Department of Community Services
Land Use Planning Division
www.multco.us/landuse

Multnomah County

1600 SE 190th Ave, Portland OR 97233-5910 • PH. (503) 988-3043 • Fax (503) 988-3389

NOTICE OF DECISION

Case File: T2-2020-13067

Permit: Lot of Record Verification

Applicant: Phillip C. Querin, Querin Law LLC **Owners:** Pinky Smith LLC

Location: 16800 NW Lucy Reeder Rd, Portland
Tax Map ID#: 2N1W06A-00100, 2N1W06-00100, and 2N1W06A-00200
Alternate Account #R971060160, R971060150, and R971060170
Property ID #R324825, R324824 and R324826

Base Zone: Exclusive Farm Use (EFU) **Overlays:** Not Applicable

Proposal Summary: The applicant is requesting through the Lot of Record Verification that the County determine that all three tax lots listed above are a single Lot of Record. A Lot of Record Verification verifies that a property was created and reconfigured in compliance with all applicable zoning and land division laws at the time and meets the County's aggregation requirements.

Determination: Tax lot 2N1W06-00100 (R971060150) is a separate Lot of Record in its current configuration. The County is unable to verify the Lot of Record status of the unit of land known as 2N1W06A-00100 (R971060160) at this time. The County is unable to process the application for a Lot of Record Verification for 2N1W06A-00200 (R971060170).

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Thursday, January 14, 2021 at 4:00 pm.

Opportunity to Appeal: An appeal requires a $250.00 fee and must state the specific legal grounds on which it is based. To obtain appeal forms or information on the procedure, contact the Land Use Planning office at 1600 SE 190th Avenue (Phone: 503-988-3043). This decision is not appealable to the Land Use Board of Appeals until all local appeals are exhausted.

Issued by: Lisa Estrin Digitally signed by Lisa Estrin DN: cn=Lisa Estrin, email=lisa.m.estrin@multco.us, c=US

By: Lisa Estrin, Senior Planner

For: Carol Johnson, AICP
Planning Director

Date: Thursday, December 31, 2020

Vicinity Map **N↑**

Opportunity to Review the Record: The complete case file, including the Planning Director Decision containing Findings, Conclusions, Conditions of Approval, and all evidence associated with this application is available for review by contacting the case planner. Paper copies of all documents are available at the rate of $0.35/per page. For further information, contact case planner Lisa Estrin at 503-0167 or via email at *lisa.m.estrin@multco.us.*

Applicable Approval Criteria:

For this application to be approved, the proposal will need to meet applicable approval criteria below:

Multnomah County Code (MCC): *General Provisions:* MCC 39.1515 Code Compliance and Applications

Lot of Record: MCC 39.3005 Lot of Record – Generally, MCC 39.3070 Lot of Record – EFU

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-3043 or by visiting our website at *https://multco.us/landuse/zoning-codes/* under the link: **Chapter 39 - Zoning Code**

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 2N1W06A-00100 (R971060160) ("Tax Lot 16"), 2N1W06-00100 (R971060150) ("Tax Lot 15"), and 2N1W06A-00200 (R971060170) ("Tax Lot 17"). 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. In the EFU zone, the County also considers contiguous ownership on February 20, 1990 in determining whether a parcel, lot or unit of land is a Lot of Record on its own or whether it must be aggregated for Lot of Record purposes. 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 and History:

Staff: The three tax lots are located in unincorporated west Multnomah County on Sauvie Island. The land is zoned Exclusive Farm Use (EFU) and is located outside of Metro's Urban Growth Boundary (UGB).

3.0 Public Comments:

Staff: Staff mailed a notice of application and invitation to comment on the proposed application to the required parties per MCC 39.1105 as shown in Exhibit C.2. Staff received one written comment during the 14-day comment period.

Scaglione Comments – Wants to know who the owner of record is for tax lot R971060170 (Tax Lot 17). Is Tax Lot 17 a historic site? Is the County turning over Tax Lot 17 to private ownership? Concerns regarding the cemetery and maintaining large Douglas Fir trees, animals, birds, eagle nesting on Tax Lot 17, winter drainage problems.

