BEFORE THE MARION COUNTY HEARINGS OFFICER

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| In the Matter of the | ) | Case No. AR 18-023 |
| | ) | |
| Application of: | ) | Clerk's File No. |
| | ) | |
| MARY ARNOLD, NANCY MINTEN AND JEAN MCLAUCHLAN | ) | **Administrative Review** |
| | ) | |

**ORDER**

## I. Nature of the Application

This matter comes before the Marion County Hearings Officer on the application of Mary Arnold, Nancy Minten and Jean McLauchlan for an administrative review to place a lot of record dwelling on a 7.92-acre parcel in an SA (Special Agriculture) zone in the 5900 block of State Street, Salem, Marion County, Oregon (T7S, R2W, S33A, tax lots 3200 and 3300).

## II. Relevant Criteria

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, 17.115, 17.119 and 17.137.

## III. Public Hearing

A public hearing was held on this application on December 5, 2018. At hearing, the Planning Division file in this case was made part of the record. The record in ADM 96-88 was also made a part of the record. The following persons appeared at hearing and provided testimony:

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| 1. | Brandon Reich | Planning Division |
| 2. | Norm Bickell | Applicants' consultant |

No objections were raised to notice, jurisdiction, conflicts of interest, evidence or testimony.

## 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 Special Agriculture in the MCCP and zoned SA. The intent of the designation and zoning is to promote and protect agricultural operations.

2. The subject property is on the south side of State Street in the 5900 block. The property is undeveloped.

3. Properties to the east, south, and west are zoned SA and are in mixed small-scale farm and residential uses. Properties to the north, across State Street, are zoned I (Industrial) and are in industrial use.

4. According to the *Soil Survey of Marion County Area, Oregon*, the subject property is predominantly made up of high-value farm soils. The soil survey data sheet in the record shows the parcel at roughly five and one half acres rather than the 7.92 shown in the assessor's data. This may be because the property description in the deed record appears to describe the west property line going through Willa Lake, rather than around the lake as depicted in the assessor's map.

5. Applicant asks to establish a lot-of-record dwelling on the subject property. The property was previously approved for a lot-of-record dwelling in ADM 96-88, but the approval was never implemented.

6. The Marion County Planning Division requested comments on the proposal from various governmental agencies.

Marion County Department of Public Works (DPW) Land Development and Engineering Permits (LDEP) commented on the following:

ENGINEERING REQUIREMENTS

A. The subject property is within the unincorporated area of Marion County and will be assessed Transportation & Parks System Development Charges (SDCs) upon application for building permits.

B. in accordance with MCC 11.10 and Marion County Driveway Ordinance #651, driveways must meet sight distance, design, spacing, and safety standards. The following numbered sub-requirements pertain to access:

1) If this land use action is approved, the applicant will be required to apply for a driveway "Access Permit" to establish a safe and compliant access as outlined in the Access Permit. Such changes will include paving the approach and the installation of a culvert.

2) Select vegetation along the property frontage must be removed from the public right-of-way. During a field inspection, it was observed that vegetation, including blackberry bushes, are situated in the public right-of-way along the subject property State Street frontage that poses an impediment to adequate Intersection Sight Distance.

3) As was stated in the *Notice of Decision* for prior land use case #AR96-88, approving a modified lot-of-record for the subject property,"[s]ight distance along the State Street frontage of the subject property is limited in some locations due to the alignment of the road. Both parcels shall access State Street at a single driveway near the we[s]t property line."

C. Both a Marion County Work in Right-of-Way Permit and a Utility Permit are required in order to install utilities within County-controlled public right-of-way.

ENGINEERING ADVISORIES

D. Per a 1973 survey there exists a 25-foot easement along the western property boundary of the subject property to TL 3400. MCPW is unable to locate any additional files that indicate whether this easement is still valid or was extinguished.

E. State Street is classified as an Arterial per Marion County Rural Road Classification. Per MCC 17.223.020 Arterials have a special setback requirement of 50 feet from centerline of the roadway.

