

NOTICE OF NSA DECISION

Case File: T2-2022-15507 **Permit:** Parcel Determination
Applicant: Ostercraft Homes Inc. **Owners:** Kevin & Christine White
Location: **Address:** 39400 E. Knieriem Rd, Corbett **Map, Tax Lot:** 1N4E36AC-00600
Alternate Account #: R944360160 **Property ID #:** R322817
Zoning: Gorge General Residential - 10 (GGR-10)
Overlays: None
Key Viewing Areas: None
Landscape Setting: Rural Residential in Pastoral
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 **Tuesday, May 10, 2022, 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. 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: Tuesday, April 26, 2022

Vicinity Map



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 1N4E36AC-00600 (subject property) located at 39400 E. Knieriem 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 Residential (GGR-10). The property is located outside of Metro’s Urban Growth Boundary. Assessment & Taxation records indicate the property improvements include an existing single family dwelling with attached garage, a small 288 sq. ft. shed and a larger 720 sq. ft. outbuilding.

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 no public comments during the 14-day comment period.

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 ten (10) deed(s) (Exhibit A.3 through A.12) to support the Parcel Determination. The earliest deed describing the subject property in its current configuration was recorded on May 24, 1974 (Exhibit A.7) and contains a legal description matching the current configuration of the subject property (Exhibit A.12). In 1974, the subject property was zoned F-2 per historical County zoning maps (Exhibit B.4). The F-2 zone had a minimum lot size of 2 acres. There was no requirement for road frontage or minimum front lot line length or lot width. The subject property is 2.048 acres. The subject property complied with the applicable zoning laws at the time of its creation or reconfiguration.

In 1974, the process to created 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 1974 deed (Exhibit A.7), the applicable land division laws were satisfied.

The subject property consists of a 2 acre parcel as described in the warranty deed (Exhibit A.12) and as contained in tax lot 1N4E36AC-00600. 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 1974. 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

‘All exhibits are available for review in Case File T2-2022-15507 by contacting case planner, Lisa Estrin via email at lisa.m.estrin@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	NSA Application Form	2.11.2022
A.2	6	Plant Title Report	2.11.2022
A.3	1	Deed recorded on December 6, 1878 in Book 47, Page 278	2.11.2022
A.4	2	Deed recorded on October 24, 1882 in Book 60, Page 7	2.11.2022
A.5	2	Deed recorded on February 19, 1906 in Book 349, Page 474	2.11.2022
A.6	2	Deed recorded on September 23,1941 in Book 638, Page 567	2.11.2022
A.7	2	Deed recorded on May 24, 1974 in Book 987, Page 1674	2.11.2022
A.8	2	Deed recorded on December 9, 1986 in Book 1962, Page 209	2.11.2022
A.9	2	Deed recorded on January 18, 1990 in Book 2269, Page 1014	2.11.2022
A.10	2	Deed recorded on June 26, 1992 in Book 2558, Page 1440	2.11.2022
A.11	3	Deed recorded on April 21, 1994 at 94-63186	2.11.2022

A.12	3	Deed recorded on November 20, 2021 at 2021-173777	2.11.2022
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment & Taxation: Property Information for IN4E36AC-00600 (R944360160 / R322817)	2.11.2022
B.2	1	Tax Lot Map 1N4E36AC - Current	3.10.2022
B.3	1	Survey 46741	3.10.2022
B.4	1	Zoning Map in Effect on October 5, 1977	3.10.2022
B.5	3	Parcel Record Card for R944360160	3.10.2022
B.6	1	Zoning District Lot Sizes from May 17, 1974	4.21.2022
B.7	1	F-2 District adopted May 17, 1974	4.21.2022
‘C’	#	Administration & Procedures	Date
C.1	1	Complete Letter (Day 1)	3.11.2022
C.2	3	Opportunity to Comment and mailing list	3.16.2022
C.3	5	Administrative Decision and mailing list	4.26.2022