Staff: Staff addresses the ownership of Tax Lot 17 in Section 5.01 below. A Lot of Record Verification does not and cannot transfer ownership. In addition, the standards of approval for a Lot of Record Verification do not address whether a property is a historic site or issues relating to wildlife, habitat, or drainage.

4.0 Code Compliance and Applications Criteria:

MCC 39.1515 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 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:

(1) It results in the property coming into full compliance with all applicable provisions of the Multnomah County Zoning Code. This includes sequencing of permits or other approvals as part of a voluntary compliance agreement; or

(2) It is necessary to protect public safety; or

(3) It is for work related to and within a valid easement over, on or under an affected property.

(B) For the purposes of this section, Public Safety means the actions authorized by the permit would cause abatement of conditions found to exist on the property that endanger the life, health, personal property, or safety of the residents or public. Examples of that situation include but are not limited to issuance of permits to replace faulty electrical wiring; repair or install furnace equipment; roof repairs; replace or repair compromised utility infrastructure for water, sewer, fuel, or power; and actions necessary to stop earth slope failures.

Staff: This standard provides that the County shall not make a land use decision approving development for a property that is not in full compliance with County Code or previously issued County approvals, except in the following instances: approval will result in the property coming into full compliance, approval is necessary to protect public safety, or the approval is for work related to or within a valid easement.

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 approved development, a land division, a property line adjustment, or a building permit. *Therefore this standard is not applicable*.

5.0 Lot of Record Criteria:

5.01 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.

(a) "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.

(b) "Satisfied all applicable land division laws" shall mean the parcel or lot was created:

1. By a subdivision plat under the applicable subdivision requirements in effect at the time; or

2. 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

3. 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

4. By partitioning land under the applicable land partitioning requirements in effect on or after October 19, 1978; and

5. "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 (B) of this section and meet the Lot of Record standards set forth in the EFU zoning district. More specifically, section (B) above requires the applicant demonstrate that the subject property, when created or reconfigured, (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 sections 5.02 through 5.06 of this decision. The findings below analyzes whether the Lot of Record provisions in section (B) have been met.

The applicant provided the following deeds to support the Lot of Record request. They are as follows:

Table 1

Exhibit #	Area Described	Deed Date	Grantor(s)	Grantee(s)
A.47	TL 16 & TL 15+ Other Areas [1] excepting TL 17[6]	5.20.1897	Sunderlands	Lumsden
A.48	Uncertain[1]	6.01.1897	Lumsdens	White
A.49	All A. McQuinn[2] Land Claim excepting TL 17[1]	6.01.1901	White	Lumsdens
A.50	½ Interest in All of A. McQuinn[2] Land Claim excepting TL 17	12.08.1919	Lumsden Estate	Lucy Mabel Reeder
A.51	½ interest in All of A. McQuinn[2] Land Claim 2N & 3N, 1W + SW Quarter of 3N1W31 excepting TL 17	11.26.1919 (Title Report says 12.18.1919)	Lumsden Estate, Lumsden, Reeder, Humberstone, etc	Alexander Lumsden

A.52	196.6 acres excepting TL 17	02.11.1926	Reeder	Alexander Lumsden
A.53	No Legal description Available[4].	02.23.1926	Alexander & Madeline Lumsden	Eberhart
A.54	TL 16 +TL 15 excepting TL 17 acre tract	5.11.1926	Eberhart	Rymerson
A.13[5] A.55	TL 16 +TL 15 excepting TL 17	3.05.1937	Rymerson	Nellie & J.L Smith
A.14	TL 16 excepting TL 17	07.27.1940	Nellie Smith	James L Smith
A.15[3] A.56.a	Land in 3N1W32B	08.19.1948	Nellie Smith	James Leonard Smith
A.16[3] A.56.b	5-ac parcel in 3N1W32	08.19.1948	Nellie Smith	James Leonard Smith
A.17 A.30 A.58	TL 16 +TL 17 excepting TL 15	03.02.1965	Reonne Smith	James L Smith & Sheryl Anderson
A.18 A.31 A.59	TL 17	7.14.1986	Daly	McQuinn Family Pioneer Cemetery Association
B.20	TL 15	6.27.1995	Reonne Smith	James L Smith & Sheryl Anderson
A.40 A.61	TL 16 excepting TL 17	07/12/2010	Sheryl Anderson	Anderson Living Trust
B.5	Parcel 1: TL 15 Parcel 2: TL 16 excepting TL 17	9.11.2014	James L Smith	James L & Gail M Smith
A.25 A.46	Parcel 1: TL 15 Parcel 2: TL 16 (TL 17 is excepted)	05/01/2020	J & G Smith & Sheryl Anderson	Pinky Smith LLC

