

4685 Elliott Circle, Corvallis

**Paul Terjeson & Steve Helms**

503-979-0118 | 541-979-0118

[Pterjy@kw.com](mailto:Pterjy@kw.com) | [Stevehelms@kw.com](mailto:Stevehelms@kw.com)

2125 Pacific Blvd. Albany 97321

1121 NW 9th Ave Corvallis 97330





# LIST PACK

541-497-6514

OregonFarmBrokers.com

OregonFarmBrokers@gmail.com

2125 Pacific Blvd. Albany 97321

1121 NW 9th Ave Corvallis 97330

**KW MID-WILLAMETTE**  
KELLERWILLIAMS. REALTY

KELLERWILLIAMS  
**LAND**

KELLERWILLIAMS  
*Luxury*  
INTERNATIONAL



# Fidelity National Title

## BENTON COUNTY PROPERTY PROFILE INFORMATION

Parcel #: **416126**  
 Tax Lot: **11513A001800**  
 Owner: Dunning, Holly  
 CoOwner: Dunning, Kyle  
 Site: 4685 NE Elliott Cir  
 Corvallis OR 97330  
 Mail: 4635 NE Elliott Cir  
 Corvallis OR 97330  
 Zoning: County-UR-5 - Urban Residential - 5  
 Std Land Use: RSFR - Single Family Residence  
 Legal: PINOT GRIS ESTATES LOT 16  
 Twn/Rng/Sec: T:11S R:05W S:13 Q:NE QQ:

### ASSESSMENT & TAX INFORMATION

Market Total: **\$818,556.00**  
 Market Land: **\$515,076.00**  
 Market Impr: **\$303,480.00**  
 Assessment Year: **2019**  
 Assessed Total: **\$333,105.00**  
 Exemption:  
 Taxes: **\$4,842.58**  
 Levy Code: 0905  
 Levy Rate: 14.5377

### PROPERTY CHARACTERISTICS

Year Built: 1896  
 Eff Year Built:  
 Bedrooms: 3  
 Bathrooms: 2.5  
 # of Stories: 2  
 Total SqFt: 1,787 SqFt  
 Floor 1 SqFt: 999 SqFt  
 Floor 2 SqFt: 788 SqFt  
 Basement SqFt:  
 Lot size: 62.30 Acres (2,713,788 SqFt)  
 Garage SqFt: 448 SqFt  
 Garage Type: Detached  
 AC:  
 Pool:  
 Heat Source: Forced Air  
 Fireplace:  
 Bldg Condition:  
 Neighborhood:  
 Lot: 16  
 Block:  
 Plat/Subdiv: Pinot Gris Estates  
 School Dist: 509J - Corvallis School 509j  
 Census: 2027 - 000600  
 Recreation:

### SALE & LOAN INFORMATION

Sale Date:  
 Sale Amount:  
 Document #:  
 Deed Type:  
 Loan  
 Amount:  
 Lender:  
 Loan Type:  
 Interest Type:  
 Title Co:

# REAL PROPERTY

## FOR ASSESSMENT AND TAX PURPOSES ONLY

### Account Information

**Account #:** 416126  
**Map/Tax Lot:** [11513A001800](#) [18] [[GIS Maps](#) [19]]  
**Acreage:** 62.3  
**Property Class:** 549  
**Tax Code Area:** 0905  
  
**Situs Address:** [4685 NE ELLIOTT CIR](#)  
[CORVALLIS, OR 97330](#) [21]

### LAST CERTIFIED VALUES

Market Land:	\$ 515,076
Market Structure:	\$ 303,480
Total Real Market Value:	\$ 818,556
Special Assessed Taxable Land Value:	\$ 48,776
Assessed:	\$ 333,105
Exemption:	\$ 0
Net Taxable:	\$ 333,105

### Property Valuation History [22]

### Owner Information

**Owner**  
DUNNING HOLLY J  
4635 NE ELLIOTT CIR  
CORVALLIS, OR 97330-9402  
USA

**Owner**  
DUNNING KYLE L  
4635 NE ELLIOTT CIR  
CORVALLIS, OR 97330-9402  
USA

**Taxpayer**  
DUNNING KYLE L & HOLLY J  
4635 NE ELLIOTT CIR  
CORVALLIS, OR 97330-9402  
USA

### Taxes

**Tax Code Area:** 0905  
**Property Tax (2019):** \$4842.58

**Tax Payments and History**  
[23]

<b>WARNING</b>
<b>This account may have potential tax liabilities, taxes due, or other special development conditions.</b>

07/01/2019 to 06/30/2020 BENTON COUNTY PROPERTY TAX STATEMENT  
 PO BOX 964 Corvallis, OR 97339 • 4077 SW Research Way Corvallis, OR 97333

ACCOUNT NUMBER: 416126  
 SITUS ADDRESS: 4685 NE ELLIOTT CIR CORVALLIS

PROP CLASS: 549  
 PROP TCA: 0905  
 PROP MAP: 11513A001800 ACRES: 62.30

**LAST YEARS TAX** **4,732.94**  
 Corvallis SD 509J 1,486.11  
 Corvallis SD 509J LO 2017 499.66  
 LinnBenton CC 167.19  
 LinnBentonLincoln ESD 101.56  
**Education Totals** **2,254.52**

