of Record – Multiple Use Agriculture – 20 (MUA-20)

Multiple Use Agriculture – 20 (MUA-20): MCC 39.4315(G) Review Uses – ...Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650, MCC 39.4325(G) Dimensional Standards and Development Requirements, MCC 39.4345 Access

Replat Criteria: MCC 39.9650 Replatting of Partition and Subdivision Plats

Land Divisions: MCC 39.9555 Easements, MCC 39.9570 Water Systems, MCC 39.9575 Sewage Disposal, MCC 39.9580 Surface Drainage and Storm Water Systems

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.

## Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. **Permit Expiration** – This land use permit shall expire as follows:

- a. For a use or development that does not include a structure shall expire **two (2) years** after the date of the final decision, unless the use or development was established according to all specifications and conditions of approval in the land use approval. [MCC 39.1185(A)]
  - i. For the purposes of 1.a, expiration of an approval means that a new application is required for uses that are not established during the approval period. For a Replat, “established” means the final plat has been recorded with the County Recorder.
  - ii. For purposes of 1.a, the property owner shall provide notification of the establishment of the use or development and demonstrate compliance with all conditions of approval. The written notification and documentation of compliance with the conditions shall be sent to [LUP-submittals@multco.us](mailto:LUP-submittals@multco.us) with the case no. T2-2024-0096 referenced in the subject line. [MCC 39.1185]

**Note:** The property owner may request to extend the timeframe within which this permit is valid, as provided under MCC 39.1195, as applicable. The request for a permit extension must be submitted prior to the expiration of the approval period.

2. No lot shall be sold, transferred, or assigned until the replat has been approved by the Planning Director and County Surveyor and recorded with the public office responsible for public records. [MCC 39.9620(C)]
3. **Prior to submitting the replat for Land Division Final Review**, the property owners or their representatives shall:
  - a. Acknowledge in writing that they have read and understand the conditions of approval and intend to comply with them. A Letter of Acknowledgement has been provided to assist you. [MCC 39.1170(A) & (B)]
  - b. Provide Retain a surveyor to complete the instructions as described in "Finishing a Land Division" handout (Exhibit B.3) and submit to the County Surveyor a plat in accordance with the requirements of Oregon Revised Statutes (ORS), Chapters 92. [MCC 39.9605]
  - c. Have the surveyor ensure that all parcels created are surveyed, monumented and platted, regardless of parcel area. [MCC 39.9605(B)]

**Note:** The County Surveyor has a separate process and fee for their review. The County Recorder also has rules and a fee for recording documents. State law requires that property taxes be paid before a plat can be recorded.

4. **When submitting the plat for Land Division Final Review**, the property owner or their representatives shall:

- a. Submit a blue-line copy of the plat and pay the required fee conforming to all applicable requirements as established by the Oregon Revised Statutes (ORS) Chapters 92 and 209. The Planning Director will determine whether the plat conforms to this decision and the

conditions of approval contained herein. When the Planning Director determines the plat complies with this decision and applicable conditions, notification of zoning compliance will be provided to the Multnomah County Surveyor. If the Planning Director determines that there is not such conformity, the applicant shall be so advised and afforded an opportunity to make corrections. When the plat is found to be in conformity and the County Surveyor finishes their plat check, it shall be signed and dated by the Planning Director. [MCC 39.9605 and MCC 39.9620]