[1] Info taken from Exhibit A.4

[2] Alexander McQuinn Donation Land Claim

[3] Land Not Involved in Application

[4] Title Report (Exhibit A.4) indicates a transfer of land but the document is missing (Exhibit A.53)

[5] Where a row has multiple exhibit numbers, it means that identical copies of the same deed where submitted by the applicant at different times.

[6] The references to TL 17 in Table 1 are to the one acre "Cemetery Tract". This unit of land was first described with a metes and bounds description in 1926 (Exhibit A.52).

The applicant has requested that the County find that tax lots 2N1W06A-00100 (R971060160) ("Tax Lot 16"), 2N1W06-00100 (R971060150) ("Tax Lot 15"), and 2N1W06A-00200 (R971060170) ("Tax Lot 17") are a single Lot of Record.

MCC 39.1115 Initiation of Action provides, as relevant here, that only an "owner of record" may initiate a Type II land use application like the one the applicant has filed:

> **"Except as provided in MCC 39.1200 and 39.9700, Type I - IV applications may only be initiated by written consent of the owner of record or contract purchaser, or by a government agency that has the power of eminent domain. PC (legislative) actions may only be initiated by the Board, Planning Commission, or Planning Director."** [Underline added by Staff for emphasis]

The applicant has stated that James L. Smith, Gail M. Smith and Sheryl Smith/Anderson ("Anderson and Smith") own the area of land contained in Tax Lots 15, 16, and 17 based on the 1965 deed from Reonne Smith transferring them all the land contained in the three tax lots (Exhibit A.22, A.17, A.30, A.58). They also claim they own Tax Lot 17 through adverse possession (Exhibit A.22 & A.35).

The County agrees that the applicant has provided sufficient evidence of Anderson and Smith's ownership of Tax Lot 15 and Tax Lot 16, based on the deed history and associated exhibits outlined in Table 1. The applicant therefore can initiate the Lot of Record Verification application for those properties under MCC 39.1115.

The remaining issue is whether the applicant has provided sufficient evidence of Anderson and Smith's ownership of Tax Lot 17 to allow them to initiate a Lot of Record Verification application for that property. The applicant has presented two theories as the bases for Anderson and Smith's ownership interest in Tax Lot 17. First, the applicant asserts that prior to 1965, Anderson and Smith's predecessors in interest obtained an ownership interest in Tax Lot 17 through adverse possession, and that even if there was some defect in the 1965 deed transferring them title to Tax Lot 17, they continued to adversely possess Tax Lot 17 after 1965. (Exhibit A.22, pp. 3-5). Multnomah County Land Use Planning cannot adjudicate a claim of adverse possession. A claim of title based on adverse possession must be decided by the courts, and the applicant has not provided any evidence demonstrating that Anderson and Smith have quieted title to Tax Lot 17 through a court proceeding. As a result, the applicant has not provided sufficient evidence of ownership of Tax Lot 17 based on a claim of adverse possession.

The applicant's second basis for asserting ownership of Tax Lot 17 is the 1965 deed from Reonne Smith that purports to convey all of Tax Lot 15, 16, and 17 to Anderson and Smith. (Exhibits A.17, A.22). However, the applicant has provided an extensive deed record (see Table 1), which shows that Tax Lot 17 has been excluded from the deeds transferring all or portions of the Alexander McQuinn Donation Land Claim, including Tax Lots 15 and 16, from 1897 until the 1965 conveyance. In fact, there is evidence in the record that Anderson acknowledged in 1992 that "there was no proceeding [sic] deed to Tax Lot 17." (Exhibit A.35). As a result, the evidence in the record does not demonstrate that Reonne Smith had title to Tax Lot 17 to convey it to Anderson and Smith, and the 1965 deed therefore is not sufficient evidence of Anderson and Smith's ownership interest in Tax Lot 17.

