

**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. 22-015**

**APPLICATION:** Application of Diem Le on behalf of West Coast Home Solutions and Joan Shumway for a property line adjustment to adjust the property lines on a 0.27-acre parcel, a 0.23-acre parcel, and a 0.15-acre parcel to create a 0.25-acre parcel, a 0.23-acre parcel, and a 0.17-acre parcel in a Multiple Family Residential (RM) zone located at 5175 and 5165 Parkway Drive NE and 9264 Glory Court NE, Woodburn. (T6S, R2W, Section 17AB, Tax Lots 400, 2000, and 2100).

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

**EXPIRATION DATE:** This approval is valid only when the final plat is recorded by **May 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 drainfield 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. A re-plat (in the form of a partition plat) is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed for the area being transferred shall be recorded with the Marion County Clerk's Office, prior to the recording of the replat. Deed recording reference numbers shall be noted on the plat. As 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.

The deeds conveying the re-platted parcels shall be recorded after the recording of the re-plat.

2. The property line adjustment must comply with all provisions per ORS 92.185(6)
3. The property line adjustment must be surveyed and platted per ORS 92.050, and the plat submitted for review with checking and recording fees.
4. A current or updated title report must be submitted at the time of review.
5. 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.
6. 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.
7. 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 the agencies mentioned in Finding #5 below be contacted to identify restrictions or necessary permits.

8. 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) 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 **May 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 **May 27, 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 in the urban community of Brooks-Hopmere and designated Rural Residential in the Brooks-Hopmere Community Plan, which is a component of the Marion County Comprehensive Plan. The properties are correspondingly zoned Multiple-Family Residential (RM). The purpose of the zoning is to permit dwellings consistent with the designation in the Brooks-Hopmere Community Plan that do not exceed the capacity of services available to the property.
2. The properties are located approximately 0.02 miles west of the intersection of Fellowship Ave NE and Parkway Drive NE. The property was the subject of Planned Unit Development Case 79-3 (PUD 79-3), Subdivision Case 01-8 (SUB01-8), Partition Case 12-8 (P12-8), and Subdivision Case 17-002 (SUB 17-002), which created the properties in their current configuration.
3. Adjacent properties to the west are zoned IUC-LU (Limited Use Overlay Zone #1- Norpac Property) and consists of the Norpac cannery. Surrounding properties in all other directions are zoned Acreage Residential (AR), Exclusive Farm Use (EFU), and Multiple-Family Residential (RM) and consist primarily of suburban residential uses, commercial agriculture uses, and a manufactured home park.
4. The applicant proposes to adjust the property lines between a 0.27-acre parcel, a 0.23-acre parcel, and a 0.15-acre parcel to create a 0.25-acre parcel, a 0.23-acre parcel, and a 0.17-acre parcel.
5. Marion County Building Inspection Division commented that there are no building inspection issues based on the site plan submitted

Marion County Surveyors Office commented:

1. A re-plat (in the form of a partition plat) is required, due to the adjustment of a partition plat parcel line or subdivision lot line. A property line adjustment deed for the area being transferred shall be recorded with the Marion County Clerk's Office, prior to the recording of the re-plat. Deed recording reference numbers shall be noted on the plat. As 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. The deeds conveying the re-platted parcels shall be recorded after the recording of the re-plat.
2. Must comply with all provisions per ORS 92.185 (6)

3. Must be surveyed and platted per ORS 92.050, and the plat submitted for review.
4. Checking fee and recording fees required.
5. A current or updated title report must be submitted at the time of review.

Marion County Tax Assessor provided comments related to the subject property's property taxes.

All other contacted agencies either failed to comment or stated no objection to proposal.

6. MCC 17.134.080 contains lot area and width standards that apply to the portion of the property zoned RM. These include:

*LOT AREA AND WIDTH. In an RM zone the minimum requirements for lot area shall be 6,000 square feet for a single-family dwelling. The minimum lot area requirements for other residential uses shall be 5,000 square feet additional lot area computed as follows:*

- A. *For the first through fifth unit:*
  1. *For each dwelling unit with one or fewer bedrooms: 750 square feet;*
  2. *For each dwelling unit with two bedrooms: 1,000 square feet;*
  3. *For each dwelling unit with three or more bedrooms: 1,200 square feet;*
- B. *For sixth dwelling unit and each succeeding dwelling unit, the following additional lot area shall be required:*
  1. *For each dwelling unit with one or fewer bedrooms:*
    - a. *One story: 1,250 square feet;*
    - b. *Two story: 1,000 square feet.*
  2. *For each dwelling unit with two bedrooms:*
    - a. *One story: 1,675 square feet;*
    - b. *Two story: 1,300 square feet.*
  3. *For each dwelling unit with three or more bedrooms:*
    - a. *One story: 2,150 square feet;*
    - b. *Two story: 1,700 square feet.*

