

NOTICE OF DECISION

Case File: T2-2018-10944
Permit: Lot of Record Verification
Applicant: Brian Burrough **Owners:** Brian Burrough & Brandon Wiser
Location: 27325 SE Stone Rd
Tax Lot 1800, Section 24D, Township 1S, Range 3E, W.M.
Tax Account #R993240060 Property ID #R341010
Zoning: Multiple Use Agriculture – 20 (MUA-20)
Overlays: Significant Environmental Concern for wildlife habitat (SEC-h)
Proposal Summary: Applicant requests a Lot of Record Verification for Tax Lot 1800, Section 24D, Township 1 South, Range 3 East.

Decision: The property known as 27325 SE Stone Road is verified as a Lot of Record in its current configuration.

This decision is final and effective at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, December 18, 2018 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 is available for review at the Land Use Planning office. Copies of all documents are available at the rate of \$0.30/per page. For further information, contact Chris Liu, Staff Planner at 503-988-2964 or at chris.liu@multco.us

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 Land Use Board of Appeals until all local appeals are exhausted.

Issued By: 
Chris Liu, Assistant Planner

For: Michael Cerbone, AICP
Planning Director

Date: Tuesday, December 4, 2018

Vicinity Map

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Applicable Approval Criteria: Applicable Approval Criteria: Multnomah County Code (MCC):
MCC 36.0005 Definitions – Lot of Record, MCC 36.2870 Lot of Record, MCC 37.0560 Code
Compliance and Applications.

Copies of the referenced Multnomah County Code sections can be obtained by contacting our office or
by visiting our website at multco.us/landuse/zoning-codes under the link *Chapter 36:*
West of the Sandy River Rural Plan Area.

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied.
Where a condition relates to a specific approval criterion, the code citation for that criterion follows in
parenthesis.

1. Approval of this land use permit is based on the submitted written narrative(s), plan(s), and the
Voluntary Compliance Agreement (VCA) executed via compliance case #UR-2018-11065.

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 to determine the Lot of Record status for an existing 2.38+/- acres property known as 27325 SE Stone Rd, Gresham (1S3E24D-01800) in the West of Sandy River rural area.

2.0 Property Description & History:

Staff: The subject property is located in east Multnomah County within the Metro Urban Growth Boundary in the Multiple Use Agriculture -20 zone; a mixed Residential and Agricultural use zone. Highway 26 is immediately west of the subject property and Clackamas County's is just south of the Stone Road right of way.

A single-family dwelling constructed in 1926 currently exists on the subject property. East of the dwelling, there is large shop building with a non-permitted lean-to addition that is being resolved through the County's voluntary compliance process). No other buildings are on record.

3.0 Administrative Procedures Criteria:

3.1 Code Compliance and Applications

MCC 37.0560: 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 for any property that is not in full compliance with all applicable provisions of the Multnomah County Land Use Code and/or any permit approvals previously issued by the County.

Staff: The property owners entered into a Voluntary Compliance Agreement (VCA) with the Code Compliance office to address various compliance issues on the property. Once this Lot of Record verification is complete, the property owner will be able to apply for the necessary permits to correct the compliance issues on the property. Due to the presence of an active VCA through compliance case #UR-2018-11065, staff may issue this land use decision.

4.0 Multiple Use Agriculture -20 Zone Criteria:

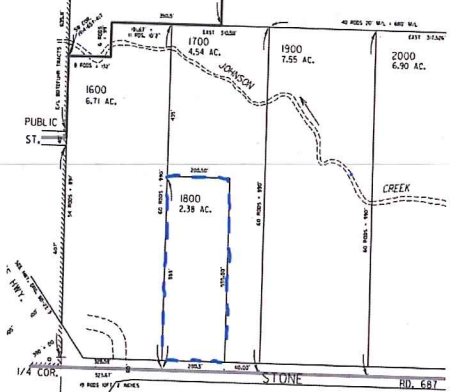
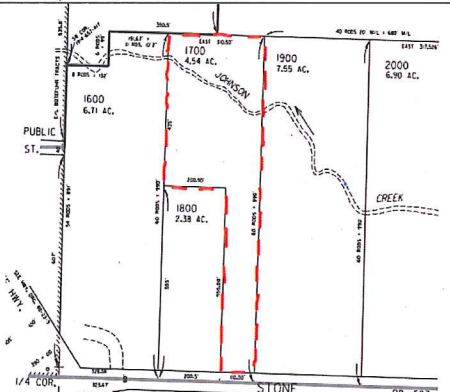
4.1 MCC 36.0005 Definitions: Lot of Record

