

NOTICE OF NSA DECISION



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

Case File: T2-2024-0105

Applicant: Penny Held

Proposal: The applicant is requesting a Parcel Determination for the property identified below. A Parcel Determination 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: 2060 E. Hist. Columbia River Hwy, Troutdale

Property ID # R287121

Map, Tax lot: 1N4E31BC - 01300

Alt. Acct. # R831303450

Base Zone: Gorge General Commercial (GGC)

Overlays: None

Determination: The subject property known as 1N4E31BC-01300 is a Parcel 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, May 15, 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 Columbia River Gorge Commission until all local appeals are exhausted.

Issued by: *Lisa Estrin*

Lisa Estrin, Senior Planner

For: Megan Gibb,
Planning Director

Date: Thursday, May 1, 2025

Vicinity Map

N↑



Applicable Approval Criteria:

Multnomah County Code (MCC): General Provisions: MCC 38.0015 Definitions – “Parcel”

Administration and Procedures: MCC 38.0560 Code Compliance and Applications

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link **Chapter 38: Columbia River Gorge National Scenic Area**

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.
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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 Parcel Determination for the property identified as 1N4E31BC - 01300 (subject property). The application does not propose any new development currently.

Through the Parcel Determination 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 & History:

Staff: The subject property is in unincorporated east Multnomah County in the area known as the Columbia River Gorge National Scenic Area. The property is zoned Gorge General Commercial (GGC) and is located inside of Metro’s Urban Growth Boundary (UGB). Based upon Assessment & Taxation records, the subject property is occupied by single-family dwelling with attached garage constructed in 1938, 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 38.0530 (Exhibit C.2). Staff received one comment during the 21-day comment period and received a comment regarding Cultural Resources during the 30-day comment period.

3.1 Friends of the Columbia Gorge, a public group supporting the Columbia River Gorge National Scenic Area, submitted a written letter commenting on the application. Their membership includes hundreds of citizens who resided within the National Scenic Area. Their comments addressed various application requirements (Exhibit D.1).

3.2 US Forest Service (USFS), a government agency that assists the County in administering the National Scenic Area, submitted a Cultural Resources Survey Determination (Exhibit B.9) for the subject property. The USFS stated that no cultural resource reconnaissance survey or historic survey is required.

4.0 Code Compliance and Applications Criteria:

4.1 § 38.0560 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 Code and/or any permit approvals previously issued by the County.

* * *

Staff: As noted in Section 1.0 above, this application is a request for a Parcel Determination, which does not require the County to approve development, a land division, a property line adjustment, or a building permit. *This criterion is not applicable.*

5.0 Parcel Criteria:

5.1 MCC 38.0015 DEFINITIONS

Parcel:

- (a) Any unit of land legally created by a short division, partition, or subdivision, that was legally recognized under all state laws and local ordinances in effect on November 17, 1986. A unit of land that is eligible for consolidation as provided in the Management Plan shall not be considered a parcel.**
- (b) Any unit of land legally created and separately described by deed, or sales contract, or record of survey prior to November 17, 1986, if the unit of land complied with all planning, zoning, and land division ordinances or regulations applicable at the time of creation and up through November 16, 1986.**
- (c) A unit of land legally created and separately described by deed or sales contract after November 17, 1986 if the unit was approved under the Final Interim Guidelines or a land use ordinance consistent with the Management Plan, or by the U.S. Forest Service Office prior to the Final Interim Guidelines.**
- (d) A unit of land shall not be considered a separate parcel simply because it:**
 - 1. Is a unit of land created solely to establish a separate tax account;**
 - 2. Lies in different counties;**
 - 3. Lies in different sections or government lots;**
 - 4. Lies in different zoning designations; or**
 - 5. Is dissected by a public or private road.**

Staff: To qualify as a “Parcel,” the subject property, when created or reconfigured had to meet the definition above and demonstrate that the subject property satisfied all applicable zoning laws and satisfied all applicable land division laws at the time. The applicant provided three deed(s) and a Title Plant Records Report to support the Parcel Determination request (Exhibit A.3, A.4, A.6, A.7 & A.8).