Finally, the applicant has noted that Anderson and Smith paid taxes on Tax Lot 17. (Exhibit A.35, p.9). That assertion is not sufficient evidence of Anderson and Smith's ownership interest in Tax Lot 17 because (1) payment of taxes on property is not conclusive evidence of

ownership; (2) no taxes seem to have been collected as it is exempt due to it being a burial ground (Exhibit B.3); and (3) there is no evidence in the record other than the affidavit (Exhibit A.35) that taxes were paid on Tax Lot 17 by Anderson and Smith. Therefore, the tax payment history does not constitute sufficient evidence of Anderson and Smith's ownership of Tax Lot 17.

In addition, there is evidence in the record that contradicts Anderson and Smith's ownership claims. For example, in 1993, Anderson and Smith executed an easement that describes the McQuinn Family Pioneer Cemetery Association, Inc. as "owner and in possession of" Tax Lot 17, and that easement was recorded in the real property records. (Exhibit A.37). In addition, in Anderson and Smith's latest conveyance of their property in 2020, they excepted out a 1-acre "grave lot" (Tax Lot 17) and included a Deed Exception suggesting that this Lot of Record Verification would determine whether Tax Lot 16 and Tax Lot 17 constitute a "single lawful parcel.[7]

Based on the evidence in the record, the applicant has not provided sufficient evidence to carry the burden of proving that Anderson and Smith own Tax Lot 17, and the County therefore cannot process the application for a Lot of Record Verification for Tax Lot 17 because it is not clear whether the County has written consent from the owner of record. Because the applicant has provided sufficient evidence that Anderson and Smith have an ownership interest in Tax Lot 15 and Tax Lot 16, the County will consider these two units of land in this application.

The unit of land contained in Tax Lot 16 was first described in its current configuration on July 27, 1940 (Exhibit A.14). In the 1940s, the County had not yet commenced zoning. Zoning was not applied to the area until July 1958 (Exhibit B.19). As such, the unit of land contained in Tax Lot 16 met the applicable zoning regulations at the time of its creation. Tax Lot 16 has not been reconfigured since its creation.

The unit of land contained in Tax Lot 15 was created when Tax Lot 16 was transferred on July 27, 1940 from Nellie Smith to J.L. Smith (Exhibit A.14). Prior to the creation of Tax Lot 16, the parent parcel consisted of the area of land contained in both tax lots. With the transfer of Tax Lot 16, the parent parcel was altered via the 1940 deed (Exhibit A.14) to encompass Tax Lot 15 only. Zoning was not applied to the area until July 1958 (Exhibit B.19). As such, the unit of land contained in Tax Lot 15 met the applicable zoning regulations at the time of its creation. Tax Lot 15 has not been reconfigured since its creation.

Up until April 19, 1955, the process to divide a property into two pieces required a deed or sales contract dated and signed by the grantor and the recording of the deed or sales contract transferring the unit of land to the grantee. As the 1940 deed (Exhibit A.14) was recorded with the County Recorder, the applicable land division laws were satisfied.

Based upon the above, both units of land contained in Tax Lots 15 and 16 respectively satisfied all applicable zoning and land division laws when they were created in 1940.

[7]The 2020 deed includes a Deed Exception that states, "Grantor and Grantee have agreed that if the legal description of the Property should change based upon a ruling by Multnomah County in Grantor's Application for a Lot of Record Verification (Case #T2-2020-13067), the parties will cooperate with each other to correct or otherwise change the legal description in said Exhibit A, in accordance therewith." (Exhibit A.47). That Deed Exception does not accurately reflect the scope or purpose of a Lot of Record Verification. A Lot of Record Verification does not determine the legal description of a property, or whether a property is a "single lawful parcel" for purposes of property conveyance; rather, a Lot of Record Verification determines whether a lot or parcel is separately developable or shares a single set of development rights with surrounding properties.

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

1. 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.

