

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. 21-047**

APPLICATION: Application of East Park LLC and K Plus Farms LLC to adjust the property lines on a 0.76 acre parcel and a 5.21 acre parcel to create a 0.75 acre parcel and a 5.22 acre parcel in a RM (Multiple Family Residential) zone in Marion County and a RM1 and RM2 (Multifamily Residential) zone in the City of Salem located at 4855 State St., Salem. (T7S, R2W, Section 29C, Tax Lots 300 and 500).

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 **October 19, 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 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. **Property line adjustment deeds shall be recorded with the county clerk meeting requirements identified in ORS 92.190(4).** The deeds shall contain the names of the parties, the description of the adjusted lines, references to original recorded documents and signatures of all parties with proper acknowledgment. The deeds shall include a perimeter description of each resulting parcel. This property line adjustment is not complete until the title transfer instruments accomplishing the property adjustments are recorded by the applicants with the Marion County Clerk.
2. The property must be surveyed per ORS 92.060(7) and the survey submitted for review to the County Surveyor's Office. The survey shall contain the notation that it is the result of Property Line Adjustment Case 21-047.
3. Property line adjustment deeds shall be recorded with the county clerk meeting requirements identified in ORS 92.190(4). The deeds shall contain the names of the parties, the description of the adjusted lines, references to original recorded documents and signatures of all parties with proper acknowledgment. The deeds shall include a perimeter description of each resulting parcel. This property line adjustment is not complete until the title transfer instruments accomplishing the property adjustments are recorded by the applicants with the Marion County Clerk.
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.

6. The applicant is advised to contact the City of Salem Planning Department regarding the potential creation of a non-conforming unit of land upon completion of the Property Line Adjustment to understand the implication of moving forward. Salem Planning Department can be reached at 503-588-6213.

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 **October 19, 2021**. 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, 2021** unless further consideration is requested.

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

1. The property to the east (parcel A) is located within the city limits of Salem and is zoned RM-1 and RM-2 (Multi-Family Residential), the property to the west (parcel B) is zoned RM (Multi-Family Residential) and is within Marion County. The subject properties are designated Multi-Family Residential in the Salem Area Comprehensive Plan. The major purpose of this designation and the corresponding MF (Multiple-Family Residential) zone is to provide multiple-family dwellings on a lot, or attached dwellings on separate lots, at residential densities greater than permitted in the RL zone.
2. Properties are located on the north side of State St SE approximately 1/3 mile west of its intersection with Cordon Rd NE. The property located in Marion County was considered lawfully created in January 1978, by Zone Change No. 78-36. Parcel A is located in city limits therefore Marion County has no jurisdiction as to its legally established date. Therefore, both are recognized as legal separate parcels for land use purposes.
3. All adjacent properties are zoned RM and developed with single and multi-family dwellings on individual lots or in manufactured home parks.
4. The applicants are proposing to adjust the property lines on a 0.76 acre parcel and a 5.21 acre parcel to create a 0.75 acre parcel and a 5.22 acre parcel.
5. Marion County Surveyor commented:
 1. The property must be surveyed per ORS 92.060(7) and the survey submitted for review.
 2. A survey checking fee is required at the time of review.

3. Property line adjustment deeds shall be recorded with the county clerk meeting requirements identified in ORS 92.190(4). The deeds shall contain the names of the parties, the description of the adjusted lines, references to original recorded documents and signatures of all parties with proper acknowledgment. The deeds shall include a perimeter description of each resulting parcel. This property line adjustment is not complete until the title transfer instruments accomplishing the property adjustments are recorded by the applicants with the Marion County Clerk.

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

City of Salem provided comments: The proposed PLA would add a sliver of RM-I (Multi-Family Residential) zoned property to the mobile home park which will remain mostly under County jurisdiction. However, mobile home parks are only allowed in the RM-I zone with an approved mobile home park permit issued pursuant to SRC Chapter 235. The PLA would transfer RM-I zoned land to the mobile home park for which no mobile home park permit has been granted, therefore creating a nonconforming situation. The entire page of comments is located in the planning file.

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

6. In order to adjust property lines in an RM (Multi-Family Residential) zone, the standards and criteria in Chapter 16.02.120 of the Marion County Code (MCC) apply, these include:

A. Lot Area, Multifamily Dwellings and Other Uses. At least 6,000 square feet. (See Chapter 16.27 MCC for density limitations.)

B. Lot Dimensions. The width of a lot shall be at least 40 feet, and the depth of a lot shall be at least 70 feet except as provided in MCC 16.26.800 for planned developments. [Ord. 1369 § 4 (Exh. B), 2016; Ord. 1301 § 4 (Exh. A), 2010; Ord. 1204 § 4, 2004; Ord. 863 § 5, 1990. UZ Ord. § 4.12.]

Each of the lots, after the property adjustment, will exceed the 6,000 square foot minimum lot size. In addition they will meet minimum lot width and depth standards. These criteria are satisfied.

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

Brandon Reich
Planning Director

Date: October 4, 2021

If you have any questions regarding this decision contact Alyssa Schrems 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.