

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: T2-2026-0003

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. No development is proposed at this time.

Location: 1731 SE Henkle Rd., Corbett and adjacent vacant lot to the North

Property ID # R341288/ R341339

Map, Tax lot: 1S4E04CA -00300, -00400

Alt. Acct. # R994040260/
R994040840

Base Zone: Multiple Use Agriculture (MUA-20)

Overlays: None

Determination: The subject properties (1S4E04CA -00300 and -00400) comprise a single lot of record.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is July 10, 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.

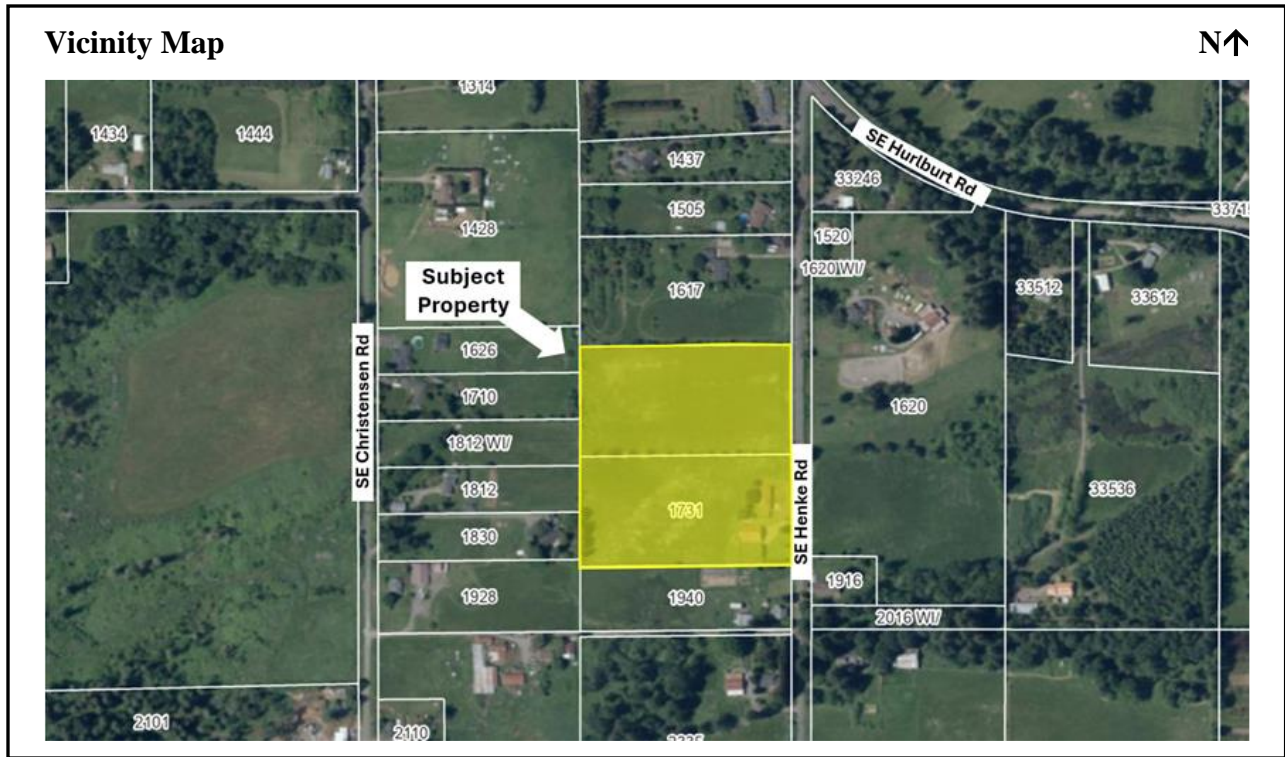
Opportunity to Appeal: The appeal form is available at www.multco.us/landuse/application-materials-and-forms. Email the completed appeal form to LUP-submittals@multco.us. An appeal requires a \$250.00 fee and must state the specific legal grounds on which it is based. This decision is not appealable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

Issued by: _____

Anna Shank-Root, Planner

For: Megan Gibb,
Planning Director

Date: June 26, 2026



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 – Multiple Use Agriculture – 20 (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.

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 Map 1S4E04CA Tax Lots 300 and 400 (subject properties). The application does not propose any new development.

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, R994040840 contains a single-family dwelling and a farm building, and R994040260 is vacant.

