

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.24-028**

APPLICATION: Application of Anthony Arnautov for a property line adjustment to adjust the property lines on a 1.26-acre parcel and a 0.97-acre parcel to create a 1.88-acre and a 0.35-acre parcel in a RM (Multi-family Residential) zone located at 4310 & 4330 Monroe Ave NE, Salem (T7S; R2W; Section 30DB; Tax lot 600 & 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 2nd, 2026** (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. Per the Marion County Surveyor's office, no survey is required for properties greater than ten acres per ORS 92.060 (8), however properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review. Survey checking fees are required at the time of review. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4).
2. 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:

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 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 below be contacted to identify restrictions or necessary permits.

4. Prior to recording the deed all taxes due must be paid to the Marion County Assessor 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 regula-

tions 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 2nd, 2024**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **October 3rd, 2024**, unless further consideration is requested.

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

1. The subject properties zoned Multiple Family Residential (RM) and is primarily intended to provide for multiple-family housing developments.
2. The properties are located approximately one quarter of a mile east of Lancaster Drive NE within the City of Salem's Urban Growth Boundary. The properties as designated Developing Residential in the Salem Area Comprehensive Plan (SACP). The properties are along Monroe Ave NE at the corner of Deanna St SE. Both properties were recognized as legal established lots by land use case CP/ZC21-004. They are legal for land use purposes.
3. The majority of the adjacent properties are zoned single-family residential (RS) and consistent with that usage. There are also clusters of Urban Development (UD) zoned lands as well. There are no parcels zoned Residential-Multi Family RM in the immediate area.
4. The applicants are proposing to adjust the property lines on a 1.26-acre parcel and a 0.97-acre parcel to create a 01.88-acre (tax lot 600) parcel and a 0.35-acre (tax lot 500) to accommodate the future development of multifamily residences on tax lot 600.
5. Marion County Land Development Engineering and Permits commented:

ENGINEERING ADVISORY

- A. As a reminder to prior land use advisory comments made during the zone change process, a stipulation for issuance of building certificates of occupancy for the proposed apartments will be to dedicate needed public R/W on both Monroe Avenue and Deana Street frontages to meet the county road standard, and related to that petition the County BOC for dedication of an existing 1-ft wide Reserve Strip owned by Marion County running along the Deana Street frontage as public R/W that will facilitate legal access to the development.

City of Salem Community Planning and Development Department commented:

The subject properties are located in the East Salem Sewer Service District and the Suburban East Salem Water District. Sanitary sewer mains are available in Monroe Avenue NE and Deana Street NE. Any new connections to sanitary sewer mains in this district for the resultant parcels will require an annexation agreement to be filed with the City of Salem where one has not already been done so, pursuant to Salem City Council Policy X-4A/B. City of Salem permits are required for connections to these mains for development on the resultant lots, permits have not been obtained to date.

Marion County Surveyor's Office commented:

- Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- Survey checking fee required at the time of review.
- Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4)."

Marion County Building Inspection Division reviewed the proposal and commented as follows:
Permit(s) are required to be obtained prior to development and/or utilities installation on private property

Marion County Septic commented:
“They should be connecting into city sewer.”

Marion County Tax Assessor submitted comments regarding the subject properties’ property taxes.

All other commenting agencies stated no objection to the proposal.

6. There are no specific criteria for reviewing property line adjustments within a Multi-Family Residential zone. Subsequently, the adjusted lots must meet a minimum size of 6,000 square feet. In this proposal, the lots will be 81,893 square feet and 15,246 square feet after adjustment. The criteria are met.
7. Based on the above findings, the proposal meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: September 17, 2024

If you have any questions regarding this decision contact George Brandt at (503) 566-3981.

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.