



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: April 19, 2017

Department: Public Works Agenda Planning Date: April 13, 2017 Time required: None

Audio/Visual aids

Contact: Phone:

Department Head Signature:

TITLE: Receive hearings officer's decision dismissing Administrative Review Case (AR) 17-008/Lobdell.

Issue, Description & Background: The hearings officer issued a decision on April 6, 2017, dismissing AR 17-008. As part of the land use process, the board of commissioners must officially receive the decision.

Financial Impacts: None

Impacts to Department & External Agencies: None

Options for Consideration: The land use process mandates that the board of commissioners must receive the hearings officer's decision. As this is process only, there are no options for consideration.

Recommendation: Staff recommends the board of commissioners receive the hearings officer's decision.

List of attachments: Hearings officer's decision

Presenter: Joe Fennimore

Copies of completed paperwork sent to the following: (Include names and e-mail addresses.)

Copies to: Joe Fennimore - gfennimore@co.marion.or.us

BEFORE THE MARION COUNTY HEARINGS OFFICER

In the Matter of the ) Case No. AR 17-008  
 )  
Application of: ) Clerk's File No.  
 )  
CHARLES AND SANDY LOBDELL ) **Administrative Review**

ORDER

**I. Nature of the Application**

This matter comes before the Marion County Hearings Officer on the application of Charles and Sandy Lobdell for an administrative review to establish a religious organization on a 2.00 acre portion of a 31.00 acre property in an FT (FARM TIMBER) zone at 3010 Porter Road NE, Silverton, Marion County, Oregon (T7S; R1E; S09C; TL 1000).

**II. Relevant Criteria**

The standards and criteria relevant to this application are found in the Marion County Comprehensive Plan (MCCP) and the Marion County Code (MCC) title 17, especially chapters 17.110 and 17.139.

**III. Public Hearing**

A public hearing was duly opened on this application on April 5, 2017. No one appeared at the hearing. No documents were submitted to the record as exhibits. No objections were raised to notice, jurisdiction or conflict of interest.

**IV. Findings of Fact**

The hearings officer, after careful consideration of the testimony and evidence in the record, issues the following findings of fact:

1. The subject property is designated Farm Timber in the Marion County Comprehensive Plan and zoned FT. The property is on the east side of Porter Road NE in Marion County about 1,500 feet south of its intersection with Powers Creek Loop NE. The property contains an existing dwelling, a manufactured home that was decommissioned, accessory structures, a gazebo, well and septic system. The property was the subject of previous land use cases: Farm Dwelling 87-16, which denied the placement of a farm related dwelling and Conditional Use (CU) 87-98, approving placement of a forest related dwelling. CU 87-98 was never

implemented but subsequent case, CU 97-27 approved dwelling placement.

2. Planning Division staff found insufficient evidence in the record to allow approval of the application at time of review. On March 29, 2017, applicant Charles Lobdell contacted the Planning Division withdrawing the subject application.

#### **V. Additional Findings of Fact and Conclusions of Law**

1. On March 29, 2017, applicant, Charles Lobdell, submitted an email to the Planning Division stating, "I would like to withdraw my application for the religious organization conditional use [administrative review] permit." The hearings officer does not know of laws or rules that prohibit an appellant from withdrawing an application.
2. Based on this withdrawal, the application will be dismissed.

#### **VI. Order**

It is hereby found that applicants have withdrawn their application. Therefore, the application of Charles and Sandy Lobdell for an administrative review to establish a religious organization on a 2.00 acre portion of a 31.00 acre property in an FT zone is **DISMISSED**.

#### **VII. Appeal Rights**

An appeal of this decision may be taken by anyone aggrieved or affected by this order. An appeal must be filed with the Marion County Clerk (555 Court Street NE, Salem) by 5:00 p.m. on the 21st day of April 2017. The appeal must be in writing, must be filed in duplicate, must be accompanied by a payment of \$500, and must state wherein this order fails to conform to the provisions of the applicable ordinance. If the Board denies the appeal, \$300 of the appeal fee will be refunded.

DATED at Salem, Oregon, this 6<sup>th</sup> day of April 2017.

  
\_\_\_\_\_  
Ann M. Gasser  
Marion County Hearings Officer

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order on the following persons:

Charles and Sandy Lobdell  
3010 Porter Road NE  
Silverton, OR 97381  
*(via U.S. Postal Service)*

DLCD  
635 Capitol Street NE, Ste. 150  
Salem, OR 97301  
*(via U.S. Postal Service)*

Gerald Fisher  
P.O. Box 72  
Silverton, OR 97381  
*(via U.S. Postal Service)*

Ron Parvin  
Silverton Fire District  
819 Rail Way NE  
Silverton, OR 97381  
*(via U.S. Postal Service)*

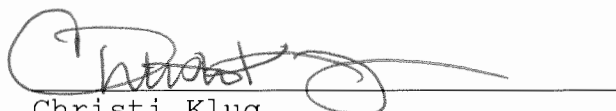
Agencies Notified

Planning Division *(via email)*  
Public Works Engineering *(via email)*  
Building Inspection *(via email)*  
Assessor's Office *(via email)*  
AAC Member No. 7

Dawn Olson  
15056 Quall Road  
Silverton, OR 97381  
*(via U.S. Postal Service)*

James Sinn  
3168 Cascade Highway NE  
Silverton, OR 97381  
*(via U.S. Postal Service)*

by mailing or emailing copies as specified above. I further certify that said mailed copies were placed in sealed envelopes, addressed as noted above, and deposited with the United States Postal Service at Salem, Oregon, on the 6<sup>th</sup> day of April 2017, and that the postage thereon was prepaid.

  
Christi Klug  
Secretary to Hearings Officer