VALUES	LAST YEAR	THIS YEAR
Real Market Value Land	474,871	515,076
Real Market Value Structure	311,050	303,480
Real Market Value Total	785,921	818,556

Benton County	734.56
Benton County Extension Dist	26.65
Benton County Library	131.48
Benton County Local Option 2018	299.79
Benton County Soil & Water Dist	16.66
Corvallis Rural Fire	704.18
<b>General Government Totals</b>	<b>1,913.32</b>

Special Assessed Value	47,355	48,776
Assessed Value	323,403	333,105
Exemptions	0	0
<b>Net Taxable</b>	<b>323,403</b>	<b>333,105</b>

Bond LinnBenton CC	56.46
Bonds Corvallis SD 2003	338.04
Bonds Corvallis SD 2018	280.24
<b>Bonds - Other Totals</b>	<b>674.74</b>

TAX COLLECTOR	(541)766-6808
ASSESSOR	(541)766-6855
WEB SITE: <a href="https://www.co.benton.or.us/assessment/">https://www.co.benton.or.us/assessment/</a>	

Potential Tax Liability: POTENTIAL TAX LIABILITY

**If a mortgage company pays your taxes, this statement is for your records only.**

Full Payment with 3% Discount	2/3 Payment with 2% Discount	1/3 Payment with No Discount
4,697.30	3,163.82	1,614.20

**2019 - 2020 TAXES** 4,842.58

TOTAL TAXES OUTSTANDING 4,842.58  
**TOTAL TAX (After Discount)** 4,697.30

----- Cut Here PLEASE RETURN THIS PORTION WITH YOUR PAYMENT Cut Here -----

ACCOUNT NUMBER: 416126  
 INCLUDES DELINQUENT TAXES OWING, IF ANY

Full Payment.....if paid by:	11/15/2019	4,697.30
or 2/3 Payment.....if paid by:	11/15/2019, with final 1/3 due 05/15/2020	3,163.82
or 1/3 Payment.....Due:	11/15/2019, 02/17/2020, 05/15/2020	1,614.20

**DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE**

This on-line tax statement reflects the information on the account as of October 1, 2019. This tax statement does not reflect any payments or value corrections made on your account after that date. If you have made a payment on your property tax account after October 1, 2019, please contact our office at (541) 766-6808 between the hours of 8:00 am and 5:00 pm, Monday through Friday for the correct amount owing. You may also contact us via the internet at <https://www.co.benton.or.us/webform/contact-us>.

Enter Payment Amount  
 \$

Please make checks payable to:  
**Benton County Tax Collector**  
**PO Box 964**  
**Corvallis, OR 97339-0964**

**PROPERTY LINE ADJUSTMENT DEED**

Randy Chandler, "Grantor" is the owner of property in Benton County, Oregon (Property 3). The legal description of Property 3, prior to this property line adjustment, is described in that Memorandum of Sale Agreement recorded as M-279047-00 in the Benton County Microfilm Records.

Kyle L. Dunning and Holly J. Dunning, "Grantees", are the owners of Property in Benton County, Oregon (Property 1). The legal description of Property 1, prior to this property line adjustment, is Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon.

Property 1 and Property 3 are adjoining tracts of land, and the parties hereby agree to adjust the property line separating their respective properties by Grantors conveying to Grantees the property described in Exhibit "C", which Grantors hereby bargain, grant, sell and convey to Grantees.

The true consideration for this conveyance is \$3,000.00 (three thousand dollars).

The legal description of Property 1 following this adjustment is set forth in the attached Exhibit "A".

The legal description of Property 3 following this adjustment is set forth in the attached Exhibit "B".

The property conveyed is subject to all matters of public record.

It is the intent of the parties that this conveyance does not create a separate lot, but that this conveyance from Property 3 shall be consolidated into and with Property 1 to comply with the Benton County Community Development Department Decision Regarding File Number LD-01-41.

**THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST ANY FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

✓ After recording return to:  
Kyle and Holly Dunning  
4635 NE Elliott Circle  
Corvallis, OR 97330

Send Property 1  
Tax Statement To:  
Kyle Dunning  
4635 NE Elliott Circle  
Corvallis, OR 97330

Send Property 3  
Tax Statement To:  
Randy Chandler  
4735 NE Elliott Circle  
Corvallis, OR 97330

DATED this 18 day of September, 2001.

PROPERTY 1: [Signature]  
Kyle L. Dunning

[Signature]  
Holly J. Dunning

STATE OF OREGON )  
 ) ss.  
County of Benton )

On this 18 day of September, 2001, personally appeared before me the above-named Kyle L. Dunning and Holly J. Dunning and acknowledged the foregoing instrument to be their voluntary act and deed.

[Signature]  
Notary Public for Oregon  
My Commission Expires:



DATED this 17 day of September, 2001.

PROPERTY 3: [Signature]  
Randy Chandler

STATE OF OREGON )  
 ) ss.  
County of Benton )

On this 17 day of September, 2001, personally appeared before me the above-named Randy Chandler and acknowledged the foregoing instrument to be his voluntary act and deed.

[Signature]  
Notary Public for Oregon  
My Commission Expires: Oct 31, 2004



## **EXHIBIT A**

### **DESCRIPTION OF RESULTANT PROPERTY 1**

Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon.

