

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

NOTICE OF DECISION

This notice concerns a Planning Director Decision on the land use case(s) cited and described below.

Case File: T2-2018-11102

Permit: Lot of Record Verification

Applicants: Spiro Sassalos

Owners: Kyle Konell

Location: 29220 SE Division Drive, consisting of:
Tax Lots 300, 400, and 500, Section 07DB, Township 1 South, Range 4 East, W.M.
Tax Account #R994070350, R994070850, and R994070610
Property ID #R341546, R341589, and R341567

Base Zone: Exclusive Farm Use (EFU)

Overlays: Significant Environmental Concern for Wildlife Habitat (SEC-h)

Proposal Summary: The applicant requests a Lot of Record Verification for tax lot 300, 400, and 500,

Township 1 South, Range 4 East, Section 07DB

Determination: Tax lot 300, 400, and 500, Township 1 South, Range 4 East, Section 07DB together are a single parcel and one Lot of Record.

This decision is final at the close of the appeal period, unless appealed. The deadline for filing an appeal is Wednesday, February 13, 2019 at 4:00 pm.

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 at the Land Use Planning office. Copies of all documents may be purchased for \$0.30/per page. For further information on this case, contact Rithy Khut, Staff Planner at 503-988-0176 or at rithy.khut@multco.us.

Opportunity to Appeal: This decision may be appealed within 14 days of the date it was rendered, pursuant to the provisions of MCC 37.0640. 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 or at (503) 988-3043. This decision cannot be appealed to the Land Use Board of Appeals until all local appeals are exhausted.

Issued
by:



Rithy Khut, Planner

For: Michael Cerbone, AICP
Planning Director

Date: Wednesday, January 30, 2019

Instrument Number for Recording
Purposes: #2016-009611



Applicable Approval Criteria: Multnomah County Code (MCC): MCC 37.0560 Code Compliance and Applications

General Provisions: MCC 36.0005 Definitions

Exclusive Farm Use, EFU: MCC 36.2610 Definitions, MCC 36.2675 Lot of Record

Copies of the referenced Multnomah County Code sections are available by contacting our office at (503) 988-304 or by visiting our website at <https://multco.us/landuse/zoning-codes/> under the link: *Chapter 36 – West of Sandy River Rural Area and Chapter 37 – Administration and Procedures*

Conditions of Approval

The conditions listed are necessary to ensure that approval criteria for this land use permit are satisfied. Where a condition relates to a specific approval criterion, the code citation for that criterion follows in parenthesis.

1. Approval of this land use permit is based on the submitted written narrative(s) and plan(s). No work shall occur under this permit other than that which is specified within these documents. It shall be the responsibility of the property owner(s) to comply with these documents and the limitations of approval described herein.
2. Within 30 days of the final decision the applicant(s), property owner(s) or their representative(s) shall:
 - a) Record pages 1 through 3 of this Notice of Decision with the County Recorder. The Notice of Decision shall run with the land. Proof of recording shall be provided to the Land Use Planning Division before any additional land use or building permit can be issued. Recording shall be at the applicant's expense. [MCC 37.0670]

Note: Tax lot 300, 400, and 500, are described as a single parcel in the deed record and are one Lot of Record. It is recommended that the three (3) tax lots be consolidated into one tax lot to correspond with the Lot of Record. If you would like to consolidate tax lots, please contact the Department of Assessment, Records, and Taxation: Parcel Management at (503) 988-9780 for questions about this process.

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.
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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 tax lot 300, 400, and 500, Township 1 South, Range 4 East, Section 07DB.

2.0 Property Description & History:

Staff: The Lot of Record Verification is for three (3) tax lots that are located south of SE Division Street within the Exclusive Farm Use (EFU) zoning district in the West of Sandy River Rural Area.

Multnomah County Department of Assessment, Records, and Taxation (DART) indicate that the three (3) tax lots are owned by Kyle Konell. The current property owner came into possession of the subject properties in 2016. Tax lot 300 is 6.51 acres, tax lot 400 is 0.24 acres, and tax lot 500 is 2.25 acres. There is conflicting information from DART and aerial photo review. According to DART records, tax lot 500 currently contains a single-family dwelling with an attached garage and deck, two (2) sheds, and a farm building. Aerial photos indicate that the single-family dwelling, one (1) sheds, and a farm building are located on tax lot 300, while the other two properties are vacant.

