



Marion County
OREGON

ZONE CHANGE/COMPREHENSIVE PLAN CHANGE APPLICATION

Applications submitted by mail will not be accepted

Do not double-side or spiral bind any documents being submitted

Fee: Please check the appropriate box:

Zone Change - \$1880+\$30/acre

Comprehensive Plan Change - \$3755+\$60/acre

Zone Change/Comprehensive Plan Change - \$3755+\$60/acre

Mineral Aggregate Site - \$5300 base fee +

\$25/acre - 0-100 acres

\$75/acre - 101-200 acres

\$100/acre - 201-399 acres

\$150/acre - 400+ acres

PROPERTY OWNER(S): <u>Lois M. Pfennig</u>	ADDRESS, CITY, STATE, AND ZIP: <u>6092 Macleay Rd, Salem, OR 97302</u>
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: <u>Wallace W. Lien</u>	ADDRESS, CITY, STATE, ZIP: <u>P.O. Box 5730 Salem, OR 97304</u>
DAYTIME PHONE (if staff has questions about this application): 	E-MAIL:
ADDRESS OF SUBJECT PROPERTY: <u>UNADDRESSED</u>	SIZE OF SUBJECT PROPERTY: <u>20.46</u>
The property owners request to change the zone from (current) <u>SA</u> to (proposed) <u>AR</u> and/or change the Comprehensive Plan designation from <u>AGRICULTURAL</u> to <u>RURAL RESIDENTIAL</u> . Provide detailed information on the attached "Applicant Statement" page.	
Will a railroad highway crossing provide the only access to the subject property? () Yes (X) No If yes, which railroad:	

FOR OFFICE USE ONLY:			
Township: <u>08</u>	Range: <u>2W</u>	Section: <u>04A</u>	Application elements submitted:
Tax lot number(s): <u>2800</u>	Zone: <u>SA</u>	Comp. Plan:	☒ Title transfer instrument
Zone map number:	Urban	Rural	☒ 2 Site plans showing existing/proposed zoning
TPA/header: <u>CM</u>			☒ Applicant statement
Case Number: <u>14-005</u>	<u>2C/CP/P 14-005</u>		☒ GeoHazard Peer Review (if applicable)
Signs given (min. agg. only):			☒ Filing fee
Date determined complete:			Application accepted by: <u>TD</u>
			Date: <u>6-19-19</u>

THE APPLICANT(S) SHALL CERTIFY THAT:

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

PRINTED NAME AND SIGNATURE of each owner of the subject property.

Lois M. Pfennig
Print Name
Trustee

[Redacted Signature]

Print Name

Signature

Print Name

Signature

Print Name

Signature

DATED this 18 day of June, 2019



Marion County
OREGON

PARTITION APPLICATION

Applications submitted by mail will not be accepted

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Fee: Please check the appropriate box:

Partition - \$940

Partition in an SGO Zone - \$1250

1/2 470

PROPERTY OWNER(S): <i>Lois Pfennig</i>	ADDRESS, CITY, STATE, AND ZIP: <i>6092 Macleay Rd, Salem, OR 97302</i>
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: <i>Wallace W. Lien</i>	ADDRESS, CITY, STATE, ZIP: <i>P.O. Box 5730, Salem, OR 97304</i>
DAYTIME PHONE (if staff has questions about this application): [REDACTED]	E-MAIL (if any): [REDACTED]
ADDRESS OF SUBJECT PROPERTY: <i>UNADDRESSED</i>	SIZE OF SUBJECT PROPERTY: <i>20.46</i>
The property owners of the subject property request to divide a <i>20.46</i> acre parcel into two or three parcels containing <i>2.0</i> , <i>2.0</i> , and <i>16.46</i> acres or square feet each. Provide detailed information on the attached "Applicant Statement" page.	
Will a railroad highway crossing provide the only access to the subject property? () Yes ☒ No If yes, which railroad:	

<u>FOR OFFICE USE ONLY</u>			
Township	Range	Section	Application elements submitted:
Tax lot number(s)			Title transfer instrument
Zone:			Site plan
Zone map number:			Applicant statement
TPA/header			Geo Hazard Peer Review (if applicable)
Case Number:			Filing fee
Urban Rural			SGO Peer Review (if applicable)
			Road name information
Date determined complete:			Application accepted by:
			Date:

IF THE PARTITION INCLUDES THE CREATION OF A PRIVATE ROADWAY PLEASE LIST BELOW FOUR (4) PROPOSED ROAD NAMES, IN THE ORDER OF PREFERENCE (see the attached information sheet):

(1)

N/A

(2)

(3)

(4)

ATTACH A MAP SHOWING ALL PARCELS THAT WILL HAVE ACCESS OFF THIS EASEMENT, AND INCLUDE THE ADDRESS AND LOCATION OF ALL DWELLINGS ON THE PARCEL, ALONG WITH THE DRIVEWAY LOCATION.

THE APPLICANT(S) SHALL CERTIFY THAT:

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

PRINTED NAME AND SIGNATURE of each owner of the subject property.

Lois Fennig

Print Name

Signature

Trustee

Print Name

Signature

Print Name

Signature

Print Name

Signature

DATED this 18 day of JUNE, 2019

BEFORE THE PLANNING DIVISION

FOR MARION COUNTY

In the Matter of the Application of:)

LOIS M. PFENNIG, Trustee of the)
Henry O. And Lois M. Pfennig Trust)

File No. _____

To Partition Tax Lot 2800 of Assessor's)
Map 82W4A, into three parcels of 2.0 acres)
2.0 acres and 16.46 acres, and for a Plan)
Amendment from Agriculture to Rural)
Residential, and for a Zone Change from)
Special Agriculture (SA) to Acreage)
Residential (AR), and to take a Goal)
Exception.)

APPLICANTS' STATEMENT

COMES NOW applicant, LOIS M. PFENNIG, Trustee of the Henry O. And Lois M. Pfennig Trust, by and through her attorney, Wallace W. Lien, of Wallace W. Lien, P.C., and do hereby submit the following Applicants' Statement which sets forth the legal and factual justification for approval of this combined application.