TOGETHER AND WITH:

Beginning at a 5/8 inch iron rod on the South line of that property conveyed to Randy Chandler and described in Benton County Microfilm Records M-279047-00, said 5/8 inch iron rod also being at an interior angle point on a westerly line of Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon, and being located South 0°02'00" West 1556.47 feet and South 89°49'21" East 510.54 feet from the Northwest corner of the William H. Elliott Donation Land Claim No. 40, in the Northeast quarter of Section 13, Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence along the lines of said Lot 16 the following courses: South 89°49'21" East 45.12 feet to a 5/8 inch iron rod at the Southeast corner of said Randy Chandler property and North 0°02'00" East 156.68 feet to the Southeast corner of that property conveyed to James E. Chandler and Marilyn R. Chandler and described in Benton County Microfilm Records M-3939-79; thence along the South line of said James and Marilyn Chandler property North 89°49'21" West 45.35 feet to a 5/8 inch iron rod; thence South 0°03'07" East 156.68 feet to the point of beginning.



## **EXHIBIT B**

### **DESCRIPTION OF RESULTANT PROPERTY 3**

Part of the William Elliot Donation Land Claim No. 40, Township 11 South Range 5 West of the Willamette Meridian, Benton County, Oregon, being the North half and the South half of the following described premises:

Beginning at the Southwest corner of that tract of land conveyed to Garland C. Arvin and Jean Arvin by deed recorded Book 104 Page 154 Deed Records; thence Easterly along the South line of said Arvin tract 8.421 chains to the Southeast corner thereof; thence Southerly parallel with the West line of the William Elliot Donation Land Claim 2.374 chains; thence Westerly parallel to the South line of said Arvin tract 8.421 chains to the West line of the William Elliot Donation Land Claim; thence Northerly along said claim line to the place of beginning; EXCEPTING those portions of the premises lying in roads.

#### EXCEPTING THEREFROM:

Beginning at a 5/8 inch iron rod on the South line of that property conveyed to Randy Chandler and described in Benton County Microfilm Records M-279047-00, said 5/8 inch iron rod also being at an interior angle point on a westerly line of Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon, and being located South 0°02'00" West 1556.47 feet and South 89°49'21" East 510.54 feet from the Northwest corner of the William H. Elliott Donation Land Claim No. 40, in the Northeast quarter of Section 13, Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence along the lines of said Lot 16 the following courses: South 89°49'21" East 45.12 feet to a 5/8 inch iron rod at the Southeast corner of said Randy Chandler property and North 0°02'00" East 156.68 feet to the Southeast corner of that property conveyed to James E. Chandler and Marilyn R. Chandler and described in Benton County Microfilm Records M-3939-79; thence along the South line of said James and Marilyn Chandler property North 89°49'21" West 45.35 feet to a 5/8 inch iron rod; thence South 0°03'07" East 156.68 feet to the point of beginning.

**EXHIBIT C**

**DESCRIPTION OF PROPERTY TRANSFERRED  
FROM PROPERTY 3 TO PROPERTY 1**

Beginning at a 5/8 inch iron rod on the South line of that property conveyed to Randy Chandler and described in Benton County Microfilm Records M-279047-00, said 5/8 inch iron rod also being at an interior angle point on a westerly line of Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon, and being located South 0°02'00" West 1556.47 feet and South 89°49'21" East 510.54 feet from the Northwest corner of the William H. Elliott Donation Land Claim No. 40, in the Northeast quarter of Section 13, Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence along the lines of said Lot 16 the following courses: South 89°49'21" East 45.12 feet to a 5/8 inch iron rod at the Southeast corner of said Randy Chandler property and North 0°02'00" East 156.68 feet to the Southeast corner of that property conveyed to James E. Chandler and Marilyn R. Chandler and described in Benton County Microfilm Records M-3939-79; thence along the South line of said James and Marilyn Chandler property North 89°49'21" West 45.35 feet to a 5/8 inch iron rod; thence South 0°03'07" East 156.68 feet to the point of beginning.

302885

STATE OF OREGON }  
County of Benton } ss.

