

NOTICE OF DECISION



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Application for Lot of Record Verification

Case File: T2-2025-0043

Applicant: Dale Burkholder

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: 4018 SE 322nd Ave., Troutdale
Map, Tax lot: 1S4E09C-00200

Property ID # R341668
Alt. Acct. # R994090420

Base Zone: Exclusive Farm Use (EFU)

Overlays: None

Determination: The subject property known as 1S4E09C-00200 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 April 1, 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:

Natalie Olivier

Natalie Olivier, Planner

For: Megan Gibb,
Planning Director

Date: March 18, 2026

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 1S4E09C-00200 (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 West 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 a shed and carport.

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). 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

(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 Section 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) deed(s) to support the Lot of Record request (Exhibit A.8). The earliest deed provided was recorded/in recordable form in 1975 and contains a legal description matching the current configuration of the subject property (Exhibit A.8.c). In 1975, the subject property was zoned F-2 per historical County zoning maps (Exhibit B.3).

The F-2 zone had a minimum lot size of 2.00 acres (Exhibit B.5). There was no requirement for road frontage or minimum front lot line length or lot width requirements.

The subject property is 2.00 acres including ½ of the public right-of-way (Exhibit B.2). The applicant provided a current deed for the subject property that contains a legal description that matches the recorded 1975 legal description (Exhibit A.8.a and A.8.c).

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

In 1975, 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 1975 deed, the applicable land division laws were satisfied (Exhibit A.8.c).

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1975.

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.**

* * *

(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:

* * *

Staff: The subject property, 1S4E09C-00200 is 2.00 acres and was owned by Goodman Charles J & Sharon S 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 Goodman Charles J & Sharon S. No other property shared common ownership as of February 20, 1990. The subject property meets MCC 39.3070(A)(1).

Map, Tax lot	Alternative Acct #	Property Size	1989 Ownership	1990 Ownership
1S4E09C -00200	R994090420 (Subject Property)	2 acres	Goodman Charles J & Sharon S	Goodman Charles J & Sharon S
1S4E09 -00200	R994090470	71.82 acres	Nelson, Glenn & Alice = Reedwood Extended Care Cntr	Reedwood Extended Care Center
1S4E09C -00100	R994090510	20.46 acres	Nelson, Glenn & Alice = Reedwood Extended Care Cntr	Nelson, Glenn L & Alice R
1S4E08DD -00100	R751708160	9.81 acres	Thurston, Joan S	Thurston, Joan S
1S4E09C -00300	R994090110	19.85 acres	Reedwood Extended Care Center Corp	Reedwood Extended Care Center Corp

(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 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 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.*

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	3	Application Form	09/02/2025
A.2	1	Statement	09/02/2025
A.3	3	Purchase Agreement	09/02/2025
A.4	5	Historical Zoning Maps	09/02/2025
A.5	3	Tax Report	09/02/2025
A.6	3	Modified Application Form	09/02/2025
A.7	2	Additional Historical Zoning Maps	10/03/2025

A.8	7	Deeds a. Warranty Deed recorded 09/03/2025; Recording No. 2025-056153 [Grantee: Cassidy Winters] b. Bargain and Sale Deed recorded 08/13/1998; Recording No. 98144316 [Grantee: Sharon Sue Goodman] c. Warranty Deed recorded 11/25/1975; Recording No. 56857 [Grantee: Charles J. Goodman and Sharon S. Goodman]	10/03/2025
'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E09C-00200 (Alt Acct# R994090420/ Property ID# R341668)	02/04/2026
B.2	1	Current Tax Map for 1S4E09C-00200	02/04/2026
B.3	1	October 5, 1977 Zoning Map	02/04/2026
B.4	41	3.0 Residential Districts Regulations adopted May 17, 1974	02/04/2026
B.5	2	2.0 Districts Zoning Regulations adopted May 17, 1974	02/04/2026
'C'	#	Administration & Procedures	Date
C.1	2	Incomplete letter	10/01/2025
C.2	1	Applicant's acceptance of 180-day clock	10/02/2025
C.3	1	Complete letter (day 1)	11/21/2025
C.4	3	Opportunity to Comment	01/26/2026
C.5	7	Decision	03/18/2026