F. A portion of subject property is identified as being within the National Wetland Inventory (NWI). Applicant may benefit by having the wetland field-verified for proximity to the proposed home site to avoid any unintended consequences. Contact the Department of State Lands with any questions.

Marion County Building Inspection commented that a building permit is required for new construction or placement of a manufactured home.

Marion County Onsite Wastewater Group commented that septic site evaluation is required.

Marion County Code Enforcement commented there are no code enforcement issues on the property.

Other contacted agencies did not respond or stated no comment on the proposal.

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

1. Applicants have the burden of proving by a preponderance of the evidence that all applicable standards and criteria are met. As explained in *Riley Hill General Contractor, Inc.* v. *Tandy Corporation*, 303 Or 390 at 394-95 (1987):

> "'Preponderance of the evidence' means the greater weight of evidence. It is such evidence that, when weighed with that opposed to it, has more convincing force and is more probably true and accurate. If, upon any question in the case, the evidence appears to be equally balanced, or if you cannot say upon which side it weighs heavier, you must resolve that question against the party upon whom the burden of proof rests." (Citation omitted.)

In short, applicant must prove it is more likely than not that each criterion is met. If evidence for any criterion is equal or less, applicant has not met the burden and the application must be denied. If evidence for every criterion is a hair in applicants' favor, then the burden of proof is met and the application will be approved.

2. Under MCC 17.110.680, the Planning Director determines whether dwellings subject to standards are permitted in the applicable zone following MCC 17.115 administrative review procedures. In this case, based on soil types identified on the subject property, the determination must be made by the county hearings officer. The hearings officer may hear and decide this matter.

3. Under MCC 17.115.110(A), administrative reviews are subject to MCC 17.119.020 and .025 conditional use application requirements.

4. Under MCC 17.119.020, property owners may file an application. A February 23, 2007 statutory bargain and sale deed, recorded in the Marion County Deed record at reel 2779, page 237, conveys the subject property to Mary Arnold, Nancy Minten and Jean McLauchlan, who could file the subject application. MCC 17.119.020 is satisfied.

5. Under MCC 17.119.025, the signatures of all property owners are required. A February 23, 2007 statutory bargain and sale deed, recorded in the Marion County Deed record at reel 2779, page 237, conveys the subject property to Mary Arnold, Nancy Minten and Jean McLauchlan. Mary Arnold, Nancy Minten and Jean McLauchlan all signed the administrative review application. MCC 17.119.025 is satisfied.

6. Under MCC 17.115.110(A), an administrative review decision shall be made on the basis of the comprehensive plan and applicable standards and criteria in MCC title 17.

7. Under MCC 17.137.030(D), a lot-of-record dwelling is a single-family dwelling subject to the following standards and criteria:

    1. The lot or parcel on which the dwelling will be sited was lawfully created and acquired and owned continuously by the present owner:

        a. Since prior to January 1, 1985; or

        b. By devise or intestate succession from a person who acquired and had owned continuously the lot or parcel since prior to January 1, 1985.

        c. "Owner," as the term is used in this subsection only, includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child, grandparent, or grandchild of the

owner or business entity owned by any one or a combination of these family members.

2. The tract on which the dwelling will be sited does not include a dwelling.

3. The lot or parcel on which the dwelling will be sited was part of a tract on November 4, 1993, and no dwelling exists on another lot or parcel that was part of that tract.

4. When the lot or parcel on which the dwelling will be sited is part of a tract, the remaining portions of the tract are consolidated into a single lot or parcel when the dwelling is allowed.

5. The request is not prohibited by, and complies with, the Comprehensive Plan and other provisions of this title, including but not limited to floodplain, greenway, and big game habitat area restrictions.

6. The proposed dwelling will not:

   a. Exceed the facilities and service capabilities of the area.

   b. Create conditions or circumstances contrary to the purpose of the special agriculture zone.

7. A lot-of-record dwelling approval may be transferred one time only by a person who has qualified under this section to any other person after the effective date of the land use decision.

