

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. 23-033**

APPLICATION: Application of the O & G Kridel Ltd. for a property line adjustment to adjust the property lines on a 7.22-acre parcel, a 0.59-acre parcel and a 9.03-acre parcel to create a 0.61-acre parcel, a 10.76-acre parcel and a 5.29-acre parcel in an UT (Urban Transition) zone and in an R-1 (City of Silverton, Residential) zone located at 101 Grant Street, Silverton (T6S; R1W; Section 34BA; Tax Lots 2100, 2401, 2500, 3000,

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 **September 29, 2025** (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 drain field replacement areas, this parcel may not be able to support the proposal. To be sure the subject property can accommodate the proposed use 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. Properties must be surveyed per ORS 92.060 (7) and the survey submitted for review. Survey checking fee required at the time of review.
2. 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.
3. Marion County Survey Requests: The adjustments will need to be made sequentially. Multiple maps can be submitted or one map with multiple pages, as long as the adjustment activities are clearly understandable.
4. 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:

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. It is recommended that agencies mentioned in Finding # 6 below be contacted to identify restrictions or necessary permits.

6. Prior to recording the deeds all taxes due must be paid to the Marion County Assessor's Office Tax Section (contact them at (503) 588-5215 for verification of payments).

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 designated Single Family Residential in the City of Silverton Comprehensive Plan and correspondingly zoned Urban Transition – 5 acre minimum under the jurisdiction of Marion County. The primary intent of both this designation and zone is to provide lands for single family detached homes.
2. The properties are located at the western end of N Water St as well as south of Pine St NE. According to the Marion County Tax Assessor, all tax lots are vacant except for tax lot 3300 which contains a dwelling built in 1910 and a garage. Tax lots 3300 and 3200 comprise one legal lot and were the subject of Conditional Use CU73-025 for a medical hardship and are therefore considered legal for land use. Tax lots 2401, 2500 and 3000 are one legal lot, adjusted through Lot Line Adjustment case LLA 85-014 and is therefore legal for land use purposes. Tax lot 2100 has been annexed into the City of Silverton and is therefore considered legal for land use purposes.
3. All adjacent properties are zoned residential and consist of parcels developed with single family homes in all directions.
4. The applicants are proposing to adjust the property lines on a 7.22-acre parcel, a 0.59-acre parcel and a 9.03-acre parcel to create a 0.61-acre parcel, a 10.76-acre parcel and a 5.29-acre parcel.
5. Marion County Building Inspection Division reviewed the proposal and commented as follows:

“Building Inspection recommends all new property lines be established more than 3 feet from any residential structure and more than 10 feet from any commercial structure. If these are not met, additional fire resistive materials may be required to be installed onto existing structures adjacent to these new property lines. Permits would be required prior to this work.”

The Marion County Tax Assessor provided comments related to the subject properties property taxes.

Marion County Surveyor's Office commented:

1. Properties 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. Other comments specific to this Planning Action: The adjustments will need to be made sequentially. Multiple maps can be submitted or one map with multiple pages, as long as the adjustment activities are clearly understandable.

All other commenting agencies stated no objection to the proposal.

6. The criteria for reviewing property line adjustments within a UT zone are listed in Chapter 16.13.310 (B) of the Marion County Code (MCC). These criteria are as follows:

1. *Additional street right-of-way required by adopted county standards shall be dedicated along the street frontage of any lot 10 acres or less in area that is part of a partition or lot line adjustment. Street and drainage improvements within the dedicated right-of-way shall be deferred until otherwise required by the county, or by the city following annexation. A nonremonstrance agreement for future road or drainage improvements within the right-of-way abutting the lot may be required.*

Marion County LDEP has not commented requiring any of the above requirements. The criteria do not apply.

2. *The location of lot lines shall not significantly reduce feasible options for the future location of urban streets or utility services, or preclude development options on the property or adjacent properties.*

The location of the proposed lot lines consolidates the vacant land into two parcels, such that, they will be more conducive to development in the future as City of Silverton parcels. Additionally, all parcels have street frontage and will have access to utilities. Lastly, the area in the floodplain is being consolidated onto proposed parcel #2 such that, development on proposed parcel #3, will have development area outside the floodplain. The criterion is met.

3. *When a lot occupied by a residence is reduced, or a lot is created to accommodate a new residence allowed in MCC 16.13.320, the lot should be as small as possible and should not be larger than one acre. If a lot of one acre or less is not feasible, the lot should either contain all of the undeveloped land or be large enough that the urban development potential will be a significant incentive for the owner to develop to planned urban uses when the lot is annexed.*

All lots will be either under one acre or over five, because of this, this criterion does not apply.

4. *When a new or adjusted lot located in a residential plan designation is smaller than five acres and larger than one acre, a redevelopment plan shall be required demonstrating that the lot can accommodate future subdivision development at the median density proposed in the Comprehensive Plan. The zoning administrator shall review and approve the redevelopment plan.*

The redevelopment plan is only for the purposes of identifying a feasible means to subdivide the property and to identify an appropriate location for residences, and does not limit consideration of other development options when urban services are available.

All lots will be either under one acre or over five, because of this, this criterion does not apply.

5. *New lots shall have no dimension less than 80 feet.*

Only one lot will have a dimension less than 80 feet. This is proposed parcel #2 which already had an existing frontage on Pine St NE created through LLA85-014. The criterion is met.

6. *When a lot located in a residential plan designation and occupied by a nonresidential use is created or altered, the lot should include as little undeveloped land suitable for residential uses as possible, unless evidence is presented that undeveloped land needs to be included in the lot to accommodate allowable expansion of the subject use.*

No lots contain a non-residential use. This criterion does not apply.

7. *The minimum lot size, in acres, for lots in nonresidential plan designations is the numerical suffix added to the UT zone (i.e., one acre, three acres, five acres, 10 acres or 20 acres), or if no suffix is added, five acres.*

All lots are in a residential plan designation. This criterion does not apply.

7. Based on the above findings, the proposal meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: September 14, 2023

If you have any questions regarding this decision contact Austin Barnes 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.