

NOTICE OF DECISION

Case File: T2-2020-13161

Permit: Lot of Record Verification

Applicant: Christopher Flury **Owner:** Jan Corwin

Location: 260 SE Pounder Road, Corbett
Tax Lot 100, Section 35C, Township 1 North, Range 4 East, W.M.
Alternate Account #R944351300 Property ID #R322806

Base Zone: Exclusive Farm Use (EFU)

Overlays: None

Proposal Summary: The applicant requests a Lot of Record Verification for 260 SE Pounder Rd. The County will determine if the creation or reconfiguring of the subject property satisfied all applicable zoning laws and all applicable land division laws in effect on the date of its creation or reconfiguration.

Determination: The subject property 1N4E35C -00100 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 Wednesday, May 20, 2020 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

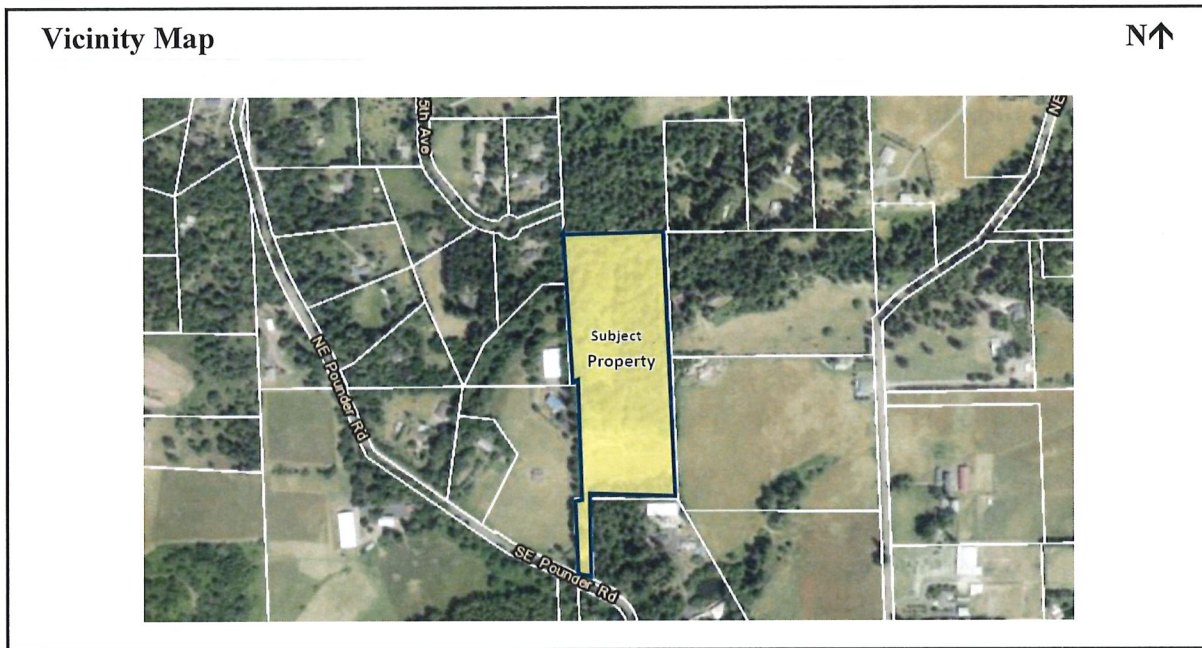
Opportunity to Appeal: An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land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

Issued by: Chris Liu Digitally signed by Chris Liu
Date: 2020.05.05 06:48:07
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By: Chris Liu, Planner

For: Carol Johnson, AICP
Planning Director

Date: Wednesday, May 6, 2020



Applicable Approval Criteria:

Multnomah County Code (MCC): MCC 39.1515 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3070 Lot of Record – (EFU)

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 39 - Zoning Code

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 PROPOSAL:

Staff: The applicant requests a Lot of Record Verification for the property identified as 260 SE Pounder Rd. (the “subject property”). The subject property is located in rural East Unincorporated Multnomah County in the Exclusive Farm Use zone. The subject property is outside of the Metro urban growth boundary in the West of Sandy River rural area. Tax records indicate a single-family dwelling and two outbuildings exist on the 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 reconfiguring of the unit of land satisfied all applicable zoning laws and all applicable land division laws in effect on the date of its creation or reconfiguration. If the unit of land met all the applicable zoning and land division laws in effect at the time, it may be determined to be a Lot of Record.