2. An "acknowledged unincorporated community boundary" is one that has been established pursuant to OAR Chapter 660, Division 22.

Staff: The subject property is currently zoned Exclusive Farm Use. It is not intersected by different zone boundaries. *The provisions in (c) above are not applicable to this application or property.*

5.03 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

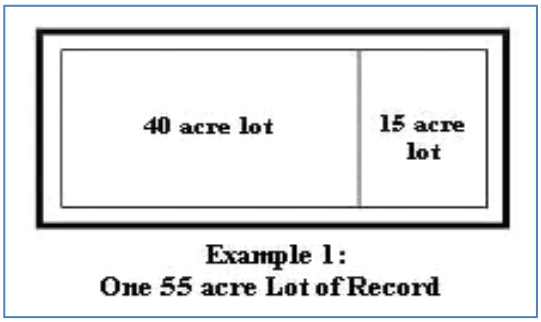
(b) Which, individually or when considered in combination, shall be aggregated to comply with a minimum lot size of 19 acres, without creating any new lot line.

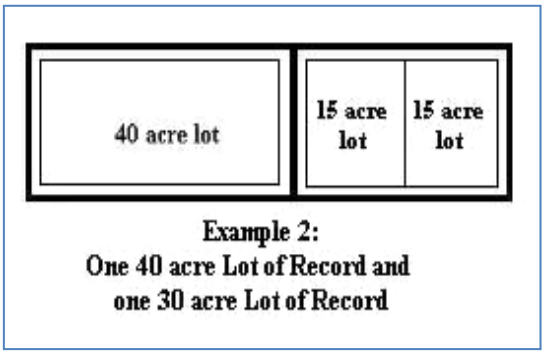
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with less than 19 acres in area. See Examples 1 and 2 in this subsection.

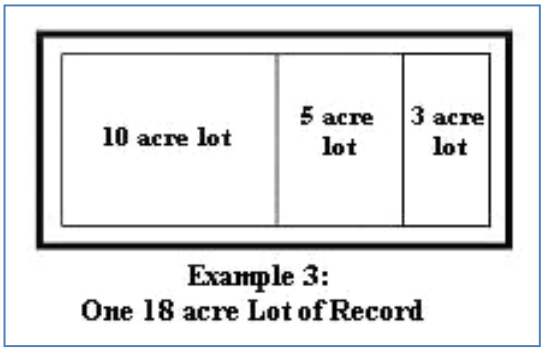
2. There shall be an exception to the 19 acre minimum lot size requirement when the entire same ownership grouping of parcels or lots was less than 19 acres in area on February 20, 1990, and then the entire grouping shall be one Lot of Record. See Example 3 in this subsection.

3. Three examples of how parcels and lots shall be aggregated are shown in Figure 1 below with the solid thick line outlining individual Lots of Record:

Figure 1







4. The requirement to aggregate contiguous parcels or lots shall not apply to lots or parcels within exception or urban zones (e.g., MUA-20, RR, RC, SRC, BRC, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

(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:

(a) Where approval for a "Lot of Exception" or a parcel smaller than 19 acres under the "Lot size for Conditional Uses" provisions has been given by the Hearing Authority and the parcel was subsequently lawfully created, then the parcel shall be a Lot of Record that remains separately transferable, even if the parcel was contiguous to another parcel held in the same ownership on February 20, 1990.

Staff: Tax Lot 17 is 1 acre in size (Exhibit B.3), and is contiguous to Tax Lot 16, which is 21.66 acres (Exhibit B.2). Tax lot 2N1W06-00100 (R971060150) is 23.4 acres and is contiguous to Tax Lot 16 (Exhibit B.3). While Tax Lot 15 is contiguous to Tax Lot 16, it would not be aggregated with the two other tax lots as a single Lot of Record as it exceeds 19 acres in size.