I. NATURE OF THE APPLICATION

The ultimate purpose of this application is to partition applicant's 20.46 acre property into three new parcels of 2.0 acres, 2.0 acres and 16.46 acres respectively. The property is located in an SA zone, therefore a Plan Amendment with Goal Exception from Agriculture to Rural Residential is required, together with a change in the zone designation from Special Agriculture (SA) to Acreage Residential (AR).

II. BACKGROUND FACTS

Applicant and her family have owned the subject property for over 4 decades. Most recently, the applicant placed the property in her trust in 1995. This latest deed is attached hereto as Exhibit

Page 1 - Applicants' Statement (Pfennig)

EXHIBIT

A

"B". The subject property is unaddressed, but is located near Macleay Road and 62nd Avenue. See the street map attached hereto as Exhibit D. The property is unimproved. It is identified as Tax Lot 2800 on Map 8.2W.04A, and carries Assessor #R56964. This map is attached hereto as Exhibit E.

The property takes its primary access from Macleay Road, but also has a secondary unimproved access onto Wickiup Street. Access to the property will be via Whispering Way, which is a private street also owned by the applicant.

The subject property is separated to the east from 62nd Ave. by a series of small lots each with a non-farm dwelling, and all of which are one acre in size or smaller bordering on, and taking access from 62nd Ave. See Map Exhibit E and the aerial photographs at J. Along the southern boundary of the subject property is a single parcel that is less than 3 acres in size, which is wooded and has a non-farm dwelling and outbuildings on it. This parcel (TL3500, Map 8.2W.4D) encompasses the intersection of 62nd Ave. and Culver Road.

To the west of the subject property are 7 parcels, the largest of which is only 4.66 acres in size, 5 of which are 1.25 acres in size or less, and 1 parcel that is 3.17 acres in size. 6 of these 7 parcels have a non-farm dwelling located on them. The exception is the 4.66 acre tract that has a small blueberry field on it, and is on farm tax deferral.

Property to the north of the subject property is also owned by the applicant and consists of three non-farm parcels, one of which (TL2700) has the applicant's dwelling. These parcels were created by PP2012-008, and are not farmed and not on any deferral program.

The land to the north and east is planned and zoned Acreage Residential (AR). The subject property, as well as the land to the south and west is planned and zoned Special Agriculture. Exhibit H.

The city limits of Salem run close to the subject property to south and west. Uses inside the nearby city limits include the Salem Industrial Park, and the Oregon State Correctional Institution. Exhibit H.

Soil classification on the subject property includes a mixture of Amity (Am), Woodburn (WuA), Concord (Co) and Silverton (SuC) silt loam soils that are class II and III, and defined as high value farmland. Exhibit I.

Topography on the site is generally flat with a slight slope to the south, which is characteristic of the entire area. Exhibit G.

There is a electrical power line that runs along the eastern boundary of the subject property, and a small stand of scrub trees crossing the Southern half of the parcel. Exhibit J.

A study of the entire area surrounding the subject property has been performed. This study encompassed all tax lots on Assessor Maps 8.2W.04A, 7.2W.33, 8.2W.04D, 8.2W.04B, 8.2W.04C and 8.2W.04BA which is the entirety of the surrounding neighborhood. A summary of the property information obtained is attached hereto as Exhibit K.

This inventory study reveals that there are 196 buildable Tax Lots, plus four non-buildable parcels. Of the 196 buildable parcels, there are 20 parcels in Commercial or Industrial use and 176 in residential use. There are 160 houses on the 176 residential parcels. This equates to 91% of the residential parcels are already developed with single family dwellings.

The study area encompassed 676.23 acres, or 1.06 square miles. The average parcel size in the study area is 3.45 acres. The median parcel size is 2 acres.

Of the 176 residential parcels, 131 are under 2 acres in size, and 51 of those are one acre or under in size, this equates to 74% of the parcels in the study are on parcels that are under 2 acres in

size.

Only 24 of the 196 total parcels are in a resource deferral program, meaning only 12% of the parcels are in farm use sufficient to qualify for a tax break.

III. PROPOSED USE

The ultimate goal of this application, if approved, is to partition the subject property into three parcels. There would be two parcels created of 2 acres each, and the remaining 16.46 parcel. The two smaller parcels would be located on the Northerly portion of the parcel adjoining TL2700 and TL2702, and would use the existing private road for access to Macleay Road. The remnant parcel would remain vacant for the time being. One of the new parcels will be owned and occupied by a family member. See Exhibit L for the proposed partition plan.

IV. GOAL EXCEPTION JUSTIFICATION

The exception process is detailed in ORS 197.732 (Goal II, Part II), and the Oregon Administrative Rules (OAR's) 660-004. The exception justification here is what is commonly referred to as the "irrevocably committed" exception under ORS 197.732(1)(b) (Goal II, Part II [b]). The subject property qualifies for an exception to Goals 3, 4 and 14 because the level of development in the area around the subject property is so heavily built upon with single family non-farm dwelling, or commercial or industrial uses that it renders the subject property impracticable for resource uses.

OAR 660-004-0028(1) (Exception Requirements for Land Irrevocably Committed to Other Uses) provides:

A local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable.] (emphasis added)

Whether uses allowed by the goals are impracticable depends upon the characteristics of the (1) exception area; (2) the adjacent lands; (3) the relationship between the exception area and the adjacent lands; and (4) other relevant factors. OAR 660-004-0028(2).

Findings need not demonstrate that every use allowed by the goal is "impossible." OAR 660-004-0028(3). In addition, OAR 660-004-0028(6) sets forth a number of factors the local government must consider in taking an irrevocably committed exception, which include (1) existing adjacent land uses; (2) existing public facilities and services; (3) parcel size and ownership patterns of the exception area and adjacent lands; (4) neighborhood and regional characteristics; (5) natural or man-made features or other impediments separating the exception area from adjacent resource land; (6) physical development under OAR 660-004-0025; and (7) other relevant factors.

