

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 848

An Ordinance amending the definition of lot in the R-20 and R-30 residential zoning districts by providing an exemption from the lot aggregation requirement for substandard sized lots with existing houses.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings.

(A) Prior to the adoption of Ordinance 786, the County has historically interpreted a lot in the R-20 and R-30 zoning districts to be each of the individual lots over 3,000 square feet in area, irrespective of ownership, within subdivisions platted prior to the adoption of zoning laws by the County in 1956.

(B) At the same time, the County required all new land divisions within the R-20 and R-30 zoning districts to have minimum lot sizes of 20,000 and 30,000 square feet, respectively.

(C) The Board of County Commissioners considered such interpretation of a lot as inconsistent with the intent of the original zoning designation of the areas regulated by those districts. To address that inconsistency, the Board adopted Ordinance 786 to require that contiguous substandard lots under the same ownership be considered in combination to comply as nearly as possible with the minimum lot area requirements of the district.

(D) An unintended consequence of Ordinance 786 occurs in the rare situation where there is one owner of two adjacent houses located on substandard sized lots. The definition of lot will not allow to the homes to be sold separately, although they were originally constructed on legal lots.

1 (E) An exemption to the requirements of the definition of lot in the R-20 and R-30 zoning dis-
2 tricts is needed for existing houses because the primary purpose of the aggregation requirement is to
3 address the appropriateness of allowing additional houses on undersized lots, not prevent the sale of
4 existing legally built homes.

5 (E) On March 4, 1996 the Planning Commission held a public hearing. Hearings before the
6 Board of County Commissioners followed on March 21, 1996 and March 28, 1996.
7 At each of the hearings all interested persons were given an opportunity to appear and be heard.

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10 Section II. Amendment of R-30 District.

11 Multnomah County Code Chapter 11.15 is amended to read as follows:

12
13 **Single Family Residential R-30**

14 **11.15.2844 Restrictions**

15 (A) Lot Size

16 (1) The minimum lot size shall be 30,000 square feet. The minimum average lot width shall be
17 80 feet. The minimum average lot depth shall be 130 feet.

18 (2) If a lot qualifies for the exception under .2848(B), then the standards in (1) shall not apply.

19 * * *

20 **11.15.2848 Definition of Lot**

21 (A) For the purposes of this district, a lot is:

22 (1) A parcel of land:

23 (a) For which a deed or other instrument creating the parcel was recorded with the
24 Recording Section of the public office responsible for public records, or was in record-
25 able form, prior to March 10, 1994;

26 (b) Which satisfied all applicable laws when the parcel was created;

1 (c) Which satisfies the minimum lot size requirements of MCC .2844; and

2 (d) Which was not, on March 10, 1994 or later, contiguous to a substandard parcel or sub-
3 standard parcels under the same ownership, or

4 (2) A parcel of land:

5 (a) For which a deed or other instrument creating the parcel was recorded with the
6 Recording Section of the public office responsible for public records, or was in record-
7 able form, prior to March 10, 1994;

8 (b) Which satisfied all applicable laws when the parcel was created;

9 (c) Which does not meet the minimum lot size requirements of MCC .2844;

10 (d) Which satisfies the standards of MCC .2846(B); and

11 (e) Which was not, on March 10, 1994 or later, contiguous to a substandard parcel or sub-
12 standard parcels under the same ownership, or

13 (3) A group of contiguous parcels of land:

14 (a) For which a deed or deeds or other instruments creating the parcels were recorded with
15 the Recording Section of the public office responsible for public records, or was in
16 recordable form, prior to March 10, 1994;

17 (b) Which satisfied all applicable laws when the parcels were created;

18 (c) Any one of which individually does not meet the minimum lot size requirements of
19 MCC .2844, but, when considered in combination, complies as nearly as possible, or
20 exceeds, the minimum lot size requirements of MCC .2844, without creating any new lot
21 line; and

22 (d) Which were, on March 10, 1994 or later, held under the same ownership.

23 (B) Exception

24 Where two contiguous parcels of land are each developed with a single family dwelling, and
25 where one or both of the contiguous parcels do not meet the minimum lot size requirements of
26 .2844, these parcels shall remain separately transferrable and developable lots for purposes of

this district, even if they are held in common ownership. The single family dwellings shall have been lawfully established and have the following:

(1) Intact exterior walls and roof structure;

(2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sanitary waste disposal system;

(3) Interior wiring for interior lights; and

(4) A heating system.

Section III. Amendment of R-20 District.

Multnomah County Code Chapter 11.15 is amended to read as follows:

Single Family Residential R-20

11.15.2854 Restrictions

(A) Lot Size

(1) The minimum lot size shall be 20,000 square feet. The minimum average lot width shall be 80 feet. The minimum average lot depth shall be 120 feet.

(2) If a lot qualifies for the exception under .2858(B), then the standards in (1) shall not apply.

* * *

11.15.2858 Definition of Lot

(A) For the purposes of this district, a lot is:

(1) A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Recording Section of the public office responsible for public records, or was in recordable form, prior to March 10, 1994;

(b) Which satisfied all applicable laws when the parcel was created;

1 (c) Which satisfies the minimum lot size requirements of MCC .2854; and

2 (d) Which was not, on March 10, 1994 or later, contiguous to a substandard parcel or substan-
3 dard parcels under the same ownership, or

4 (2) A parcel of land:

5 (a) For which a deed or other instrument creating the parcel was recorded with the Recording
6 Section of the public office responsible for public records, or was in recordable form, prior
7 to March 10, 1994;

8 (b) Which satisfied all applicable laws when the parcel was created;

9 (c) Which does not meet the minimum lot size requirements of MCC .2854;

10 (d) Which satisfies the standards of MCC .2856(B); and

11 (e) Which was not, on March 10, 1994 or later, contiguous to a substandard parcel or substan-
12 dard parcels under the same ownership, or

13 (3) A group of contiguous parcels of land:

14 (a) For which a deed or deeds or other instruments creating the parcels were recorded with the
15 Recording Section of the public office responsible for public records, or was in recordable
16 form, prior to March 10, 1994;

17 (b) Which satisfied all applicable laws when the parcels were created;

18 (c) Any one of which individually does not meet the minimum lot size requirements of MCC
19 .2854, but, when considered in combination, complies as nearly as possible, or exceeds, the
20 minimum lot size requirements of MCC .2854, without creating any new lot line; and

21 (d) Which were, on March 10, 1994 or later, held under the same ownership.

22 (B) Exception

23 Where two contiguous parcels of land are each developed with a single family dwelling, and
24 where one or both of the contiguous parcels do not meet the minimum lot size requirements of
25 .2854, these parcels shall remain separately transferrable and developable lots for purposes of this
26 district, even if they are held in common ownership. The single family dwellings shall have been

1 lawfully established and have the following:

2 (1) Intact exterior walls and roof structure;

3 (2) Indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to a sani-
4 tary waste disposal system;

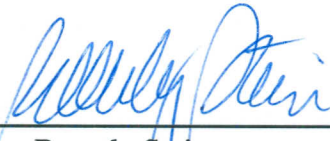
5 (3) Interior wiring for interior lights; and

6 (4) A heating system.

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9 Section IV. Adoption.


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11 ADOPTED THIS 28th day of March, 1996, being the date of its second
12 reading before the Board of County Commissioners of Multnomah County.



20 By 
21 Beverly Stein
22 Multnomah County Chair

23 REVIEWED:

24 SANDRA N. DUFFY, CHIEF ASSISTANT COUNTY COUNSEL
25 for MULTNOMAH COUNTY, OREGON

26 By 
Sandra N. Duffy