The property has had an extensive permit history. Below are the land use and building permits that are on record for the subject property:

- October 30, 1978 – Permit No. 782373 – New single-family dwelling (Demolished in 2016 after being replaced)
- June 11, 2009 – Building Permit Review – Replacement of existing single-family dwelling with 1,512 square foot manufactured home.
- May 10, 2016 – BP-2016-4986 – Demolition of a single-family dwelling as required as a condition of the 2009 replacement dwelling building permit.

In comparing records from the Land Use Planning Division, DART, and aerial photos, the aerial photos match the site plan from 2009 except the single-family dwelling, pool and shed to the south of the property was removed as required in 2016.

3.0 Code Compliance and Applications Criteria

3.1 § 37.0560 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 Land Use 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 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: The subject properties were flagged as having a potential Land Division Violation (LDV). In 2000 the Land Division Violation, LVD-00-251 was opened. As part of this application, the property owner is seeking to verify the Lot of Record to ascertain the last legal Lot of Record configuration. The conditions within this decision will start the process that will result in the property coming into full compliance with all applicable provisions of the Multnomah County Code.

As discussed in this verification, when the applicant meets all of the conditions in this decision, it will result in the property coming into full compliance with all applicable provisions of the Multnomah County Land Use Code.

4.0 Exclusive Farm Use – EFU Criteria

4.1 § 36.2675 LOT OF RECORD.

4.1.1 (A) In addition to the Lot of Record definition standards in MCC 36.0005, for the purposes of this district a Lot of Record is either:

Staff: As defined in MCC 36.0005, the definition of a Lot of Record is as follows:

Lot of Record – Subject to additional provisions within each Zoning District, a Lot of Record is a parcel, lot, or a group thereof that, when created or reconfigured, (a) satisfied all applicable zoning laws and (b) satisfied all applicable land division laws, or (c) complies with the criteria for the creation of new lots or parcels described in MCC 36.7785. Those laws shall include all required zoning and land division review procedures, decisions, and conditions of approval.