Depending on ownership of Tax Lot 17 on February 20, 1990, it along with Tax Lot 16 could aggregate together into a single Lot of Record as Tax Lot 17 is only one acre in size. However, as explained in Section 5.01 above, the applicant has not provided sufficient evidence that Anderson and Smith are the owners of record of Tax Lot 17. As a result, the County cannot process the Lot of Record Verification application for Tax Lot 17, and therefore cannot determine (1) whether Tax Lot 17 has met the Lot of Record standards in MCC 39.3005 and (2) if so, whether Tax Lot 17 aggregates with Tax Lot 16 into a single Lot of Record. Relatedly, the applicant has not provided sufficient evidence regarding the ownership of Tax Lot 17 as of February 20, 1990 to allow the County to determine whether Tax Lot 16 and Tax Lot 17 must be aggregated. Absent sufficient evidence of ownership of Tax Lot 17 as of February 20, 1990, and/or a Lot of Record Verification for Tax Lot 17, the County cannot issue a Lot of Record Verification for Tax Lot 16 at this time because the applicant has not provided sufficient evidence to addressed the aggregation requirement.

The unit of land known as Tax Lot 15 is a Lot of Record. The County is unable to verify the unit of land known as Tax Lot 16 is a Lot of Record at this time.

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

(1) July 10, 1958, F-2 zone applied;

(2) December 9, 1975, RL-C zone applied, F-2 minimum lot size increased, Ord. 115 & 116;

(3) October 6, 1977, MUA-20 and EFU-38 zones applied, Ord. 148 & 149;

(4) August 14, 1980, zone change from MUA-20 to EFU-38 for some properties, zone change from EFU-38 to EFU-76 for some properties. Ord. 236 & 238;

(5) February 20, 1990, lot of record definition amended, Ord. 643;

(6) April 5, 1997, EFU zone repealed and replaced with language in compliance with 1993 Oregon Revised Statutes and 1994 Statewide Planning Goal 3 Oregon Administrative Rules for farmland, Ord. 876;

(7) May 16, 2002, Lot of Record section amended, Ord. 982, reenacted by Ord. 997;

Staff: Section (B) is for informational purposes only.

5.05 (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: Tax Lot 15 is a separate Lot of Record. It is substandard to the Exclusive Farm Use minimum lot size, but as stated above it may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of the Exclusive Farm Use.

5.06 (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: Tax Lot 15 is a separate legal unit of land created and described by a deed. It is not solely a tax lot solely for assessment and taxation purposes. It was not created by a foreclosure of a security interest. It is not a mortgage lot. It is not an area of land created by court decree.

6.0 Conclusion:

Based on the findings and other information provided above, Tax Lot 15 is a Lot of Record in the Exclusive Farm Use zone. The County cannot verify whether Tax Lot 16 qualifies as a Lot of Record because there is insufficient information to make a determination regarding aggregation with Tax Lot 17. The County cannot process the Lot of Record Verification application for Tax Lot 17 because the applicant has not provided sufficient evidence that the application contains the written consent of the owner of record of Tax Lot 17.

7.0 Exhibits:

'A' Applicant's Exhibits
'B' Staff Exhibits
'C' Procedural Exhibits
All exhibits are available for review in Case File T2-2020-13640 by contact case planner, Lisa Estrin via email at *lisa.m.estrin@multco.us*.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	3	General Application Form a. 1. Application Forms	3.09.2020
A.2	3	Letter from Querin Law LLC dated March 6, 2020	3.09.2020
A.3	4	2. November 7, 2019 Memorandum	3.09.2020
A.4	8	Exhibit 1: Title Plant Records Report	3.09.2020
A.5	2	Exhibit 2: Quitclaim Deed recorded in Book 1920, Page 589 on July 14, 1986 Grantor: Maxine Daly, Grantee McQuinn Family Pioneer Cemetery Association	3.09.2020
A.6	2	Exhibit 3: Designation of Heir Representative for McQuinn Cemetery recorded in Book 1920, Page 590	3.09.2020
A.7	9	Exhibit 4: Easement Covenants, Conditions and Restrictions September 1993 [Unsigned]	3.09.2020
A.8	9	Exhibit 5: Settlement Agreement [Unsigned]	3.09.2020

