

NOTICE OF DECISION



www.multco.us/landuse ▪ Email: land.use.planning@multco.us ▪ Phone: (503) 988-3043

Application for Lot of Record Verification

Case File: T2-2025-0029

Applicant: Joseph Bashaw

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: 2016 SE Henkle Rd, Corbett

Property ID # R341291 & R341307

Map, Tax lot: 1S4E04DC-00300 &
1S4E04DB-00900

Alt. Acct. # R994040290 & R994040480

Base Zone: Exclusive Farm Use (EFU)

Overlays: None

Determination: The subject property known as 1S4E04DC-00300 & 1S4E04DB-00900 (combined) is a single 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, January 2, 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 \$0.71/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, December 19, 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 39.3070 Lot of Record – Exclusive Farm Use (EFU)

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 1S4E04DC-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 EFU 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 Exclusive Farm Use (EFU) and is located outside of Metro’s Urban Growth Boundary (UGB). According to Assessment and Taxation records, the subject property is occupied by a single-family dwelling with attached garage and an outbuilding.

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.4). No public comments were received 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

(d) By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

(e) “Satisfied all applicable land division laws” shall also mean that any subsequent boundary reconfiguration completed on or after December 28, 1993 was approved under the property line adjustment provisions of the land division code. (See Date of Creation and Existence for the effect of property line adjustments on qualifying a Lot of Record for the siting of a dwelling in the EFU and CFU districts.)

*** * ***

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 Exclusive Farm Use (EFU) 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 EFU 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 four (4) deed(s) and one (1) contract to support the Lot of Record request (Exhibit A.6.a through e.). The contract (Exhibit A.6.e.) contains a legal description matching the current configuration of the subject property (tax lots 1S4E04DC-00300 & 1S4E04DB-00900 combined). In June, 1981, the subject property was zoned Multiple Use Agriculture per historical County zoning maps (Exhibit B.8).

The Multiple Use Agriculture - 20 zone had a minimum lot size of 20 acres (Exhibit B.10) with a minimum front lot line length of 50 feet, and was required to abut a public street or have other

access determined to be safe and convenient for pedestrians and for passengers and emergency vehicles.

The subject property, consisting of both tax lots 1S4E04DC-00300 & 1S4E04DB-00900 combined, is 18.95 acres (including ½ of the public right-of-way), abuts SE Henkle Road and SE Stevens Road (both are public roads), and has a front lot line length of 519.56 feet (along SE Stevens right-of-way) (Exhibit B.4). The applicant provided the most current deed (Exhibit A.6.a) for the subject property that contains a legal description that is consistent with the two tax lots combined (Exhibit B.4). Planning staff identified an Exempt Minor Partition approval from 1979 (Exhibit B.7) that granted approval of the parent parcel and granted approval for dividing off tax lot 1S4E04DC-00200 from the parent parcel. A Contract was then recorded in 1981 finalizing the division (Exhibit A.6.e). From the deed record (Exhibit A.6), no new deed was recorded at the time for the subject property, which made it a remainder parcel. Based upon the exempt minor partition approval, staff finds that the subject property met the zoning requirements at its creation in 1981.

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

In 1979 & 1980, the process to divide a property into three or less parcels required the review and approval of a land division plan. As discussed above, planning staff found an Exempt Minor Partition review and approval of the preliminary partition stamped and signed on August 14, 1979. To complete the approved land division, new metes and bounds descriptions needed to be recorded. The recordation of the contract with a new legal description was recorded in June 1981 met the requirements for completion of an exempt minor partition approval.

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1981.

5.2 MCC 39.3070 LOT OF RECORD – EXCLUSIVE FARM USE (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.

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 Figure 1 below 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 or urban zones (e.g., MUA-20, RR, RC, SRC, BRC, R-10), 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) Exception to the standards of (A)(2) above:

(a) 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.

