

NOTICE OF DECISION



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Application for Lot of Record Verification

Case File: T2-2025-0006

Applicant: Christine Thomas

Proposal: The applicant is requesting a Lot of Record Verification for the property identified below. A Lot of Record Verification determines if a property was lawfully established in compliance with zoning and land division laws at the time of its creation or reconfiguration and the County's aggregation requirements. No development is proposed at this time.

Location: 42641 SE Gordon Creek Rd, Corbett

Property ID # R343017

Map, Tax lot: 1S5E20C-00300

Alt. Acct. # R995200270

Base Zone: Commercial Forest Use – 4 (CFU-4)

Overlays: None

Determination: The subject property known as 1S5E20C-00300 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 Friday, March 28, 2025 at 4:00 pm.

Opportunity to Review the Record: The complete case file and all evidence associated with this application is available for review by contacting LUP-comments@multco.us. Paper copies of all documents are available at the rate of \$0.46/page.

Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted

Issued by: *Lisa Estrin*

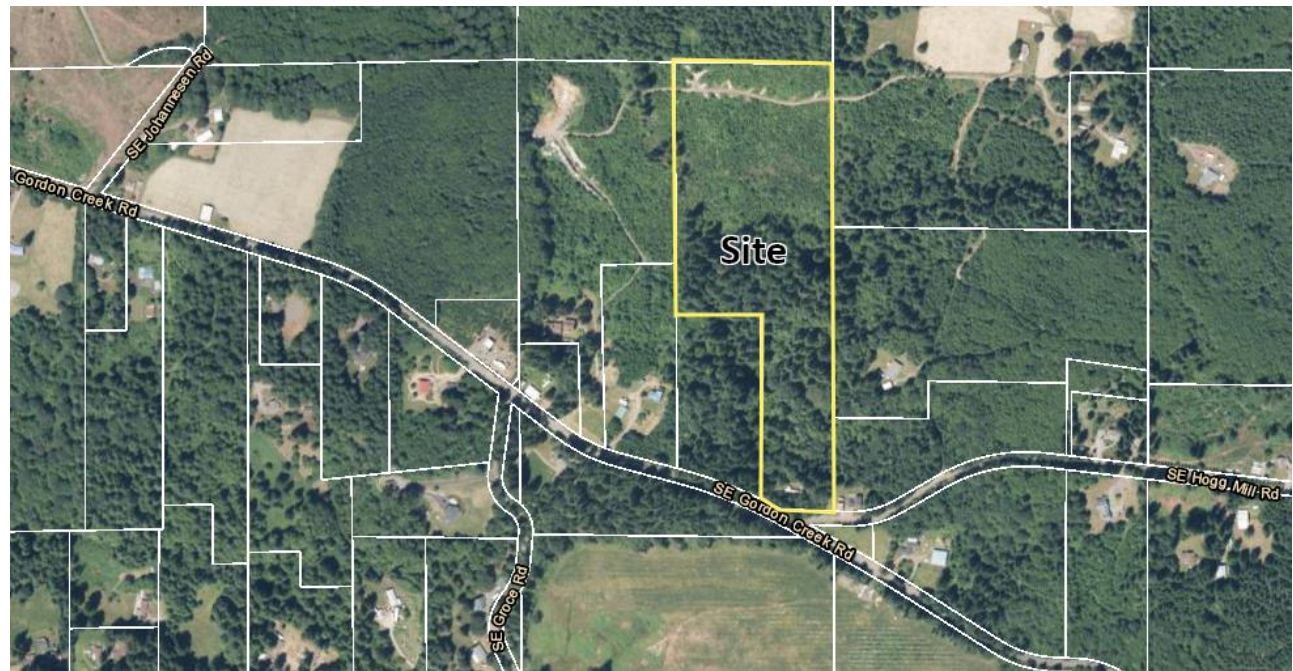
Lisa Estrin, Senior Planner

For: Megan Gibb,
Planning Director

Date: Friday, March 14, 2025

Vicinity Map

N↑



Applicable Approval Criteria:

Multnomah County Code (MCC): MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3050 Lot of Record – CFU-4 District

Copies of the referenced Multnomah County Code sections are available by visiting <https://www.multco.us/landuse/zoning-codes> under the link **Chapter 39: Multnomah County Zoning Code** or by contacting our office at (503) 988-3043.

Notice to Mortgagee, Lien Holder, Vendor, or Seller:

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

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 for the property identified as 1S5E20C-00300 (subject property). The application does not propose any new development currently.