8. The county assessor shall be notified that the county intends to allow the dwelling.

9. The lot or parcel on which the dwelling will be sited is not high-value farmland as defined in MCC 17.137.130(D); or

10. The lot or parcel on which the dwelling will be sited is high-value farmland as defined in MCC 17.137.130(D)(2) or (3) and:

* * *

11. The lot or parcel on which the dwelling is to be sited is high-value farmland as defined in MCC 17.137.130(D)(1) and:

a. The hearings officer determines that:

   i. The lot or parcel cannot practicably be managed for farm use, by itself or in conjunction with other land, due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in

the vicinity. For the purposes of this section, this criterion asks whether the subject lot or parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. Neither size alone nor a parcel's limited economic potential demonstrate that a lot or parcel cannot be practicably managed for farm use. Examples of extraordinary circumstances inherent in the land or its physical setting include very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use by itself or together with adjacent or nearby farms. A lot or parcel that has been put to farm use despite the proximity of a natural barrier or since the placement of a physical barrier shall be presumed manageable for farm use; and

ii. The use will not force a significant change in or significantly increase the cost of farm or forest practices on surrounding lands devoted to farm or forest use; and

iii. The dwelling will not materially alter the stability of the overall land use pattern in the area. To address this standard, the following information shall be provided:

(A) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, and why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;

(B) Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved under subsection (D) of this section and MCC 17.137.050(A), including identification of predominant soil classifications and parcels created prior to January 1, 1993. The findings shall describe the existing land use pattern of the study area including the distribution and

arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision;

(C) Determine whether approval of the proposed non-farm/lot-of-record dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase, lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.

b. The county shall provide notice of the application for a dwelling allowed under this subsection to the Oregon Department of Agriculture.

8. **Lawfully established dwelling/continuously owned.** Lawfully established. This issue was not directly addressed in the AR 18-023 case file, but at hearing it was indicated that the Planning Division relied on the ADM 96-88 approval for finding compliance with the "legally established" criterion. But, the ADM 96-88 case did not address the legally established criterion either, and the approval expired without being implemented. The ADM 96-88 case file contains a 1986 special warranty deed transferring the subject property to Alma Minten, and the 1982 title insurance document the then Planning Director relied on to establish a pre-1985 ownership date for the property. Neither of these documents provide definitive proof of how, when or whether the parcel was legally created. **Based on this record, the hearings officer cannot say it is more likely than not that the subject property was legally established.**

Continuously owned. The 1996 case file includes a 1982 title insurance document, signed by Richard and Alma Minten, authorizing funds disbursement for the property's estimated closing on March 23, 1982. The then Planning Director considered this document evidence sufficient to conclude a land sale contract was entered into by Mr. and Ms. Minten for the subject property in 1982. The hearings officer also finds the evidence sufficient to show 1982 as the year Alma Minten gained an ownership interest in the subject property; a date prior to January 1, 1985. The property was fully deeded to Alma Minten in 1986. (Mr. Minten was deceased.) The property was conveyed to the Alma Minten Revocable Living Trust dated January 10, 1995, an entity with Alma Minten and Mary Ann Arnold as trustees. At Ms. Minten's death, Mary Ann Arnold, Ms. Minten's daughter, became sole successor trustee. On February 23, 2007, trustee and daughter, Mary Ann Arnold, deeded the property to Alma Minten's daughters, Mary Ann Arnold, Nancy L. Minten and Jean M. McLauchlan; applicants in this matter. The three daughters are "present owners" of the property. The definition of owner

includes parents. Parent, Alma Minten, had ownership interest in the subject property since 1982 and retained control over the property until her death, when trustee power was exercised by her daughter, Mary Ann Arnold, to transfer the subject property to present owners, Mary Ann Arnold, Nancy Minten and Jean McLauchlan, the daughters of Alma Minten. The continuously owned portion of this criterion is met.

