

**BEFORE THE CITY COUNCIL OF THE CITY OF SALEM**

<b>IN THE MATTER OF RESCINDING</b>	)	<b>ORDER NO. 2009-01-PT</b>
<b>THE DECISION OF THE PLANNING</b>	)	
<b>ADMINISTRATOR IN PARTITION</b>	)	<b>PARTITION CASE NO. 08-22</b>
<b>08-22 FOR PROPERTY LOCATED</b>	)	
<b>AT THE 1100 BLOCK OF HANSEN</b>	)	
<b>AVENUE SOUTH</b>	)	

This matter coming regularly for hearing before the City Council, at its January 5, 2009 meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order, rescinding the decision of the Planning Administrator in Partition Case No. 08-22.

**FINDINGS:**

- (a) On November 25, 2008 the Planning Administrator issued an order approving a partition application for property located at the 1100 Block of Hansen Avenue S resulting in the creation of three lots.
- (b) At its December 8, 2008 regular meeting, the City Council approved a motion to hold a hearing and review the Planning Administrator's decision.
- (c) On January 5, 2009 the City Council held a hearing, received evidence and heard testimony and voted to rescind the Planning Administrator's decision.
- (d) The State mandated 120-day decision date for this decision is January 28, 2009.
- (e) SRC 63.065 provides that when it appears to the planning administrator, commission, or council that the area of a proposed partition is to be ultimately divided into four or more lots or parcels, the provisions of this chapter pertaining to subdivisions shall apply. The partition application proposes three lots, however proposed lot three is over three times the size of the other two proposed lots. The applicant's testimony indicated that proposed lot 3 was designed in such a way to add another lot in the future. Further, the applicant testified that he agreed that a division of proposed lot 3 might be considered in the future.
- (f) Pursuant to SRC 63.065, the City Council finds that based on the testimony of the applicant, and a review of the proposed layout of the three lots, this partition application should have been processed as a subdivision, in compliance with the City's subdivision regulations.

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:**

**Section 1.** The Planning Administrator's decision approving Partition Case No. 08-22 is hereby rescinded, and the application denied. The Applicant may submit an application for a subdivision of the subject property, as provided by SRC 63.065.

# 6

EXHIBIT: \_\_\_\_\_  
 LAND CONSERVATION & DEVELOPMENT  
 COMMISSION  
 DATE: 3-13-09  
 PAGES: 2  
 SUBMITTED BY: Mel Stewart

**Section 2.** This order constitutes the final land use decision and any appeal hereof must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

ADOPTED by the Council this 12<sup>th</sup> day of January, 2009.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_



Checked by: A. Panko

G:\GROUP\LEGAL1\Council\011209 Rescinding Order 2009-01-PT.doc