There is already one residence on tax lot 400. Tax lot 400 is currently 0.15 acres in size and is proposed to increase in size to 0.17 acres. Tax lots 2000 and 2100 have each been approved for a single-family dwelling, construction of which is ongoing. Tax lot 2000 is currently 0.27 acres in size and is proposed to decrease in size to 0.25 acres. Tax lot 2100 is currently 0.23 acres in size and is proposed to be reconfigured to 0.23 acres in size. Based on these facts, all parcels will be larger than 6,000 square feet after the proposed adjustment. This criterion is met.

- C. *No main building or group of main buildings shall occupy more than 40 percent of the lot area, and no detached accessory structure may occupy more than 25 percent of any side or rear yard, except that covered or enclosed parking structure limited to one story in height shall be excluded from these coverage provisions.*

On tax lot 400, the house currently exceeds the 40% lot area coverage, but the lot coverage percentage will decrease after the proposed adjustment coming more in line with the standard. The accessory structure will cover approximately 27% of the rear yard after the adjustment, which is a decrease based on the current coverage. Tax lots 2000 and 2100 have been approved for dwellings and found to meet the coverage standards. This criterion is met.

- D. *Every lot in an RM zone shall have a minimum width of 50 feet at the front building line. The minimum lot area requirements for buildings other than dwellings shall be of an area not less than the sum of the area occupied by the building or buildings, and the area required for yards herein, or 5,000 square feet, whichever is greater.*

All parcels would have at least 50 feet of width along the front of the resulting parcels. The minimum lot size for both parcels would exceed 5,000 square feet in size. This criterion is met.

7. In addition to the lot area and width standards in #6 above, the resulting parcels must also meet the development standards in MCC 17.134.050 and 17.134.060. These standards are:

17.134.050 SIDE AND REAR YARDS.

A. *There shall be a side yard and a rear yard on every lot in an RM zone, which yards shall have a minimum depth as follows:*

1. *One story: six feet.*
2. *Two stories: seven feet.*
3. *Two and one-half stories: eight feet.*

*Provided there shall be added to the side yard and rear yard minimum requirements aforesaid, one foot for each multiple of 15 feet or portion thereof, that the length of that side of the building measures over 30 feet. Notwithstanding MCC 17.110.610 the rear yard in an RM zone shall be measured from the property line.*

Based on the information submitted by the applicant, it appears the resulting parcels will meet the side and rear minimum depths for the existing structures once the property is divided or, by becoming larger, having a greater ability to be conforming in this regard to the code. This criterion is met.

B. *In lieu of subsection (A) of this section, side and rear yards may be provided which will allow placement of portions of a main building with offsets and jogs at varying yard depths, provided the said yards shall conform to the following conditions:*

1. *The minimum yard depth for any continuous wall between offsets and jogs shall be computed and provided as in subsection (A) of this section for that portion of the wall between offsets and jogs; provided the total yard area equals that which would have been otherwise provided in said subsection (A) which area shall be determined by multiplying the length of the yard times the depth of the yard.*
2. *The minimum yard depth for any portion of a building shall be six feet for a one story, seven feet for two story, and eight feet for a two and one-half story building.*

This subsection does not apply since the proposal meets the criterion in (A).

C. *Notwithstanding the provisions of subsections (A) and (B) of this subsection any side or rear yard adjacent to a street shall have a minimum yard depth of 20 feet. No parking shall be allowed within 10 feet of the street property line; provided, however, in no case shall parking be allowed in a required rear yard abutting the parallel or approximately parallel street of a through lot. For the purposes of this subsection, through lot shall be defined as a lot having frontage on two parallel or approximately parallel streets.*

New parking areas are not being proposed near streets as a result of this proposal. This criterion is met.

D. *The yard depth between two or more main buildings on the same lot shall be equal to that side yard depth measured to an assumed property line drawn between the buildings. The yard depth between the assumed property line and the building shall be not less than as provided in subsection (A) of this section.*

The buildings on the property are already in place or have been approved through the building permit process; this criterion does not apply.

17.134.060 FRONT YARD. *In an RM zone, there shall be a minimum front yard of 20 feet. No parking shall be allowed in the required minimum front yard.*

The buildings on the property are already in place or have been approved through the building permit process and no new parking areas are proposed in the required front yard areas. This criterion is met.

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.

The Marion County Surveyor commented that a survey (replat) is required, therefore, this will be made a condition of approval.

9. Based on the above findings, the request meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: May 11, 2022

If you have any questions regarding this decision contact Alyssa Schrems 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.