

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: T2-2026-0034

Applicant: Daniel Bramske

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: 8105 SE 28nd Ave, Gresham

Property ID # R341047

Map, Tax lot: 1S3E24D -01500

Alt. Acct. # R993240560

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

Overlays: Significant Environmental Concern for Water Resources (SEC-wr)

Determination: The subject property known as 8105 SE 28nd Ave (1S3E24D -01500) 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 September 23, 2026 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 \$0.71/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: _____

Anna Shank-Root, Planner

For: Megan Gibb,
Planning Director

Date: September 9, 2026

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 39.3080 Lot of Record – Multiple Use Agriculture-20 (MUA-20)

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 1S3E24D-01500 (subject property). The application does not propose any new development.

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 Multiple Use Agriculture-20 (MUA-20) and is located within Metro’s Urban Growth Boundary (UGB). According to Assessment and Taxation records, the subject property is occupied by a single-family dwelling and a farm building.

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 Multiple Use Agriculture-20 (MUA-20) 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.

Satisfaction of applicable zoning laws

The Parcel Record Card for the subject property (Exhibit B.3) shows that the property was first created by deed in 1966. That 1966 Warranty Deed, Book 491, Page 441, was provided by the applicant (Exhibit A.2) and contains a legal description matching that of the most current for the subject property (Exhibit B.6). In 1966, the subject property was zoned Suburban Residential (SR) per historical County zoning maps (Exhibit B.4).

The SR zone had a minimum lot size requirement ranging from 10,000 to 40,000 square feet depending on the services in the area. It also required a minimum average lot width of 70 feet, a minimum average lot depth of 100 feet, and approved public access (Exhibit B.5). Section 3.1536 of the SR zone regulations that were in place when the subject property was created in 1966 states that “All lots in this district shall abut a street, or shall have such other access held suitable by the Planning Commission” (Exhibit B.5).

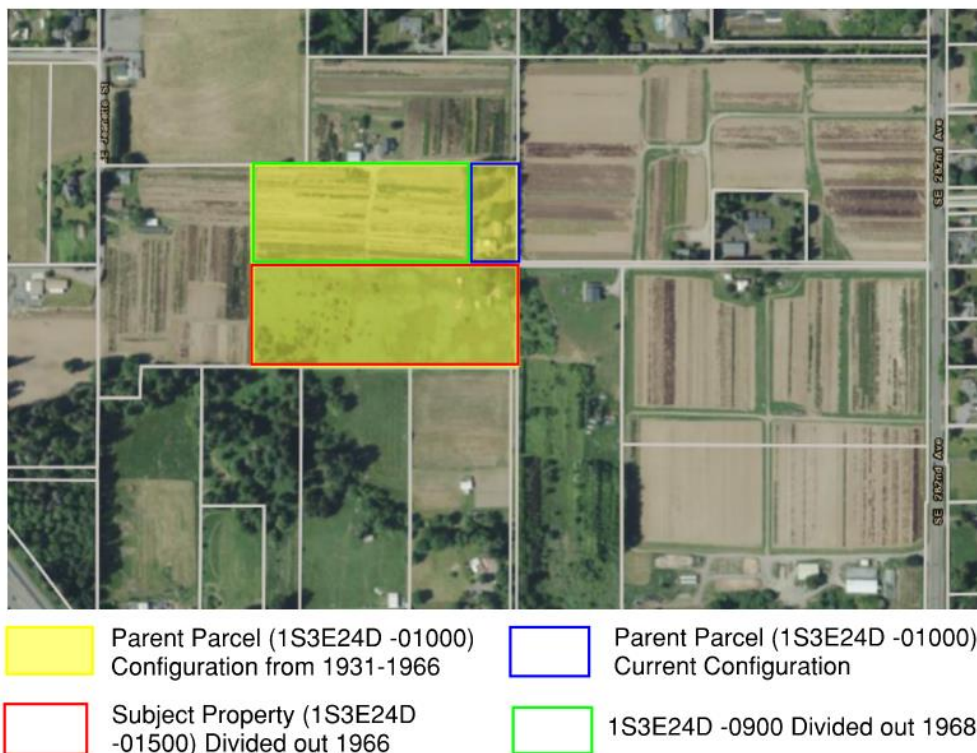
The subject property is approximately 6.22 acres, has an average lot width of 320 feet, and has average lot depth of 835 feet (Exhibit B.2).