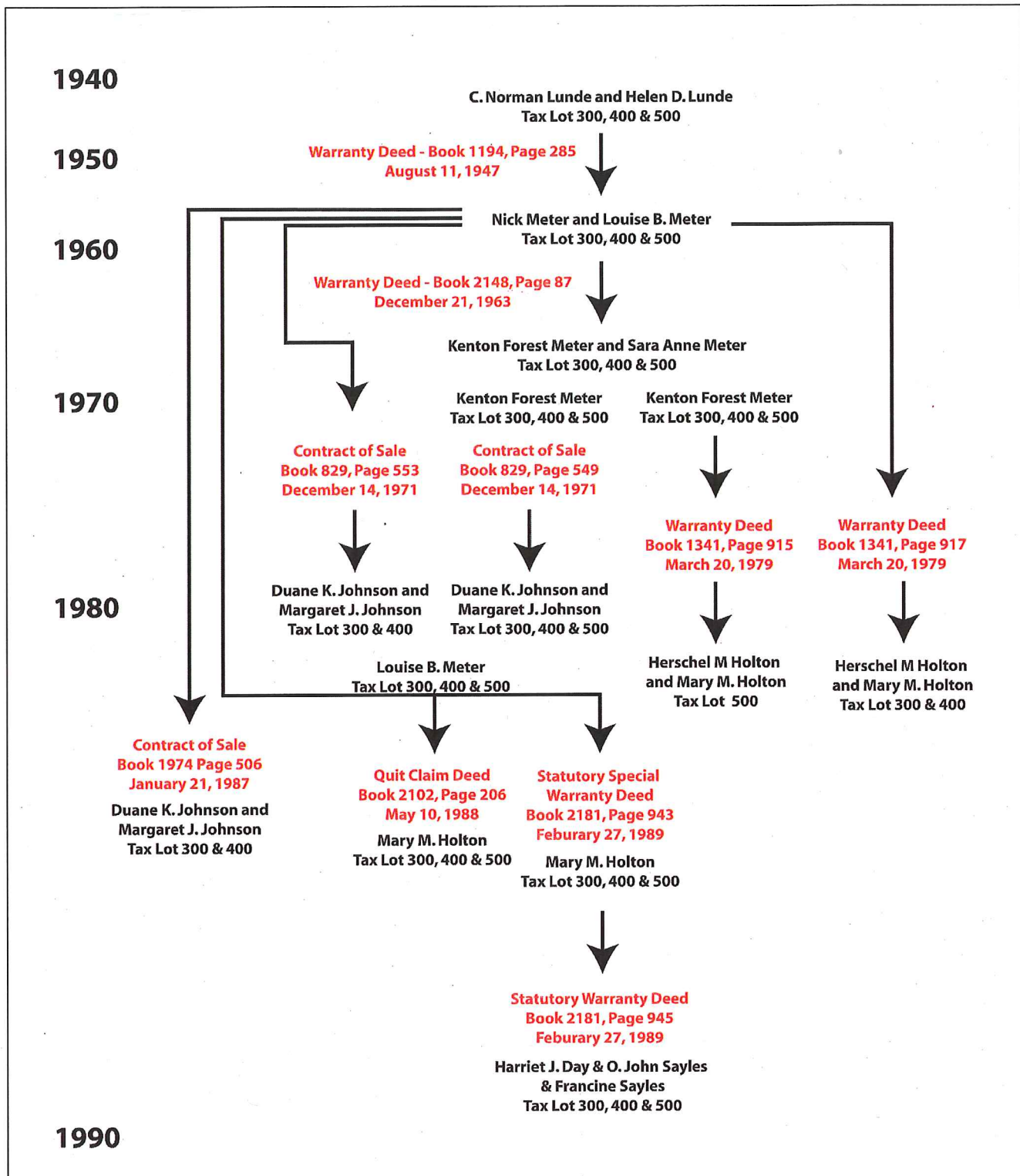
(a) "Satisfied all applicable zoning laws" shall mean: the parcel, lot, or group thereof was created and, if applicable, reconfigured in full compliance with all zoning minimum lot size, dimensional standards, and access requirements.

(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.)**
- (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.**

The applicant has provided a number of deeds to verify the Lot of Record status of tax lot 300, 400, and 500, Township 1 South, Range 4 East, Section 07DB. An illustration of the history of the deeds is also shown as Figure 1 below:

Figure 1 – History of Deeds for Tax Lot 300, 400, and 500



The tables below will discuss the deed history chronologically and illustrate the property configuration of each deed provided by the applicant.

Exhibit	Instrument	Seller	Buyer	Recording Date	Staff Graphic
A.15	Contract of Sale recorded in Book 829, Page 549-551 Zoning: F2	Kenton Forest Meter	Duane K. Johnson and Margaret J. Johnson	December 14, 1971	
A.14	Contract of Sale recorded in Book 829, Page 553-555 Zoning: F2	Nick Meter and Louise B. Meter	Duane K. Johnson and Margaret J. Johnson	December 14, 1971	

A Contract of Sale between Kenton Forest Meter (seller) and Duane K. Johnson and Margaret J. Johnson (buyers) was recorded in Book 829, Page 549-551 on December 14, 1971 that describes tax lot 300, 400, and 500 as one unit of land (Exhibit A.15). At that time, the zoning for the property was Agricultural District F2 (Exhibit B.5). The unit of land was 9 acres, which exceeded the 2-acre minimum standard for lot size (Exhibit B.6).