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). Staff received one (1) public comment during the 14-day comment period. During review of the application after the Opportunity to Comment notice was mailed, staff informed the applicant that it appeared that the lawful configuration of the subject property included R994040840, which had not been included in the original application request. The applicant opted to add R994040840 to the Lot of Record Verification request, and as a result, a second Opportunity to Comment notice was mailed on June 4, 2026 (Exhibit C.3). No comments were received in response to the second notice.

3.1 **Susanne Tisdall, property owner located at 1520 SE Henkle Rd, provided email comments on Wednesday, March 25th, 2026. (Exhibit D.1)**

Staff: The property owner shared opposition to any land use decision which might encourage new housing. They prefer that the surrounding properties remain agricultural in use. This application is not for a change in use of the subject property and does not propose any housing.

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 Multiple Use Agriculture – 20 (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 subject tax lots are described in their current deed by a single legal description (Exhibit A.10). The parcel record card for R994040260 (Exhibit B.5) indicates that the subject property was first created in its current configuration as a remainder parcel when 6.72 acres were divided out to create R994040830 (1617 SE Henkle) by Book 2205, Page 247 (Exhibit B.7), and the resulting parcel (subject tax lots) was described by Book 20, Page 331 (Exhibit A.9). While R994040840 was created as a new tax lot due to the recording of a Mortgage Deed in 1964 (Book 23, Page 299 – Exhibit B.5), MCC 39.3080(D) indicates that neither mortgage lots nor tax lots shall be considered separate Lots of Record, and the recording of this mortgage deed did not create a

new, separate parcel at the time. Mortgage deeds only create new units of land if they are foreclosed upon. There is no evidence in the record of a foreclosure occurring.

In 1964, the subject tax lots were zoned F-2 per historical County zoning maps (Exhibit B.2).

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

The subject tax lots, together comprise ten acres, abut SE Henke Rd (a public road), and have a front lot line length of 647 feet (Exhibit A.10). The applicant provided a current deed for the subject property that contains a legal description which describes both tax lots combined as a single parcel (Exhibit A.10).

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

In 1964, 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 1964 deed creating the subject property (Exhibit A.9), it satisfied all applicable land division laws at the time of its creation in 1964.*

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was reconfigured in 1964.

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: The subject property has less than the minimum lot size for new parcels or lots in the MUA-20 zone and is 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: 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. *Criterion met.*

Based on the findings in 5.1 & 5.2 above, the subject property, 1S4E04CA -00300 and -00400 combined, is a single Lot of Record.

6.0 Exhibits

- 'A' Applicant's Exhibits
- 'B' Staff Exhibits
- 'C' Procedural Exhibits
- 'D' Comments Received

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	04/15/2026
A.2	1	Narrative	02/03/2026
A.3	3	Historical Zoning Maps	02/13/2026
A.4	5	Property Information	02/03/2026
A.5	11	Property Documentation a. Order and Judgement Appointing Successor Trustee recorded 10/23/2025 b. Acceptance Of Trustee recorded 10/02/2025 c. Quitclaim Deed recorded 01/03/2005 d. Deed Creating Estate by the Entirety recorded 09/20/1977 e. Warranty Deed recorded 01/08/1976	02/03/2026
A.6	3	Property Photos	02/03/2026
A.7	1	Survey	02/11/2026
A.8	19	Chain of Title	03/31/2026
A.9	2	Earliest Deed – 1964 Contract Deed, Book 20, Page 330	03/31/2026
A.10	2	Current Deed – 2005 Quitclaim Deed, Instrument No. 2005-000454	03/31/2026
'B'	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information 1S4E04CA - 00300 and 400 (Property ID # R341288/ R341339, Alt. Acct. # R994040260/ R994040840)	02/10/2026

B.2	1	Current Tax Map for 1S4E04CA	02/10/2026
B.3	1	1962 Zoning Map	03/18/2026
B.4	2	1964 Zoning Ordinance	06/08/2026
B.5	6	Parcel Record Cards - R994040260 and R994040840	03/18/2026
B.6	2	1945 Deed - Book 993, Page 308	06/08/2026
B.7	1	1964 Deed - Book 2205, Page 247	06/08/2026
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	03/02/2026
C.2	3	Opportunity to Comment	03/19/2026
C.3	3	Opportunity to Comment – Re-Notice to include R994040840	06/04/2026
C.4	7	Decision	06/26/2026
'D'	#	Comments	Date
D.1	1	Sue Tisdall Comments	03/25/2026