This application involves a Goal Exception that will ultimately lead to the ability of the subject property to be used for rural residential housing on lots with a 2 acre minimum lot size. While the current proposal is only to do one partition to create two new 2 acre parcels, the remnant parcel has the potential for an additional 6 new 2 acre parcels (the missing acreage would be necessary to create an access drive). The subject property is outside of any Urban Growth Boundary, and by law is considered rural land.

This application involves exceptions to Goals 3, 4 and 14. Each exception is taken on the basis of the irrevocably committed theory. The facts and law that justify the irrevocably committed exception generally will be discussed first, followed by additional comments on the specifics of Goals 3, 4 and 14.

In this case, the Exception to Goals 3, 4 and 14 is justified based on the extensive level of development around the subject property. As noted above, the applicant has performed an inventory

study of all the parcels within a mile of the subject property. This area encompassed 6 Assessor Maps, for a total of 676.23 acres. Exhibit E. The study area included a total of 196 tax lots, plus 4 parcels that were non-buildable. 176 of those parcels were in residential use, and 20 were in commercial or industrial uses. There are 160 single family dwellings in the study area. Across the entire study area, the average lot size is 3.45, with the median lot size being just a little over 2 acres in size. 131 parcels are under 2 acres in size, and 51 of those are one acre or less in size. Effectively, 74% of the parcels in the study area are at or under 2 acres in size.

91% of the parcels in the study area have dwellings located on them, but only 12% of the parcels in the study area qualify for a farm tax deferral program. There are no woodlands in the study area, and no forest deferral parcels.

The subject property is completely surrounded by small parcels, almost all of which include a non-farm dwelling. The area to the East of the subject property, between it and 62nd Ave, there are 6 parcels, all 1 acre or less, and each with a non-farm dwelling. To the South is one parcel that is 2.93 acres with a non-farm dwelling. To the West there are 7 parcels, 4 of which are a half acre or less in size. Another parcel is 1.25 acres, and another is 3.17 acres, all of these 6 parcels have a non-farm dwelling located on them. The 7th parcel in this area is 4.66 acres in size and is the only parcel in the area that qualifies for farm tax deferral based on a small blueberry field to go along with the dwelling on the site. Despite qualification for deferral, this small field does not qualify as a commercial farm enterprise, as it is supplemental to the primary use of the property for non-resource housing. To the North are the applicant owned parcels, which include the 3 parcels created in PP 2012-008 which are 1.75, 4 and 9.62 acres (this is the parcel the applicant lives on, and the other two parcels are vacant). To the Northeast there are 3 more non-farm dwelling tracts, 2 of which are 1

acre in size, and the third is 1.37 acres in size. To the Northwest is the Oak Meadows subdivision with lots averaging between .5 and .9 of an acre, all of which have dwellings.

In addition to the small lot parcelization in the area, the quality of the homes built in the area are of much higher value than the median home value in the Salem area. There are many homes well over \$500,000 in value, with one nearly \$1,000,000. The median value of parcels in the study area is well over \$400,000, making this area one of the most valuable in Marion County. Exhibit K.

This level of development commits the subject property to small rural residential parcels, and the Exception to Goals 3, 4 and 14 is justified. It has to be noted again that the commitment here is for AR zoning, which will only allow density of a minimum of 2.0 acre parcel size, and will not allow development at urban levels that are less than 2.0 acres in size. This is an important distinction in reviewing this Exception.

The OAR process reviews the Exception based on the situation at the subject property. The exact nature of the irrevocable commitment must be stated, and the study area must be shown on a map. In this case the exact nature of the irrevocable commitment is shown on the Assessor Maps made Exhibit E here, and is also shown on the aerial tax map made Exhibit F. The level of development within the study area is detailed in Exhibit K.

The OAR requires a review of the study area to determine the size and extent of commercial and industrial uses. This study area includes only 20 parcels in commercial or industrial uses, and those are located in the industrial park inside the Salem UGB. Otherwise, with the exception of a few larger parcels, the entire area is rural residential housing on small parcels. The location, number and density of residential dwellings has been shown.

There are no urban services in this area. There are no city or special districts in the area. All

utilities are rural in nature. Water is provided by domestic water wells, not by hook up to a municipal system. Sanitation is provided by septic systems, not by connection to a municipal sewer system.

There is nothing about the change in zoning and plan designation for the subject property that will encourage or otherwise cause the need for an urban level of utilities to come to this area.

The sizing of parcels, and ownership patterns in the study area have been reviewed. Records from the Assessor for the 196 parcels show that the vast majority of the ownerships are of only one parcel. There are 12 ownerships where the owners own 2 adjoining parcels and use them together for outbuildings and hobby uses. 4 of these parcels are owned by the applicant. The City of Salem owns the land in the industrial park which is a total of 6 parcels. There are four other owners who own 4 adjoining parcels, and one owner that has 5 parcels some of which are not contiguous. Aside from these multi-parcel owners, every other parcel in the study area is owned by a different owner.

Based on all the present factors, the subject property complies with the Exception process for Goals 3, 4 and 14 to demonstrate that the subject property is irrevocably committed to a level of development and parcel sizing that allow the change in plan and zone designation to AR, which would allow further development of the subject property into parcels with a minimum lot size of 2.0 acres.

In addition, it is instructive to note that despite the soil classification, the intensity of uses in the area, as well as the small parcels render the area unsuitable for the production of farm crops and livestock based on a combination of small and irregularly shaped parcel size and the level of property improvements. There is no commercial farming in the study area, and nearly the entire area has been devoted to rural residential uses for over 30 years. There simply is not enough land in large enough

contiguous blocks to sustain any commercial level of agriculture on individual lots. Much of the small parcelization occurred prior to implementation of Statewide Land Use Planning and Exclusive Farm Use zoning, and the remainder took advantage of exception areas for implementation of AR zoning in the early 1980 when the comprehensive plan was acknowledged by DLCD. The subject property is compatible with the adjacent blueberry field, which is the only farm use in the area, and it is a hobby operation in any event. Compatibility is shown by the fact that the two properties have been contiguous without any issues for nearly a decade since the blueberry field was planted. Further, the change in zoning will allow for the creation of parcels that are compatible with all the parcels in the area.

