

Attention Property Owner: A land use proposal has been submitted for property near where you live or 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. 19-016**

APPLICATION: Application of John Trelstad for an administrative review to determine if a 4.61 acre tax lot in an IG (General Industrial) zone is a lawfully created parcel, located in the 3600 block of Boone Road SE, Salem. (8S; R2W; Section 07C; tax lot 01801).

DECISION: The Planning Director for Marion County has determined the property is a lawfully created parcel.

OTHER PERMITS, FEES AND RESTRICTIONS: This approval does not remove or affect 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 restrictions or conditions thereon. It is recommended that the agencies mentioned in Finding #5 below be contacted to identify restrictions or necessary permits.

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 deny the application. Anyone who disagrees with the Director's decision may appeal the decision to a Marion County hearings officer. The applicant may also request reconsideration (one time only and a \$200.00 fee) 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. Appeals must be in writing (form available from the Planning Division) and received in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem by 5:00 p.m. on **September 12, 2019**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **September 13, 2019** unless appealed.

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

1. The subject property is designated Industrial in the Salem Area Comprehensive Plan and correspondingly zoned IG (General Industrial) in the area of the urban growth boundary managed by Marion County.
2. The subject property is located on the east side of 36thth Avenue SE between Boone Road SE and Kuebler Blvd. SE.
3. Surrounding uses consist of parcels in the county developed with industrial uses and parcels in the city.
4. The applicant requests a determination if the 4.61 acre tax lot is a lawfully created parcel.
5. Tax lot 1801 appears to be the remainder of a larger parcel the rest of which has been annexed into the City of Salem and is no longer under county jurisdiction. Tax lot 1801 is zoned IG (General Industrial). There are no minimum lot area or dimension requirements for a parcel in that zone and MCC 16.33.600 exempts divisions in the IG zone (when the parcel has street frontage) from partitioning requirements. Therefore, tax lot 1801 is a separate, lawful parcel of land.

Joe Fennimore
Planning Director

Date: August 28, 2019

If you have any questions regarding this decision contact Brandon Reich 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.