

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. 18-022**

APPLICATION: Application of Juan De Dios and Jose Antonio Franco Torres to adjust the property lines on a 0.60 acre parcel and a 0.74 acre parcel to create a 0.66 acre parcel and a 0.66 acre parcel in an UD (Urban Development) zone located at 3335 Hollywood Drive NE, Salem. (T7S; R2W; Section 18AB; tax lots 5600 and 5700).

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 **August 20, 2020**. The effective period of an approved application may be extended for an additional year subject to approval of an extension (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 proposed uses is for land use purposes only. Due to septic, well and drainfield replacement areas, this parcel may not be able to support the proposed activities. To be sure the subject property can accommodate the proposed use the applicant needs to check with 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 Marion 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 are recorded by the applicants with the Marion County Clerk.**
2. Deed recording reference numbers shall be noted on the required survey.
3. The applicants shall have the parcels surveyed per ORS 92.060 (7). The survey shall be filed with the Marion County Surveyor and shall contain the notation that the survey is the result of Property Line Adjustment Case 18-022. (Final Plat Instructions enclosed).
4. **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.
5. 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:

6. 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 any 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 any restrictions or conditions thereon. It is recommended that the agencies mentioned in Finding #5 be contacted to identify restrictions or necessary permits.

7. Prior to recording the deed all taxes due must be paid to the Marion County Assessor Tax Section (contact them at (503) 588-5215 for verification of payments).

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 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 **August 20, 2018**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **August 21, 2018** unless further consideration is requested.

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

1. The subject properties are designated Residential in the Salem Area Comprehensive Plan and zoned UD (Urban Development) under the jurisdiction of Marion County.
2. The properties are located on the west side of Hollywood Drive NE approximately 300 feet north of its intersection with Leafwood Avenue NE. The 0.60 acre parcel identified as tax lot 5700 contains a dwelling, accessory structure, well, and septic system. The parcel was subject of Partition #18-010 (P18-010) and is considered legally created for land use purposes. The 0.74 acre parcel identified as tax lot 5600 is undeveloped. The parcel was subject of Partition #18-009 (P18-009) and is considered a legal parcel for land use purposes.
3. The properties to the north are zoned UD and in residential development. Property to the east is located in the RL zone and developed with an apartment complex. Property to the west and south are zoned RS and in residential development.
4. The applicants are proposing to adjust the property lines on a 0.60 acre parcel and a 0.74 acre parcel to create a 0.66 acre parcel and a 0.66 acre parcel. The purpose is to make both parcels equal in size prior to partitioning the parcels as approved in Partition cases P18-009 and P18-010. The applicants are proposing to move the property line approximately 10 feet south.
5. Marion County Surveyors Office commented: "Must be surveyed per ORS 92.060 (7) and the survey submitted for review. Survey checking fee required at the time of review. 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 Assessor's Office provided information regarding taxes on the subject properties.

6. The criteria for reviewing partitions and property line adjustments within a UD zone are listed in Chapter 16.15.300(B) of the Marion County Code. These criteria are:

(a) *Existing lots with dwellings may be separated from the remaining property provided:*

- (1) *The location of lot lines shall not significantly reduce feasible options for the future location of urban roads or services, or preclude basic development options on the property or adjacent properties. If the applicable comprehensive plan designates the property for single family residential uses a development plan may be required which demonstrates that the proposed division will not preclude future subdivisions achieving the median density proposed in the Comprehensive Plan.*
- (2) *Any additional street right-of-way required by adopted standards is dedicated along the lot's street frontage.*
- (3) *If the dwelling is within 300 feet of a sewer line capable of serving the dwelling, the dwelling shall be connected to the sewer.*
- (4) *Street and drainage improvements applicable to any street abutting the dwelling lot shall be required at the time the remnant parcel is developed through an improvement agreement.*
- (b) *The minimum lot size for partitioning and lot line adjustments shall be 6,000 square feet for the dwelling lot. If the dwelling lot is proposed to be larger than 15,000 square feet a redevelopment plan shall be required demonstrating that the proposed dwelling lot meets subsection (a) (1). The location of lot lines on the dwelling lot shall conform to the yard requirements of the RS zone.*

7. An adjustment of a 10 foot wide strip of land would be transferred from the larger parcel to the smaller parcel for the purposes of equalizing the sizes of the parcels to allow each to be partitioned as approved in P18-009 and P18-010. The reconfiguration would allow creation of a total of six new parcels as approved under previous partition decisions and maintain future development potential. The standards in #6(a) and (b) are met. No new parcels are being created as a result of this property line adjustment. The applicant's proposal will comply with the criteria listed in #6 (c), (d), (e), (f), and (g).
8. Under MCC 17.172.120(E) property line adjustment deeds shall be recorded with the Marion County Clerk's Office prior to submitting the property line adjustment survey, if a survey is required. Deed recording reference numbers shall be noted on the required survey.
9. The resulting lots shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval of the Planning Director.
10. Based on the above findings, the applicant's proposal meets the criteria for a property line adjustment in a UD zone and is, therefore, **APPROVED** subject to conditions.

Joe Fennimore
Director-Planning Division

Date: August 3, 2018

If you have any questions please 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.