2.0 GENERAL PROVISIONS:

2.1 MCC 39.1515 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 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.

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. Therefore, this standard is not applicable.

3.0 LOT OF RECORD CRITERIA:

3.1 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.

(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:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or

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

3. 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 have (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws.

The applicant provided a deed recorded in 1976 (Exhibit A.3) that contains a legal description that matches the current legal description for the subject property (Exhibit A.6). The subject property was zoned ‘F-2’ in 1976 per County Zoning Maps (Exhibit B.4). The F-2 zone had tiered minimum lot size requirements ranging from 2.0 – 8.0 acres based on lot or area characteristics, and a minimum front lot line length of 50 feet (Exhibit B.3). Based on the lot characteristics [rural area, public road frontage, and private water supply] of the subject property in 1976, a minimum lot size of 8.0 acres was required. The subject property is 11.6 +/- acres and has a front lot line length of 65 +/- feet (Exhibit B.2).

Based on the above, the subject property satisfied the applicable zoning laws of the F-2 zone in 1976; it is a Lot of Record.

In 1976, the process to divide a property 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 warranty deed recorded in 1976 (Exhibit A.3), the applicable land division laws were satisfied.

The subject property satisfied all applicable land division laws in 1976.

3.2 MCC 39.3070 Lot of Record – (EFU)

(A) In addition to the standards in MCC 39.3005, for the purposes of the EFU district a Lot of Record is either:

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

(2) A group of contiguous parcels or lots:

(a) Which were held under the same ownership on February 20, 1990; and

(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

Staff: Per County Tax Records, Jan Corwin owned the subject property as of February 20, 1990. Corwin was not listed as a property owner for any adjacent properties at that time. The applicant provided a deed from 1988 (Exhibit A.4) that supports the County Tax Record property owner information. Therefore, the subject property is not subject to aggregation and is an individual 11.6 +/- acre Lot of Record as noted in section 3.1 above. *Criteria met.*

3.3 (B) In this district, significant dates and ordinances applicable for verifying zoning compliance may include, but are not limited to, the following:

- (1) July 10, 1958, F-2 zone applied;**
- (2) December 9, 1975, RL-C zone applied, F-2 minimum lot size increased, Ord. 115 & 116;**
- (3) October 6, 1977, MUA-20 and EFU38 zones applied, Ord. 148 & 149;**

(C) A Lot of Record which has less than the minimum lot size for new parcels, less than the front lot line minimums required, or which does not meet the access requirements of MCC 39.4260 may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: Section (B) above is for informational purposes. Any reconfigurations of the subject property would be subject to the requirements of (C) above. *Criteria met.*

3.4 (D) The following shall not be deemed 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) A Mortgage Lot.**
- (4) An area of land created by court decree.**

Staff: The subject property is not an area of land described as a tax lot solely for assessment and taxation purposes; an area of land created by the foreclosure of a security interest; a mortgage lot, or an area of land created by a court decree (Exhibit A.6).

Based on the findings in section 3.1 – 3.4 above, the 11.6 +/- acre subject property is a Lot of Record in its current configuration.

4.0 Exhibits

- 'A' Applicant's Exhibits**
- 'B' Staff Exhibits**
- 'C' Procedural Exhibits**

Exhibits with a “*” after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2020-13161 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	04.06.2020
A.2	1	*Confidential* Certificate of Death	04.06.2020
A.3	3	Warranty Deed recorded June 25, 1976 in Book 1111, Page 2052-2054	04.06.2020
A.4	3	Warranty Deed recorded September 26, 1988 in Book 2141, Page 1233-1235	04.06.2020
A.5	2	Quitclaim Deed recorded April 30, 1999 as Instrument no. 99-087043	04.06.2020
A.6	2	Bargain and Sale Deed recorded August 31, 2010 as Instrument no. 2010-108680	04.06.2020
A.7	4	Miscellaneous Documents	04.06.2020
‘B’	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 1N4E35C -00100	04.06.2020
B.2	1	Department of Assessment, Records and Taxation (DART): Map with for 1N4E35C -00100	04.06.2020
B.3	18	F-2 Zoning Regulations from Zoning Ordinance 100 as amended December 9, 1975	04.14.2020
B.4	1	1966 Historical Zoning Map for 1N4E35	04.14.2020
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	04.15.2020
C.2	2	Opportunity to Comment	04.21.2020
C.3	6	Administrative Decision	05.06.2020