A.9	5	Exhibit 6: Corporation Division McQuinn Family Pioneer Cemetery Association, Inc. Filing	3.09.2020
A.10	2	3. Corrected Cover Page on Report a. Title Plan Records Report dated August 27, 2019	3.09.2020
A.11	2	4. Assessor's Map	3.09.2020
A.12	1	5. Deeds Cover Sheet	3.09.2020
A.13	3	Warranty Deed recorded in B380, P527- 528 on March 6, 1937	3.09.2020
A.14	3	Warranty Deed recorded in B560 P54 on July 27, 1940	3.09.2020
A.15	2	Warranty Deed recorded in B 1288, P25 & 26 on August 30, 1948	3.09.2020
A.16	2	Warranty Deed recorded in B1288, P27 & 28 on August 30, 1948	3.09.2020
A.17	2	Deed recorded in B241, P24 on March 2, 1965	3.09.2020
A.18	2	Quitclaim Deed recorded in B1920, P589 on July 14, 1986	3.09.2020
A.19	1	Cover Sheet for Deed recorded in B241, P24 on March 2, 1965	3.09.2020
A.20	2	Bargain and Sale Deed recorded in Instrument 2010-085555 on July 12, 2010	3.09.2020
A.21	2	Email from Phil Querin dated August 31, 2020	8.31.2020
A.22	13	Letter from Querin Law LLC dated August 31, 2020	8.31.2020
A.23	1	Querin Law LLC dated August 31, 2020 regarding New Owners: Pinky Smith LLC	8.31.2020
A.24	7	Limited Power of Attorney	8.31.2020
A.25	5	Warranty Deed recorded at #2020-051937 transferring property to Pinky Smith LLC on May 1, 2020	8.31.2020
A.26	1	Exhibit 1: Revised General Application Form with Sheryl Anderson, James L Smith and Gail M Smith Signatures	8.31.2020
A.27	7	Exhibit 2: Title Plant Records Report dated August 27, 2019	8.31.2020
A.28	1	Cover Sheet stating "Note: Exhibit 3 (Deeds of Record) is Separately Marked	8.31.2020
A.29	2	Exhibit 4: Letter from Querin Law LLC to George Plummer, Planner dated March 6, 2020	8.31.2020
A.30	1	Exhibit 5: Deed recorded in B241, P24 on March 2, 1965 [Duplicate]	8.31.2020

A.31	1	Exhibit 6: Quitclaim Deed recorded in B1920, P589 on July 14, 1986 [Duplicate]	8.31.2020
A.32	1	Exhibit 7: Survey 50760	8.31.2020
A.33	1	Exhibit 8: Designation of Heir Representative recorded in B1920, P590 [Duplicate]	8.31.2020
A.34	4	Exhibit 9: Corporation Division Business Entity Data for McQuinn Family Pioneer Cemetery Association [Duplicate]	8.31.2020
A.35	14	Exhibit 10: Before the Board of Commissioners for Multnomah County – Affidavit of Sheryl Anderson	8.31.2020
A.36	8	Exhibit 11: Settlement Agreement	8.31.2020
A.37	8	Exhibit 12: Easement Covenants, Conditions and Restrictions recorded in B2795, P792 on December 6, 1993	8.31.2020
A.38	1	Exhibit 13: Obituary for Maxine Elizabeth Daly 1915 - 2010	8.31.2020
A.39	4	Exhibit 14: Declaration of Sheryl I Anderson and James L Smith	8.31.2020
A.40	2	Exhibit 1: Bargain and Sale Deed recorded at 2010-085555 on July 12, 2010 [Duplicate]	8.31.2020
A.41	2	Exhibit 2: Oregonian Article from August 4, 1987	8.31.2020
A.42	8	Exhibit 3: Easement Covenants, Conditions and Restrictions recorded in B2795 P792 – P799 [Duplicate]	8.31.2020
A.43	-	Number Skipped	
A.44	2	Exhibit 15: Quitclaim Deed recorded in B1927, P2526 & 2527 on August 11, 1986	8.31.2020
A.45	1	Exhibit 16: Preliminary Title Report dated April 20, 2020	8.31.2020
A.46	5	Exhibit 17: Warranty Deed recorded at 2020-051937 on May 1, 2020 [Duplicate]	8.31.2020
A.47	3	Exhibit 3, No. 1: Deed recorded in Book 242, Page 115 -117 on May 20, 1897	8.31.2020
A.48	3	Exhibit 3, No. 2: Deed recorded in Book 243, Page 124 on June 1, 1897	8.31.2020
A.49	3	Exhibit 3, No. 3: Deed recorded in Book 278, Page 429 on June 1, 1901	8.31.2020
A.50	4	Exhibit 3, No. 4: Deed recorded in Pages 381 - 383	8.31.2020
A.51	4	Exhibit 3, No. 5: Deed recorded in Pages 155 - 157	8.31.2020
A.52	3	Exhibit 3, No. 6: Deed recorded in Pages 55 - 56	8.31.2020

