

Attention Property Owner: A land use proposal has been submitted for property near where you live or 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
PARTITION/PROPERTY LINE ADJUSTMENT CASE NO. 22-008**

APPLICATION: Application of Britany Randall on behalf of Trung Diep for a property line adjustment and partition to first adjust the property lines between two 0.27-acre parcels to create a 0.42-acre and a 0.11-acre parcel, and then to partition the 0.42-acre parcel into 3 parcels consisting of 0.15 acres, 0.15 acres, and 0.12 acres in a Single Family Residential (RS) zone located at 604 Clarmar Drive NE, Salem. (T7S, R2W, Section 30AB, Tax Lot 2600).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Partition and Property Line Adjustment application subject to certain conditions.

EXPIRATION DATE: This approval is valid only when the final partitioning plat is recorded by **October 19, 2024**. 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 proposed division is for land use purposes only. Due to septic, well, and drain field replacement areas, these parcels may not be able to support a dwelling. 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. The applicant shall submit a final partition plat to the County Surveyor's Office (5155 Silverton Road NE; (503) 588-5038). Following plat approval, it shall be recorded with the Marion County Clerk (plat instructions enclosed).
2. The applicant is advised that a Partition Plat Service Report from a title company will be required upon submission of the final Mylar to the County Surveyor.
3. Initial replat and partition plat shall take place in separate calendar years,
4. Parcels ten acres and less must be surveyed.
5. Per ORS 92.050, plat must be submitted for review.
6. A current or updated title report must be submitted at the time of review. Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.
7. 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. The deeds conveying the re-platted parcels shall be recorded after the recording of the re-plat.
8. Must comply with all provisions per ORS 92.185(6).
9. Marion County Land Development Engineering and Permits Division (LDEP) will not approve the final plat for recordation until the following conditions have been satisfied:

Condition A – Prior to plat approval, design, permit and construct the following:

- Longacres Avenue ¾-street frontage improvement to City of Salem Collector ‘A’ standard consisting of a 17-foot paved urban half-width on the development side and an 11-foot paved rural half-width on the opposing side, and connecting to the existing Longacres Avenue adjacent full-width improvement to the east
- Intersection ADA pedestrian ramps
- Clarmar Drive PCC curb line sidewalk
- Parcel 1 Clarmar Drive PCC driveway approach
- Parcels 2 & 3 Clarmar Drive shared PCC access approach and HMAC-paved easement
- Utility service extensions for Parcels 2 & 3 including Longacres Avenue residual buildable frontage parcel

Frontage improvements are authorized for partitions under MCC 16.33.160 and 16.33.320. Rationale for installing utility extensions to the Longacres Avenue residual buildable parcel is a PW Engineering moratorium on cutting roadway pavement for 3 years within placement.

Condition B – On the partition plat depict a 20-foot property corner radius dedication to the public for roadway purposes.

Dedication is authorized under MCC 16.33.220.

Condition C – Prior to plat approval, provide a civil engineered design for a stormwater collection and conveyance system to serve the parcel 3 that will take roof rain drain and crawl space discharge to a legal outfall.

Condition D – On the plat, depict a private access easement serving parcels 2 & 3, and a drainage easement for parcel 3.

10. Parcels 2 & 3 shall share a common access easement to Clarmar Drive. Access consolidation for partitions is in accordance with County TSP policy.
11. Separate utility permitting is required for utility service extensions within County R/W.
12. The parcels shall be addressed as stated, below:
 - Parcel 1: 604 Clarmar Drive NE
 - Parcel 2: 624 Clarmar Drive NE
 - Parcel 3: 614 Clarmar Drive NE
 - Parcel 4: 608 Clarmar Drive NE
13. The property line adjustment re-plat and partition plat shall be filed in separate calendar years unless the applicant applies for and receives approval for a subdivision.

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

14. After the final partition plat has been recorded, no alteration of property lines shall be permitted without first obtaining approval from by 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 #5 be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

15. Prior to recording the plat, 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.

16. The applicants should contact Marion County Fire District #1 to obtain a copy of the District's Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards. Contact Paula Smith at MCFD#1 at (503) 588-6513 for more information.
17. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements (listed in Finding #5 below) that may be required.

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 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 120-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, together with the appeal fee, in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem by 5:00 p.m. on

October 19, 2022. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **October 20, 2022** unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The property is designated Single Family Residential in the Salem Area Comprehensive Plan and zoned RS (Single Family Residential) by Marion County. The purpose of this designation and the corresponding RS (Single Family Residential) zone is to provide areas for residential development on individual lots at urban densities.
2. The property is located on the east side of Clarmar Drive NE in Salem, approximately 400 feet south of the intersection of Clarmar Drive NE and Center Street NE. The property contains one dwelling that was built in 1955. Additionally, the parcel has no previous associated land use cases and is described as Lots 10 and 12, Block 6, Clarmar Addition No. 2. The property is considered legal for the purposes of land use.
3. Properties in all directions are zoned RS (Single Family Residential) and developed with single-family uses.
4. The applicant proposes to adjust the property line between Lots 10 and 12, Block 6 of the Clarmar Addition No.2 then partition the approximately 0.42-acre remaining parcel (Lot 10) into three parcels of approximately 0.15 acres, 0.12 acres, and 0.15 acres while Lot 12 would be approximately 0.11 acres in size.
5. Marion County Land Development and Engineering commented:

ENGINEERING CONDITIONS

Condition A – Prior to plat approval, design, permit and construct the following:

- Longacres Avenue ¾-street frontage improvement to City of Salem Collector 'A' standard consisting of a 17-foot paved urban half-width on the development side and an 11-foot paved rural half-width on the opposing side, and connecting to the existing Longacres Avenue adjacent full-width improvement to the east
- Intersection ADA pedestrian ramps
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Frontage improvements are authorized for partitions under MCC 16.33.160 and 16.33.320. Rationale for installing utility extensions to the Longacres Avenue residual buildable parcel is a PW Engineering moratorium on cutting roadway pavement for 3 years within placement.