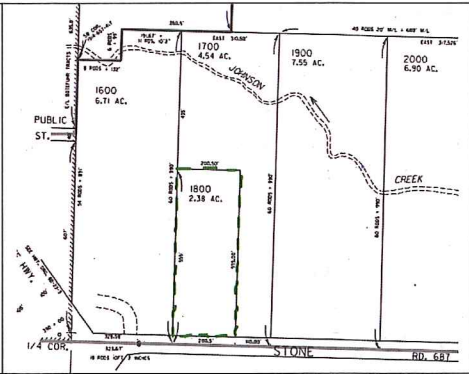
Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 36.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

- (a) "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.
- (b) "Satisfied all applicable land division laws" shall mean the parcel or lot was created:

2. 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

Staff: The applicant submitted various documents to support the Lot of Record Verification. The relevant documents are listed in the table below. In 1970, a contract of sale (Book 759, Page 1532) created the subject parcel by dividing the 6.92 parent parcel into the 2.38-acre subject parcel and adjacent 4.54-acre parcel (Exhibit A.4). At the time of the contract of sale, the area was zoned Suburban Residential (SR), which required a 40,000 sq. ft. minimum lot and access to a public road to create new lots or parcels. The Subject property is adjacent to SE Stone Rd., a public street, and it is 2.38 acres. Therefore, the subject property was in full compliance with all zoning requirements in effect at the time of creation. *Criteria met.*

Exhibit	Instrument	Date Recorded	Map Image
A.3	Warranty Deed Book 1880, Page 322	January 18, 1958	None
A.4	Parcel Record Card for 1S3E24D-1800	N/A	
A.5	Parcel Record Card for 1S3E24D-1700	N/A	

A.6	Contract Book 255, Page 285-286	June 16, 1992	
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4.2 Lot of Record

MCC 36.2870(A): In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, SR zone applied;
- (2) July 10, 1958, F-2 zone applied;
- (3) December 9, 1975, F-2 minimum lot size increased, Ord. 115 & 116;
- (4) October 6, 1977, MUA-20 zone applied, Ord. 148 & 149;
- (5) October 13, 1983, zone change from EFU to MUA-20 for some properties, Ord. 395;
- (6) May 16, 2002, Lot of Record section amended, Ord. 982.

(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 36.2885, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

(C): Except as otherwise provided by MCC 36.2860, 36.2875, and 36.4300 through 36.4360, 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.

(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: The above criteria noted in (A), (B), and (C) do not affect this determination.

The subject property is not a tax lot described solely for assessment and taxation purposes, nor was the subject property created through a foreclosure or by a court decree. *Criteria met.*

5.0 Conclusion

Based on the findings and other information provided above, the applicant has carried the burden necessary for the determination that Tax Lot 1800, Section 24D, Township 1 South, Range 3 East is a single Lot of Record.

6.0 Exhibits

‘A’ Applicant’s Exhibits

‘B’ Staff Exhibits

‘C’ Procedural Exhibits

All exhibits are available for review in Case File T2-2018-10944 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received/ Submitted
A.1	1	Application Form	9.26.2018
A.2	3	Contract of Sale (June 15,1992)	9.26.2018
A.3	1	Warranty Deed (January 18, 1958)	9.26.2018
A.4	1	Parcel Record Card for Tax Lot 1800	9.26.2018
A.5	1	Parcel Record Card for Tax Lot 1700	9.26.2018
A.6	1	Tax Lot Map for 1S 3E 24D	9.26.2018
‘B’	#	Staff Exhibits	Date
B.1	3	A&T Property Information	9.26.2018
B.2	1	Historical Zoning Map for 1S 3E 24D	9.26.2018
‘C’	#	Administration & Procedures	Date
C.1	3	Incomplete Letter	10.10.2018
C.2	1	Applicant’s Response	10.18.2018
C.3	1	Complete Letter (Day 1)	11.1.2018
C.4	2	Opportunity to Comment	11.1.2018
C.5	6	Administrative Decision	12.4.2018