

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. 21-041**

APPLICATION: Application of Meika Koletar, Sunset Ridge Holdings, LLC, and Raymond and Jennifer Larson to adjust the property lines on a 3.14 acre parcel a 1.5 acre parcel and a 2.37 acre parcel to create a 2.0 acre parcel, 2.07 acre parcel, and a 2.94 acre parcel in an AR (Acreage Residential) zone located at 4599 Grand Fir Lane S, 4569 Sunset Ridge Road S, and 4567 Pettyjohn Road S, Salem (T8S; (R3W; Section 07C; tax lot 1200) and (R4W; Section 12D; tax Lots 2400 and 2500).

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 **August 20, 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. The applicant must comply with all provisions per ORS 92.185 (6)
3. Must be surveyed and platted per ORS 92.050, and the plat must be submitted for review.
4. Checking fee and recording fees will be required.
5. A current or updated title report must be submitted at the time of review.
6. Must be surveyed per ORS 92.060(7) and the survey submitted for review.
7. The portion of the subdivision or partition plat proposed for replatting contains utility easement(s) that will need to be addressed. Per ORS 92.185 (4), when a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all of the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent

by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.

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

8. 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.

9. 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 **August 20, 2021**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **August 21, 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 4599 Grand Fir Lane South, 4569 Sunset Ridge Road South, and 4567 Pettyjohn Road South. The three lots were created in their current configuration through the Replat of South Ridge Estates on August 3, 1998 as Lot 2, Lot 3, and Lot 4. They are therefore considered legal for land-use purposes.
3. All adjacent properties to the north, south, and west are zoned AR (Acreage Residential) and contained single-family residential development and uses. The property to the east is zoned SA (Special Agriculture) and is developed with a single-family residence; the property is not in farm use and is specially assessed with a conservation easement.
4. The applicants are proposing to adjust the property lines on a 3.14 acre parcel a 1.5 acre parcel and a 2.37 acre parcel to create a 2.0 acre parcel, 2.07 acre parcel, and a 2.94 acre parcel
5. **Marion County Surveyors Office** commented:
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all parties with proper acknowledgment. The deeds conveying the re-platted parcels shall be recorded after the recording of the plat.

2. Must comply with all provisions per ORS 92.185 (6)
3. Must be surveyed and platted per ORS 92.050, and the plat submitted for review.
4. Checking fee and recording fees required.
5. Must be surveyed per ORS 92.060(7) and the survey submitted for review.
6. The portion of the subdivision or partition plat proposed for replatting contains utility easement(s) that will need to be addressed. Per ORS 92.185 (4), when a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

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

Salem Fire Department commented that fire department access shall be maintained to the existing structures and will be required to be provided at the time of future development.

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. Because all three lots will be above this standard, 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.

Joe Fennimore
Planning Director

Date: August 5, 2021

If you have any questions regarding this decision contact Ryan Dyar 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.