- i. The partition plat shall show:
  1. A total of two (2) lots as shown in Exhibit A.2. Each lot shall be consistent with the proposed preliminary plan diagram in size and shape. [MCC 39.9605]
  2. A five (5) foot wide utility easement along the front property line abutting a street for the lots. [MCC 39.9555(A)]
- ii. The partition plat shows the following, if applicable:
  1. Corners of adjoining subdivisions or partitions.
  2. The location, width, and centerline of streets and easements abutting the boundaries of the land division.
  3. Any plat that includes land in areas of Special Flood Hazard or includes a water body or watercourse, as those features are described in MCC 39.2000, shall contain a plat note indicating that portions of the plat are subject to flooding and/or high water.
  4. The ownership of each private street shall be shown.
  5. Other certifications required by law. [MCC 39.9610]
- b. Provide, if needed, a copy of any deed restrictions applicable to the partition; a copy of any dedication requiring separate documents; a copy of the future street plan, when required, as recorded according to MCC 39.9465(A); and a map, prepared by an Oregon licensed surveyor, of the partition plat that depicts the normal flood plain or high water line for any water body or watercourse and the extent of areas of Special Flood Hazard as defined in MCC 39.5005. [MCC 39.9615]

**Note:** Land Use Planning must sign off on the replat and building plans before you can go to the Building Department. When ready to submit your Replat and Building Plans for Zoning Review, complete the following steps:

1. Read your land use decision, the conditions of approval and modify your plans, if necessary, to meet any condition that states, “Prior to submitting the replat for Land Division Final Review ...” Be ready to demonstrate compliance with the conditions.
2. Visit <https://www.multco.us/landuse/submitting-building-plan> for instructions regarding the submission of your building plans for zoning review and review of conditions of approval. Please ensure that any items required under, “When submitting the plat for Land Division Final Review ...” are ready for review. Land Use Planning collects additional fees at the time of Land Division Final Review.

**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:** Request for a replat of Proctor Subdivision, Block 7, Lots 5 and 6.

### 2.0 Property Description & History:

**Staff:** This application is for 1S4E20AA -01200. The subject property is located on the north side of SE Grace Road and the west side of SE Clare Road in unincorporated east Multnomah County outside of Metro’s Urban Growth Boundary (UGB). The subject property is zoned Multiple Use Agriculture – 20 (MUA-20) and is not within any overlays.

The property is vacant and approximately 4.50 acres according to the County Assessor and aerial photographs.

### 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.3). Staff received one public comment during the 14-day comment period.

#### 3.1 Steve Cooper, property owner at 6670 SE Clare provided comments via email on June 23rd, 2025 (Exhibit D.1)

**Comment:** Steve Cooper expressed concerns about potential stormwater impacts from future development.

**Staff:** No development is proposed currently.

### 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:** This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming



into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

A finding of satisfaction of this standard does not mean that a property is in full compliance with the Zoning Code and all prior permit approvals (and, accordingly, does not preclude future enforcement actions relating to uses and structures existing at the time the finding is made). Instead, a finding of satisfaction of this standard simply means that there is not substantial evidence in the record affirmatively establishing one or more specific instances of noncompliance. As such, an applicant has no initial burden to establish that all elements of the subject property are in full compliance with the Zoning Code and all previously approved permits; instead, in the event of evidence indicating or establishing one or more specific instances of noncompliance on the subject property, the applicant bears the burden to either rebut that evidence or demonstrate satisfaction of one of the exceptions in MCC 39.1250.

For purposes of the current application, there are no known open compliance cases associated with the subject property and there is no evidence in the record of any specific instances of noncompliance on the subject property. *Criterion met.*

## **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.**

\* \* \*

#### **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:** The subject property contains Lot 5 of Block 7 and a portion of Lot 6 of Block 7 of Proctor Subdivision. Lot 5 of Block 7 remains in the same configuration of the approved subdivision plat recorded in 1912 (Exhibit B.3). The portion of Lot 6 of Block 7 was verified as a Lot of Record in land use case no. T2-2021-15146 and remains in the same configuration as was found in that land use case (Exhibit A.4). *Criteria met.*

## **6.0 Multiple Use Agriculture – 20 (MUA-20) Criteria:**

### **6.1 MCC 39.4315 REVIEW USES.**

**The following uses may be permitted when found by the approval authority to satisfy the applicable standards of this Chapter**

- (G) **Consolidation of Parcels and Lots pursuant to MCC 39.9200 and Replatting of Partition and Subdivision Plats pursuant to MCC 39.9650.**

**Staff:** The applicant has submitted a Replat application pursuant to a Type II Land Use Application procedure and has addressed all applicable criteria of MCC 39.9650, which are evaluated in section 7.1 below.