The subject property is compatible with farming operations in the area beyond the study area because there is no evidence that any such farming operations, practices or the costs of farming would be impacted as a result of the addition of a few more homes on the subject property.

The subject property is irrevocably committed to non-resource uses because of the characteristics of the exception area. These characteristics include: small parcel size, and irregularly shaped parcels, use of domestic wells and private septic drainfields, driveways, fences, and outbuildings. The study area has no history of any agriculture use during any of the time period that it has been zoned for Special Agricultural uses. Also, the fact that there are few farming operations, and none of a commercial nature in the area supports the premise that the subject property is irrevocably committed to non-resource uses.

The subject property is irrevocably committed to non-resource use because of the characteristics of adjacent lands. Most notably, the majority of adjacent lands are also in non-resource use, and are too small and too developed to be utilized for commercial agricultural

activities. The rezone area is irrevocably committed to non-resource use because the historical use of adjacent ownerships is for non-resource-related uses. The rezone area is also irrevocably committed to non-resource use because of the relationship of the rezone area to the lands adjacent to it. The rezone area is irrevocably committed to non-resource use because there is no definitive relationship of the rezone area to the uses that are adjacent. The rezone area does not provide any access to the adjacent farm parcel to the north. The rezone area does not provide staging or shipping areas for adjacent or other farm parcels in the area. The rezone area does not have utilities or utility easements that are necessary for conducting farming practices or activities on adjacent lands. The rezone area does not have people who work on or otherwise provide material support for adjoining farming operations since there are no adjacent farms. The rezone area does not have water rights or grazing rights that would provide material support for adjacent farming activities. The rezone area does not contain any processors or cottage industry uses that materially contribute to farm uses on adjacent parcels. The rezone area does not contain any laboratories, test plots, buffers, or other uses that contribute to the commercial agricultural economy on adjacent parcels. The rezone area does not contain any areas that could be leased or otherwise integrated into adjoining farm uses, because there are no such uses taking place. The rezone area can also be deemed irrevocably committed to non-resource use based on other relevant factors such as: 1) it is buffered by small non-farm parcels on almost all sides; 2) the rezone area consists of a single parcel adjacent to a group of small parcels, and is totally surrounded by non-resource uses, which is the primary characteristic of an area that is irrevocably committed to non-resource uses; 3) many of the parcels in the area were created before adoption of the comprehensive plan; 4) the remainder of the parcels were created after adoption of the comprehensive plan, and pursuant to AR zoning that was acknowledged by DLCD; 5) The

subject parcel cannot practicably be put into commercial farm use because of small parcelization, the wooded area, the presence of the electrical transmission lines and the adjoining non-farm dwellings that surround the subject property; 6) The subject rezone area cannot practicably be farmed for commercial farm uses due to its small size, its shape, that there are no field tile making drainage an issue, and there are no water rights associated with the property; 7) the fact that the property has not been in commercial farming for decades is a strong indicator that farm use, for the purpose of making a profit in money, is not practicable; 8) The subject property is impracticable for farm use because it can not be reasonably joined to farms in the area because there are no such farms; and 9) The subject property cannot be practicably utilized for forest use for same reasons it cannot be used for farming: small lot sizes, adjoining uses and lack of complementary forest uses in the area.

The rules specific to a Goal 14 Exception are found at OAR 660-004-0040, the purpose of which is to specify how Goal 14 "Urbanization" applies to rural lands in acknowledged exception areas planned for residential uses. The OAR applies to lands that are not within an urban growth boundary, that are planned and zoned primarily for residential uses, and for which an exception to Goal 3 "Agricultural Lands", Goal 4 "Forest Lands", or both has, or will be contemporaneously, taken. Such lands are referred to as "rural residential areas".

An Exception to Goal 14 may be considered so long as it does not allow the creation of a parcel of land for residential use that is not smaller than two acres. This provision is complied with in this case as the proposed zone is the Acreage Residential zone (AR) which has a 2 acre minimum lot size.

Provisions relating to parcels that are within one mile of a UGB do not apply to this application even though the subject property is less than 2,000 feet from the corner of the nearest

UGB on Culver Dr, because neither the City of Salem nor Marion County is subject to the additional provisions of OAR 660-004-0040(9)(a). Exhibit H.

Provisions relating to Measure 49 also do not apply, as the subject property does not have a Measure 49 approval.

Applicable to the Goal 14 Exception is OAR 660-014-0030 relating to rural lands that are irrevocably committed. This OAR discusses an irrevocable commitment to an urban level of development. In this case, what is proposed is not an urban level of development, as the AR requires a minimum lot size of 2.0 acres.

The Marion County Comprehensive Plan chapter on rural development acknowledges that a "rural home site can provide unique scenic and open space benefits and an alternative housing type and lifestyles that has important social and personal benefits." As to the location of rural residential areas, the MCCP states:

"The designation of rural residential areas is the result of a process of elimination. Separating out agricultural lands, forest lands, urban areas and lands that are undevelopable due to hazards leaves lands that are suited to rural residential development. . . . These lands include parcels that are divided or built upon to the degree that they are no longer available for farming or timber production, are irrevocably committed to no-agricultural [sic] uses or consist of predominantly unproductive soils." (emphasis added)

The subject property meets the above description perfectly. The Exception to Goal 3 has been justified herein on the basis of the fact that the subject property is irrevocably committed to non-resource use because of its impracticability for agriculture or forestry, and that the site is surrounded by small parcel non-farm residential uses.

MCCP Rural Residential Policy (RRP) No. 8 states that the overall density of Rural Residential areas should range in size from 1.5 to 3 acres. This proposal is to apply the AR zone to

the subject property, which would limit parcel sizes to a minimum of 2 acres. The size lots that could be created here will be very similar to contiguous and surrounding parcels, and will provide a rural lifestyle in a cost-effective manner. The AR zone allows parcels that are small enough to use land efficiently, yet large enough to provide setbacks and buffers from adjacent uses.

Rural Residential Policies No's. 9 and 10 state that rural tracts shall be approved where they have (1) capacity to dispose wastewater; (2) are free from natural hazards or the hazard can be adequately corrected; (3) there is no significant evidence of inability to obtain a suitable domestic water supply; and (4) there is adequate access to the parcel. The subject property meets all of these criteria.

