

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. 21-053**

APPLICATION: Application of the Hollinger Living Trust and Dui Shao Tan to adjust the property lines on a 0.91 acre parcel and a 2.92 acre parcel to create a 0.93 acre parcel and a 2.90 acre parcel in an AR (Acreage Residential) zone located at 7187 Janelle CT SE and 7407 Terry Ct SE, Salem. (T8S, R2W, Section 10A, Tax Lots 2500 and 2600).

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 **November 25, 2023** (two years). 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 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. Survey checking fee and recording fees will be required.
3. Must be surveyed per ORS 92.060(7) and the survey submitted for review.
4. All conditions listed in Finding #5 shall be met.

ADDITIONAL CONDITIONS: Once the approved use is established the following conditions must be continually satisfied:

5. 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.

5. 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) 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 **November 26, 2021**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **November 27, 2021** 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 Rural Residential in the Marion County Comprehensive Plan and correspondingly zoned AR (Acreage Residential). The primary intent of the designation is to provide for rural residential development at a density sustainable with rural services.
2. The properties are located at 7187 Janelle Ct. SE and 7407 Terry Ct. SE. The parcels are located on the north side of Jordan St. SE, between 71st Ave SE and 75th Ave SE. There are two legal lots of record. The lots were created in their current configuration through the Country Estates Subdivision (2 and 3). They are therefore considered legal for land-use purposes.
3. All adjacent properties to the east, south, and west are zoned AR (Acreage Residential) and contain single-family residential development and uses. The parcel to the north is zoned SA (Special Agriculture) and developed with a large scale nursery and associated structures.
4. The applicants are proposing to adjust the property lines on 2.92 acre parcel and a 0.91 acre parcel to create a 2.90 acre parcel and a .93 acre parcel to create space for a proposed accessory structure.
5. 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 plat.

Re-plat: (Re-configuration of lots or parcels and public easements within a recorded plat)

1. Must comply with all provisions per ORS 92.185 (6)
2. Must be surveyed and platted per ORS 92.050, and the plat submitted for review.
3. Checking fee and recording fees required.
4. A current or updated title report must be submitted at the time of review.

Marion County Tax Assessor's Office provided information regarding taxes.

Marion County Building Department provided comments regarding building permits for any new structures.

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

6. There are no criteria for reviewing property line adjustments within an AR zone. This zone has a two acre minimum lot size. As noted, currently one lot is 2.92 acres and the other is 0.91 acres. After the property line adjustment, Parcel A (2.90 acres) will remain above the minimum acreage and Parcel B (0.93 acres) will remain under one acre. No additional parcels shall be reduced below the minimum lot size. The criterion is satisfied.
7. 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 is made a condition of approval.

8. Based on the above findings, the request meets the applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Brandon Reich
Planning Director

Date: November 10, 2021

If you have any questions regarding this decision contact Lindsey King 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.