

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: T2-2023-17367

Applicant: Dali Cheng

Proposal: The applicant is requesting a Lot of Record Verification for the property, comprised of two tax lots, 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: 11519 NW Laidlaw Rd. Portland

Property ID # R090603940
R090603280

Map, Tax lot: 1N1W22D-02000
1N1W22DC-00600

Alt. Acct. # R118566
R118548

Base Zone: Rural Residential (RR)

Overlays: Significant Environmental Concern for Streams (SEC-s), Geological Hazards (GH)

Determination: The subject property consisting of 1N1W22D-02000 and 1N1W22DC-00600 is a single 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 Thursday, May 2, 2024 at 4:00 pm.

Opportunity to Review the Record: The complete digital case file associated with this application is available for review by contacting Marisol Cervantes via email at Marisol.Cervantes@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: Marisol Cervantes

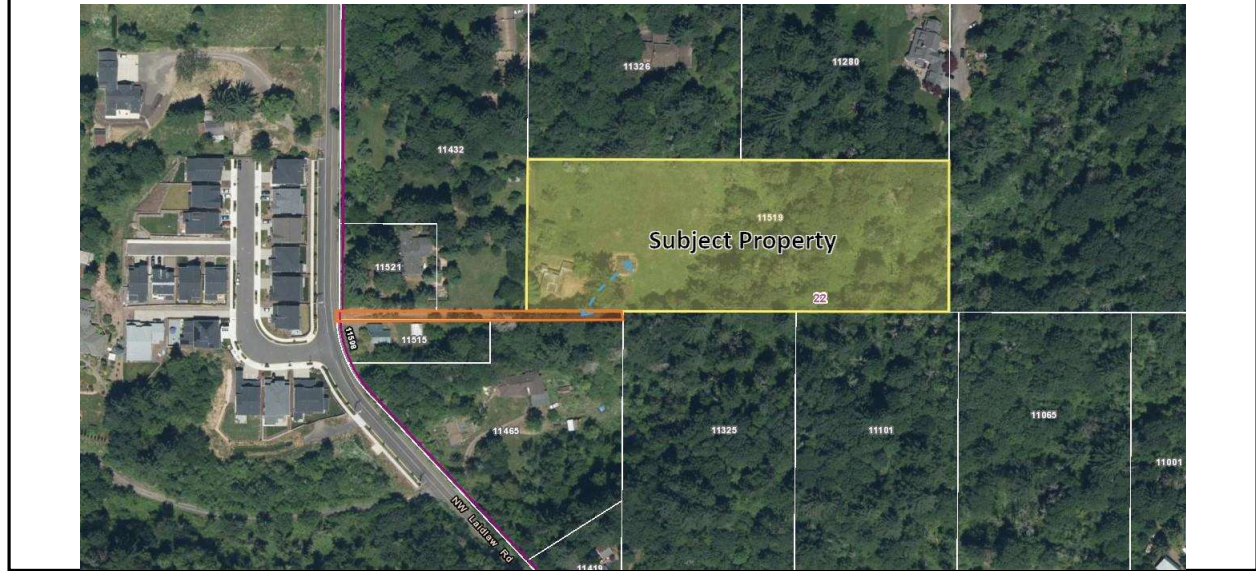
Digitally signed by
Marisol Cervantes

Marisol Cervantes, Planner

For: Adam Barber,
Interim Planning Director

Date: Thursday, April 18, 2024

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 39.3090 Lot of Record – Rural Residential

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 11519 NW Laidlaw Rd., consisting of two tax lots (1N1W22D-02000 and 1N1W22DC-00600), to determine if the subject property is a single Lot of Record. No new development is proposed in this application.

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 located in unincorporated West Multnomah County in the area known as the West Hills. The property is zoned Rural Residential (RR) and is located outside of Metro’s Urban Growth Boundary (UGB). According to Assessment and Taxation records, the subject property is occupied by a 1942 dwelling and a small shed. Assessor’s maps show the current configuration of the subject property (Exhibits B.4 and B.5).

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.5). Staff received one comment.

