

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 MODIFIED DECISION
PROPERTY LINE ADJUSTMENT CASE NO. 23-031**

APPLICATION: Application of Steven Negrete, Jorge Lopez Sanchez and Stephanie Valdez for a property line adjustment to adjust the property lines on a 0.20-acre tract, a 0.16-acre parcel, and a 0.13-acre parcel to create a 0.29-acre parcel and a 0.18-acre parcel in an RS (Single-Family Residential) zone located at 4668 Shawnee Lane SE and 4686 Bannock Court SE, Salem (T7S; R2W; Section 32BC; Tax Lots 8800, 11600, 11700, & 15200).

DECISION: PLEASE READ ALL CONDITIONS. The Planning Director for Marion County has **MODIFIED AND 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 **September 29, 2025** (two years). 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. 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.
2. Per Marion County Surveyor's Office: 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. PLA deed(s) will need to be recorded along with or after the plat. 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.

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 the Findings and Conclusions section 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) 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 **September 29, 2023**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **September 30, 2023**, 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 located within the City of Salem Urban Growth Boundary (UGB). The City of Salem has the properties designated Single-Family Residential in their comprehensive plan. Therefore, Marion County has correspondingly the property zoned Single-Family Residential (RS). This zone is to allow development of attached or detached residences on individual lots provided with urban services at low urban densities.
2. The properties are located within the Santa Village subdivision, near the Santana Village Park. The subject properties can be accessed from Shawnee Lane SE, which is a cul-de-sac off Shawnee Drive SE approximately 600 feet southeast of the intersection of Shawnee Drive SE and Pennsylvania Avenue SE. The neighborhood is developed with single-family dwellings, and all properties nearby are similarly zoned RS.
3. Per Tax Assessor records, Tax Lot 15200 contains a single-family dwelling. Tax lot 11600 also contains a single-family dwelling. Tax Lot 8800 & 11700 are vacant. Single-family dwellings are outright permitted in the Single-Family Residential (RS) zone.
4. The properties involved in this property line adjustment include platted lots and a portion of an “open space” tract leftover from the original Santana Village subdivision. Tax lot 15200 is Lot 5 of the Shawnee Addition subdivision recorded in 2000 and approved through land use case Subdivision 00-003. This lot is legal per MCC 16.49.152. Tax lot 11600 is Lot 6, Block 21, of Santana Village Phase 2. This subdivision was approved through case Planned Unit Development 71-003. This lot is legal per MCC 16.49.152
5. Tax lot 8800 and 11700 were shown as “Lot C” in Santana Village Phase 3. These lots designated with letters instead of “block and lot numbers” were not meant for development originally, and instead approved as shared open space or walking paths. This is evidenced through the Declaration of Covenants, Conditions, and Restrictions of the Santana Village Homeowner’s Association and planning case file “Planned Unit Development 69-001”. When the open spaces were eventually tax foreclosed in the late 1980’s, many of these spaces were sold to adjacent lot owners with the intention that these tracts become a part of those lots through property line adjustments. Therefore, to comply with the Marion County Code and original intent of previous land use actions, these remnant tracts will not be recognized as separate legal lots for land use purposes. They shall instead be incorporated into the adjacent lot(s).
6. The applicant originally proposed to “sell a portion of tax lot 8800” to the owner of tax lot 15200 to allow for 15200 to expand their back yard. After reviewing the information found in the findings above, and after discussing the intent with the owner of tax lot 8800, the decision has therefore been modified. The application now includes tax lot 11600 and 11700. The modified decision will be to approve the consolidation of the “remnants” into the legal lots owned by each respective party.
7. Marion County Surveyor’s Office commented:

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. PLA deed(s) will need to be recorded along with or after the plat. 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.
8. Marion County Assessor’s Office provided information regarding taxes on the subject properties.

9. 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.
10. The applicant proposes to adjust the property lines between two lots for the purposes of adjusting yard size. In the Single-Family Residential zone, specific property line adjustment criteria do not exist. However, the proposed lots or parcels should conform with the standards required in this zone, such as those found in MCC 16.02.120:
 - A. *Lot Area. The minimum lot area for a single-family dwelling in a subdivision approved after the effective date of the ordinance codified in this title, is 4,000 square feet when located within the Salem/Keizer area urban growth boundary. In all other cases lots shall be a minimum of 6,000 square feet.*

The lots after adjustment will remain above the 4,000 square foot minimum lot size. This standard is met.
11. It appears that no non-conformance with regards to setback or yard requirements is introduced through the approval of this property line adjustment.
12. Based on the above findings, the applicants' proposal meets the criteria for a property line adjustment. The property line adjustment request is, therefore, **MODIFIED AND APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: September 14, 2023

If you have any questions regarding this decision contact Daniel Jansen 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.