Subsequently, another Contract of Sale between Nick Meter and Louis B. Meter (sellers) and Duane K. Johnson and Margaret J. Johnson (buyers) was recorded in Book 829, Page 553-555 on December 14, 1971 (Exhibit A.14). The Contract of Sale describes tax lot 300, 400, and 500 as an individual unit of land, however the Contract excepts out, "the West one-quarter of the said tract." The "west one-quarter of the said tract" would be tax lot 500. At that time, the zoning for the property was Agricultural District F2 (Exhibit B.5). The unit of land (tax lot 300 and 400) was 6.75 acres, which exceeded the 2-acre minimum standard for lot size (Exhibit B.6). The remaining unit of land (tax lot 500) was 2.25 acres, which also exceeded 2-acre minimum standard for lot size.

As described the two units of land met the applicable zoning laws and land divisions laws that were in place to lawfully establish each unit of land. The Contracts of Sale were recorded, dated, and signed by the parties to the transaction with the Recording Section of the County's Department of Assessment, Records, and Taxation prior to October 19, 1978.

In 1971, the property known as Tax Lot 500, Township 1 South, Range 4 East, Section 07DB was a separate Unit of Land. The property contained in the two tax lots known as tax lot 300 and 400 Township 1 South, Range 4 East, Section 07DB were also a separate Unit of Land in 1971.

It appears from the evidence provided that the two Contracts of Sale written in 1971 between the Meters and the Johnsons failed at some point as the next set of deeds are again from the Meters but to different individuals. No deeds have been presented indicating that a deed was recorded to fulfill the Contract of Sale between the Meters and the Johnsons.

Exhibit	Instrument	Seller	Buyer	Recording Date	Staff Graphic
A.13	<p>Warranty Deed recorded in Book 1341, Page 915-916</p> <p>Zoning: MUA-20</p>	Kenton Forest Meter	Mary M. Holton and Herschel H. Holton	March 20, 1979	

A Warranty Deed between Kenton Forest Meter (seller) and Mary M. Holton and Herschel H. Holton (buyers) was recorded in Book 1341, Page 915-916 on March 20, 1979 (Exhibit A.13). The Deed describes tax lot 300, 400, and 500 as a single unit of land. At that time, the zoning for the property was Multiple Use Agriculture – 20 (MUA-20). The conveyed property was 9 acres, which was below the minimum lot size of 20 acres; however, the property did not change configuration from how it was described in the Contract of Sale recorded in Book 829, Page 549-551 on December 14, 1971.

Exhibit	Instrument	Seller	Buyer	Recording Date	Staff Graphic
A.12	<p>Warranty Deed recorded in Book 1341, Page 917-918</p> <p>Zoning: MUA-20</p>	Nick Meter and Louise B. Meter	Mary M. Holton and Herschel H. Holton	March 20, 1979	

A Warranty Deed between Nick Meter and Louise Meter (sellers) and Mary M. Holton and Herschel H. Holton (buyers) was recorded in Book 1341, Page 917-918 on March 20, 1979 (Exhibit A.12). The Deed describes tax lot 400 as an individual unit of land. At that time, the zoning for the property was Multiple Use Agriculture District MUA-20 (Exhibit B.7). The conveyed property was 0.24 acres. The MUA-20 code applied to the property on March 6, 1979 and required a minimum lot size of 20 acres (Exhibit B.8). The 0.24 acres appears to have come from tax lot 300 not part of tax lot 500. This unpermitted land division reduced tax lot 300 to

6.73 acres, which is also below the 20-acre minimum lot size. There is also no record that the property owner at that time requested a Lot of Exception, which would have been required for a land division creating parcels under 20 acres in size.

The tax lots known as Tax Lot 300 and 400, Township 1 South, Range 4 East, Section 07DB were not legal created as separate Units of Land because the tax lots were below the minimum lot size and did not meet all applicable planning, zoning, and subdivision or partition ordinances and regulations.

Exhibit	Instrument	Seller	Buyer	Recording Date	Staff Graphic
A.11	Contract of Sale recorded in Book 1974, Page 506-509 Zoning: EFU	Nick Meter and Louise B. Meter	Duane K. Johnson and Margaret J. Johnson	January 21, 1987	

In 1987, a new Contract of Sale was recorded in Book 1974, Page 506-509 on January 21, 1987 between Nick Meter and Louise B. Meter (sellers) and Duane K. Johnson and Margaret J. Johnson (buyers). It appears that this Contract of Sale was similar to the Contract of Sale between the Meters and the Johnsons that was recorded in 1971. This contract also appears to have failed due to the deed record starting in 1988 as discussed next.