I hereby certify that the within instrument  
was received for record

PM 3:23 '01SEP20

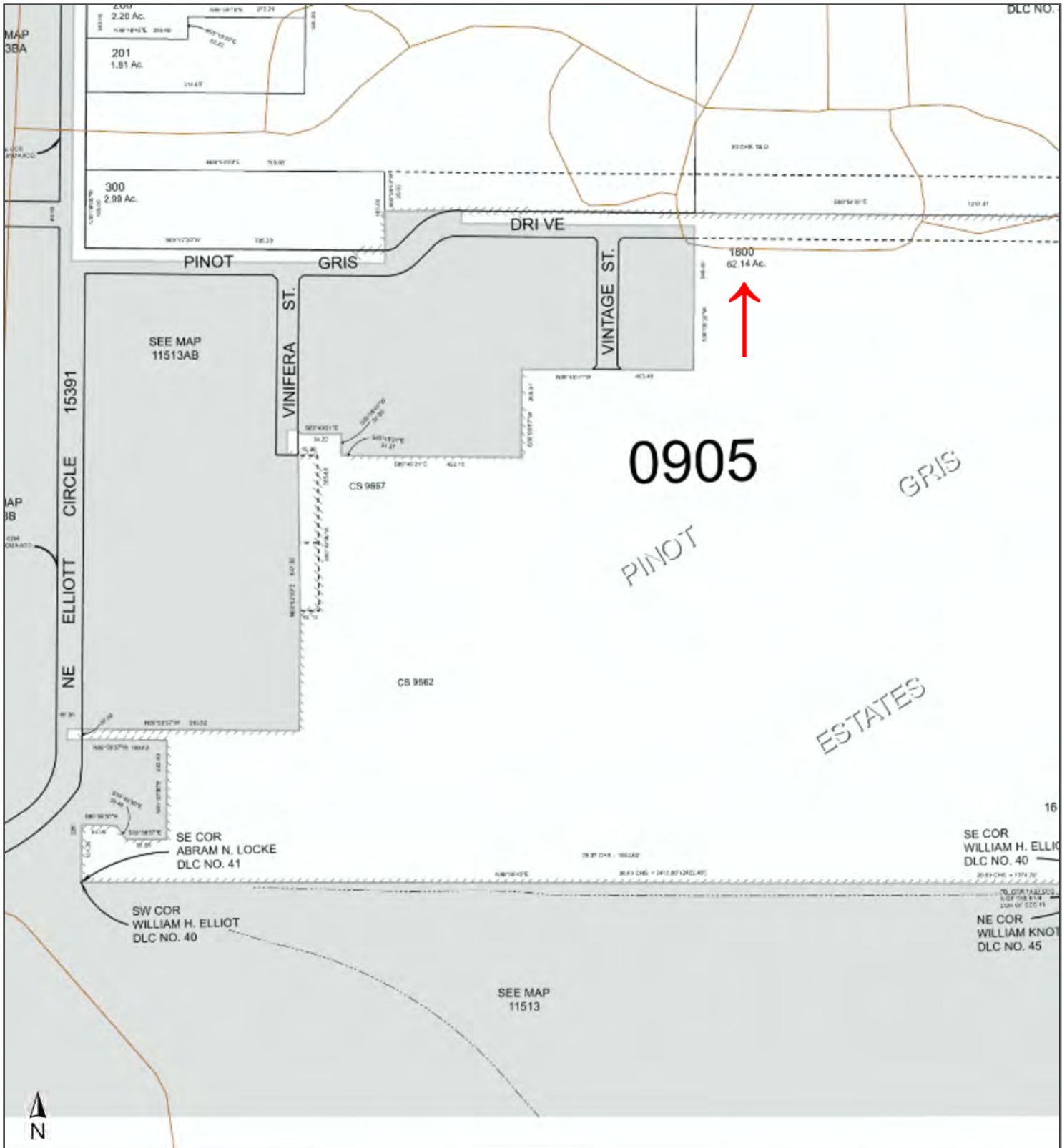
AND  
ASSIGNED M305396 2021

In the microfilm records of said county

Witness My Hand and Seal of County Affixed  
JAMES V. MORALES

County Clerk

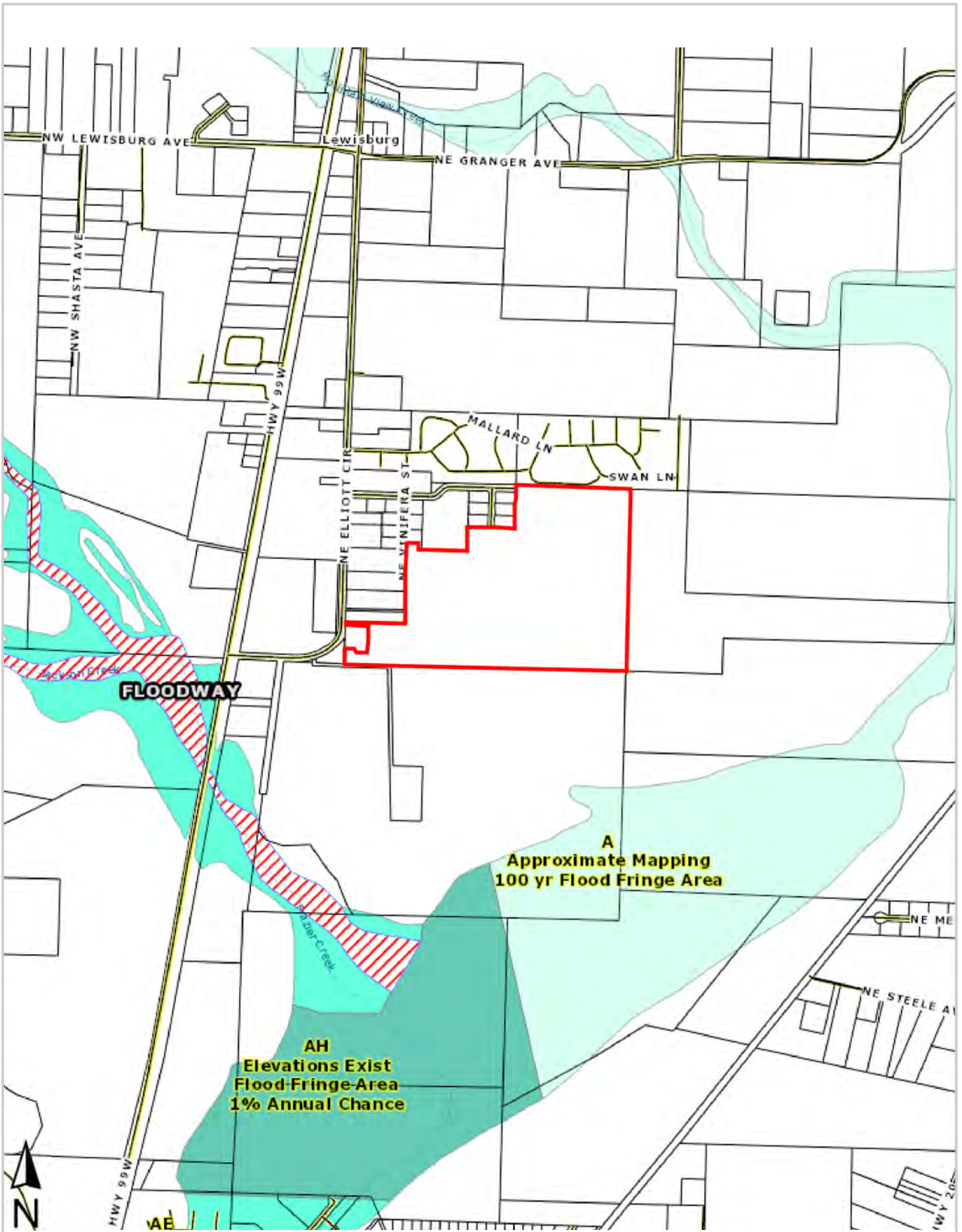
By  Deputy



**ParcelID: 416126**  
**4685 NE Elliott Cir**  
**Corvallis, OR 97330**

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.







# Fidelity National Title

## BENTON COUNTY PROPERTY PROFILE INFORMATION

Parcel #: **417567**  
 Tax Lot: **114180001300**  
 Owner: Dunning, Holly  
 CoOwner: Dunning, Kyle  
 Site:  
     Corvallis OR 97330  
 Mail: 4635 NE Elliott Cir  
     Corvallis OR 97330  
 Zoning: County-EFU - Exclusive Farm Use  
 Std Land Use: AFAR - Farms And Crops  
 Legal:  
 Twn/Rng/Sec: T:11S R:04W S:18 Q: QQ:

### ASSESSMENT & TAX INFORMATION

Market Total: **\$333,599.00**  
 Market Land: **\$333,599.00**  
 Market Impr:  
 Assessment Year: **2018**  
 Assessed Total: **\$22,246.00**  
 Exemption:  
     Taxes: **\$325.57**  
 Levy Code: 0905  
 Levy Rate: 14.6348

### PROPERTY CHARACTERISTICS

Year Built:  
 Eff Year Built:  
 Bedrooms:  
 Bathrooms:  
 # of Stories:  
 Total SqFt:  
 Floor 1 SqFt:  
 Floor 2 SqFt:  
 Basement SqFt:  
     Lot size: 39.50 Acres (1,720,620 SqFt)  
 Garage SqFt:  
 Garage Type:  
     AC:  
     Pool:  
 Heat Source:  
     Fireplace:  
 Bldg Condition:  
 Neighborhood:  
     Lot:  
     Block:  
 Plat/Subdiv:  
 School Dist: 509J - Corvallis School  