Condition B – On the partition plat depict a 20-foot property corner radius dedication to the public for roadway purposes.

Dedication is authorized under MCC 16.33.220.

Condition C – Prior to plat approval, provide a civil engineered design for a stormwater collection and conveyance system to serve the parcel 3 that will take roof rain drain and crawl space discharge to a legal outfall.

Condition D – On the plat, depict a private access easement serving parcels 2 & 3, and a drainage easement for parcel 3.

ENGINEERING REQUIREMENTS

- E. Parcels 2 & 3 shall share a common access easement to Clarmar Drive. Access consolidation for partitions is in accordance with County TSP policy.
- F. The subject property is within the City of Salem Urban Growth Boundary and will be assessed Transportation & Parks System Development Charges (SDCs) upon application for building permits.
- G. Individual parcel WQT raingardens may be required in conjunction with building permits commencing as of February 2023 for aggregate development of ¼-acre plus. PW Engineering has a template design available.
- H. Separate utility permitting is required for utility service extensions within County R/W.

ENGINEERING ADVISORIES

- I. City of Salem is the sanitary services provider.
- J. Suburban East Salem Service District is the potable water provider.
- K. Shared access easement minimum width within the UGB is 25 feet.

Marion County Building Division commented: no Building Inspection concerns as the application language describes the existing single-family dwelling meeting the minimum setbacks from the existing and proposed property lines, which exceed the minimum required setbacks within the 2021 Oregon Residential Specialty Code before fire resistive construction is required. Any future development and/or utilities on private property would require permits prior to construction or installation.

Salem-Keizer Public Schools provided comments related potential increases in enrollment and school capacity; see file for full comments.

Marion County Assessor's Office provided comments related to taxes on the subject property.

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

- 6. To partition land in an RS (Single Family Residential) zone, the standards, and criteria in Chapter 16.02.120 of the Marion County Code (MCC) apply:
 - 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. (See Chapter 16.27 MCC for density limitations.)*

The location of the proposed property line adjustment and partition is at 604 Clarmar Drive NE in Salem well within the Salem/Keizer area urban growth boundary. As a result, each parcel must be at least 4,000 square feet. The applicant's representative has stated that all four parcels resulting from the proposed

property line adjustment and partition are over 4,000 square feet. In fact, each parcel will consist of 6,571 square feet, 5,161 square feet, 6,886 square feet, and 4,843 square feet. Therefore, this criterion is met.

- B. *Lot Dimensions. Except as provided in MCC 16.26.800 for planned developments, the width of a lot shall be at least 60 feet; provided, that within the Salem/Keizer urban growth boundary the width of a lot shall be at least 40 feet, and the depth of a lot shall be at least 70 feet.*

As stated previously, the proposed property line adjustment and partition is within the Salem/Keizer area urban growth boundary. The proposed width of each lot ranges from approximately 59 feet to 80 feet, while the proposed depth ranges from 63 feet to 86 feet. All four resulting parcels would meet the minimum width and depth criteria for this zoning. Therefore, the criterion is met.

7. MCC 16.33.680 ACCESS STANDARDS. *All lots must have a minimum 20 feet of frontage on a public right-of-way or, when an access easement is proposed to serve one or more lots in any partitioning, the location and improvement of the roadway access shall conform to the following standards which are necessary for adequate access for emergency vehicles. Evidence that the access has been improved to these standards and a driveway permit has been obtained shall be provided prior to the issuance of building permits on the parcels served by the access easement. The easement shall meet the following standards:*

- A. *Have a minimum easement width of 25 feet;*
- B. *Have a maximum grade of 12 percent;*
- C. *Be improved with a paved surface with a minimum width of 20 feet;*
- D. *Provide adequate sight-distance at intersections with public roadways;*
- E. *Be provided with a road name sign at the public roadway as identification for emergency vehicles in accordance with Chapter 11.55 MCC, Naming and Addressing Roads/Property.*

According to the Applicant's representative, all proposed lots will meet the minimum 20-foot frontage requirement. The parcel is relatively flat and therefore the maximum grade is not expected to exceed 12 percent. The applicant is advised that the easement will need to be improved with a paved surface width of at least 20 feet, and adequate sight-distances at intersections with Clarmar Drive NE will need to be maintained. The easement is only proposed to serve two properties and therefore will not be required to be named. The access standards under MCC 16.33.680 are therefore met.

8. Based on the above findings, the proposed property line adjustment and partition complies with the criteria for a property line adjustment and partitioning in the RS zone and is, therefore **APPROVED**, subject to conditions.

Brandon Reich
Planning Director/Zoning Administrator

Date: October 4, 2022

If you have any questions, please 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.