Staff: The subject property (tax lots 1S4E04DC-00300 & 1S4E04DB-00900 combined) is 18.95 acres and was owned by GF & Phyllis Hager on February 20, 1990. Planning staff reviewed the 1989 and 1990 ownership of adjacent properties that are zoned EFU & CFU to see if any were owned by the Hagers’. No other property shared common ownership as of February 20, 1990. The subject property meets MCC 39.3070(A)(1). The current legal description describes a single parcel consisting on the areas contained in tax lots 1S4E04DC-00300 & 1S4E04DB-00900. If in the future, it was determined that the single legal description describes two separate units of land, the areas of land contained in the two tax lots would aggregate and have to remain in the same ownership pursuant to MCC 39.3070(A)(2). Based upon the legal description (Exhibit A.6.a) and the exempt minor partition (Exhibit B.7) and the survey (Exhibit B.11), the two tax lots 1S4E04DC-00300 & 1S4E04DB-00900 are actually a single parcel.

Alternative Acct #	1989 Ownership	1990 Ownership
R994040290 & R994040480	GF & Phyllis Hager GF & Phyllis Hager	GF & Phyllis Hager GF & Phyllis Hager
R994041300	Gary & Jeanne Tyler	Gary Jeanne Tyler
R994041220	Michael & Gail O’Neil	Harry Baker
R994041140	Gerald & Jean Murray	Michelle & Alan Abramson
R994040880	Portland General Electric	Portland General Electric
R994040270	Harley Hannan	Harley Hannan
R649726040 (R994090020)	Alice Rasmussen & Ann O’Neill	Alice Rasmussen & Ann O’Neill

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

* * *

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 39.4260 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 EFU 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 consists of the two tax lots 1S4E04DC-00300 & 1S4E04DB-00900 combined and is not an area of land described 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.*

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	6/17/2025
A.2	33	Miscellaneous Materials a. Septic Review Certificate – 8 pgs. b. Code Narrative – 6 pgs. c. Addition Plans – 14 pgs. d. Site Plan – 1 pg. e. Minimal Impact Project Worksheet – 1 pg. f. Fire Service Agency Review Form – 3 pgs.	6/17/2025
A.3	2	Modified Application Form	7/16/2025
A.4	1	Applicant Response Letter	7/16/2025
A.5	7	Title Plan Records Report	7/16/2025
A.6	10	Deeds a. Bargain & Sale Deed recorded 01/27/2017 Instrument #2017-011476 – 2 pgs. [Grantee: David Gorman] b. Bargain& Sale Deed recorded 09/18/2013 Instrument # 2013-126642 – 2 pgs. [Grantee: David Gorman] c. Warranty Deed recorded 5/23/1995 Instrument # 95-60695 – 2 pgs [Grantee: David Gorman] d. Bargain & Sale Deed recorded 8/09/1990 B2331, P. 255 – 1 pg. [Grantee: George Hager Family Trust] e. Contract recorded 6/02/1981 B.1527 P.1611 – 3 pgs. [Selling tax lot 1S4E04DC Grantors: Hagers, Grantee: Montgomery]	7/18/2025

‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E04DC-00300 (Alt Acct# R994040290 / Property ID# R341291)	9/23/2025
B.2		Assessment and Taxation Property Information for 1S4E04DB-00900 (Alt Acct# R994040480 / Property ID# R341307)	9/23/2025
B.3	1	Current Tax Map for 1S4E04DB	9/23/2025
B.4	1	Current Tax Map for 1S4E04DC	9/23/2025
B.5	5	Parcel Record Card – R994040290	12/11/2025
B.6	4	Parcel Record Card – R994040480	12/11/2025
B.7	3	Exempt Minor Partition	12/11/2025
B.8	1	October 6, 1977 Zoning Map – 1S4E04 (MUA-20)	12/11/2025
B.9	1	August 14, 1980 Zoning Map – 1S4E04 (EFU)	12/11/2025
B.10	6	MUA-20 Zoning Regulations dated 3.06.1979	12/11/2025
B.11	1	Survey 43523	12/11/2025
‘C’	#	Administration & Procedures	Date
C.1	2	Incomplete letter	7/15/2025
C.2	1	Applicant’s acceptance of 180-day clock	7/16/2025
C.3	1	Complete letter (day 1)	7/21/2025
C.4	2	Opportunity to Comment	7/25/2025
C.5	8	Decision	12/19/2025