     Census: 2011 - 000600  
 Recreation:

### SALE & LOAN INFORMATION

Sale Date:  
 Sale Amount:  
 Document #:  
 Deed Type:  
     Loan  
     Amount:  
     Lender:  
 Loan Type:  
 Interest Type:  
 Title Co:

# REAL PROPERTY

## FOR ASSESSMENT AND TAX PURPOSES ONLY

### Account Information

**Account #:** 417567  
**Map/Tax Lot:** [114180001300](#) [17] [[GIS Maps](#)  
[18]]  
**Acreage:** 39.5  
**Property Class:** 550  
**Tax Code Area:** 0905  
  
**Situs Address:** [UNASSIGNED  
CORVALLIS, OR](#) [20]

### LAST CERTIFIED VALUES

Market Land:	\$ 333,599
Market Structure:	\$ 0
Total Real Market Value:	\$ 333,599
Special Assessed Taxable Land Value:	\$ 22,246
Assessed:	\$ 22,246
Exemption:	\$ 0
Net Taxable:	\$ 22,246

### [Property Valuation History](#) [21]

### Owner Information

**Owner**  
DUNNING HOLLY J  
4635 NE ELLIOTT CIR  
CORVALLIS, OR 97330-9402  
USA

**Owner**  
DUNNING KYLE L  
4635 NE ELLIOTT CIR  
CORVALLIS, OR 97330-9402  
USA

**Taxpayer**  
DUNNING KYLE L  
4635 NE ELLIOTT CIR  
CORVALLIS, OR 97330-9402  
USA

### Taxes

**Tax Code Area:** 0905  
**Property Tax (2018):** \$325.57  
**Current Amount Due:** \$0

*Note: Any Amount Due is calculated through the end of the previous day.*

### [Tax Payments and History](#) [22]

<b>WARNING</b>
<b>This account may have potential tax liabilities, taxes due, or other special development conditions.</b>

07/01/2018 to 06/30/2019 BENTON COUNTY PROPERTY TAX STATEMENT  
 PO BOX 964 Corvallis, OR 97339 • 4077 SW Research Way Corvallis, OR 97333

