

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
PROPERTY LINE ADJUSTMENT CASE NO. 20-012**

APPLICATION: Application of Lineage Logistics and PNW Veg Co. LLC, to adjust the property lines on a 276.84 acre parcel and a 10.9 acre parcel to create a 202.92 acre parcel and a 73.08 acre parcel in an IUC-LU (Unincorporated Community Industrial – Limited Use Overlay) zone located at 4735, 4745 and 4755 Brooklake Rd. NE, Brooks. (T6S; R2W; Section 17; tax lots 500 and 600).

DECISION: The Planning Director for Marion County has **APPROVED** the above-listed Property Line Adjustment application subject to certain conditions.

EXPIRATION DATE: Title transfer instruments accomplishing the property adjustments shall be recorded by the applicants with the Marion County Clerk by **May 4, 2022** (two years). The effective period may be extended for an additional year subject to approval of an extension (form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

WARNING: A decision approving the proposal is for land use purposes only. Due to septic, well and drain field replacement areas, this parcel may not be able to support the proposal. To be sure the subject property can accommodate the proposal the applicant should contact the Building Inspection Division, (503) 588-5147.

This decision does not include approval of a building permit.

CONDITIONS: The following conditions must be met before a building permit can be obtained or the approved use established:

1. **Property line adjustment deeds shall be recorded with the county clerk meeting requirements identified in ORS 92.190(4).** The deeds shall contain the names of the parties, the description of the adjusted lines, references to original recorded documents and signatures of all parties with proper acknowledgment. The deeds shall include a perimeter description of each resulting parcel. **This property line adjustment is not complete until the title transfer instruments accomplishing the property adjustments is recorded by the applicants with the Marion County Clerk.**
2. Property line adjustment deeds shall be recorded with the Marion County clerk's office prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the required survey.
3. Prior to recording the deeds, the applicants shall obtain any septic review and/or evaluations that may be required from the Marion County Building Inspection Division.
4. The resulting parcels shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by the Planning Director.

ADDITIONAL CONDITIONS: Once the approved use is established the following conditions must be continually satisfied:

5. After the property line adjustment has been completed, no alteration of property lines shall be permitted without first obtaining approval from the Planning Director.

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.

6. Prior to recording the deeds all taxes due must be paid to the Marion County Tax Department (contact the Marion County Tax Department at 503-588-5215 for verification of payments).

APPEAL PROCEDURE: The Marion County Zone Code provide 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 4, 2020**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **May 5, 2020** unless further consideration is requested.

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

1. The subject properties are designated Industrial in the Marion County Comprehensive Plan and correspondingly zoned IUC-LU (Unincorporated Community Industrial, Limited Use) in the Urban Unincorporated Community of Brooks-Hopmere. The primary intent of the designation is to provide for industrial and related uses at a level that can be supported by rural services.
2. The properties are located in the northeast quadrant of the Brooklake Rd NE interchange on Interstate 5. Each parcel has an industrial building located on it that was part of the Norpac cannery operation. Both parcels were subject of Subdivision/Comprehensive Plan Amendment case number SUB/CP95-2 and are recognized as legal separate parcels for land use purposes.
3. Adjacent properties to the north, west and south are zoned Exclusive Farm Use and are in commercial agricultural use. Properties to the southwest are zoned Interchange District (ID), are in the Brooks Community, and are in various uses that support the needs of travelers on Interstate 5. Properties to the east are zoned Acreage Residential (AR) or Multiple Family Residential (RM) and consist of parcels in single or multiple family residential structures.
4. The applicants are proposing to adjust the property lines on a 276.84 acre parcel and a 10.9 acre parcel to create a 202.92 acre parcel and a 73.08 acre parcel.
5. Marion County Surveyor's Office commented:

“No survey required. Properties are greater than 10 acres. Property line adjustment deeds shall be recorded with the Marion County Clerk’s Office prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the survey map. Per ORS 92.190 (4): The deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment. [See Marion County Zoning Code MCC 16.33.140(E) and MCC 17.172.120(E)] Marion County Planning requires perimeter descriptions of the resultant properties.”

Marion County Septic Inspection commented that a site evaluation is required for parcel 1 and an existing system evaluation is required for parcel 2.

Marion County Tax Assessor provided information regarding taxes on the subject properties.

Oregon Department of Transportation commented “The site is adjacent to Pacific Highway No. 001 (I-5) and is subject to state laws administered by the ODOT. The property line adjustment will have no impact on the operations of the highway; therefore ODOT has no objections to the proposal.”

All other contacted agencies had no comment or stated no objection to the proposal.

6. MCC 17.164.060(C.) requires “The building site shall be of sufficient size to accommodate on-site sewage disposal and water systems unless these services are provided by a public or community source or can be accessed by easement, required parking, landscaping, and yard areas”. The subject properties will both be at least 73 acres in size, allowing the smaller parcel to be developed further and accommodate any onsite utilities, parking and landscaping that may be required. This will not impair surrounding parcels or uses and will not prevent future development on the subject property.
7. Based on the above findings, the request meets the applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore
Planning Director

Date: April 17, 2020

If you have any questions regarding this decision contact Lisa Milliman 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.