

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: T2-2025-0032

Applicant: Todd Mickalson

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

Location: 33930 E. Hist. Columbia Hwy, Corbett

Property ID # R322532 & R322588

Map, Tax lot: 1N4E33DD – 00200 &
1N4E33DD-01500

Alt. Acct. # R944330400 & R944331030

Base Zone: Multiple Use Agriculture - 20 (MUA-20)

Overlays: None

Determination: The subject properties known as 1N4E33DD – 00200 & 1N4E33DD-01500 are not **Lots of Record in their current configuration. Once they are consolidated into a single unit of land, the unit of land will be a Lot of Record.**

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Tuesday, January 13, 2026 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

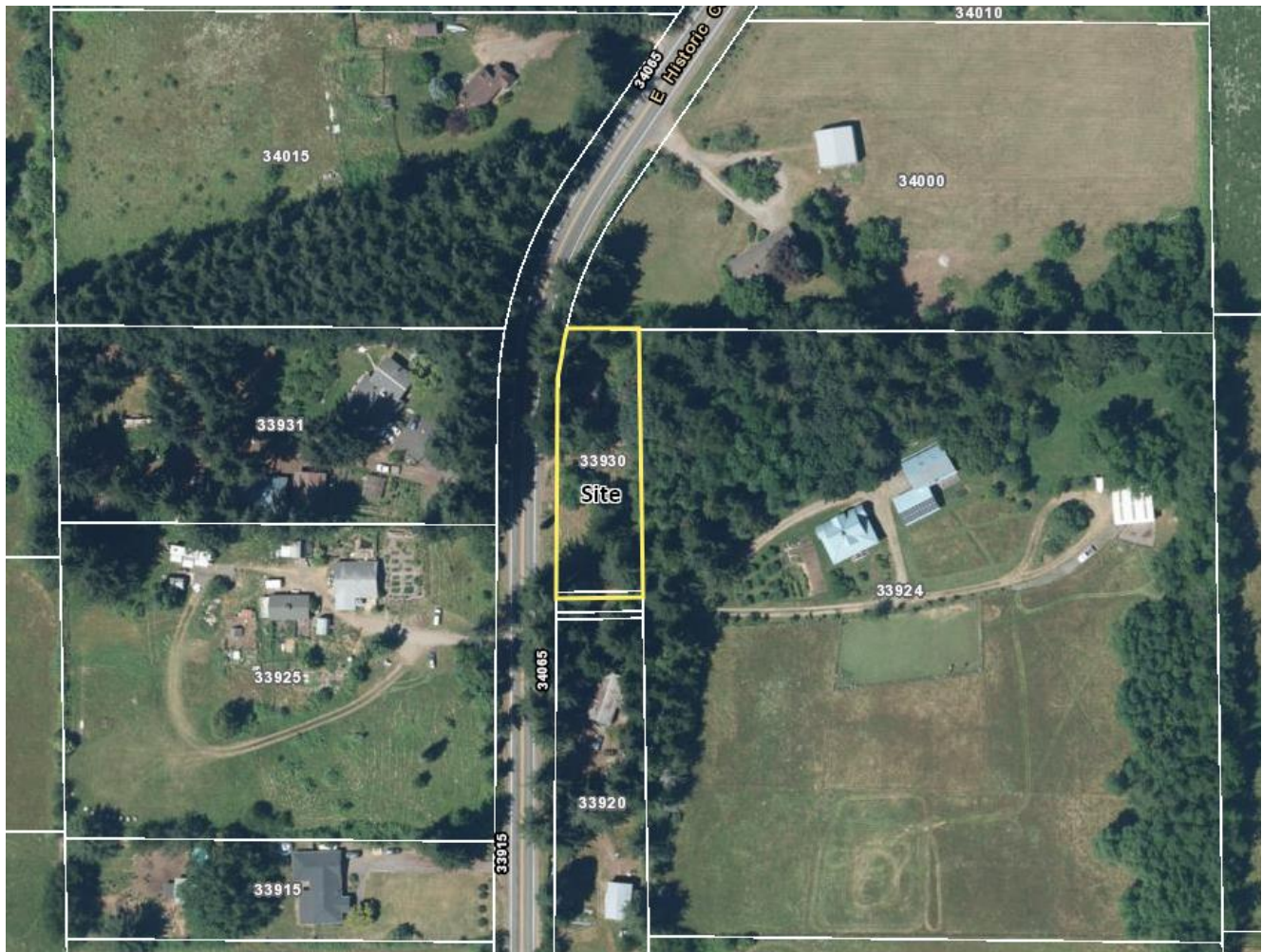
For:

Megan Gibb,
Planning Director

Date:

Tuesday, December 30, 2025

Vicinity Map



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 39.3080 Lot of Record – MUA-20

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.

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.

1. For the subject properties to be a single Lot of Record, the property owner shall apply for a Lot Consolidation application with Land Use Planning to combine tax lots 1N4E33DD – 00200 & 1N4E33DD-01500 into a single unit of land. After approval of the Lot Consolidation and the new legal description is recorded combining the two areas of land into a single parcel in accordance with the Type I permit, the newly created parcel will be a Lot of Record.

a. Consolidation of tax lots through Assessment & Taxation will not create a legal parcel.

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 two tax lots identified as 1N4E33DD – 00200 & 1N4E33DD-01500 (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.

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 Multiple Use Agriculture – 20 (MUA-20) and is located outside of Metro’s Urban Growth Boundary (UGB). According to Assessment and Taxation records, tax lot 1N4E33DD-00200 is occupied by a single-family dwelling and shed and is 29,217 sq. ft. in size. Assessment & Taxation records indicate that tax lot 1N4E33DD-01500 is vacant and only 600 sq. ft. in size.

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.2). 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

*** * ***

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 MUA-20 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 applicant provided eleven (11) deeds to support the Lot of Record request (Exhibit A.2 through A.9, and A.13). The deed records show that tax lot 1N4E33DD – 00200 was reconfigured in 1960 (Exhibit B.4 & A.9). In 1976, tax lot 1N4E33DD-01500 was divided off along with an area of land currently contained in tax lot 1N4E33DD-01400. In September 1976, both tax lots were zoned F-2 (Exhibit B.7). based on the historical zoning map.

Starting in December 1975, the F-2 zone was altered to a multiplier lot size starting at 2 acres and increasing to 38 acres based on lot characteristics. The F-2 zone required a minimum front lot line of 50-ft adjacent to a public street or have other access determined to be safe and convenient for pedestrians and for passengers and emergency vehicles. Neither tax lot met the 2-acre minimum lot size.

Tax lot is 29,217 sq. ft (0.67 of an acre) (including ½ of the public right-of-way), abuts the Historic Columbia River Hwy (a public road), and has a front lot line length of approximately 280-feet (Exhibit B.3). Tax lot 1N4E33DD-01500 is a mere 696 sq. ft and has a front lot line length of 6-ft. Neither tax lot 1N4E33DD – 00200 or 1N4E33DD-01500 met the minimum lot size for the F-2 zone in 1976.

Tax lots 1N4E33DD – 00200 and 1N4E33DD-01500 did not comply with all applicable zoning laws at the time of their creation or reconfiguration.

In 1976, 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 Exhibit A.6, tax lot 1N4E33DD-01500 met the applicable land division laws at the time of their reconfiguration. Tax lot 1N4E33DD – 00200 was reconfigured as it was the parent parcel in 1976.

Based upon the above, the two tax lots satisfied land division laws when it was created or reconfigured in 1976. Unfortunately, the two tax lots did not meet the required zoning at the time. The two areas of land contained in the two tax lots will need to be aggregated to be lawfully created. A condition of approval has been included to require a Lot Consolidation application be approved and the two areas of land combined into a single parcel if a Lot of Record is desired.

