

BEFORE THE PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. PC 04-007 (Part 1)

Recommend to the Board of County Commissioners the adoption of an ordinance amending the land division and lot of record sections in MCC Chapters 33, 34, 35, 36 and 37 by adding provisions allowing the creation of certain unlawfully divided lots/parcels and providing for the issuance of certain building permits to be verification of "lots of record."

The Planning Commission Finds:

- a. The Planning Commission is authorized by Multnomah County Code Chapter subsection 34.0140 and by ORS 215.110 to recommend to the Board of County Commissioners the adoption of Ordinances to implement the Multnomah County Comprehensive Plan.
- b. The individual Zoning Code chapters should be periodically updated and improvements adopted. As part of that effort the Planning Commission sees an increasing need to provide a Zoning Code provision for approving certain lots and parcels that were unlawfully created in the past. In some circumstances the unlawful aspect of the parcel creation may have been only procedural flaws. However, increasing zoning standards such as minimum parcel size usually prevent approving these parcels under current standards.
- c. Another related problem is the difficulty in some situations to verify that a parcel is a "lot of record" by bringing together evidence that all land division and zoning laws were met at the time that the parcel was created. Sometimes there is a dwelling on the property that was built under a valid building permit issued by the County. The Planning Commission finds that certain building permits should be considered to be verification that the parcel was considered to be a "lot of record" on the date the permit was issued.
- d. The proposed code amendments should serve to provide needed relief and fairness to correcting some situations related to certain past land divisions and the evidence required to verify lots of record.
- e. No regulations are being proposed that further restrict the use of property and no mailed notice to individual property owners is required ("Ballot Measure 56" notice).
- f. Notice of the Planning Commission hearing was published in the "Oregonian" newspaper and on the Land Use Program web site. The Planning Commission held a public hearing on March 6, 2006 where all interested persons were given an opportunity to appear and be heard.

The Planning Commission Resolves:

The proposed Ordinance amending MCC Chapters 33, 34, 35, 36 and 37 is hereby recommended for adoption by the Board of County Commissioners.

ADOPTED this 6th day of March, 2006.

PLANNING COMMISSION
FOR MULTNOMAH COUNTY, OREGON



John Ingle, Chair