

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: T2-2025-0002

Applicant: Jonathan Perry

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: 7200 NW Thompson Rd, Portland

Property ID # R324504

Map, Tax lot: 1N1W25A-01300

Alt. Acct. # R961250950

Base Zone: Commercial Forest Use -2 (CFU-2)

Overlays: Significant Wildlife Habitats (SEC-h), Significant Streams (SEC-s), Geologic Hazards (GH)

Determination: The subject property known as 1N1W25A-01300 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 Friday, April 25, 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

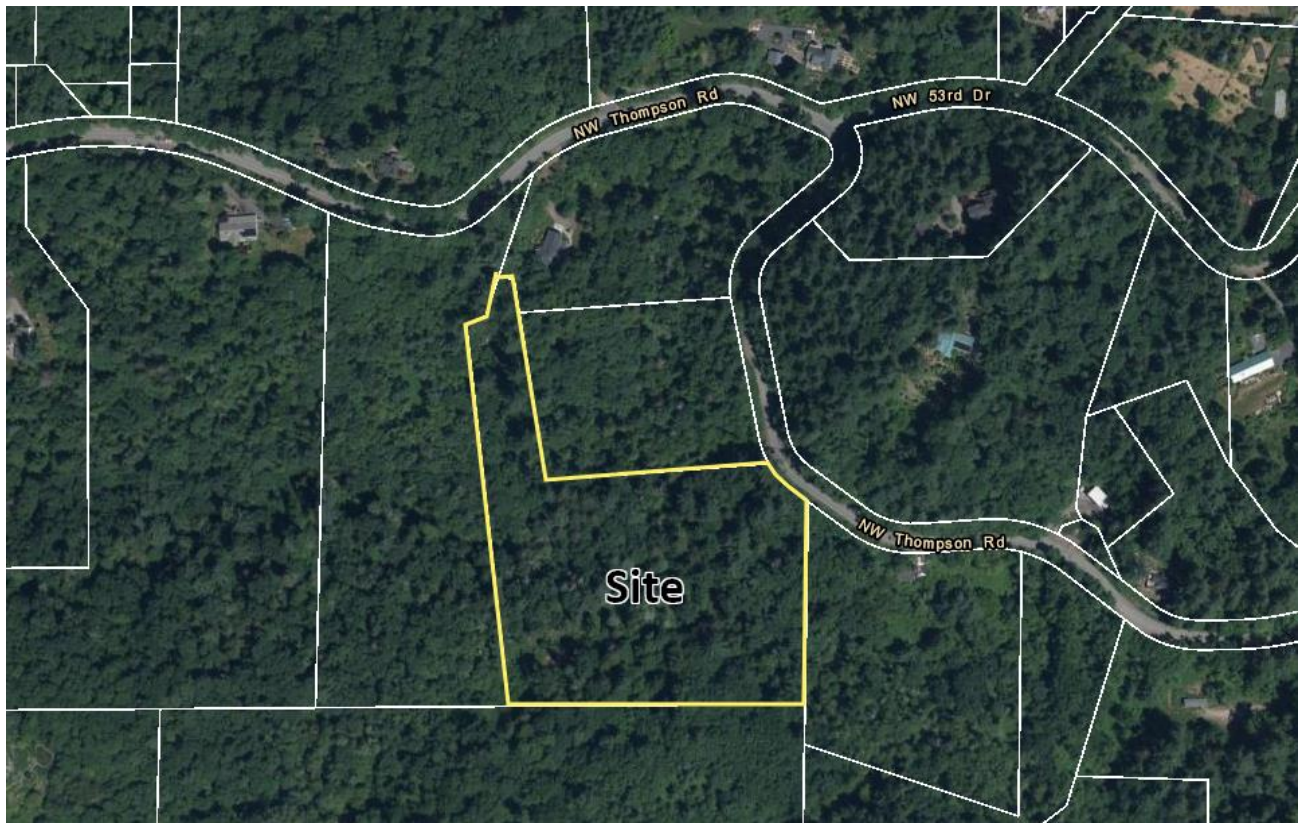
For:

Megan Gibb,
Planning Director

Date:

Friday, April 11, 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 – 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 1N1W25A-01300 (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-2 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 – 2 (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 constructed around year 1938.

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

The applicant provided 3 deed(s) to support the Lot of Record request (Exhibit A.6, A.7, A.8 & A.12). The earliest deed provided (Exhibit B.7) was in recordable form in April, 1974 and contains a legal description matching the current configuration of the subject property (Exhibit A.6 & B.2). In 1974, the subject property was zoned R-20 per historical County zoning maps (Exhibit B.3 & B.4).

