

## NOTICE OF NSA DECISION

**Case File:** T2-2021-14903 **Permit:** Parcel Determination  
**Applicant:** Stuart Gresswell **Owner:** GNC Oregon Lands LLC  
**Location:** NWC of E. Haines & NE Brower Rd, Corbett **Map, Tax Lot:** 1N5E27C-01200  
Alternate Account #: R945270050 **Property ID #:** R322972  
**Zoning:** Gorge General Forest – 40 (GGF-40)  
**Overlays:** Geologic Hazards (GH)  
**Key Viewing Areas:** Columbia River, Interstate – 84, Larch Mtn Rd, Portland Woman’s Forum,  
Historic Columbia River Hwy, State Route 14, Sandy River  
**Landscape Setting:** Coniferous Woodlands  
**Proposal Summary:** The applicant is requesting a Parcel Determination for the above property. A Parcel Determination determines that a property was lawfully established in compliance with zoning and land division laws at the time of its creation or reconfiguration.

**Determination:** The subject property qualifies as a Parcel pursuant to MCC 38.0015 Definitions.

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is **Monday, December 27, 2021, at 4:00 pm.**

**Opportunity to Review the Record:** The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application are available for review by contacting case planner, Lisa Estrin at 503-988-0167 or via email at [lisa.m.estrin@multco.us](mailto:lisa.m.estrin@multco.us). Copies of all documents are available at the rate of \$0.40/per page.

**Opportunity to Appeal:** An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Columbia River Gorge Commission until all local appeals are exhausted.

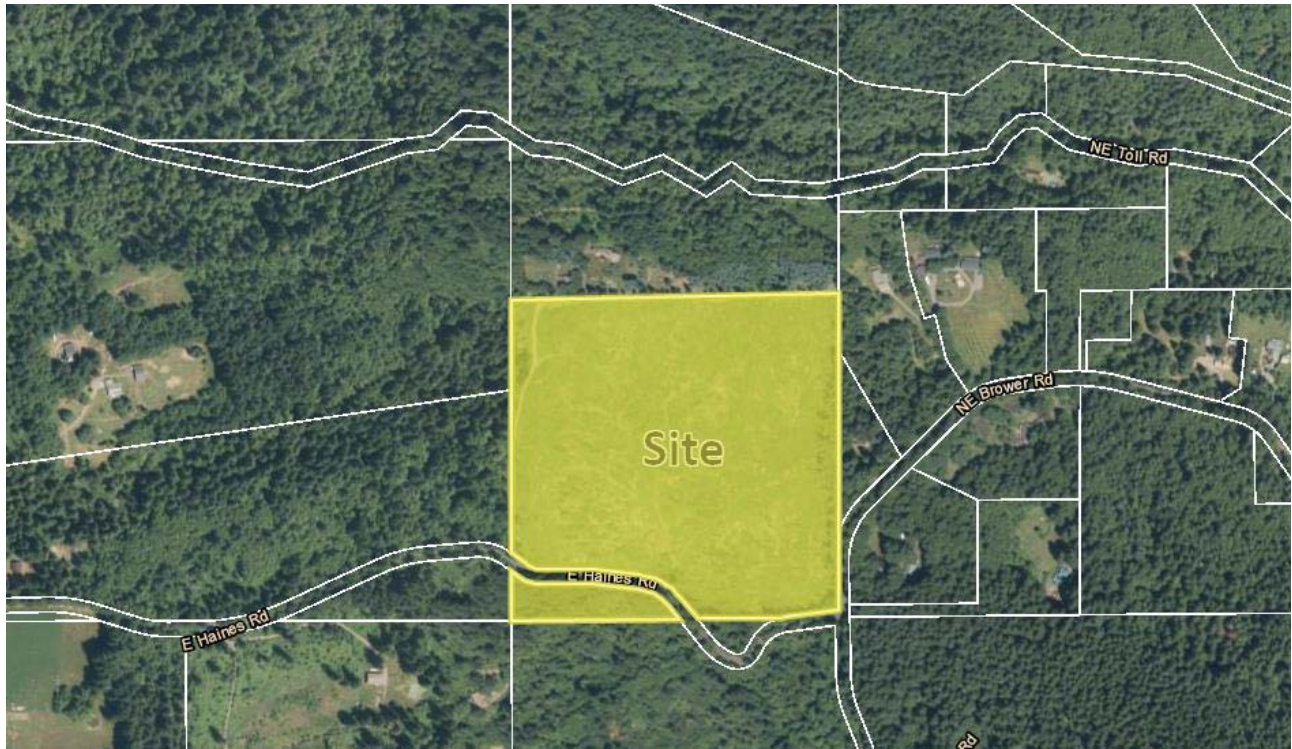
**Issued By:** \_\_\_\_\_  
Lisa Estrin, Senior Planner

**For:** Carol Johnson, AICP  
Planning Director

**Date:** Monday, December 13, 2021

## Vicinity Map

N↑



### **Applicable Approval Criteria:**

For this application to be approved, the proposal will need to meet the applicable approval criteria below:

Multnomah County Code (MCC): MCC 38.0015 Definitions, Parcel.