**Because the legally established portion of this criterion is not proven by a preponderance of the evidence in the record as a whole, MCC 17.137.030(D)(1) is not satisfied.**

9. **No dwelling on a tract.** The subject and other property was conveyed as parcels 1 and 2, as described in the 2007 deed to applicants. The same parcel 1 description appears in the 1986 deed to Alma Minten in the ADM 96-88 case file. The described properties do not appear contiguous on the assessor's map in the record, but assessor's maps are for taxing purposes. Tax lot numbers make great short hand property references, but they do not always show actual property line boundaries. And, property deed descriptions are not always clear. The hearings officer is not a cartographer, surveyor or property description expert, but the property description in the deed included with the application appears to describe the eastern property line of the subject property as going through, rather than around Willa Lake as depicted on the Assessor's map. The west line of the subject property appears to follow the east line of block 3, Lakeshore Terraces subdivision and extend to the south line of State Street. The east property line of the other property in the parcel 1 description also seems to follow the east line of block 3, which may make the properties contiguous. The description for Parcel 2 of the 2007 deed is also difficult to understand. Without clarification about the extent of all properties conveyed in the 2007 deed, applicants have not proven, by a preponderance of the evidence in the record that the subject property is not part of a tract with no other dwelling on it. **On any appeal, applicant should clearly trace out and depict the property descriptions from the 2007 deed to make it clear whether other described properties are contiguous to the subject property, and if so, whether dwellings exist on the properties. MCC 17.137.030(D)(2) is not met.**

10. **Tract on November 4, 1993.** It is not clear whether the subject property was part of a tract on November 4, 1993, and if it was, whether another dwelling exists on the tract. **Applicants have not proven by a preponderance of the evidence that MCC 17.137.030(D)(3) is met.**

11. **Consolidating tracts.** If the 2007 property deed is shown to include contiguous property in the same ownership, and if no dwellings exist on the other properties, consolidation could be made a condition of any approval. **At this point, it is not clear whether MCC 17.137.030(D)(4) applies.**

12. The record is currently insufficient to show whether the subject property is legally established or if it part of a tract already containing a dwelling. **Denial is required but the hearings officer will examine the remaining criteria on a strictly advisory basis in case of any appeal.**

13. **MCCP/MCC compliance.** The subject property is not within MCCP identified floodplain, geologic slide hazard, natural, sensitive groundwater or big game habitat areas. No sensitive stream, headwaters, mineral resource, noise impact, greenway, scenic or other like areas are on or near the subject property. The subject property is adjacent to and likely contains MCCP-identified wetlands. Requiring coordination with the Oregon Division of State Lands (DSL), and proof of DSL permitting or proof that no permitting is needed, can be made a condition of any approval. With this condition, the request is not prohibited by, and complies with MCCP and similar MCC provisions, and MCC 17.137.030(D)(5) would be met.

14. **Facility and service capabilities.** Marion County Fire District 1 (MCFD1) and Marion County Sheriff's Office services are available to the subject property. MCPW will require a special 50' setback from the State Street centerline, and an access permit to ensure driveway sight distance, design, spacing, and safety standards are met. Transportation and parks SDCs will be assessed to help provide county services. Water and wastewater disposal will be provided for on site. Septic site evaluation and well setbacks can be made conditions of approval, as well as setbacks from Willa Lake. As conditioned, the proposed dwelling will not exceed facility and service capabilities, and MCC 17.137.030(D)(6)(a) will be met.

15. **SA zone purpose.** MCC 17.137.010 contains the SA zone purpose statement:

> The SA (special agriculture) zone is applied in areas characterized by small farm operations or areas with a mixture of good and poor farm soils where the existing land use pattern is a mixture of large and small farm units and some acreage homesites. The farm operations range widely in size and include grazing of livestock, orchards, grains and grasses, Christmas trees and specialty crops. The range in size of management units presents no significant conflicts and allows optimum resource production from areas with variable terrain and soils. It is not deemed practical or necessary to the continuation of the commercial agricultural enterprise that contiguous ownerships be consolidated into large parcels suitable for large-scale management. Subdivision and planned developments, however, are not consistent with the purpose of this zone and are prohibited.
>
> This zone allows the flexibility in management needed to obtain maximum resource production from these lands. It emphasizes farm use but forest use is allowed and protected from conflicts. The SA zone is intended to be applied in areas designated special agriculture in the Marion County Comprehensive Plan.
>
> The SA zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.
>
> The SA zone retains Class I through IV soils in commercial farm units comparable to those in the vicinity or in small-scale or specialty

commercial farms where the land is especially suited for such farming. The SA zone is intended to be a farm zone consistent with ORS 215.283.