ACCOUNT NUMBER: 417567  
 SITUS ADDRESS: UNASSIGNED CORVALLIS, OR

PROP CLASS: 550  
 PROP TCA: 0905  
 PROP MAP: 114180001300 ACRES: 39.50

**LAST YEARS TAX 296.86**  
 Corvallis SD 509J 99.25  
 Corvallis SD 509J LO 2017 33.37  
 LinnBenton CC 11.17  
 LinnBentonLincoln ESD 6.78  
**Education Totals 150.57**

**VALUES LAST YEAR THIS YEAR**  
 Real Market Value Land 333,599 333,599  
 Real Market Value Structure 0 0  
 Real Market Value Total 333,599 333,599

Benton County 49.06  
 Benton County Extension Dist 1.78  
 Benton County Library 8.78  
 Benton County Local Option 2018 20.02  
 Benton County Soil & Water Dist 1.11  
 Corvallis Rural Fire 47.03  
**General Government Totals 127.78**

Special Assessed Value 21,597 22,246  
 Assessed Value 21,597 22,246  
 Exemptions 0 0  
**Net Taxable 21,597 22,246**

Bond LinnBenton CC 3.80  
 Bonds Corvallis SD 2003 23.09  
 Bonds Corvallis SD 2018 20.33  
**Bonds - Other Totals 47.22**

TAX COLLECTOR (541)766-6808  
 ASSESSOR (541)766-6855  
 WEB SITE: <https://www.co.benton.or.us/assessment/>

Potential Tax Liability: POTENTIAL TAX LIABILITY

**If a mortgage company pays your taxes,  
 this statement is for your records only.**

**Full Payment with 3% Discount** 315.80  
**2/3 Payment with 2% Discount** 212.71  
**1/3 Payment with No Discount** 108.53

**2018 - 2019 TAXES 325.57**

TOTAL TAXES OUTSTANDING 325.57  
**TOTAL TAX (After Discount) 315.80**

----- Cut Here PLEASE RETURN THIS PORTION WITH YOUR PAYMENT Cut Here -----

ACCOUNT NUMBER: 417567  
 INCLUDES DELINQUENT TAXES OWING, IF ANY

**Full Payment**.....if paid by: 11/15/2018 315.80  
**or 2/3 Payment**.....if paid by: 11/15/2018, with final 1/3 due 05/15/2019 212.71  
**or 1/3 Payment**.....Due: 11/15/2018, 02/15/2019, 05/15/2019 108.53

**DISCOUNT IS LOST & INTEREST APPLIES AFTER DUE DATE**

This on-line tax statement reflects the information on the account as of October 1, 2018. This tax statement does not reflect any payments or value corrections made on your account after that date. If you have made a payment on your property tax account after October 1, 2018, please contact our office at (541) 766-6808 between the hours of 8:00 am and 5:00 pm, Monday through Friday for the correct amount owing. You may also contact us via the internet at <https://www.co.benton.or.us/webform/contact-us>.

Enter Payment Amount  
 \$

Please make checks payable to:  
**Benton County Tax Collector**  
**PO Box 964**  
**Corvallis, OR 97339-0964**