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.

## **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 tax lot 1N5E27C-01200 (subject property) located at the northwest corner of E. Haines Rd & NE Brower Rd, Corbett.

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 located in unincorporated east Multnomah County in the Columbia River Gorge National Scenic Area. The property is zoned Gorge General Forest – 40 (GGF-40). The property is located outside of Metro’s Urban Growth Boundary. The property is currently vacant.

### **3.0 Public Comment:**

**Staff:** Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 38.0530(B) documented in Exhibit C.2. Staff received one public comments during the 14-day comment period.

Janet Ruddell commented that she believes the parcel was lawfully established and she has no objection to the owners building a home on the property (Exhibit D.1). This application is only to determine that the property is a Parcel pursuant to MCC 38.0015. A separate NSA application will be made in the future if the property owners choose to pursue a dwelling.

### **4.0 Parcel Criteria:**

#### **MCC 38.0015 DEFINITIONS**

**As used in this Chapter, unless the context requires otherwise, the following words and their derivations shall have the meanings provided below.**

#### **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:**

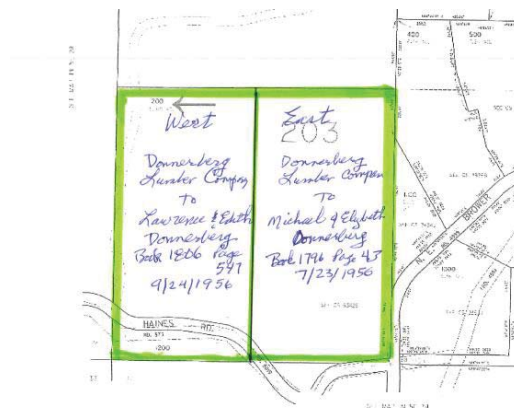
1. Is a unit of land created solely to establish a separate tax account;
2. Lies in different counties;
3. Lies in different sections or government lots;
4. Lies in different zoning designations; or
5. Is dissected by a public or private road.

**Staff:** To qualify as a Parcel, the subject property, when created or reconfigured, must meet the definition of “Parcel” in MCC 38.0015 Definitions. More specifically, the language above requires demonstration that the subject property (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws.

The applicant provided twelve (12) deed(s) (Exhibit A5, A.7, A.9, A.11, A.13, A.14, A.16, A.17, A.19, A.20, A.23, & A.26) to support the Parcel Determination. The earliest deed provided was recorded in 1940 prior to zoning. From 1940 until July 1956, the subject property was described as a single parcel of approximately 38.76 acres (minus public right-of-way).

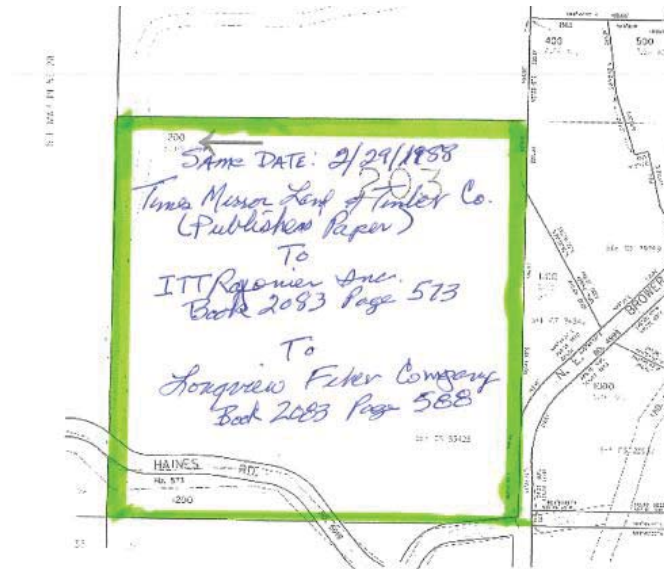


On July 23, 1956, the subject property was divided into two pieces. The western half (18.90 acres) of the southwest quarter of the southwest quarter of Section 27 (Exhibit A.14) and the eastern half (19.86 acres) of the southwest quarter of the southwest quarter of Section 27 (Exhibit A.13).





The subject property remained as two units of land until 1988 when it was reconsolidated into a single 38.76 acre parcel (Exhibit A.19 & A.20).



In February 1988, the subject property was zoned Commercial Forest Use – 80 (CFU-80) (Exhibit B.5). The CFU-80 zone had minimum lot size of 80 acres except as provided in MCC 11.15.2062 (Exhibit B 8 & B.9). MCC 11.15.2062 required that properties that had less than 80 acres but held by the same person or entity be aggregated to comply as nearly as possible with the 80 acre area requirement. The western parcel and the eastern parcel were contiguous and held by the same business entity at the time. The property owners in the 1988 deeds transferring the subject property reconsolidated them back into a single parcel (Exhibit A.19 & A.20). The reconsolidation would have met the Lot of Record provisions in the Zoning Ordinance at the time.