## **6.2 MCC 39.4325 DIMENSIONAL REQUIREMENTS AND DEVELOPMENT STANDARDS**

### **(C) Minimum Yard Dimensions – Feet**

<b>Front</b>	<b>Side Street</b>	<b>Side</b>	<b>Rear</b>
<b>30</b>	<b>10</b>	<b>30</b>	<b>30</b>

**Maximum Structure Height – 35 feet**

**Minimum Front Lot Line Length – 50 feet.**

**Staff:** Both lots are vacant; therefore, no yard dimensions or maximum structure height requirements need to be met at this time. The plan shows that both reconfigured lots will have more than 50 feet of front lot line length (Exhibit A.2). *Criteria met.*

\* \* \*

### **(G) On-site sewage disposal, storm water/drainage control, water systems unless these services are provided by public or community source, required parking, and yard areas shall be provided on the lot.**

- (1) Sewage and stormwater disposal systems for existing development may be off-site in easement areas reserved for that purpose.**
- (2) Stormwater/drainage control systems are required for new impervious surfaces. The system shall be adequate to ensure that the rate of runoff from the lot for the 10 year 24-hour storm event is no greater than that before the development.**

**Staff:** The applicant has provided a Septic Site Evaluation Report indicating that the lots are approved for “an alternative capping fill system around Test Pit (TP) #2A and TP #3A and a Treatment Standard 1 alternative treatment technology (ATT) system around TP 4A” (Exhibit A.5). According to the maps supporting the SER, one approval area will be located on each replatted parcel. Stormwater drainage control systems are not required with this application as no development is proposed. *Criterion met.*

\* \* \*

## **6.3 MCC 39.4345 ACCESS.**

**All lots and parcels in this base zone shall abut a public street or shall have other access determined by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles. This access requirement does not apply to a pre-existing lot and parcel that constitutes a Lot of Record described in MCC 39.3080(B).**

**Staff:** As the applicant is requesting a Replat, the reconfigured lot will be not pre-existing Upon recording the replat, both lots abut SE Clare Road. *Criteria met.*

## 7.0 Replat Criteria:

### 7.1 MCC 39.9650 REPLATTING OF PARTITION AND SUBDIVISION PLATS.

\* \* \*

- (B) As used in this Section, “replat” and “replatting” shall mean the act of platting the parcels, lots and easements in a recorded Partition Plat or Subdivision Plat to achieve a reconfiguration of the existing Partition Plat or Subdivision Plat or to increase or decrease the number of parcels or lots in the Plat.

**Staff:** The applicant is requesting a replat to reconfigure two lots within a subdivision plat. The lots were originally platted in 1911 as Lot 5 and 6 of Block 7 of Proctor Subdivision (Exhibit B.3). This request will reconfigure the lot line separating the two lots. *Criterion met.*

- (C) Limitations on replatting include, but are not limited to, the following: A replat shall only apply to a recorded plat; a replat shall not vacate any public street or road; and a replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.

**Staff:** As requested, the applicant is replatting lots within a recorded plat. The applicant is not proposing to vacate any public street or road nor are they proposing to act to vacate any recorded covenants or restrictions. *Criterion met.*

- (D) The Planning Director may approve a replatting application under a Type II Permit Review upon finding that the following are met:

- (1) An application and fee shall be submitted to the Land Use Planning office. The contents of the tentative plan shall include those maps, written information and supplementary material listed for contents of a Category 3 tentative plan that are determined by the Planning Director to be adequate to demonstrate compliance with the applicable approval criteria;