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 reconfiguration of the parcel, lot, or unit of land satisfied all applicable zoning laws and all applicable land division laws in effect on the date of its creation or reconfiguration. In the CFU-4 zone, the County also considers adjacent ownership on February 20, 1990 in determining whether a parcel, lot, or unit of land is a Lot of Record on its own. If the parcel, lot, or unit of land met all applicable zoning laws, applicable land division laws and meets the aggregation requirements, it may be determined to be a Lot of Record.

2.0 Property Description:

Staff: The subject property is in unincorporated east Multnomah County in the area known as the East of Sandy River rural area. The property is zoned Commercial Forest Use – 4 (CFU-4) and is located outside of Metro’s Urban Growth Boundary (UGB). According to Assessment and Taxation records, the subject property is occupied by a manufactured dwelling.

3.0 Public Comment:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties pursuant to MCC 39.1105 (Exhibit C.02). Staff did not receive public comments during the 14-day comment period.

4.0 Code Compliance and Applications Criteria:

4.1 MCC 39.1250 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 or zoning review approval of development or any other approvals authorized by this code 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.

(A) A permit or other approval, including building permit applications, may be authorized if:

* * *

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, including land divisions and property line adjustments, or issue a building permit or zoning review approval. *These criteria are not applicable.*

5.0 Lot of Record Criteria:

5.1 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.

(1) “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.

(2) “Satisfied all applicable land division laws” shall mean the parcel or lot was created:

(a) By a subdivision plat under the applicable subdivision requirements in effect at the time; or

(b) 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

(c) 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 meet MCC 39.3005(B) of this section and meet the Lot of Record standards set forth in the CFU-4 zoning district. More specifically, section (B) above requires demonstration that the subject property (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws. The Lot of Record standards set forth in the CFU-4 district establish additional requirements unique to the district, which are evaluated in Sections 5.2 of this decision. The findings below analyze whether the Lot of Record provisions in section (B) have been met.

The applicant provided three (3) deeds to support the Lot of Record request (Exhibit A.2 – A.4). Planning staff added additional records and deed to the record to verify the date of creation or reconfiguration for the subject property (Exhibits B.3 through B.5). The subject property was reconfigured into its current configuration in October, 1974 (Exhibit B.5) when the area currently contained in tax lot 1S5E20C-00700 was divided out of the subject property (tax lot 1S5E20C-00300). The subject property was a remainder piece with no separate deed recorded to establish a new legal description. On October 11, 1974 (Exhibit B.5), the area was zoned F-2 (Exhibit B.7 & B.8) per historical County zoning maps.

The F-2 zone had a minimum lot size of 2 acres. There was no requirement for road frontage or minimum front lot line length or lot width requirements.

The subject property is 21.99 acres (including ½ of the public right-of-way), abuts SE Gordon Creek Rd and SE Hogg Mill Rd (public roads), and has a front lot line length of approximately 318 feet (Exhibit B.2). The applicant provided a current deed for the subject property (Exhibit A.4) that contains a legal description that matches the recorded May 1968 legal description, as it is a remainder piece that has not had its legal description updated to reflect the actual metes and bounds legal description (Exhibit A.3 and A.4) of its boundaries. Staff recommends in the future when the property is sold, its legal description be updated reflect the actual boundaries of tax lot 1D5E20C-00300.

The subject property complied with all applicable zoning laws at the time of its creation or reconfiguration.

In 1974, the process to create or divide a parcel 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 1974 deed dividing tax lot 1S5E20C-00700 from the subject property (1S5E20C-00300) the applicable land division laws were satisfied (Exhibit B.5).

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1974.

5.2 MCC 39.3050 LOT OF RECORD – COMMERCIAL FOREST USE-4 (CFU-4).

(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU-4 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.

1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

3. Three examples of how parcels and lots shall be aggregated are shown in MCC 39.3070 Figure 1 with the solid thick line outlining individual Lots of Record:

4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception, urban, or Columbia River Gorge National Scenic Area zones (e.g. MUA-20, RR, SRC, R-10, GGA-40), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

(4) Exceptions to the standards of (A)(2) above:

(a) Where two contiguous parcels or lots are each developed with a lawfully established habitable dwelling, the parcels or lots shall be Lots of Record that remain separately transferable, even if they were held in the same ownership on February 20, 1990.

(b) Where approval for a “Lot of Exception” or a parcel smaller than 19 acres under the “Lot Size for Conditional Uses” provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

(c) Disaggregation of a Lot of Record for consideration of a new template or heritage tract dwelling may be allowed subject to the standards in (E) below.

Staff: The subject property is 21.99 acres in size. Planning staff reviewed the adjacent properties to see if there were any under 19 acres in size owned by the same property owner on February 20, 1990.