In 1988, the County Land Division ordinance (Exhibit B.7) did not regulate lot consolidations or property line adjustments. As such, the consolidation of the two parcels into a single parcel would have not required a land division decision. The property owners would have only needed to record a deed with the legal description describing the consolidated parcel (Exhibit A.19 & A.20). The most current deed for the subject property was recorded in 2007 (Exhibit A.26) and contains a legal description that matches the 1988 recorded legal description.

The subject property consists of a 38.97 acre parcel as described in the warranty deed (Exhibit A.26) and as contained in tax lot 1N5E27C-01200. The subject property is not an area of land described as a tax lot solely for assessment and taxation purposes.

*Based upon the above findings, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1988. The subject property is a “Parcel” as defined in MCC 38.0015.*

## 5.0 Exhibits

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

All exhibits are available for review in Case File T2-2021-14903 by contacting case planner, Lisa Estrin via email at [lisa.m.estrin@multco.us](mailto:lisa.m.estrin@multco.us).

<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>Date Received / Submitted</b>
A.1	1	Application Form	7/22/2021
A.2	1	Assessor Map dated 6/19/2021	7/22/2021
A.3	2	Chain of Title Narrative	7/22/2021
A.4	1	Map for Deed recorded in Book 550, Page 467 & 468	7/22/2021
A.5	2	Warranty Deed recorded in Book 550, Pages 467 & 468 on May 25, 1940	7/22/2021
A.6	1	Map for Deed recorded in Book 1449, Page 598	7/22/2021
A.7	2	Deed recorded in Book 1449, Page 598 & 599 on December 18, 1950	7/22/2021
A.8	1	Map for Deed recorded in Book 1639, Page 207 on January 11, 1965	7/22/2021
A.9	2	Deed granting Right-of-Way (easement) recorded in Book 1639, Page 207 & 208 on January 11, 1954	7/22/2021
A.10	1	Map for Deed recorded in Book 1754, Page 436	7/22/2021
A.11	2	Deed recorded in Book 1754, Page 436 & 437 on November 7, 1955	7/22/2021
A.12	1	Map for Deed recorded in Book 1806, Page 547 & Deed recorded in Book 1796, Page 43	7/22/2021
A.13	1	Bargain & Sale Deed recorded in Book 1796, Page 43 on July 23, 1956	7/22/2021
A.14	1	Bargain & Sale Deed recorded in Book 1806, Page 547 on September 24, 1956	7/22/2021
A.15	1	Map for Deed recorded in Book 1883, Page 438 & Deed recorded in Book 1865, Page 339 on October 3, 1957	7/22/2021
A.16	2	Bargain & Sale Deed recorded in Book 1883, Page 438 & 439 on February 11, 1958	7/22/2021
A.17	2	Warranty Deed recorded in Book 1865, Page 339 & 340 on October 3, 1957	7/22/2021
A.18	1	Map for Deed recorded in Book 2083, Page 588 & Deed recorded in Book 2083, Page 573	7/22/2021
A.19	2	Bargain & Sale Deed recorded in Book 2083, Page 588 & 589 on February 29, 1988	7/22/2021
A.20	2	Bargain & Sale Deed recorded in Book 2083, Page 573 & 574 on February 29, 1988	7/22/2021
A.21	6	Easement for Right-of-Way recorded at 2006-234898 on December 21, 2006	7/22/2021
A.22	1	Map for Deed recorded 6/1/2007	7/22/2021
A.23	5	Statutory Bargain & Sale Deed recorded at 2007-098727 on June 1, 2007	7/22/2021
A.24	5	Line of Credit Instrument recorded at 2007-079308 on May 3, 2007	7/22/2021
A.25	1	Map for Deed recorded on 12/14/2007	7/22/2021

A.26	1	Statutory Warranty Deed recorded at 2007-213263 on December 14, 2007	7/22/2021
<b>‘B’</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment & Taxation: Property Information for 1N5E27C-01200 (R945270050 / R322972)	7/22/2021
B.2	1	Tax Map 1N5E27C	11/17/2021
B.3	2	Corporation Papers	11/17/2021
B.4	1	1980 Zoning Map	11/23/2021
B.5	1	1983 Zoning Map	11/23/2021
B.6	1	1993 Zoning Map	11/23/2021
B.7	44	1981 Subdivision Ordinance	11/23/2021
B.8	9	1982 CFU Code	11/23/2021
B.9	6	1990 CFU Code	11/23/2021
<b>‘C’</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	1	Complete Letter (Day 1)	8/20/2021
C.2	3	Opportunity to Comment and mailing list	11/24/2021
C.3	7	Administrative Decision and mailing list	12/13/2021
<b>‘D’</b>	<b>#</b>	<b>Comments Received</b>	<b>Date</b>
D.1	1	Ruddell Email	12/08/2021