**Staff:** The applicant has submitted the application with the required materials as required above. *Criterion met.*

- (2) Reconfiguration of the parcels or lots shall not result in an increase in the number of “buildable parcels or lots” over that which exist prior to reconfiguration. “Buildable parcels or lots,” as used in this approval criteria, shall mean that there is confidence that a building and sanitation permit could be approved on the parcel or lot. A replat resulting in an increase in the number of “buildable parcels or lots” shall be reviewed as a land division as defined in MCC 39.2000 and this Ordinance;

**Staff:** The reconfiguration will not result in an increase in the number of buildable parcels or lots as the applicant is relocating the lot line that separates the two lots (Exhibit A.2). *Criterion met.*

- (3) Parcels or lots that do not meet the minimum lot size of the base zone shall not be further reduced in lot area in the proposed replat;

**Staff:** The existing lots do not meet the minimum lot size of the base zone. The reconfiguration is an equal area exchange, so the lots will not be further reduced in lot area (Exhibit A.2). *Criterion met.*

- (4) The proposed reconfiguration shall meet the approval criteria in MCC 39.9555, MCC 39.9570, MCC 39.9575, and MCC 39.9580;



**Staff:** As discussed in Section 8.0, the proposed reconfiguration has met the approval criteria in MCC 39.9555, MCC 39.9570, MCC 39.9575, and MCC 39.9580 as discussed below. *Criterion met.*

- (5) All reconfigured parcels and lots shall have frontage on a public street except as provided for alternative access in the access requirement sections of each base zone; and**

**Staff:** Both reconfigured lots will abut SE Clare Road (Exhibit A.2). *Criteria met.*

- (6) The applicant shall submit a Partition Plat or Subdivision Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 and which accurately reflects the approved tentative plan map and other materials.**

**Staff:** As required above, a condition will be required that the applicant submit a Subdivision Plat to the Planning Director and County Surveyor in accordance with the requirements of ORS 92 that accurately reflects the approved tentative plan map and other materials. *As conditioned, criterion met.*

## **10.0 Land Divisions Criteria:**

### **8.1 MCC 39.9555 EASEMENTS.**

**Easements shall be provided and designed according to the following:**

- (A) Along the front property line abutting a street, a five foot utility easement shall be required. The placement of the utility easement may be modified as requested by a public or private utility provider. Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat.**

**Staff:** The tentative plan map does not show a utility easement; therefore, a condition will be required that a utility easement be provided. Additionally, a second condition will be required that Utility infrastructure may not be placed within one foot of a survey monument location noted on a subdivision or partition plat. *As conditioned, criterion met.*

- (B) Where a tract is traversed by a water course such as a drainage way, channel or stream, a storm water easement or drainage right-of-way adequate to conform substantially with the lines of the water course shall be provided. In a Drainage District or Water Control District, such easement or right-of-way shall be approved by the District Board, in accordance with ORS 92.110. If not within such District, approval shall be by the County Engineer.**

**Staff:** The subject property does not contain a watercourse; therefore, this criterion is not applicable. *Criterion not applicable met.*

- (C) Easements for pedestrian paths and bikeways shall be not less than 10 feet in width.**

**Staff:** No facilities for pedestrian paths and/or bikeways are planned or are being planned for this area; therefore, no easement is required. *Criterion not applicable.*

### **8.2 MCC 39.9570 WATER SYSTEM.**

**The provision of domestic water to every lot or parcel in a land division shall comply with the requirements of Subsections (4)(a), (b), or (c) of ORS 92.090 and the following:**

- (A) Water mains, service and fire hydrants shall meet the requirements of the Water District and shall be located as follows:**

- (1) In a public street, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and
- (2) In a private street, as approved by the approval authority.