Exhibit	Instrument	Seller	Buyer	Recording Date	Staff Graphic
A.10	Quit Claim Deed recorded in Book 2102, Page 206 Zoning: EFU	Louise Meter	Mary M. Holton	May 10, 1988	

From 1988 to 1989, multiple documents were recorded as shown in the above graphic and the two graphics below. In 1988, a Quit Claim Deed recorded in Book 2102, Page 206 between Louise Meter (seller and widow of Nick Meter) and Mary M. Holton (buyer and widow of Herschel Holton) on May 10, 1988 (Exhibit A.10). It appears that the Quit Claim Deed was recorded to clear up any ambiguity of ownership of the subject tax lots.

Exhibit	Instrument	Seller	Buyer	Recording Date	Staff Graphic
A.9	Statutory Special Warranty Deed recorded in Book 2181, Page 943-944 Zoning: EFU	Louise B. Meter	Mary M. Holton	February 27, 1989	
A.8	Statutory Warranty Deed recorded in Book 2181, Page 945-946 Zoning: EFU	Mary M. Holton	Harriet J. Day and O. John Sayles and Francine Sayles	February 27, 1989	

Then in 1989 to further clarify any confusion of the configuration of the tax lots and history of contracts and deeds, a Statutory Special Warranty Deed was recorded to fulfil the failed Contract of Sale that was recorded on December 14, 1971 in Book 829, Page 533-534 between the Meters and the Johnsons (Exhibit A.9). This deed was between Louise B. Meter and Mary M. Holton.

The Statutory Special Warranty Deed also stated, "This deed is also being executed to include that portion of property which excluded in error by document recorded May 10, 1988 in Book 2102, Page 206." The deed describes the three (3) tax lots as one unit of land and returns the units of land into their original configuration in 1971. The deed also corrects the illegal land division that was done when a Warranty Deed recorded in Book 1341, Page 917-918 on March 20, 1979.

The tax lots known as Tax Lot 300, 400, and 500, are returned into their original configuration in 1971 as a single Unit of Land. Because the single Unit of Land reverted to its last legal configuration, the Unit of Land now meet all applicable planning, zoning, and subdivision or partition ordinances and regulations.

Exhibit	Instrument	Seller	Buyer	Recording Date	Staff Graphic
A.7	Warranty Deed recorded in Book 2337, Page 1594-1595 Zoning: EFU	Harriet J. Day and O. John Sayles and Francine Sayles	Steve Konell	August 8, 1990	
A.6	Statutory Special Warranty Deed recorded as Instrument #2009-084953 Zoning: EFU	Steve Konell	Steve A. Konell, Trustee of the Konell Revocable Living Trust	June 16, 2009	
A.5	Statutory Warranty Deed recorded as Instrument #2016-009611 Zoning: EFU	Walter C. Webber and Andrew C. Webber, Successor Co-Trustees of the Konell Revocable Living Trust	Kyle W. Konell	January 27, 2016	

From 1990 to 2016, additional documents were recorded as shown in the table above. The deeds above continue to describe the three (3) tax lots as one unit of land.

The tax lots known as Tax Lot 300, 400, and 500 are described as a single Unit of Land and continue to be unchanged from the description in 1971. The property as describes continues to meet all applicable planning, zoning, and subdivision or partition ordinances and regulations.

(1) A parcel or lot which was not contiguous to any other parcel or lot under the same ownership on February 20, 1990, or

Staff: The parcels known as tax lot 300, 400, and 500 are contiguous and were under the same ownership on February 20, 1990 as discussed below.

