

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. 22-024**

APPLICATION: Application of Mark C. Hoyt on behalf of Steve and Peggy Mitchell for a property line adjustment to adjust the property lines on a 0.46-acre parcel and a 0.49-acre parcel to create a 0.95-acre parcel in an AR (Acreage Residential) zone located at 35324 Francis Street SE, Lyons. (T8S; R4E; 32BD; Tax Lots 2000 and 1900).

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 **June 17, 2024**. 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 drain field 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's Office. 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 acknowledgement. [See Marion County Code 16.33.140 (E) and 17.172.120 (E)]
2. 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:

3. 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 #6 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 **June 17, 2022**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **June 18, 2022**, 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 Rural Residential in the Marion County Comprehensive Plan and are zoned Acreage Residential (AR) in the Marion County Zoning Code. The primary intent of both this designation and zone is to meet the housing needs of a segment of the population desiring the advantages of a rural homesite.
2. The subject property is located on the south side of Francis Street SE. The subject property is located at the intersection of Francis Street SE and Elkhorn Drive SE. The property was established in its current configuration on December 10, 1966, as part of the Randall's Elkhorn Subdivision No. 2. Additionally, neither parcel has been the subject of a land use case before but has been created legally through the Randall's Elkhorn Subdivision No. 2. Therefore, this property is legal for the purposes of land use.
3. Adjacent properties in all directions are zoned AR and include several single-family homes.
4. Soil Survey for Marion County, Oregon, indicates approximately 100.0% of the soils on the subject tax lots are classified as non-high value farmland.
5. The applicants are proposing to adjust the property lines on a 0.46-acre parcel and a 0.49-acre parcel to create a single 0.95-acre parcel.
6. Marion County Land Development, Engineering, and Permits Division commented:

ENGINEERING ADVISORY

- A. The land use application site plan shows a looped access. Since the parcels are being consolidated, at the time of rebuilding it will be required for one of the connections to be permanently closed. PW Engineering access management policy stipulates that a residential property be allowed one (1) direct access connection to a public road unless there are mitigating circumstances.

Marion County Surveyor's Office made the following comments:

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. 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.

Must comply with all provisions per ORS 92.185 (6)

Must be surveyed and platted per ORS 92.050, and the plat submitted for review.

Checking fee and recording fees required.

A current or updated title report must be submitted at the time of review.

7. Various agencies were contacted about the proposal and given an opportunity to comment. All other contacted agencies either failed to comment or stated no objection to the proposal.
8. There are no specific criteria for reviewing property line adjustments within an AR zone. Section 17.128.070 of the Marion County Code (MCC) requires a minimum lot size of two acres. All existing parcels are currently under the minimum lot size of 2 acres and would remain so after the property line adjustment. Structures will maintain adequate setbacks from property lines with adequate access to a roadway. Subject to conditions, the property line adjustment complies with the standards of the AR zone.
9. 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.
10. 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.
11. Based on the above findings, the applicants' proposal meets the criteria for a property line adjustment in an AR zone. The property line adjustment request is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: June 2, 2022

If you have any questions regarding this decision contact Jared Bradford at (503) 566-4173

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.