The R-20 zone had a minimum lot size of 20,000 square feet, a minimum average lot width of 80 feet, and a minimum average lot depth of 120 feet. The R-20 zone also requires all parcel/lot front onto a public street or have other access determined to be safe and convenient for pedestrians and for passengers and emergency vehicles.

The subject property is 7.89 acres (including ½ of the public right-of-way), abuts onto NW Thompson Rd. (a public road), and has a front lot line length of 115.36 feet, has an average lot width of 547.56 feet, and average lot depth of 354.65 feet (Exhibit B.2). The subject property met the R-20 zone at the time of its establishment.

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

In 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 was in recordable form and recorded with the

County Recorder prior to October 19, 1978. As evidenced by the 1974 deed, the applicable land division laws were satisfied (Exhibit B.7).

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1974.

5.2 § 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.

* * *

Staff: The subject property is 7.89 acres and must be reviewed to see if it was owned on February 20, 1990 under the same ownership with a contiguous property. Planning staff reviewed contiguous ownership of parcels contiguous to the subject property.

Alternate Account #	1989 Property Ownership	1990 Property Ownership
R961250490	Lewis & Myrna Hyatt	Lewis & Myrna Hyatt
R961250930	James & Mary Jo Bartels	James & Mary Jo Bartels
R961250940	James & Mary Jo Bartels	James & Mary Jo Bartels
R961250090	Donald E Pollock	Donald E Pollock
R961250020	Carl & Dorothy Soderback	Carl & Dorothy Soderback
R961250890	James & Mary Jo Bartels	James & Mary Jo Bartels
R961250950*	Lou Ann Schreiber	Lou Ann Schreiber

* Subject Property

The subject property was owned by Lou Ann Schreiber in February 1990. Ms. Schreiber did not own any contiguous parcels and as such, it does not require aggregation and stands alone as a Lot of Record [MCC 39.3030(A)(1)]

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

- (1) July 10, 1958, F-2 zone applied;
- (2) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;
- (4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;
- (5) February 20, 1990, lot of record definition amended, Ord. 643;
- (6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;
- (7) August 8, 1998, CFU-2 zone applied, Ord. 916 (reenacted by Ord. 997);
- (8) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997;

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 has less than the minimum lot size for new parcels or lots in the CFU-2 zone and is subject to (C) above. It may be occupied by any allowed, review or conditional use when in compliance with the other requirements of this district provided it remains a Lot of Record. *Criterion met.*

(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 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, mortgage lot, or created by court decree. *Criterion 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	1/15/2025
A.2	8	1987 Easement Agreement	1/15/2025
A.3	3	Code Narrative	1/15/2025
A.4	1	Site Plan showing Driveway Easement	1/15/2025
A.5	3	Topographic Maps 1954, 1961 & 1990	1/15/2025

A.6	4	Warranty Deed recorded December 13, 2024 Instrument # 2024-074953 [Describes 1N1W25A-01300]	1/15/2025
A.7	1	Quitclaim Deed Recorded December 13, 1956 in B. 1821, Pg. 219 [Describes much larger area]	1/15/2025
A.8	2	Warranty Deed recorded April 28, 1972 in B. 853, Pg. 1074 [Describes TL 1N1W25A-01500]	1/15/2025
A.9	1	Exhibit “A” Legal Description [Describes 1N1W25A-01300]	1/15/2025
A.10	4	Letter from Previous Owner Family	1/15/2025
A.11	14	Shared Well Agreement 1992 & 2022 recorded on January 6, 2023	1/15/2025
A.12	14	Preliminary Title Report	1/15/2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N1W25A-01300 (Alt Acct# R961250950 / Property ID#R324504)	1/15/2025
B.2	1	Current Tax Map for 1N1W25A	2/21/2025
B.3	1	1962 Zoning Map for 1N1W25A [R-20 Zone]	2/21/2025
B.4	1	October 5, 1977 Zoning Map for 1N1W25A [R-20 Zone]	2/21/2025
B.5	3	Parcel Record Card for R961250950	2/21/2025
B.6	1	Bargain & Sale Deed recorded June 19, 1974 in B. 992, Pg. 758 [In Recordable Form April 1, 1974] [Describes 1N1W25A-01300]	2/21/2025
B.7	2	1968 Zoning Districts & Lot Sizes	2/21/2025
B.8	4	1968 – May 1974 R-20 Zoning Regulations	2/21/2025
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (Day 1 – February 14, 2025)	2/21/2025
C.2	2	Opportunity to Comment	2/28/2025
C.3	7	Decision	4/11/2025