

Attention Property Owner: A land use proposal has been submitted for property near where you live or near property you own elsewhere. State law requires that the county notify property owners within a certain distance from this property. The proposal and address of the property is described in the "Application" section below. The decision in this case does not directly affect the zoning or use of your property. If you object to the decision, refer to the "Appeal" section. If you have questions, contact the staff person listed at the end of this report.

NOTICE OF DECISION
ADMINISTRATIVE REVIEW CASE NO. 22-010

APPLICATION: Application of Benito Mendoza for an administrative review to determine the legal status of a lot on a 3.3-acre parcel in an EFU (Exclusive Farm Use) zone located at the 19000 block of Allinson Road NE, Woodburn (T4S; R1W; Section 29A; Tax Lot 800).

DECISION: The Planning Director for Marion County has **determined that tax lot 800 is a single legal lot.**

OTHER PERMITS, FEES, AND RESTRICTIONS: This approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits and/or fees from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for, obtaining other permits or satisfying any restrictions or conditions thereon. It is recommended that the agencies mentioned in the Findings and Conclusions section below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

APPEAL PROCEDURE: The Marion County Zone Code provides that certain applications be considered first by the County Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by a Marion County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$200) on the basis of new information subject to signing an extension of the 150-day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Requests for reconsideration, or consideration by a hearings officer, must be in writing (form available from the Planning Division) and received in the Marion County Planning Division, 5155 Silverton Road NE, Salem, by 5:00 p.m. on **May 18, 2022**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **May 19, 2022**, unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which decision was based are noted below.

1. The subject property is designated Exclusive Farm Use in the Marion County Comprehensive Plan and correspondingly zoned EFU (Exclusive Farm Use). The primary intent of both this designation and zone is to promote and protect commercial agricultural operations.
2. Adjacent properties in all directions are zoned EFU (Exclusive Farm Use) and in a mix of small to large scale commercial farm use.
3. Marion County Code 17.110.427 defines a legal parcel as:

“Parcel” means a unit of land created by a partitioning as defined in ORS 92.010 in compliance with all applicable zoning and partitioning code provisions contained in Chapter 17.172 MCC, or created by deed or land sales contract prior to September 1, 1977, excluding units of land created solely to establish a separate tax account. [Ord. 1369 § 4 (Exh. B), 2016; Ord. 1313 § 4 (Exh. A), 2011; Ord. 1271 § 5, 2008. RZ Ord. § 110.427.]

4. The property is located approximately one-fifth mile south of the intersection between Allinson Road NE and Arabian Lane NE, in the 19000 block of Allinson Road NE. The property is approximately 3.3 acres in size. In 1911, the property was included as part of Lot 24, Feller's Subdivision. Later, county survey number 8047A, dated September 12, 1933, suggests that a portion of Lot 24 (which includes the approximate area of Tax Lot 800) was partitioned and transferred to "A. J. Lortz." County survey number 21760, dated October 20, 1970, also suggests that the property in question was separate from the neighboring properties at the time.
5. Tax Lot 800 was legally described as a single legal parcel matching the current configuration on a deed recorded May 24, 1944, in Volume 312, Page 564 of the Deed Records of Marion County, Oregon. This deed transferred title from the heirs of Adam J. Lortz to Darwin Schaber. Because this deed affirms that the parcel was created by deed prior to September 1, 1977, and because subsequent deeds show that the property has not changed in configuration, it can be therefore concluded that the parcel meets the definition of MCC 17.110.427.
6. Soil Survey for Marion County, Oregon, indicates approximately 100% of the soils on the subject tax lot are classified as high value.
7. Marion County Septic commented: Future development of the property will require a site evaluation in accordance with OAR 340-071-0150.
8. Marion County Assessor's Office provided information regarding taxes on the subject properties.
9. Various agencies were contacted about the proposal and given an opportunity to comment. All other contacted agencies failed to comment.
10. Based on the above findings, it has been determined that Tax Lot 800 is its own legal parcel per the definition contained in Marion County Zoning Code 17.110.427.

Brandon Reich
Planning Director/Zoning Administrator

Date: May 3, 2022

If you have any questions regarding this decision contact Daniel Jansen at (503) 588-5038

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.