5.2 MCC 39.3080 - LOT OF RECORD – MULTIPLE USE AGRICULTURE-20 (MUA-20).

(A) In addition to the standards in MCC 39.3005, for the purposes of the MUA-20 district the significant dates and ordinances for verifying zoning compliance may include, but are not limited to, the following:

* * *

Staff: Section (A) is for information purposes.

(B) A Lot of Record which has less than the minimum lot size for new parcels or lots, less than the front lot line minimums required, or which does not meet the access requirement of MCC 39.4345, may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: Once the two tax lots are combined into a single unit of land, the newly created unit of land will remain below the 20-acre minimum lot size for new parcels or lots in the MUA-20 zone and will be subject to (B) above. *Criterion met.*

(C) Except as otherwise provided by MCC 39.4330, 39.4335, and 39.5300 through 39.5350, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.

Staff: Subsection (C) is for informational purposes. The property owner is not proposing to convey any portion of the lot at this time. *Criterion met.*

(D) The following shall not be deemed to be 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) An area of land created by court decree.**

Staff: Once the two tax lots are combined into a single unit of land, the newly created unit of land will not be an area of land described as a tax lot solely for assessment and taxation purposes. The subject unit of land will not be an area of land created by the foreclosure of a security interest or created by court decree. *As conditioned, criterion will be met.*

Based on the findings in 5.1 & 5.2 above and the condition of approval, once consolidated into a single unit of land, the subject property will be 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	T2-2025-0032 Application Form	8/4/2025
A.2	3	Bargain & Sale Deed recorded February 27, 2025 Instrument #2025-010988	8/4/2025
A.3	2	Bargain & Sale Deed recorded July 26, 2018 Instrument # 2018-078391	8/4/2025
A.4	1	Personal Representative's Deed recorded February 25, 2003 Instrument #2003-043146	8/4/2025
A.5	2	Personal Representative's Deed recorded November 12, 1998 Instrument #98206160	8/4/2025
A.6	2	Personal Representative's Deed recorded November 12, 1998 Instrument #98206159	8/4/2025
A.7	2	Bargain & Sale Deed recorded April 13, 1982 B1589, P406 & 407	8/4/2025
A.8	1	Warranty Deed recorded September 10, 1976 B1126, P779	8/4/2025
A.9	1	Deed Creating Estate in the Entirety recorded April 4, 1960	8/4/2025
A.10	1	Letter of Authorization	8/4/2025
A.11	1	Narrative	8/4/2025
A.12	1	Assessor's Map for 1N4E33DD-00200	8/4/2025
A.13	1	Warranty Deed recordable form May 27, 1930 B178, P143	8/4/2025
A.14	2	Deed recorded July 12, 1911 B547, P174	8/4/2025
A.15	3	Assessment & Taxation Property Detail for 1N4E33DD-00200 dated 7.1.2025	8/4/2025
A.16	17	Lawyers Title Preliminary Report dated June 27, 2025	8/4/2025
'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1N4E33DD-00200 (Alt Acct# R944330400 / Property ID# R322532)	8/4/2025
B.2	1	Assessment and Taxation Property Information for 1N4E33DD-01500 (Alt Acct# R944331030 / Property ID# R322588)	8/29/2025
B.3	1	Current Tax Map for 1N4E33DD	12/22/2025
B.4	6	Parcel Record Card – R944330400	12/22/2025
B.5	3	Parcel Record Card – R944331030	12/22/2025
B.6	3	Parcel Record Card – R944331160	12/22/2025

B.7	1	Oct. 5, 1977 Zoning Map (F-2)	12/22/2025
B.8	1	Oct. 6, 1977 Zoning Map (MUA-20)	12/22/2025
B.9	18	1975-12-9 Zoning Ordinance 115	12/22/2025
‘C’	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	8/29/2025
C.2	2	Opportunity to Comment	10/28/2025
C.3	7	Decision	12/30/2025