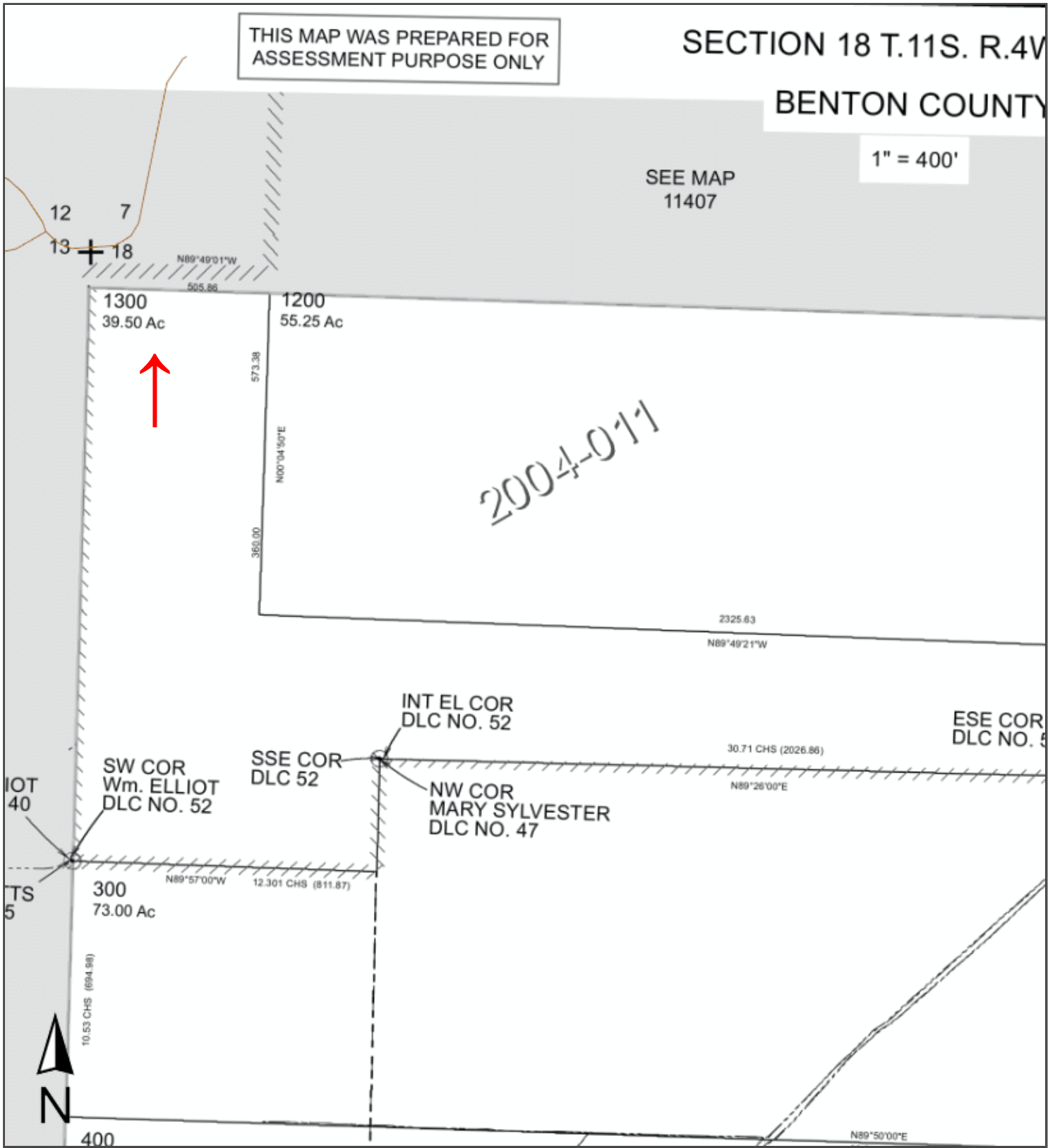


THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 18 T.11S. R.4W  
BENTON COUNTY

1" = 400'

SEE MAP  
11407



Fidelity National Title

ParcelID: 417567

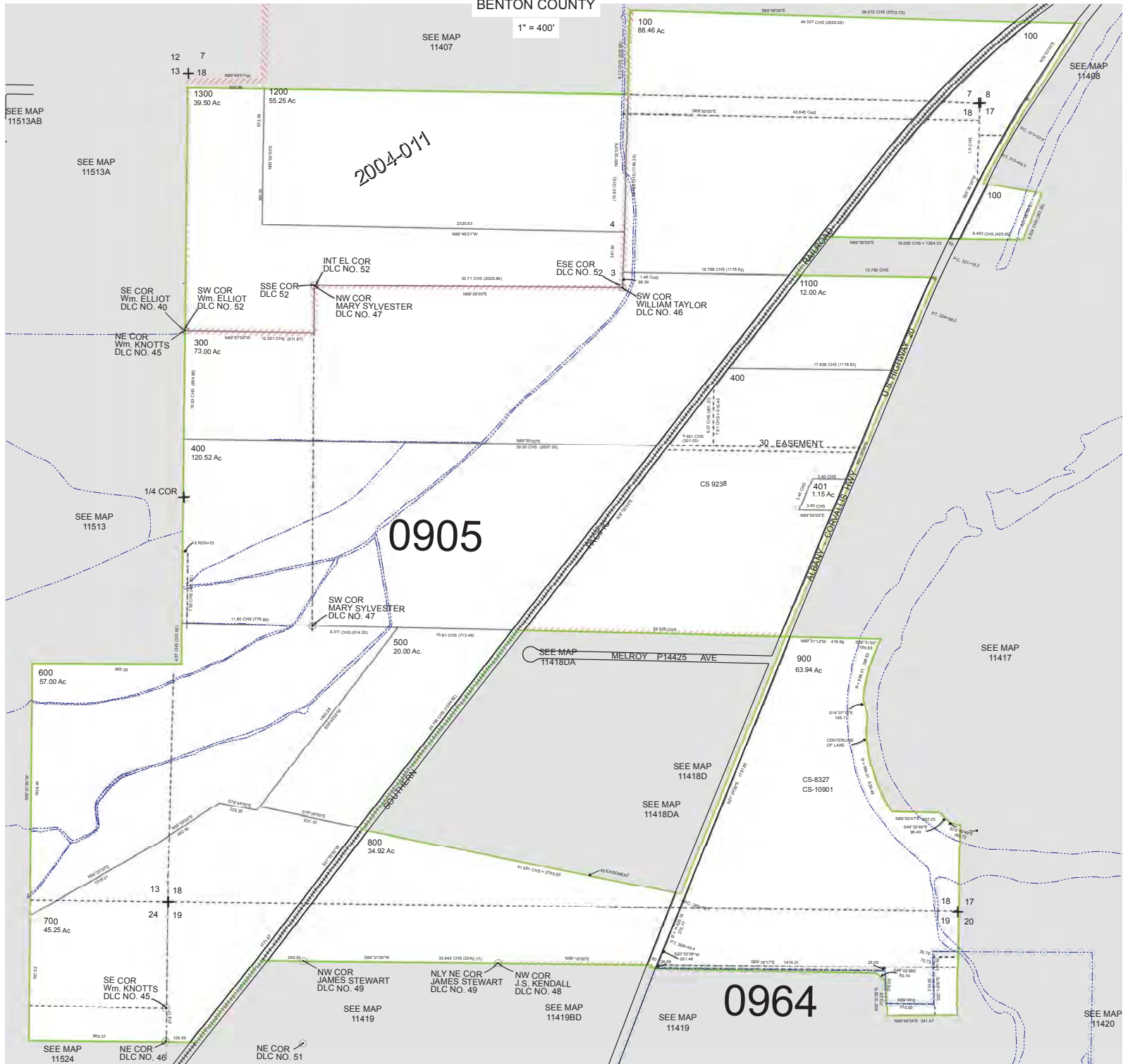
Corvallis, OR 97330

This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY

SECTION 18 T.11S. R.4W. W.M.