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, B.10 through B.12). The subject property was created or reconfigured into its current configuration in May 1965 (Exhibit B.10) when a Contract was signed conferring the area contained in tax lot 1000 which included a triangular piece from the southern 69 ft from tax lot 1300 and a 2.4-ft strip of land along the northern portion of the triangle piece. There was not a corresponding deed to alter the subject property at the time making it a remainder piece in 1965 which was an acceptable methodology in 1965. Its alteration was not memorialized until the 1974 deed (Exhibit A.3). In 1965, the subject property was zoned R-10 per historical County zoning maps (Exhibit B.5 & B.6).

The R-10 zone had a minimum lot size of 10,000 sq. ft., a minimum average lot width of 70 feet, a minimum lot width at the building line of 70 feet and a minimum average lot depth of 100 feet. , a minimum average lot depth of 100 feet, and all lots were required to abut a public street or have other access determined to be safe and convenient for pedestrians and for passengers and emergency vehicles (Exhibit B.7).

The subject property is 20,205 sq. ft. abuts the Historic Columbia River Hwy (HCRH) (a public road), has a front lot line length of 73.5-ft feet and has a minimum lot width of 70+/- feet at the building line. The average lot depth of approximately 292 feet (Exhibit B.2). The applicant

provided the most current deed for the subject property that contains a legal description that matches the recorded in 1974 legal description (Exhibit A.3 and A.4).

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

In 1965 & 1974, 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 1965 & 1974 deed, the applicable land division laws were satisfied (Exhibit B.10 & A.4).

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1965 & 1974. The subject property is a “Parcel” as defined in MCC 38.0015 Definitions.

6.0 Exhibits

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

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	11/27/24
A.2	1	Site Plan	11/27/24
A.3	1	Warranty Deed Recordable Form on August 30, 1974 in Book 1004, Page 1207 [Describes TL 1300]	11/27/24
A.4	2	Bargain and Sale Deed recorded on May 30, 1995 Instrument #95-62719	11/27/24
A.5	1	Pre-Filing Note	11/27/24
A.6	3	Title Plant Records Report	11/27/24
A.7	1	Bargain and Sale Deed Recordable Form May 29, 1961 Recorded April 27, 1965 in Book 281, Page 393 [Divides out triangle piece which is part of TL 1000]	3/12/25
A.8	1	Warranty Deed Recordable Form January 13, 1959 Recorded January 20, 1959 in Book 1938, Page 8 [North 4.5 feet of Lot 44 & South 69 feet of Lot 45]	3/12/2025
A.9	1	150-Day Clock Extension [From March 25, 2025 to April 29, 2025]	3/25/25
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N4E31BC-01300 (Alt Acct# R831303450 / Property ID# R287121)	11/27/24

B.2	1	Current Tax Map for 1N3E31BC	1/17/25
B.3	1	Survey 16656	1/17/25
B.4	1	Survey 13687	1/17/25
B.5	1	1962 Zoning Map for 1N4E31B [R-10 Zoning	1/31/25
B.6	1	October 5, 1977 Zoning Map for 1N4E31B	1/31/25
B.7	4	R-10 Zoning Regulations adopted 12.22.1960	1/31/25
B.8	4	Parcel Record Card for R831303450	1/31/25
B.9	2	Contract Recordable Form May 14, 1965 Recorded May 20, 1965 in Book 298, Pages 321 & 322 [Parcel 1: TL 1000, Parcel 2: Triangle Piece in TL 1000, Parcel 3: a 2.4 ft piece running above & part of TL 1000]	3/14/25
B.10	1	Warranty Deed Recorded July 25, 1951 in Book 1488, Page 475 [Describes TL 1300 plus triangular area]	3/21/25
B.11	1	Warranty Deed Recordable Form October 31, 1950 [Describes TL 1300 plus triangular area]	3/21/25
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (Day 1: 12/27/2025)	1/14/2025
C.2	2	Opportunity to Comment	1/22/2025
C.3	6	Decision	5/01/2025
‘D’	#	Comments	Date
D.1	4	Cultural Resource Survey	1/31/25
D.2	3	Friends of the Columbia Gorge Comments	2/11/2025