3.1 Usman Mughal, Neighbor: Property Owner located at 11065 NW Laidlaw Rd. Portland, provided an e-mail comment on Thursday February 15, 2024 (Exhibit D.1)

Staff: Mughal provided public comment stating a Lot of Record Verification is a basis for land development, the area is within a Significant Environmental Concern (SEC) area and shall remain as a SEC, and that the area shall not be for large scale housing neighborhood development only for a single-family dwelling. Mughal’s comments did not relate to specific approval criteria for the requested Lot of Record Verification, but their comments were added to the record.

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, a land division, a property line adjustment, or a building permit. *This requirement is 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 Rural Residential (RR) 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 applicant provided three deeds to support the Lot of Record request (Exhibit A.2, A.4, and A.5). The subject property was originally Lots 54 and 55 of the Bonny Slope Subdivision platted in March 1923 (Exhibit B.3). On August 15, 1947, the subject property changed in configuration when a deed was recorded that described the subject property as “The Southernly 260 feet of Lots 54 and 55 and the Northerly 15 feet of Lot 45, Bonny Slope” (Exhibit A.2). The applicant

provided a current deed for the subject property (Exhibit A.5) that contains a legal description that matches the recorded 1947 legal description.

In 1947, the subject property was not zoned as County zoning did not come into effect for the area where the subject property is located until 1955. A copy of the 1962 zoning map for 1N1W22D, which shows the first zoning for the area implemented in 1955, is included as Exhibit B.6.

The subject property complied with all applicable zoning laws at the time of its creation or reconfiguration in 1947.

In 1947, the process to create or divide a parcel required a deed or sales contract dated and signed by the parties to the transaction. As evidenced by the 1947 deed (Exhibit A.2), the applicable land division laws were satisfied.

Based upon the above, the subject property when created or reconfigured in 1947 satisfied all applicable zoning and land division laws. The subject property, consisting of 1N1W22D-02000 and 1N1W22DC-00600, is a single Lot of Record.

5.2 MCC 39.3090 - LOT OF RECORD – RURAL RESIDENTIAL (RR).

(A) In addition to the standards in MCC 39.3005, for the purposes of the RR 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 39.4395, 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 RR zone and is subject to (B) above. *Criterion met.*

(C) Except as otherwise provided by MCC 39.4380, 39.4385, 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. *Criteria met.*

Based on the findings in 5.1 & 5.2 above, the subject property consisting of 1N1W22D-02000 and 1N1W22DC-00600, is a single Lot of Record.

6.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

‘D’ Comments Received

All exhibits are available for review by sending an email to Marisol.Cervantes@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	10.10.2023
A.2	2	Warranty Deed recorded August 15, 1947 in Book 1196, Pages 37-38	10.10.2023
A.3	2	Warranty Deed recorded in Book 1688, Pages 364-365 (deed describes a City of Portland property)	10.10.2023
A.4	1	Warranty Deed recorded October 29, 1954 in Book 1688, Page 366	10.10.2023
A.5	2	Statutory Warranty Deed recorded on March 18, 2011 as instrument no. 2011-034451	12.14.2023
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N1W22D-02000 (Alt Acct#R090603940/ Property ID#R118566)	10.10.2023
B.2	2	Assessment and Taxation Property Information for 1N1W22D-00600 (Alt Acct#R090603280/ Property ID#R118548)	10.10.2023
B.3	1	Bonny Slope Plat	11.09.2023
B.4	1	Assessor’s Map for 1N1W22D	04.10.2024
B.5	1	Assessor’s Map for 1N1W22DC	04.10.2024
B.6	1	Copy of 1962 Zoning Map for 1N1W22D	04.10.2024
‘C’	#	Administration & Procedures	Date
C.1	3	T2-2023-17367 Incomplete letter	11.09.2023

C.2	1	T2-2023-17367 Second Incomplete Letter	12.13.2023
C.3	1	Applicant's Acceptance of 180-day clock	12.14.2023
C.4	1	T2-2023-17357 Complete Letter (Day 1)	01.09.2024
C.5	2	Opportunity to Comment	02.09.2024
C.6	7	Decision	04.18.2024
'D'	#	Comments	Date
D.1	1	Comment from a neighbor Usman Mughal	02.15.2024