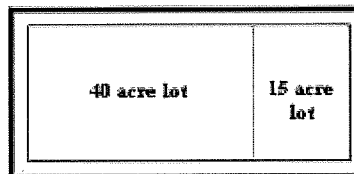
(2) A group of contiguous parcels or lots:

- (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.**

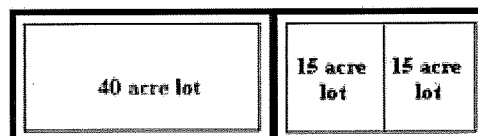
1. Each Lot of Record proposed to be segregated from the contiguous group of parcels or lots shall be a minimum of 19 acres in area using existing legally created lot lines and shall not result in any remainder individual parcel or lot, or remainder of contiguous combination of parcels or lots, with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

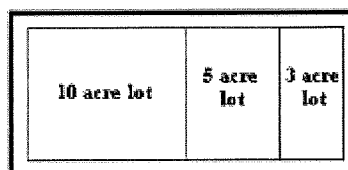
3. Three examples of how parcels and lots shall be aggregated are shown below with the solid thick line outlining individual Lots of Record:



**Example 1:
One 55 acre Lot of Record**



**Example 2:
One 40 acre Lot of Record and
one 30 acre Lot of Record**



**Example 3:
One 18 acre Lot of Record**

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, R-10), but shall apply to contiguous parcels and lots within all farm and forest resource zones (i.e. EFU and CFU), or

Staff: The contracts and deeds supplied by the applicant indicate that the properties were sold/conveyed multiple times. On February 20, 1990, the properties known as tax lot 300, 400, and 500 were all owned by Harriet J. Day, John O. Sayles, and Francine Sayles.

For the purposes of taxation only, tax lot 300 is 6.51 acres, tax lot 400 is 0.24 acres, and tax lot 500 is 2.25 acres. Together they were in the same ownership of Harriet J. Day, John O. Sayles, and Francine Sayles on February 20, 1990. The three tax lots are smaller than 19 acres and therefore would aggregate to comply with a minimum lot of record size of 19 acres, if they remained divided as part of the legal description.

Planning staff looked at the ownership for the surrounding tax lots and according to Multnomah County Department of Assessment, Records, and Taxation records, none of the surrounding properties were owned by Harriet J. Day, John O. Sayles, and Francine Sayles on February 20, 1990. The table below shows the ownership of each of the surrounding properties before and after February 20, 1990.

Alternative Account #	Pre-1990 Tax Roll Property Owner	Post-1990 Tax Roll Property Owner
R99407-0350	Harriet J. Day, John O. Sayles, and Francine Sayles	Harriet J. Day, John O. Sayles, and Francine Sayles
R99407-0610	Harriet J. Day, John O. Sayles, and Francine Sayles	Harriet J. Day, John O. Sayles, and Francine Sayles
R99407-0850	Harriet J. Day, John O. Sayles, and Francine Sayles	Harriet J. Day, John O. Sayles, and Francine Sayles
Adjacent Property to the Subject Properties		
R99407-0090	Donald Strebin, Samuel Strebin, Donna Yost, Jackie Strebin, Katherine Strebin, Daniel Strebin, and Donald Strebin	Donald Strebin, Samuel Strebin, Donna Yost, Jackie Strebin, Katherine Strebin, Daniel Strebin, and Donald Strebin
R99407-0140	Stanley Jr. W Roser, Samuel J Roser, and Stanley Jr. W. and Lucille V. Roser	Stanley Jr. W Roser, Samuel J Roser, and Stanley Jr. W. and Lucille V. Roser
R99407-0280	Marvin E. Brown and Gladys J. Brown	Marvin E. Brown and Gladys J. Brown
R99407-0430	Claudell K. Metzger	Claudell K. Metzger

If tax lots 300, 400, and 500 are separate legal parcels, they would still be aggregated in order to comply with the minimum lot size of 19 acres. Together they are considered one Lot of Record.

(3) A parcel or lot lawfully created by a partition or a subdivision plat after February 20, 1990.

Staff: The parcel was not created by partition or subdivision, therefore this criterion does not apply. *This criterion is not applicable.*

- (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: The subject parcel was not created through a Lot of Exception application, therefore this criterion does not apply. *This criterion is not applicable.*

4.1.2 (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, 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;

Staff: Criterion (B) does not affect the determination on this case. *This criterion is not applicable.*

4.1.3 (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 36.2690 may be occupied by any allowed use, review use or conditional use when in compliance with the other requirements of this district.