Alt Acct #	1989 Prop Owners	1990 Prop Owners	Comments
R995200030	David & Marie Thomas	David & Marie Thomas	40 acres
R995200090	Everett & Dorothy Nordin	Everett & Dorothy Nordin	19.73 acres
R995200100	Bernard & Ruth Younker	Bernard & Ruth Younker	40 acres
R995200160	Allan, Ruth, James & Ardis Baker, Frank & Catherine Dunlap	Allan, Ruth, James & Ardis Baker, Frank & Catherine Dunlap	34.36 acres
R995020170	Ralph & Mary Bowman Jr.	Ralph & Mary Bowman Jr.	8.49 acres
R995200250	Carl Anderson	Carl Anderson	0.40 acre
R995200260	Timothy & Debra Baker	Timothy & Debra Baker	17.63 acres
R995200270	Frank & Catherine Dunlap	Frank & Catherine Dunlap	20.53 acres

On February 20, 1990, the Dunlaps owned the subject property and a portion of tax lot 1S5E20C-00200 (TL 200). TL 200 is over 34 acres and is not required to be aggregated with the subject property as it is also over 19 acres in size. The subject property, 1S5E20C-00300 meets the requirements under MCC 39.3050(A)(1).

(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, F-2 minimum lot size increased, Ord. 115 & 116;
- (3) October 6, 1977, MUF-20 and CFU-38 zones applied, Ord. 148 & 149;
- (4) August 14, 1980, MUF-19 & 38 and CFU-80 zones applied, Ord. 236 & 238;
- (5) February 20, 1990, Lot of Record definition amended, Ord. 643;
- (6) January 7, 1993, MUF-19 & 38 zones changed to CFU-80, Ord. 743 & 745;
- (7) August 8, 1998, CFU-4 zone applied, Ord. 916 (reenacted by Ord. 997);
- (8) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997.

Staff: Section (B) is for information purposes.

(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 39.4135, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: The subject property has less than the 80-acre minimum lot size for new parcels or lots in the CFU-4 zone and is subject to (C) above. It may be occupied by any allowed, review or conditional use when in compliance with the other requirements of this district provided it remains a Lot of Record. *Criterion met.*

(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: As discussed above under section 5.1, the subject property is not an area of land described as a tax lot solely for assessment and taxation purposes. The subject property is not an area of land created by the foreclosure of a security interest, mortgage lot, or created by court decree. *Criterion met.*

(E) Disaggregation of Lots of Record existing on or before August 8, 1998, being the effective date of Ordinance 916.

* * *

Staff: The subject property is not aggregated with any adjacent property as discussed under (A)(1) through (A)(4) above. Code is not applicable.

Based on the findings in 5.1 & 5.2 above, the subject property is a single Lot of Record.

6.0 Exhibits

- ‘A’ Applicant’s Exhibits
- ‘B’ Staff Exhibits
- ‘C’ Procedural Exhibits

All exhibits are available for digital review by sending a request to LUP-comments@multco.us.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	2	Application Form	2/13/2025
A.2	1	Quitclaim Deed signed May 31, 1955 [Much Larger Property]	2/13/2025
A.3	2	Deed recorded in B618, Pgs. 1486 & 1487 on May 13, 1968 [Tax Lots 1S5E20C-00300 & -00700]	2/13/2025
A.4	1	Bargain and Sale Deed recorded on January 12, 2005 Instrument # 2005-006200 [Tax Lots 1S5E20C-00300 & -00700]	2/13/2025
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S5E20C-00300 (Alt Acct# R995200270/ Property ID#R343017)	2/13/2025
B.2	1	Current Tax Map for 1S5E20C	2/14/2025
B.3	3	Parcel Record Card for R995200270	2/14/2025
B.4	5	Parcel Record Card for R995200300	2/14/2025
B.5	2	Warranty Deed recorded on October 11, 1974 in B1011, Pgs. 622 & 623 [Tax lot 1S5E20C-00700 – Deed creating TL 300]	2/14/2025
B.6	2	Assessment & Taxation Property Information Manufactured Dwelling	2/14/2025
B.7	1	1962 Zoning Map for 1S5E20C	2/14/2025
B.8	1	October 5, 1977 Zoning Map for 1S5E20C	2/14/2025
B.9	2	Zoning Districts effective 5.17.1974	2/14/2025
B.10	1	Agricultural Districts (F-2) eff. 5.17.1974	2/14/2025
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	2/19/2025
C.2	2	Opportunity to Comment	2/21/2025
C.3	7	Decision	3/14/2025