

# NOTICE OF DECISION



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## Application for Lot of Record Verification

**Case File:** T2-2025-0052

**Applicant:** Allen Nicks

**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. No development is proposed at this time.

**Location:** Property east of 32847 E. Hist. Columbia River      **Property ID #** R341311  
Hwy, Corbett

**Map, Tax lot:** 1S4E04BA-00300      **Alt. Acct. #** R994040530

**Base Zone:** Springdale Rural Center (SRC)

**Overlays:** None

**Determination:** The subject property known as 1S4E04BA-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 February 3, 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](mailto: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](http://www.multco.us/landuse/application-materials-and-forms). Email the completed appeal form to [LUP-submittals@multco.us](mailto: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:**

January 20, 2026

## 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 39.3110 Lot of Record – Springdale Rural Center (SRC)

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 1S4E04BA-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.

### 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 Springdale Rural Center (SRC) and is located outside of Metro’s Urban Growth Boundary (UGB). According to Assessment and Taxation records, the subject property is occupied by 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.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**

\* \* \*

**(3) Separate Lots of Record shall be recognized and may be partitioned congruent with an “acknowledged unincorporated community” boundary which intersects a Lot of Record.**

- (a) Partitioning of the Lot of Record along the boundary shall require review and approval under the provisions of the land division part of this Chapter, but not be subject to the minimum area and access requirements of this district.**
- (b) An “acknowledged unincorporated community boundary” is one that has been established pursuant to OAR Chapter 660, Division 22.**

**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 Springdale Rural Center (SRC) 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 five deed(s) to support the Lot of Record request (Exhibit A.4 through A.8). The earliest deed provided from 1946 does not describe the subject property (Exhibit A.7). The first deed to describe the subject property in the record is from June, 1975 (Exhibit A.6). Review of County tax records (Exhibit B.3) show the subject property was created as a remainder parcel when a 1951 division occurred dividing off 2.17+/- acres from the parent parcel leaving 1.91+/- acres (subject property). The County did not have zoning at this time. The County implemented an Interim Zoning Code in 1953.

The subject property is approximately 1.91+/- acres (including 1/2 of the public right-of-way), abuts the Historic Columbia River Hwy (a public road), and has a front lot line length of approximately 415.47 feet (Exhibit B.2). The applicant provided a copy of the most recent deed for the subject property from 2021 that contains a legal description that matches the recorded 1975 legal description (Exhibit A.8 and A.6) and the unit of land created in 1950 (Exhibit B.2).

The subject property is located with the Springdale Rural Center (SRC) which is an acknowledged unincorporated community. The entire property is zoned SRC, hence MCC 39.3005(A)(3) does not allow the subject property to be divided.

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

In 1951, the process to create or divide a parcel required a deed signed by the property owner or a 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 describing the subject property, the applicable land division laws were satisfied (Exhibit A.6).

*Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created or reconfigured in 1951.*

## **5.2 § 39.3110 LOT OF RECORD – ... SPRINGDALE RURAL CENTER (SRC).**

**(A) In addition to the standards in MCC 39.3005, for the purposes of the BRC 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 39.4495, 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 meets the minimum 1-acre lot size for a new parcel in the SRC zone. It exceeds the minimum 50-ft front lot line length and fronts onto a public street. It may be occupied by any allowed use, review use or conditional use when in compliance with the requirements of the district. *Criteria met.*

**(C) Except as otherwise provided by MCC 39.4480, 39.4485, 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:** 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 or created by court decree. *Criteria 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](mailto:LUP-comments@multco.us).

<b>Exhibit #</b>	<b># of Pages</b>	<b>Description of Exhibit</b>	<b>Date Received / Submitted</b>
A.1	2	Application Form	9/25/2025
A.2	4	Lot Book Service dated September 10, 2025	9/25/2025
A.3	1	Site Plan	9/25/2025
A.4	2	Quitclaim Deed recorded November 13, 2012 Instrument # 2012-146503	9/25/2025
A.5	2	Bargain & Sale Deed recorded November 14, 1990 B.2361, P.1692	9/25/2025
A.6	2	Warranty Deed recorded June 18, 1975 B.1046, P.1548	9/25/2025
A.7	1	Warranty Deed recordable form November, 1946 B.1124, P.169	9/25/2025
A.8	2	Bargain & Sale Deed recorded September 02, 2021 Instrument #2021-134248	9/25/2025
<b>'B'</b>	<b>#</b>	<b>Staff Exhibits</b>	<b>Date</b>
B.1	2	Assessment and Taxation Property Information for 1S4E04BA-00300 (Alt Acct# R994040530/ Property ID# R341311)	9/25/2025
B.2	1	Current Tax Map for 1S4E04BA	10/21/2025
B.3	4	Parcel Record Card for R994040530	10/23/2025
<b>'C'</b>	<b>#</b>	<b>Administration &amp; Procedures</b>	<b>Date</b>
C.1	1	Complete letter (day 1)	10/23/2025
C.2	2	Opportunity to Comment	10/28/2025
C.3	6	Decision	1/20/2026