

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: T2-2026-0027

Applicant: Audrey Morgan

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: 38125 SE Loudon Rd, Corbett

Property ID # R341189

Map, Tax lot: 1S4E02A -01900

Alt. Acct. # R994020760

Base Zone: Commercial Forest Use - 4 (CFU-4)

Overlays: None

Determination: The subject property known as 1S4E02A -01900 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 Thursday, October 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:

A handwritten signature in black ink, appearing to read "Rithy Khut", written over a horizontal line.

Digitally signed by Rithy Khut
DN: cn=Rithy Khut, o=Multnomah
County, ou=Department of
Community Services,
email=rithy.khut@multco.us, c=US

Rithy Khut, Senior Planner

For: Megan Gibb,
Planning Director

Date: Thursday, September 17, 2026

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Multnomah County Code (MCC): MCC 39.1250 Code Compliance and Applications, MCC 39.2000 Definitions, MCC 39.3005 Lot of Record – Generally, MCC 39.3050 Lot of Record – Commercial Forest Use-4 (CFU-4)

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.

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 1S4E02A -01900 also known as 38125 SE Loudon Rd, Corbett (“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 CFU-4 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 Commercial Forest Use - 4 (CFU-4) and is located outside of Metro’s Urban Growth Boundary (UGB). According to Assessment and Taxation records, the subject property is occupied by a manufactured dwelling and detached garage.

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 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:

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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

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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 Commercial Forest Use - 4 (CFU-4) 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 CFU-4 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 7 deed(s)/contract(s) to support the Lot of Record request (Exhibit A.2 through A.8). One additional contract and a land use case was provided by Staff. The earliest document was an application for a Lot of Exception under land use case no. LE 20-78 (Exhibit B.4). In the permit, the findings found that the subject property was zoned Multiple Use Forest (MUF-20) and that in order to create a new lot that is below the minimum lot size of 20 acres, a Lot of Exception needed to be approved. The Hearings Council Decision on September 19, 1978 was to approve a 2-acre lot of exception.

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

In 1978, prior to the adoption of Ordinance 174 on October 19, 1978, the process to divide a property into three or less parcels required the review and approval of a Lot of Exception. Lot of Exception case, LE 20-78 granted approval of the division to create a 2-acre property.

Upon approval of the Lot of Exception, a request for a new mobile home was submitted. The Building–Sign–Land Use Permit under case no. 782476 was reviewed and approved on November 13, 1978 (Exhibit B.5 and B.6). Lastly, a Contract of Sale was recorded in Book 1311, Page 1410-1414 on November 28, 1978 (Exhibit B.7). The approval of the new dwelling and recording of the contact satisfied the land division requirements under the Lot of Exception.

Based upon the above, the subject property satisfied all applicable zoning and land division laws when it was created in 1978.

5.2 MCC 39.3050 LOT OF RECORD – COMMERCIAL FOREST USE-4 (CFU-4).

(A) In addition to the standards in MCC 39.3005, for the purposes of the CFU-4 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

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Staff: Using taxation data from 1989 and 1990 from Multnomah County Division of Assessment, Recording, and Taxation (DART) a comparison of ownership is shown below:

Table 1 – Comparison of ownership of the subject property and surrounding properties

State ID	Alternative Acct. #	Size	Ownership on 05/01/1989	Ownership on 05/01/1990
1S4E02A -01900	R994020760	2.00	Phillips, Brian C & Mona K	Phillips, Brian C & Mona K
1S4E01B -00500	R994010070	25.24	Troxel, Michael L	Troxel, Michael L
1S4E01C -00400	R994010090	8.62	Warren, Elsie J	Warren, Elsie J
1S4E02A -01500	R994020040	26.51	Windust, John & Sandra F	Fontes, Lawrence & Ellen K
1S4E02A -01800	R994020750	5.14	Windust, John & Sandra F	Windust, John & Sandra F
1S4E02D -00100	R994020150	14.63	Cartisser, Richard E & Marjeanne L	Cartisser, Richard E & Marjeanne L

Based on ownership data, the subject property was not contiguous to any other parcel/lot under the same ownership on February 20, 1990.

The subject property is not aggregated to any contiguous other parcel or lot under the same ownership on February 20, 1990 and has met the additional requirements of the EFU district. The subject property is an individual Lot of Record.

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

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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 39.4135, 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 CFU-4 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.

(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. Additionally, 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.*

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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	06/02/2026
A.2	1	Warranty Deed recorded in Book 1214, Page 791 on October 14, 1977	06/02/2026
A.3	2	Warranty Deed recorded in Book 1422, Page 674-675 on February 26, 1980	06/02/2026
A.4	3	Contract recorded in Book 2038, Page 1347-1349 on August 31, 1987	06/02/2026
A.5	2	Warranty Deed recorded in Book 2218, Page 12-13 on July 7, 1989	06/02/2026
A.6	3	Statutory Special Warranty Deed recorded as Instrument #94-65661 on April 26, 1994	06/02/2026
A.7	3	Statutory Special Warranty Deed recorded as Instrument #94-65662 on April 26, 1994	06/02/2026

A.8	2	Bargain and Sale Deed recorded as Instrument #2018-070652 on July 5, 2018	06/02/2026
A.9	1	Site Plan	06/02/2026
‘B’	#	Staff Exhibits	Date
B.1	2	Assessment and Taxation Property Information for 1S4E02A - 01900 (Alt Acct #R994020760 / Property ID #R341189)	06/02/2026
B.2	1	Current Tax Map for 1S4E02A	06/02/2026
B.3	1	Survey #43089	06/02/2026
B.4	46	Land use case no. LE 20-78	06/02/2026
B.5	1	Permit Card for Loudon Road, Permit No. 782476	08/11/2026
B.6	2	Building–Sign–Land Use Permit No. 782476	08/11/2026
B.7	5	Contract of Sale recorded in Book 1311, Page 1410-1414 on November 28, 1978	08/11/2026
‘C’	#	Administration & Procedures	Date
C.1	2	Complete letter (day 1)	06/24/2026
C.2	4	Opportunity to Comment	08/04/2026
C.3	8	Decision	08/17/2026