A.53	2	Exhibit 3, No. 7: Cover Sheet stating Exception No. 7. Deed is Missing Grantor Lumsden to Grantee Eberhart on February 23, 1926	8.31.2020
A.54	2	Exhibit 3, No. 8: Deed recorded in Page 477	8.31.2020
A.55	3	Exhibit 3, No. 9: Deed recorded in Book 380, Page 527 & 528	8.31.2020
A.56	5	Exhibit 3, No. 10: Cover Sheet a. Deed recorded in Book 1288, Page 25 & 26 on August 19th, 1948 b. Deed recorded in Book 1288, Page 27 & 28 on August 19th, 1948	8.31.2020
A.57	1	Exhibit 3, No. 11: Coversheet	8.31.2020
A.58	2	Exhibit 3, No. 12: Deed recorded in Book 241, Page 24 on March 2, 1965	8.31.2020
A.59	2	Exhibit 3, No. 13: Deed recorded in Book 1920, Page 589 on July 14, 1986	8.31.2020
A.60	9	Exhibit 3, No. 14: Easement, Covenants, Conditions and Restrictions recorded in Book 2795, Page 792 -799 on December 6, 1993	8.31.2020
A.61	2	Exhibit 3, No. 15: Deed recorded at 2010-085555 on July 12, 2010	8.31.2020
'B'	#	Staff Exhibits	Date
B.1	1	Assessment and Taxation Property Information for 2N1W06A-00100 (R971060150)	3.09.2020
B.2	2	Assessment and Taxation Property Information for 2N1W06-00100 (R971060160)	3.12.2020
B.3	2	Assessment and Taxation Property Information for 2N1W06A-00200 (R971060170)	12.10.2020
B.4	2	1926 Deed with Grave Lot Highlighted	12.10.2020
B.5	2	Bargain and Sale Deed recorded at 2014-090130 on September 11, 2014	12.10.2020
B.6	1	1962 Zoning Map (SR/F-2)	12.10.2020
B.7	1	12.09.1975 Zoning Map (SR/RL-C)	12.10.2020
B.8	1	10.5.1977 Zoning Map (SR/RL-C)	12.10.2020
B.9	1	10.06.1977 Zoning Map (EFU-38)	12.10.2020
B.10	1	8.14.1980 Zoning Map (EFU)	12.10.2020
B.11	1	10.13.1983 Zoning Map (EFU)	12.10.2020
B.12	1	5.06.1999 Zoning Map (EFU)	12.10.2020

B.13	3	Parcel Record Card for R971060150	12.10.2020
B.14	3	Parcel Record Card for R971060160	12.10.2020
B.15	3	Parcel Record Card for R971060170	12.10.2020
B.16		A&T Property Info for R971060150	12.10.2020
B.17		A&T Property Info for R971060160	12.10.2020
B.18	4	Board Order 92-191 Petition for a Way of Necessity	12.10.2020
B.19	1	Effective Dates for Zoning Implementation in the County dated 2/7/66	12.10.2020
B.20	3	Warranty Deed recorded at 95-074848 on June 27, 1995	12.30.2020
'C'	#	Administration & Procedures	Date
C.1	4	Incomplete letter (Incomplete on April 8, 2020)	4.09.2020
C.2	1	Applicant's acceptance of 180 day clock	4.17.2020
		Case Complete – September 6, 2020	
C.4	3	Opportunity to Comment and mailing list	12.11.2020
C.5		Administrative Decision and mailing list	
'D'	#	Comments	Date
D.1		Lisa Scaglione Comments	12.22.2020