**Staff:** The applicant is proposing a replat and not a new subdivision of land; therefore, this application is not required to comply with the requirements of subsections (4)(a), (b), or (c) of ORS 92.090 currently. The revised statute only applies to a new subdivision of land and not the replating of existing lots. *Criterion not applicable.*

### **8.3 MCC 39.9575 SEWAGE DISPOSAL.**

**The provision for the disposal of sewage from every lot or parcel in a land division shall comply with the requirements of Subsections (5)(a), (b) or (c) of ORS 92.090 and the following:**

- (A) Except as provided in Subsection (B) of this Section, a sanitary sewer line shall be installed to serve every lot or parcel in a land division by extension of an existing sewer line:  
\* \* \*
- (B) Where sanitary sewer is not available to the site or where the State Department of Environmental Quality determines that it is impractical to serve any lot or parcel by an existing sewer system, a private sewage disposal system approved by the Department shall be provided. All lots or parcels in a proposed land division which will utilize private subsurface sewage disposal system shall apply for and obtain approval of a Land Feasibility Study confirming the ability to utilize the system prior to tentative plan approval. In such cases, the approval authority may require that a sanitary sewer line, with branches to the right-of-way line for connection to a future sewer system, be constructed and sealed.
- (C) Where a private subsurface sewage disposal system is used, the parcel or lot shall contain adequate land area to accommodate both a primary and reserve septic system drainfield area, and for surface and storm drainage systems.

**Staff:** There is no sanitary sewer available; therefore, the applicant is proposing a private sewage disposal system on each of the properties. The applicant has provided a Land Feasibility Study for each of the properties. The Site Evaluation was reviewed Lindsey Reschke, Multnomah County Sanitarian, who is an agent of the State Department of Environmental Quality (DEQ). The Sanitarian stated, "site is approved for an alternative capping fill system...and a Treatment Standard 1 alternative treatment technology (ATT) system." (Exhibit A.5). *Criteria met.*

### **8.4 MCC 39.9580 SURFACE DRAINAGE AND STORM WATER SYSTEMS.**

**Surface drainage and storm water control systems shall be provided as required by this section.**

- (A) On-site water disposal or retention facilities shall be adequate to insure that surface runoff rate or volume from the new parcels after development is no greater than that before development.
- (B) Drainage facilities shall be constructed as follows:
  - (1) In a public street, in accordance with the Multnomah County Road Rules and Design and Construction Manual; and

- (2) In a private street and on lots or parcels, in accordance with the plans prepared by an Oregon licensed and registered professional engineer and approved by the approval authority.

**Staff:** The subject properties are currently vacant and the applicant is proposing an equal area exchange replat; therefore, there will be no new on-site water disposal and the rate of runoff will not change from the pre-development state of the property. As such, these criteria are not applicable. *Criteria not applicable.*

## 9.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the replat in the MUA-20 zone. This approval is subject to the conditions of approval established in this report.

## 10.0 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits
- ‘D’ Comments Received

Exhibits with an ‘\*’ have been reduced in size and included with the mailed decision. 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	2	Application Form	04.01.2025
A.2*	1	Proposed Replat Plan	05.07.2025
A.3	18	Deed of Trust – Instrument No. 2024-064120	04.01.2025
A.4	7	T2-2021-15146	04.01.2025
A.5	8	Septic Site Evaluation Report	04.01.2025
A.6	5	Fire Service District Review Form	04.01.2025
A.7	2	Transportation Planning Review Form	04.01.2025
A.8	N/A	Complete Case Record	Multiple Dates
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E20AA -01200 (Property ID R250463/Alt. Acct. R677803580)	04.01.2025
B.2	1	Current Tax Map for 1S4E20AA	09.08.2025
B.3	2	Finishing a Land Division Handout	10.01.2025
‘C’	#	Administration & Procedures	Date
C.1	2	Incomplete letter	04.28.2025

C.2	1	Complete letter (day 1)	05.28.2025
C.3	3	Opportunity to Comment	06.16.2025
C.4	6	Short Decision	10.07.2025
C.5	14	Decision	10.07.2025
<b>'D'</b>	<b>#</b>	<b>Comments</b>	<b>Date</b>
D.1	1	Steve Cooper Email Comments	06.23.2025