The subject property will be self-sufficient and eliminate the public cost of providing basic utility services. Rezoning this land does not affect the ability of any UGB to perform its urban function of providing a full array of urban services to concentrated populations. By contrast, individuals in the rezone area will be required to provide many services for themselves such as sewage disposal and water supply. There are no identified hazard areas on or near the subject property. Access will initially be taken on the private drive created in PP 2012-008 to Macleay Road. Currently only one parcel is dependent upon that private road for access. An anticipated partition after rezoning would create two new 2 acre parcels on the Northerly portion of the site adjacent to TL 2700 and 2702, leaving the remnant area to the south. This first partition would then add three parcels to the access drive, which is allowed outright in the Marion County code. Additional partitions will address an alternative access using either Wickiup Street, or an easement to the South to access either Culver Road or 62nd Ave.

With regard to Goal 4, there is not now, nor has there been for decades any forestry uses

going on in the study area, or anywhere in this entire area. The region is a combination of agricultural and rural residential living, and forestry uses simply are not employed.

While the subject property may have soil suitable for forestry uses, such are precluded by the small size and irregular shape of the site, as well as the presence of 160 non-farm homes on small non-resource parcels in the immediate vicinity. As noted above, forestry uses have not been historically present in this area. Based on the facts set forth here, the Exception to Goal 4, Forestry is justified.

With regard to Goal 3, justification for the approval is stated above, based on the physical characteristics of the subject property and the surrounding land uses and parcelization. Based on the facts set forth here, the Exception to Goal 3, Agriculture is justified.

OAR 660-004-0028 provides that the County may adopt an exception to any goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal are impracticable.

Therefore, where it is clear the rezone area is irrevocably committed to non-resource uses because of the characteristics of the exception area, a Goal 3 Exception is justified. The relevant characteristics, enumerated above in detail, are summarized here to include: parcel size that closely match the 2 acre minimum lot size in the AR zone; domestic wells and private septic systems on every parcel in the surrounding area; an absence of any commercial farm activities; and a predominance of non-farm residential dwellings. For all of these reasons, the subject property is irrevocably committed to non-resource uses, which by its very nature means that the area is urbanizable, and not rural.

The relationship between the exception area and the lands adjacent to it are symbiotic, in that upon approval of the AR zone, and development of a few new parcels, the subject property will be the same AR zone, and of the exact density and use pattern of the surrounding area. The surrounding land inventory included here, confirm that the exception area is committed to an non-farm 2 acre residential dwelling parcels, the exact land use pattern that predominates in the area.

In this case, the relationship between the proposed use of the subject property for rural residential parcels is pronounced due to the fact that there have been no commercial agricultural uses either presently or in recent memory in this area. In this case, the facts are that not only are there no applicable resource uses, but the surrounding uses are all rural residential in nature, both presently and historically. This area has been a haven for small parcel rural residential living for decades. The proposed ability of the subject property to be divided still results in parcels that will meet or exceed the minimum parcel size in the AR zone, a size that matches up well with the parcels in the area.

As to other factors that should be considered: there are no public services available in the area, or anywhere close to this area. As mentioned, all 160 homes in the study area have wells and septic systems.

There is no issue with obtaining a domestic water well with adequate quality and quantity of water to serve the few homesites that may result from the change to AR zoning. The area is not in an identified Sensitive Groundwater Resource Zone. There is no municipal water system near the subject property that could be extended to serve the site. The few number of homes involved would not justify the cost of extension of water lines to serve the subject property water. The addition of a few new homes certainly would not be the tipping point to force the massive expansion of a public water system that would be required to be brought to this area. Besides, there is no money to pay

for such an expansion, and it is unclear if there are water rights available to support expansion. The subject property can be served by a domestic well, without any trigger of a need for public system expansion. Given the location and the costs and the availability of water rights, it is highly unlikely that a public water system will ever be extended to serve this area.

The same is true for the need for a public sanitary sewer system. There is not one within connection distance, and since the septic systems continue to operate successfully, there is no need to spend the money it would take to construct a system, or expand an existing system.

Based on these factors, the change of zone to AR will not generate any need to have the public systems extended to serve it and the surrounding area.

The land use inventory has determined that resource uses in this area are impracticable. Where resource uses are impracticable, what is left are non-resource uses, that is to say rural residential non-farm dwellings on parcels down to 2 acres in size. What is proposed here matches what is happening in the surrounding neighborhood.

This OAR recognizes that small parcels in separate ownerships are likely to be irrevocably committed if they stand together in large numbers, away from and not amidst larger farm or forest operations. OAR 660-004-0028 is complied with.

This is an application for an irrevocably committed exception. OAR 660-014-0040 does not need to be addressed at all where it is an irrevocably committed exception that is applied for.

OAR 660-14-0040 is not applicable to this application and need not be addressed.

As set forth above, this application relies on the fact that the adjoining neighborhoods are predominately small parcels with non-farm dwellings, and that level of development in close proximity, irrevocably commits the subject property to an increased level of development.

Because the subject property is irrevocably committed to an a level of use commensurate with the AR zone, OAR 660-014-0030 provides that the applicant is not required to address OAR 660-004-0020 or OAR 660-004-0022. These OAR's are not applicable to this application.

The issues surrounding sewer and water for the subject property are addressed in detail above. OAR 660-004-0018 is intended to ensure that rural land does not require urban levels of services. In making this determination the land area to be changed is what must be considered. Here, that land area is just over 20 acres. The proposed AR zone would conceptually allow up to 10 two acre parcels to ultimately be created, however the number of parcels is limited by the private easement access point which would only allow three new parcels to use the existing easement road to Macleay. Until an alternative access is developed, realistically the change in zone would allow the three new parcels proposed here.

There are no rationale arguments that can be made that allowing the few land divisions involved here, that can be served by a private well and septic system, will trigger the need for a public water or sewer system. Such a concept has to be beyond anyone's reasonable thought.