Staff: Criterion (C) does not affect the determination on this case. *This criterion is not applicable.*

4.1.4 (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 described by the Department of Assessment, Records, and Taxation, the tax lots known as Tax Lot 300, 400, and 500 are areas of land described solely for assessment and taxation purposes. The Contract of Sale recorded in 1971, the Quit Claim Deed recorded in 1988, and the most current Warranty Deed recorded in 2016 all describe the three (3) tax lots as a single unit of land (Exhibit A.10 and A.15). Therefore, together the three (3) tax lots are described as one unit of land and one Lot of Record.

5.0 Exhibits

'A' Applicant's Exhibits

'B' Staff Exhibits

'C' Procedural Exhibits

Exhibits with a "*" after the exhibit # have been included as part of the mailed decision. All other exhibits are available for review in Case File T2-2018-11102 at the Land Use Planning office.

Exhibit #	# of Pages	Description of Exhibit	Date Received / Submitted
A.1	1	General Application Form	11/02/2018
A.2	1	Fidelity National Title Report Coversheet for 1S4E07DB - 00300	11/02/2018
A.3	1	Fidelity National Title Report Coversheet for 1S4E07DB - 00400	11/02/2018
A.4	1	Fidelity National Title Report Coversheet for 1S4E07DB - 00500	11/02/2018
A.5	3	Statutory Warranty Deed recorded as 2016-009611 on January 27, 2016	11/02/2018
A.6	2	Warranty Deed recorded as 2009-084953 on June 16, 2009	11/02/2018
A.7	2	Statutory Warranty Deed recorded in Book 2337, Page 1594-1595 on August 28, 1990	11/02/2018
A.8	2	Statutory Warranty Deed recorded in Book 2181, Page 945-946 on February 27, 1989	11/02/2018
A.9	2	Statutory Warranty Deed recorded in Book 2181, Page 943-944 on February 27, 1989	11/02/2018
A.10	1	Quitclaim Deed recorded in Book 2102, Page 206 on May 10, 1988	11/02/2018
A.11	4	Contract of Sale recorded in Book 1974, Page 506-509 on January 21, 1987	11/02/2018
A.12	2	Warranty Deed recorded in Book 1341, Page 917-918 on March 20, 1979	11/02/2018
A.13	2	Warranty Deed recorded in Book 1341, Page 915-916 on March 20, 1979	11/02/2018
A.14	4	Contract of Sale recorded in Book 829, Page 553-555 on December 14, 1971	11/02/2018
A.15	3	Contract of Sale recorded in Book 829, Page 549-551 on December 14, 1971	11/02/2018

'B'	#	Staff Exhibits	Date
B.1	2	Department of Assessment, Records and Taxation (DART): Property Information for 1S4E07DB -00300 (R994070350)	11/02/2018
B.2	2	Department of Assessment, Records and Taxation (DART): Property Information for 1S4E07DB -00400 (R994070850)	11/02/2018
B.3	2	Department of Assessment, Records and Taxation (DART): Property Information for 1S4E07DB -00500 (R994070610)	11/02/2018
B.4	1	Department of Assessment, Records and Taxation (DART): Map with 1S4E07DB -00300, 00400, and 00500 (R994070350, R994070850, and R994070610) highlighted	11/02/2018
B.5	1	Zoning Map indicating zoning prior to October 6, 1977	01/11/2019
B.6	2	Zoning Code section 2.00 Districts as adopted on May 21, 1968	01/11/2019
B.7	1	Zoning Map indicating zoning on October 6, 1977	01/11/2019
B.8	6	Zoning Code section 5 for Multiple Use Agriculture District MUA-20 as adopted on March 6, 1979	01/11/2019
'C'	#	Administration & Procedures	Date
C.1	1	Complete letter (day 1)	11/26/2018
C.2	5	Opportunity to comment & mailing list	11/28/2018
C.3		Administrative decision & mailing list	