

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.22-004**

APPLICATION: Application of Roger Vasend for a property line adjustment to adjust the property lines on a 6.38-acre parcel and a 7.14-acre parcel to create a 0.83-acre parcel and a 12.69-acre parcel in an UT-20 (Urban Transition - 20) zone located at 1781 Park Lane, Stayton. (T9S; R1W; S11C; Tax lots 800 & 900).

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 **March 26, 2024**. 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 proposed use 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. Prior to issuance of any building permit(s), 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.
2. The applicant shall have the 36,188 square foot parcel surveyed and a survey submitted for review. No survey required on parcels over 10 acres.
3. 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.
4. 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. It is recommended that agencies mentioned in Finding # 5 below be contacted to identify restrictions or necessary permits.

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) based on 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 **March 26, 2022**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **March 28, 2022**, 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 residential in the City of Stayton Comprehensive Plan and correspondingly zoned Urban Transition (20 Acre Minimum) under the jurisdiction of Marion County. The primary intent of both this designation and zone is to provide land for urban residential development.
2. The properties are located at the end of Park Ln, tax lot 900 contains a dwelling built in 1929 and associated small accessory structures, tax lot 800 is vacant land. A review of deeds for both properties indicate that they were both created legally before September 1, 1977. Reel 306, Page 761. Reel 13, P183. Therefore, both are recognized as legal separate parcels for land use purposes.
3. All adjacent properties are zoned UT-20 in Marion County and Residential in The City of Stayton and consist of parcels developed with dwellings.
4. The applicants are proposing to adjust the property lines on a 6.38-acre parcel and a 7.14-acre parcel to create a 0.83-acre parcel and a 12.69-acre parcel.
5. Marion County Surveyor's Office commented:
 1. No survey required for the property that is greater than ten acres.
 2. Must be surveyed per ORS 92.060 (7) and the survey submitted for review.
 3. Survey checking fee required at the time of review.
 4. 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 Tax Assessor commented that the subject property's property taxes are paid.

Marion County Septic Inspection commented: "Applicant must apply for a new septic system that is entirely within the property where the home site is located under a Major Alteration permit."

The City of Stayton provided comments related to building setbacks, easements, future annexation, septic system lines and general property info. These comments are in the case file.

All other commenting agencies stated no objection to the proposal.

6. The criteria for reviewing property line adjustments within a UT-20 zone are found in MCC16.13.310 Divisions of Land.

The following regulations shall apply when property line adjustments and partitioning of land regulated by Chapter 16.33 MCC, Subdivision and Partition Requirements, are proposed:

- a. *Additional street right-of-way required by adopted county standards shall be dedicated along the street frontage of any lot 10 acres or less in area that is part of a partition or lot line adjustment. Street and drainage improvements within the dedicated right-of-way shall be deferred until otherwise required by the county, or by the city following annexation. A non remonstrance agreement for future road or drainage improvements within the right-of-way abutting the lot may be required.*

The parcels do not abut any county right of way, this criterion does not apply.

- b. *The location of lot lines shall not significantly reduce feasible options for the future location of urban streets or utility services or preclude development options on the property or adjacent properties.*

The property lines are being adjusted to facilitate future urban development in the City of Stayton. The criterion is met.

- c. *When a lot occupied by a residence is reduced, or a lot is created to accommodate a new residence allowed in MCC 16.13.320, the lot should be as small as possible and should not be larger than one acre. If a lot of one acre or less is not feasible, the lot should either contain all of the undeveloped land or be large enough that the urban development potential will be a significant incentive for the owner to develop to planned urban uses when the lot is annexed.*

The proposed lot is under one acre and is enough to contain the home and associated driveway and buildings. The criterion is met.

- d. *When a new or adjusted lot located in a residential plan designation is smaller than five acres and larger than one acre, a redevelopment plan shall be required demonstrating that the lot can accommodate future subdivision development at the median density proposed in the Comprehensive Plan. The zoning administrator shall review and approve the redevelopment plan.*

The leftover lot is large enough to support subdivision development as that is the proposed use by the applicant and the lot is over 5 acres. The criteria do not apply.

- e. *The redevelopment plan is only for the purposes of identifying a feasible means to subdivide the property and to identify an appropriate location for residences and does not limit consideration of other development options when urban services are available.*

The parcel is over 5 acres. The criterion does not apply.

- f. *New lots shall have no dimension less than 80 feet.*

No lots have a dimension less than 80 feet. The criterion is met.

- g. *When a lot located in a residential plan designation and occupied by a nonresidential use is created or altered, the lot should include as little undeveloped land suitable for residential uses as possible, unless evidence is presented that undeveloped land needs to be included in the lot to accommodate allowable expansion of the subject use.*

No nonresidential uses are present. The criterion does not apply.

h. The minimum lot size, in acres, for lots in nonresidential plan designations is the numerical suffix added to the UT zone (i.e., one acre, three acres, five acres, 10 acres or 20 acres), or if no suffix is added, five acres.

Both parcels are under the minimum lot size and will remain so after adjustment. The criterion is met.

7. Based on the above findings, the proposal meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: March 11, 2022

If you have any questions regarding this decision contact Austin Barnes 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.