As discussed above, there is no public water system anywhere near the subject property. There is no evidence that water rights could be obtained to serve a new area, and even if there was a system that could be expanded, the cost of such expansion and extending pipes the long distance involved here would be prohibitive.

It is simply ludicrous to believe that the increased density proposed here would have any impact or bearing on the need for public sewer or water facilities, where ever those facilities might be. There are not enough new parcels possible here to tip the scales toward the need for public systems. The current pattern of wells and septic systems work fine, and there is no need for any

public systems in this area. OAR 660-004-0018 is fully complied with.

This proposal will not create any circumstance that would adversely impact resource uses, since there are no commercial farming operations anywhere near the subject property. The hobby agricultural uses that do exist are minor and have been compatible in all respects with the surrounding area. Even the small blueberry patch on TL3000 has been in close proximity to six non-farm parcels with dwellings to the South, and an entire subdivision to the North, with no history of conflict of any sort. In all respects, the existing uses in the area have a long history of compatibility, which will not be altered with the expansion of the AR zone to the subject property.

The subject property is not currently employed in any farm use, and has not been farmed for decades. Since there is no commercial agricultural uses on surrounding lands, there is no ability for this proposal to interfere or otherwise adversely impact what does not exist. In any event, it must be remembered that there are 160 homes on small parcels in this area, and these homesites have lived compatibly with the surrounding uses for decades.

There will be no impacts whatsoever on surrounding uses, farming, forestry or otherwise, from approval of this plan amendment and zone change.

The issue of compliance with Goal 11 - Public Facilities and Services - has been addressed fully above. This is a quasi-judicial single parcel land use change, that does not change anything else in the area. As discussed above, Goal 11 is complied with, and there will be no adverse impacts or triggering the need to rely on an urban level of services caused by the approval of this application.

There is no evidence of other lands in the county that could support a small number of rural residential non-farm parcels. This application is intended to ultimately result in one land division to create three new parcels. It is not to find and site a new area to place rural residential development

for the general good of the county. What is involved here is one parcel and one owner. The applicant wants to divide her land, to provide a parcel for her son to build a house close to her, and to provide a retirement income from the sale of the other parcels. These goals can not be achieved by going off to Woodburn or Stayton or some other area and trying to find an existing parcel properly zoned. There simply are few if any such areas available in any event.

What few 2.0 acreage parcels that did exist in the County that were buildable, have basically been bought up during the last two year economic recovery, making it clear that there are no suitable AR vacant buildable parcels in other parts of the County that can be used by the applicants, and certainly none that equal what they already have.

The subject property qualifies for Exceptions to Goals 3, 4 and 14, and this application should be approved.

V. COMPLIANCE WITH COMPREHENSIVE PLAN CRITERIA

According to Marion County Comprehensive Plan Policy 2, this application is considered to be an individual property application to be processed as a quasi-judicial amendment. The application is to be reviewed using the zone change procedure in the MCRZO, and the plan amendment can be processed simultaneously with a zone change request. The zone change criteria, and compliance therewith are addressed below.

In addition to being in compliance with the zone change criteria addressed below, the application must be consistent with the statewide land use goals and guidelines. Compliance with those goals is addressed as follows:

Goal #1 - Citizen Involvement - This Goal is primarily aimed at the original creation and the updating of the comprehensive plan. It calls for citizen participation in the planning process. Since

this is a quasi-judicial application there will public hearings in which the public will be notified and given the opportunity to be heard on this proposal. This Goal is complied with.

Goal #2 - Land Use Planning - This Goal sets out the basic processes by which land use decisions are made, and must include findings and conclusions that are based on substantial evidence. The process adopted by Marion County to review this application adequately assures that due process requirements are met in the decision making process.

In addition, Goal 2 sets forth the process and authorization for taking exceptions to any Goals that can not, or should not, be applied to a particular parcel. The Goal 2 Exception process is justified above.

This Goal is complied with.

Goal #3 - Agricultural Lands - An Exception being taken, this Goal is complied with.

Goal #4 - Forest Lands - An Exception being taken, this Goal is complied with.

Goal #5 - Open Spaces, Scenic and Historic Areas and Natural Resources - There are no identified Open Spaces, Historic Area or Natural Resources located on or near the subject property. This Goal is not applicable.

Goal #6 - Air, Water and Land Resources Quality - The change in plan designation and rezoning to AR will have no adverse impacts on air, water or land resources. The uses that will be allowed are all carefully controlled within the AR zone. What is proposed, and what the highest and best use of the subject property is will be for rural residential dwellings. As such, there is no potential for air pollution or devolution of the land resources. Domestic water will be provided by a well on the site that will be dug by a licensed contractor and approved by the Water Resources Department. This Goal is complied with.

Goal #7 - Areas Subject to Natural Disasters and Hazards - There are no identified Natural Disaster or Hazard areas located on or near the subject property. This Goal is not applicable.

Goal #8 - Recreational Needs - This Goal is designed to encourage and implement parks and other facilities for recreation. There are no parks or other recreation areas involved in this proposal. This is a small parcel, designated for rural residential use. The additional homesites that will be generated by approval of this application will have no negative impact on parks, and will not trigger a need for more park land or rural recreational facilities.

This Goal also deals with siting of destination resorts, which is not applicable here. This Goal is complied with.

Goal #9 - Economy of the State - This Goal calls for the diversification and improvement of the general economy of the state, and encourages planned uses that will implement these policies. The site is large enough to adequately and safely accommodate additional rural residential dwellings. By converting idle land to productive homesites adds to the economy by putting contractors and suppliers to work during construction, and adds to the local tax base. In addition, once the homesite is constructed, its occupants will buy goods and services locally which will further the economy. This Goal is complied with.

Goal #10 - Housing - This Goal seeks to ensure there is an adequate supply of housing of various sorts and types. There is a burgeoning desire for rural residential parcels with small acreage. Bare lots of this type are in high demand, and turn over quickly where there is the opportunity to build a single family house. This area is a classic example of how valued and viable small parcel rural residential living can be. Parcels in the 1-2 acre range, with single family homes dominate the neighborhood landscape. Taking 20 acres of idle land and converting it to needed rural residential

parcels with the ability to build a home is exactly the aim of Goal 10. This Goal is complied with.