The subject property did not abut a street when it was created in 1966, and instead took access from a perpetual easement for a shared roadway that connects to SE 282nd Avenue. Staff has not been able to located evidence of approval by the Planning Commission of the access to the site. However, staff has reviewed previous Land Use Decisions for Lot of Record cases on nearby properties utilizing the shared roadway, including a 2001 Hearings Officer decision addressing the

Lot of Record status of 1S3E24D – 00500, which provided extensive discussion about Section 3.1536, and what processes may have been in place at the time to review access for specific land divisions (Exhibit B.7). The Hearings Officer notes the following:

“At this point in time, 25 years after the land division by deed occurred, I do not see anything in this code provision that specifically calls for a public hearing or an individual review of specific access. For example, if the Planning Commission made a general interpretation that easements created prior to 1955 constituted suitable access, the staff in 1977 might have made a determination that the Estcourt property under review fell into a class of access standards that had been generally approved by the Planning Commission or the policy may have been that the Planning Commission only reviewed access question if an easement was proposed as an alternative access from a connecting public street. In the instant case, the only access available was an existing access by easement. Perhaps the staff made an interpretation that no further review was required”

Additional information in the record for this 2001 land use case indicates that there were inconsistent practices in place during the 1960s and 1970s for reviewing access to determine compliance with Section 3.1536. The hearings officer references a land use case processed in 1979 (MC 11-79) where there is written documentation from County Staff indicating that neither Planning Commission approval nor a public hearing was required to approve access. Testimony from the property owner of the subject property (1S3E24D – 00500) in the case in a sworn affidavit that he was told by planning staff in 1977 to “record the deed to the 2-acre parcel” but that he was not informed that “he had to submit an application and/or have the proposed access by existing easement specifically approved.” Supporting the claims of the property owner, notes on a 1977 Building Permit approval for a dwelling state in regard to access “Access prior to 1955 See Exhibit A for easement.” 1955 was the year that the first zoning ordinances were adopted in Multnomah County and would have represented the first date when access requirements for new lots could have first been required since there would have been no “applicable zoning laws” prior to that date.



Similarly to 1S3E24D – 00500, the subject property in this case, 1S3E24D -01500, was divided from a parent parcel (1S3E24D -01000) that also did not have road frontage, and had existed without road frontage since 1931, predating the first zoning laws.

Since the subject property is occupied by a dwelling that was built in 1957, the parent parcel is occupied by a 1915 dwelling, and 1S3E24D -0900 is vacant, there were no notes on county records for this particular series of land division indicating that the county particularly reviewed this access for this land division. However, considering that the access in this case is the same shared roadway and existing easement access that 1S3E24D – 00500 benefitted from and was analyzed in T2-01-100, staff finds that analysis of historic practices of reviewing access for compliance with Section 3.1536 provides sufficient evidence to conclude that easement access predating 1955 would likely have been deemed as sufficient access when the subject property was created in 1966.

Satisfaction of applicable land division laws

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. The 1966 Warranty Deed (Exhibit A.2) was recorded on April 26, 1966, which satisfies the applicable land division laws.

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 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: 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 39.4345, 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 MUA-20 zone and does not front onto a public street and is therefore subject to (B) above. *Criterion met.*

(C) Except as otherwise provided by MCC 39.4330, 39.4335, 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 minimum lot or yard requirements or result in a lot with 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 lot 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. *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	06.29.2026
A.2	1	1966 Warranty Deed - Book 491 Page 441	06.29.2026
A.3	1	1985 Statutory Special Warranty Deed – Book 1799, Page 934	06.29.2026
A.4	1	Partial Parcel Record Card R993240560	06.29.2026
A.5	1	Site Plan	06.29.2026
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S3E24D - 01500 (Alt Acct# R993240560)	07.24.2026
B.2	1	Current Tax Map for 1S3E24D	07.24.2026
B.3	3	Parcel Record Card R993240560	07.24.2026
B.4	1	1966-1977 Zoning Map - 1S3E24D	07.24.2026
B.5	1	1964-1968 Zoning Ordinance – SR Minimum Lot Standards	07.24.2026
B.6	4	Current Deed -Document 2026-28228	07.24.2026
B.7	16	T2-01-100 Hearings Officer Decision	09.02.2026
B.8	3	Parcel Record Card R993240050 (Parent Parcel)	09.02.2026
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	07.24.2026
C.2	2	Opportunity to Comment	08.07.2026
C.3	7	Decision	09.09.2026