

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 283

An ordinance establishing a policy relative to the creation of substandard lots in certain rural zoning districts; clarifying situations where such substandard lots are appropriate; amending Ordinance No. 100 relating to Lots of Exception.

Multnomah County ordains as follows:

SECTION 1. Findings.

- (A) Ordinance No. 100 has allowed for the creation of substandard lots from Lots of Record in certain rural districts as Lots of Exception upon demonstration of compliance with specific criteria since its amendment in 1977 by Ordinance No. 148.
- (B) Ordinance No. 100 was amended in 1980 by Ordinance No. 236 to bring the Zoning Ordinance into compliance with the Statewide Planning Goals and Guidelines. Sections of that ordinance allowed for the development of substandard Lots of Record with non-resource related single family residences upon demonstration of compliance with specific criteria which are identical with the criteria for Lots of Exception, although the burden of proof is less for a non-resource related residence than for a Lot of Exception because of the former's lesser impact.

The higher burden of proof is contained in Planning Commission Resolution PC 1-78. Creating new non-resource parcels has a more significant impact on preservation and maintenance of agricultural land and conservation of forest land than development of existing parcels because of the impact of parcelization; and

- (C) The similarity of approval criteria for Lots of Exception and non-resource related residences has led to confusion as to the exact situations in which each is applicable.
- (D) On May 11, 1981, the Planning Commission adopted a resolution which was affirmed by the Board of County Commissioners on appeal by a rural land owner on June 23, 1981, which interpreted the Lot of Exception provisions of Ordinance No. 100 to allow creation of a substandard lot only from a Lot of Record which exceeded the minimum lot size in the district, and only in such a way as to create one substandard lot;

- (E) At a public hearing on August 10, 1981, the Planning Commission passed Resolution PC 16-81A, recommending to the Board adoption of this draft ordinance revising the Zoning Ordinance, Ordinance No. 100, clarifying the situations in which applications may be made for Lots of Exception and the reasons therefor in accordance with the Planning Commission action of May 11, 1981, and the Board of County Commissioners' action of June 23, 1981, in the matter of PC 16-81; and
- (F) The Board concurs in the Planning Commission's recommendation and findings.

SECTION 2. Amendments of Ordinance No. 100.

- (A) Section 3.134.11 is amended to read:

"Except as provided in subsection 3.134.13, no Lot of Exception ~~may~~ be approved unless:

- A. The Lot of Record to be divided exceeds the area requirements of subsection 3.134.a, and
- B. The division will create no more than one lot which is less than the minimum area required in subsection 3.134.a."

- (B) Section 3.144.11 is amended to read:

"Except as provided in subsection 3.144.13, no Lot of Exception may be approved unless:

- A. The Lot of Record to be divided exceeds the area requirements of subsection 3.144, and
- B. The division will create no more than one lot which is less than the minimum area required in subsection 3.144.A."

- (C) Section 3.154.11 is amended to read:

"Except as provided in subsection 3.154.13, no Lot of Exception may be approved unless:

- A. The Lot of Record to be divided exceeds the area requirements of subsection 3.154, and
- B. The division will create no more than one lot which is less than the minimum area required in subsection 3.154.a."

(D) Section 3.164 is amended to read:

"Except as provided in subsection 1.164.13, no Lot of Exception may be approved unless:

- A. The Lot of Record to be divided exceeds the area requirements of subsection 1.164, and
- B. The division will create no more than one lot which is less than the minimum area required in subsection 1.164.a."

(E) Section 3.205.E is amended to read:

"Except as provided in subsection 3.205(G), no Lot of Exception may be approved unless:

- A. The Lot of Record to be divided exceeds the area requirements of the district, and
- B. The division will create no more than one lot which is less than the minimum area required in the district."

SECTION 3. Application.

This ordinance shall not apply to a Lot of Exception approved prior to the effective date of this ordinance nor shall it apply to an application for a Lot of Exception filed prior to May 11, 1981.

SECTION 4. ADOPTION.

This ordinance being necessary for the health, safety and general welfare of the people of Multnomah County, shall take effect on October 22, 1981, according to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 22nd day of September, 1981, being the date of its second reading before the Board of County Commissioners of Multnomah County.

(SEAL)

FOR THE BOARD OF COUNTY COMMISSIONERS  
OF MULTNOMAH COUNTY, OREGON

By

Gladys McCoy  
Presiding Officer

Authenticated by the County Executive on the 24th day of September, 1981.

Donald E. Clark  
DONALD E. CLARK, County Executive

APPROVED AS TO FORM:

JOHN B. LEAHY  
County Counsel for  
Multnomah County, Oregon

By

James Hensel  
Deputy County Counsel