Goal #11 - Public Facilities and Services - Goal 11 calls for planning in such a manner as to make for the most efficient use of public facilities, and not to place an undue burden on any sector. Here, the AR zoned area will be served by a well and septic system, so no public water or sewer systems will be needed. The parcel will be served by a single driveway onto Macleay Road, which driveway is already approved by the County as to type and location. Macleay Road has sufficient capacity to handle the few additional traffic trips that will be generated from approval of this application. The few additional homes that may be developed here will have no adverse impact on law enforcement, fire coverage or the school system. This Goal is complied with.

Goal #12 - Transportation - This Goal aims to provide a safe and convenient and economic transportation system. As noted above, Macleay has sufficient capacity to handle the anticipated additional traffic. The access point to the road already exists in an approved location. There will be no significant impact on any transportation facility due to the addition of a few new homes in this location. In addition, the Transportation Planning Rule (TPR) now provides for a safe harbor for new developments that generate less than 400 trips per day. Since there are estimated to be no more than 10 trips per day per new parcel generated here, the safe harbor rules provide for automatic compliance with the TPR. This Goal is complied with.

Goal #13 - Energy - According to this Goal, new land uses must be managed and controlled to provide maximum conservation of energy. The new homes that will be constructed here will have its building plans approved by the county, and it will include as much energy efficient materials and equipment as possible. This Goal is complied with.

Goal #14 - Urbanization - This Goal is excepted as explained above.

Goal #15 - Willamette Greenway - This Goal does not apply as the subject property is not located within the Willamette Greenway.

Goal #16 - Estuarine Resources - This Goal does not apply as the subject property is not located within any Estuarine Resource area.

Goal #17 - Coastal Shorelines - This Goal does not apply as the subject property is not located within any Coastal Shoreline areas.

Goal #18 - Beaches and Dunes - This Goal does not apply as the subject property is not located within any Beach or Dune areas.

Goal #19 - Ocean Resources - This Goal does not apply as the subject property is not located within any identified Ocean Resources.

In the review of any proposed amendment to the comprehensive plan, it is important to keep in mind that the comprehensive plan itself recognizes it is based only on inventory data available at the time of its adoption which was a long time ago, and as new property information is presented, the plan needs to be reviewed and evaluated in light of the new information.

Policy #1 of the plan establishes the need for the plan to be flexible, and incorporate new information by amending the plan while still maintaining the integrity, and long-term stability and consistency of the plan.

All of the approval criteria for amending the Marion County Comprehensive Plan have been satisfied.

VI. COMPLIANCE WITH ZONE CHANGE CRITERIA

In order to approve a zone change and a comprehensive plan amendment, the criteria stated in MCRZO 17.123.060 must be satisfied. The criteria, and the justification for compliance for both

the zone change and the plan amendment is as follows:

A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the goals and policies of the Comprehensive Plan and the description and policies for the applicable land use classification in the Comprehensive Plan.

The plan amendment proposed here is from Agriculture to Rural Residential. As discussed in detail above, the subject property hasn't been in commercial agricultural production in decades. The subject property is close in to the Salem UGB, and over the years residential development has enveloped the entire area and surrounded the subject property with non-farm dwellings on parcels sometimes as small as half an acre. Upon approval of the irrevocably committed exception to Goal 3, the subject property can be treated as rural residential lands, which will allow some partitions and development of a few new rural residential dwellings.

The proposed rezone area is consistent with Rural Residential Policy 7 because it is committed to residential use and not to resource uses. The proposed rezone area is further consistent with Rural Residential Policy 7 because it is close to major employment centers including the nearby industrial park owned by the City of Salem. The proximity of the subject property to Highway 22 and to I-5 also make it easy for residents to reach employment centers in other parts of Salem, Keizer, Woodburn and even Portland. This Policy is complied with.

The proposed rezone is consistent with Rural Residential Policy 8, which requires efficient use of areas that are already committed to rural residential use. The proposed rezone area conforms to the AR zone minimum parcel size of two acres because the vast majority of parcels surrounding the subject property are similar in size and non-resource usage. This Policy is complied with.

The proposed rezone is consistent with Rural Residential Policy 9 inasmuch as there is

adequate domestic water and sewage disposal capability. This Policy is complied with.

The proposed rezone conforms to Rural Residential Policy 10, which prescribes standards for health and sanitation. All existing dwelling parcels in the area already have approved septic systems and domestic wells on the property. The subject property is not located in a Sensitive Groundwater area, and obtaining a good quality well has not been a problem in this area. Upon partitioning, any new homesite will be required, as a condition of approval to obtain a septic evaluation and approval of any system from the County. There is no reason to believe there will be any issue with obtaining an adequate septic system given the soil type and the history of adequate septic systems being installed throughout the area. This Policy is complied with.

The proposed rezone conforms to Rural Residential Policy 14. The subject site is less than one mile from the City of Salem UGB. No land division is requested in this application, however, from the lesson learned in PP 2012-008, it is possible to develop the subject property to AR standards while maintaining the potential for redevelopment in the future should expansion of the UGB in this direction is ever accomplished. It must be noted that given current laws and policies regarding expansion of the UGB, the potential for expansion in the direction of the subject property is nearly zero over the next 20-30 years or more. This Policy is complied with.

This proposal conforms to Rural Residential Policy 16 since the zoning designation will become AR, without a fixed numerical designation. As such the minimum lot size on the subject property will be 2 acres. The surrounding area is nearly all parcels of 2 acres in size or less. This Policy is complied with.

The proposed AR zone will be consistent with the Rural Residential comprehensive plan designation. All applicable M CCP policies have been addressed and satisfied by this request. The

proposed AR zone is also consistent with the rural residential plan designation.

The proposed zone change will not alter the pattern of development in the area. The pattern of development was established years ago, and this request will be in conformance with the surrounding rural residential parcels and the adjacent AR zoning.

The subject property is located near Macleay Road and all utilities are located along Macleay Road. There are adequate public facilities; services and transportation networks in place which currently serve the subject property.