State Street borders the subject property to the north. Two industrial zoned properties in industrial use are across State Street. All other properties surrounding and including the subject property are designated special agriculture in the MCCP and zoned SA. Land to the west and southwest contains Willa Lake and a developed residential subdivision. To the south is a 6.3-acre parcel with a nonfarm dwelling approved by the county in 1984. A 21-acre parcel with dwelling and grass seed field is to the east. The grass field extends onto about 3.5 acres of the subject property. No partition, subdivision or planned development is proposed. The subject property is insulated from farm uses on three sides. The property to the west is the only immediately proximate property in farm use. A lot-of-record dwelling is in harmony with the purpose and intent of the SA zone if all certain criteria are met. As discussed elsewhere in this order, not all criteria are met. **MCC 17.137.030(D)(6)(b) is not met.**

16. **Property transfer.** A condition of any approval can state that the lot-of-record dwelling approval may be transferred one time only by the persons who qualified for the approval to any other person after the effective date of the land use decision. As conditioned, MCC 17.137.030(D)(7) will be met.

17. **Assessor notification.** The county assessor will be notified as a condition of any approval that the county intends to allow the dwelling. As conditioned, MCC 17.137.030(D)(8) would be met.

18. **Not high-value farmland.** The subject parcel is made up of high-value farmland as defined in MCC 17.137.130(D). MCC 17.137.030(D)(9) is not applicable.

19. **High-value farmland under MCC 17.137.130(D)(2) or (3).** The subject property contains no MCC 17.137.130(D)(2) high-value farmland, and only a small percent of MCC 17.137.130(D)(3) high-value farmland. MCC 17.137.030(D)(10) is not applicable.

20. **Class II High-value farmland.** Predominant soils on the property are high-value, MCC 17.137.130(D)(1) farm soils. The subject property is high-value farmland as defined in MCC 17.137.130(D)(1). MCC 17.137.030(D)(11) applies.

21. **Practicably managed for farm use.** This criterion asks whether the subject parcel can be physically put to farm use without undue hardship or difficulty because of extraordinary circumstances inherent in the land or its physical setting. The subject property is almost eight acres, and possibly more if in a tract with other properties. It is surrounded on three sides by parcels developed with nonfarm uses and Willa Lake, preventing farm use of the subject property in conjunction with properties on these three sides. To the east is a 21-acre parcel in grass seed. About 3.5 acres of the subject property is already under lease and farmed in conjunction with the 21-acre property. Given the current arrangement, the hearings officer cannot say there are extraordinary circumstances inherent

in the land or its physical setting that keep the subject property from being put to farm use in conjunction with the property to the east. And, if neither size alone nor a parcel's limited economic potential can demonstrate that a lot or parcel cannot be practicably managed for farm use, **on this record, the hearings officer finds MCC 17.137.030(D)(11)(a)(i) is not met.**

22. **Surrounding farm or forest practices.** Properties on three sides of the subject property are not in farm use. Property to the east is in the same farm use as the subject property. The farm parcel to the east contains a dwelling presumably not interfering with the farm use of the parcel. Space for a dwelling on the subject property may be limited by the narrowness of the parcel but with setback requirements, it is likely the proposed use will not interfere with surrounding farm practices. And, an approval condition will require a farm/forest declaratory statement acknowledging and accepting farm and forest practices to be signed and recorded after county review and approval. MCC 17.137.030(D)(11)(a)(ii) could be met.

23. **Overall land use pattern.** Applicant provided a mapped area of over 2,000 square feet centered on the subject property. The subject property is shown in crosshatching. The map shows current tax lots, map tax lot numbers, and zoning information. The study area, with AR zone and urban growth boundary properties excluded is still greater than 2,000 square feet. The map shows a distinct, wave-like swath of farmland across the map running southwest to northeast. The map shows a typical mix of larger and smaller farm-zoned parcels. The study area is appropriate for the land use pattern analysis.

