

**NOTICE OF DECISION  
ADMINISTRATIVE REVIEW CASE NO. 18-018**

**APPLICATION:** Application of JC Compton Company for an administrative review to determine the number of separate legal lots on a 2.01 acre parcel and a 11.49 acre parcel in an SA (Special Agriculture) zone located at 6595 Acorn St SE, Salem (T8S; R2W; Section 20DA; tax lots 300 and 400).

**DECISION:** The Planning Director for Marion County has determined that tax lots 300 and 400 are each separate legal parcels.

**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 **October 11, 2018**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **October 12, 2018** unless appealed.

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

1. The subject property is designated Special Agriculture in the Marion County Comprehensive Plan and zoned SA (Special Agriculture). The intent of both designation and zone is to promote and protect commercial agricultural operations.
2. The properties are located at the northern end of Acorn Street SE. The small parcel contains a dwelling.
3. Surrounding properties to the north and east are SA and primarily in agricultural use. Property to the west and south is within the city limits of Turner.
4. Soil Survey of Marion County Oregon indicates 100% of the subject property is high-value farm soils.
5. The applicants are requesting a determination of the number of separate legal parcels.
6. All commenting agencies had no comment or stated no objection to the proposal.
7. Marion County Code (MCC) 17.114.040 (A) states: "Notwithstanding MCC 17.110.680 and Chapter 17.172 MCC, any lot created by deed, plat or subdivision prior to September 1, 1977, is considered legally created for the purposes of applying the land use code."
8. Tax Lot 300 was described separately by a legal description on a deed (Volume 697, Page 444) on February 2, 1971. Tax lot 400 was described separately by a legal description on a deed (Volume 644, Page 178) on March 12, 1968. Both of the deeds were recorded prior to September 1, 1977; therefore, both parcels were legally created and are separate, legal parcels.
9. Based on the above findings, it has been determined that tax lots 300 and 400 are each separate legal parcels.

Gilman Fennimore  
Planning Director

Date: September 26, 2018

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.