The subject property is best suited for the proposed zone change. There are very few parcels or areas zoned AR in Marion County that are not already fully parcelized and developed with residential homes. The subject parcel is unique in that it is fully serviced, has all necessary infrastructure and public facilities in place to serve the property. The property has good access and frontage on a county road. The property is not located in a flood plain or area of environmental significance.

This application complies with and satisfies the goals and policies of the comprehensive plan, therefore this criteria is satisfied.

B. The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area.

The inventory study of this area demonstrate that the subject property is surrounded by small parcel non-farm dwellings. A density and use pattern that supports small parcel rural residential homesites on the subject property.

As previously set forth, the inventory study reveals 196 buildable parcels, of which 20 are in commercial and industrial uses, and 176 are rural residential housing. 91% of the rural residential

parcels have a dwelling on the land and less than 15% of those houses are on a farm tax deferral program. The median parcel size in the study area is 2 acres, and 74% of the rural residential parcels are 2 acres in size or less. In fact, 51 of the parcels are 1 acre or smaller.

From the study it is apparent that the surrounding land uses are predominately rural residential, non-farm related, and the density and pattern of development in the area is for such uses to take place on parcels that are 2 acres or less in size.

What is proposed here is an amendment to the plan designation and the zone to Rural Residential and AR, which would allow partitions of the subject property to parcels that are a minimum of 2 acres, and have non-farm dwellings constructed thereon. This proposal then matches exactly the surrounding land uses and the density and pattern of development in the area.

This criteria is satisfied.

C. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.

As previously discussed, there is no need for public sewer or water systems, as those utilities will be provided on-site by well and septic system. Law enforcement, fire protection and educational opportunities are available with sufficient capacity to serve the small number of parcels that might be created after the zoning is changed. Macleay Road has sufficient capacity to handle one a few more homes, and by using a combined existing driveway, at least for the first few parcels, the ease and safety of access to Macleay Road is ensured.

This criteria is complied with.

D. The other lands in the county already designated for the proposed use are either unavailable or not as well suited for the anticipated uses due to location, size or other factors.

The inventory of small acreage parcels in Marion County is low, and does not meet the demand for that kind of rural residential living. Parcels in the 2-3 acre size range do not stay on the market for any length of time. In addition to the unavailability of small parcel land, none of those parcels that are available are as well suited as the subject property due to its location amongst the high degree of density in this area, and the ease for which access can be taken and water and septic provided for. Changing the zone on the subject property will match it up with the predominate use and parcel size in the neighborhood. Converting this idle land to a productive rural residential homesite make it the highest and best use for the land as compared to other lands in the County.

This criteria is complied with.

E. If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the new zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.

The subject property is bordered to the North and East by existing AR zone. The large AR zone extends a distance to the East, and wraps around the subject property to the South. It is the most logical progression to expand the existing AR zone to encompass the subject property and allow it to be developed in a similar manner as the remainder of the land in the area.

The AR zone is the only logical zone to be applied to the subject property, therefore there is no other zone to compare the intensity of uses with. Because the area around the subject property is predominately AR zoned, the best result, and the only appropriate zone for the subject property is the AR zone.

This criteria is complied with.

VII. COMPLIANCE WITH PARTITIONING CRITERIA

Marion County Rural Zoning Ordinance Chapter 17.172 sets out the requirements for partitioning property in Marion County. The major components of that chapter pertinent to this application are compliance with lot size, adequacy of sewer and water utilities, and access standards. All proposed lots here are at or over the 2 acre minimum lot size.

The partitioning of this 20.46 acre tract into two parcels of 2.0 and 2.0 acres, and the remnant of 16.46 acres meets all the requirements for a partitioning under MCRZO Chapter 17.172. This partitioning plan, and Exception included here, is in accordance with the zone code, comprehensive plan and the partitioning ordinance. See the partition plan attached hereto as Exhibit L.

Upon approval of the AR zone, the subject property will be available for the intended purpose of providing tracts with a minimum lot size of 2 acres. These would be non-resource dwelling parcels served by septic systems and a domestic water well.

The AR zoning and RR plan designation are designed to meet the housing needs of a segment of the population desiring the advantages of rural living. Areas that carry the AR designation have been determined by the county to be suitable for acreage residential homesites. MCRZO 17.128.010. Single family dwellings are an outright permitted use in this zone. MCRZO 17.128.020(a).

The rural residential character of the subject property and surrounding areas is explained in detail above. It was noted that the property was not suitable for farming due to a number of factors including that the land had not been farmed in decades; the commitment of the tracts to non-farm use; the size and shape of the tract; and the presence of other acreage residential uses throughout the area. See Exhibit K.

The subject property is not in a sensitive groundwater area, and the availability of water via

well is proven throughout the area. There are appropriate soil types throughout the subject property to allow for placement of additional septic tanks, together with adequate drainfields and a repair areas. It is understood that approval of the partition will be conditioned upon approval of the new septic systems by the Marion County Sanitarian.

Each of the new parcels created under this application will have access to Macleay Road via a private easement road. The Applicant has improved the driveway to county standards during the approval process for PP202-008. The existing driveway satisfies the requirements of MCRZO 17.172.560

Based on these factors, all relevant approval criteria for this partitioning of a 20.46 acre tract into two parcels of 2.0 and 2.0 acres and a remnant of 16.46 acres are satisfied and the application for a partition should be approved.

VIII. CONCLUSION

This case hinges on the approval of an Exception to Goals 3, 4 and 14 exception that will ultimately allow parcel sizing to 2.0 acres. Once it is established that the Exception is appropriate, the criteria for the zone change, the plan amendment and the subsequent partition fall neatly into place.

The Goal Exceptions in this case is justified. The area surrounding the subject property is predominated by small parcel, non-farm, rural residential units of land. Nearly all the parcels are under separate ownership. This highly developed area commits the subject property to higher density of use which is allowed in the AR zone.

All the criteria for the zone change and the plan amendment are satisfied, and upon reaching the conclusion that the Goal Exceptions are justified, the conclusion is clear that this application

should be approved.

RESPECTFULLY SUBMITTED this ____ day of June, 2019 at Salem, Marion County,
Oregon.



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