Typical farm uses include grass seed and sod production and pasturing. Applicant provided working spreadsheets identifying 303 parcels/portions of parcels in the study area. Applicant screened the parcels for dwellings, soil classification, contiguous ownerships and so on. Applicant found 71 vacant properties, but 46 were in contiguous ownership with parcels already containing dwellings, leaving 25 vacant parcels. Applicant then looked at soil types and conveyance dates to see if any vacant parcels might qualify for nonfarm or lot-of-record dwellings. After this screening, seven parcels remained. Two of the parcels were contiguous to other vacant parcels in the same ownership that were consolidated, leaving five parcels that might qualify for additional dwellings within the 2,000 square foot farm-zone study area. Five potential dwelling sites will not likely disrupt farm operations or change the land use pattern in the study area. This will more likely complete the pattern of farmed and residential uses, stabalizing the area. The proposed dwelling will not materially alter the stability of the overall land use pattern in the area. MCC 17.137.030(D)(11)(a)(iii) is met.

24. **Notice.** The Oregon Department of Agriculture will be notified of this application as a condition of any approval. As conditioned, MCC 17.137.030(D)(11)(b) will be met.

## VI. Order

It is hereby found that applicants have not met the burden of proving the applicable standards and criteria for approval of an administrative review application for a lot-of-record dwelling on a 7.92-acre parcel in an SA zone have been met. Therefore, the administrative review application is **DENIED**. If, on any appeal, applicant provides evidence to prove all applicable criteria are met, the hearings officer recommends the BOC consider the following as conditions necessary for the public health, safety and welfare:

1. The decision is valid only when exercised within four years of the date the decision becomes final unless an extension is granted. The effective period may be extended for two years subject to approval of an extension. Request for an extension must be submitted to the Planning Division prior to expiration of the approval (form available from the Planning Division).

2. Applicant shall obtain approval for all Marion County Building Inspection Division required permits.

3. Prior to issuance of a building permit, applicant shall sign and submit a Farm/Forest Declaratory Statement to the Planning Division. The statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.

4. Prior to issuance of a building permit, applicant shall sign and submit proof that any required Oregon Division of State Lands wetlands permits have been acquired, or proof that no wetlands permits are needed.

5. The lot-of-record dwelling approval may be transferred one time only by persons qualified under this application to any other person after the effective date of land use approval.

6. The county assessor shall be notified that the county intends to allow the dwelling.

7. The Oregon Department of Agriculture shall be notified of the approval.

CERTIFICATE OF MAILING

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

Norman Bickell
2232 42nd Avenue SE #771
Salem, OR 97317

Mary Arnold
Nancy Minten
Jean McLauchlan
P.O. Box 430
Sublimity, OR 97385

Meriel Darzen
1000 Friends of Oregon
133 SW 2nd Avenue, Suite 201
Portland, OR 97204

Roger Kaye
Friends of Marion County
P.O. Box 3274
Salem, OR 97302

Agencies Notified

| | |
|---|---|
| Planning Division | *(via email: gfennimore@co.marion.or.us)* |
| | *(via email: breich@co.marion.or.us)* |
| | *(via email: lmilliman@co.marion.or.us)* |
| Code Enforcement | *(via email: bdickson@co.marion.or.us)* |
| Building Inspection | *(via email: twheeler@co.marion.or.us)* |
| | *(via email: deubanks@co.marion.or.us)* |
| | *(via email: mpuntney@co.marion.or.us)* |
| Assessor | *(via email: assessor@co.marion.or.us)* |
| PW Engineering | *(via email: jrassmussen@co.marion.or.us)* |
| ODA | *(via email*: jjohnson@oda.state.or.us) |
| DSL | (*via email*: michael.deblasi@state.or.us) |

AAC No. 3 (no members)

by mailing to them copies thereof, except as specified above for agency notifications. I further certify that said copies were placed in sealed envelopes, addressed as noted above, and deposited in the United States Mail at Salem, Oregon on the 27th day of March 2019, and that the postage thereon was prepaid.

Susan Hogg
Secretary to Hearings Officer

## 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 27th day of March 2019. 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 12th day of March 2019.

Ann M. Gasser
Marion County Hearings Officer