

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. 21-059**

APPLICATION: Application of Darlene Lacy to adjust the property lines on a 1.83 acre parcel and a 2.77 acre parcel to create approximately a 2.44 acre parcel and a 2.07 acre parcel in an Acreage Residential (AR) zone located in the 6600 block of Orville Road S, Salem. (T8S, R4W, Section 23D, Tax Lots 2200 and 2300).

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 **December 31, 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. Must be surveyed per ORS 92.060(7) and the survey submitted for review.
2. Survey checking fee and recording fees will be required.
3. 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 property 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.

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.

6. 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).
7. The applicant should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #5 below, that may be required.

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 **January 3, 2022**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **January 4, 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 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 directly south of 6557 Orville Road S. The parcels are located on the west side of Orville Road S, approximately 0.19 miles south of the intersection of Orville Road S and Vitae Springs Road S. The property was previously the subject of PLA08-030, which established both properties as legal units of land for planning purposes, pursuant to MCC 17.114.040(B)(2).
3. All adjacent properties are zoned AR (Acreage Residential) and are in a mix of undeveloped parcels and parcels developed with single family dwellings. Surrounding parcels to the west and south are zoned Special Agriculture (SA) and are in a mix of farm and forest use.
4. The applicants are proposing to adjust the property lines on a 1.83 acre parcel and a 2.77 acre parcel to create an approximate 2.44 acre parcel and a 2.07 acre parcel to create space for a proposed accessory structure.
5. Marion County Surveyors Office commented:
 1. Must be surveyed per ORS 92.060(7) and the survey submitted for review.
 2. Survey checking fee required at the time of review
 3. 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 acknowledgments. [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's Office provided information regarding taxes.

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

Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

ENGINEERING REQUIREMENTS

- A. In conjunction with application for building permits, an Access Permit is being required to improve the south driveway access approach with addition of a water bar to direct stormwater to the county ditch, and to verify the presence of a drainage culvert that was not visible during field inspection but seen on dated street view imagery.
- B. Transportation System Development Charges may be assessed for accessory structures having horse stalls on a per stall basis in exceedance of three.

Marion County Septic commented “084W23D02200 will require a site evaluation. 084W23D02300 will require a site evaluation if any of the proposed uses will generate wastewater OR any proposed buildings or outbuildings will have future plumbing.

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 1.83 acres and the other is 2.77 acres. After the property line adjustment, both properties are proposed to be larger than two acres (2.44 acres and 2.07 acres). 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.
- 8. Based on the above findings, the request meets the applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Brandon Reich
Planning Director

Date: December 16, 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.