0 200 400 800 Feet



7/18/2018  
Cancelled Nos.  
1000  
200 THRU 201  
901  
902  
903



# PARCEL MAP

541-497-6514

OregonFarmBrokers.com

OregonFarmBrokers@gmail.com

2125 Pacific Blvd. Albany 97321

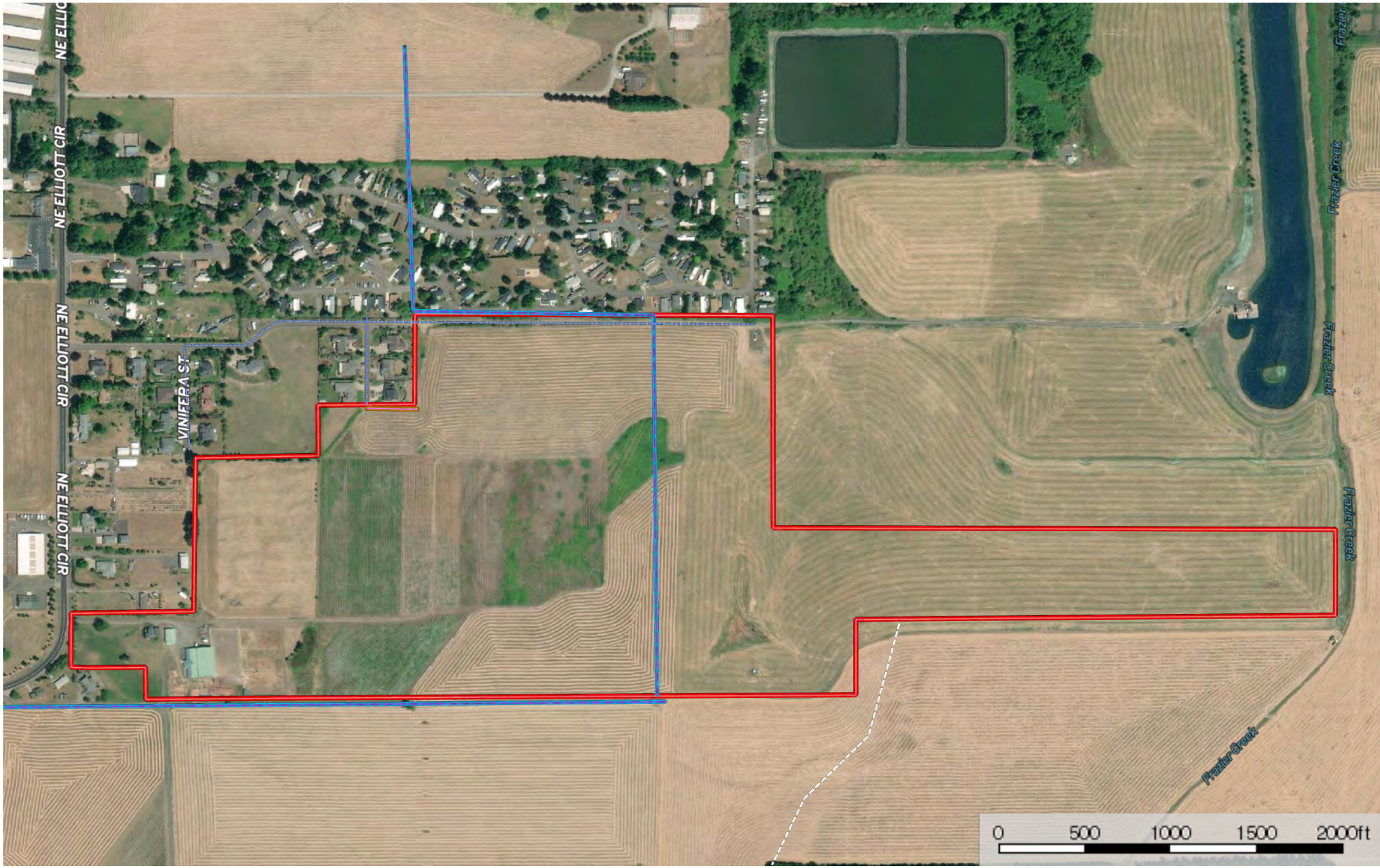
1121 NW 9th Ave Corvallis 97330

**kw** MID-WILLAMETTE  
KELLERWILLIAMS. REALTY

KELLERWILLIAMS  
**LAND**

KELLERWILLIAMS  
*Luxury*  
INTERNATIONAL

(Share Ink) 101.8 Acres 4685 NE Elliott Cir Corvallis  
Oregon, 101.8 AC +/-



- Storm Drain
- Pipeline
- Pipeline
- Fence
- Boundary



# SOIL REPORT

541-497-6514

OregonFarmBrokers.com

OregonFarmBrokers@gmail.com

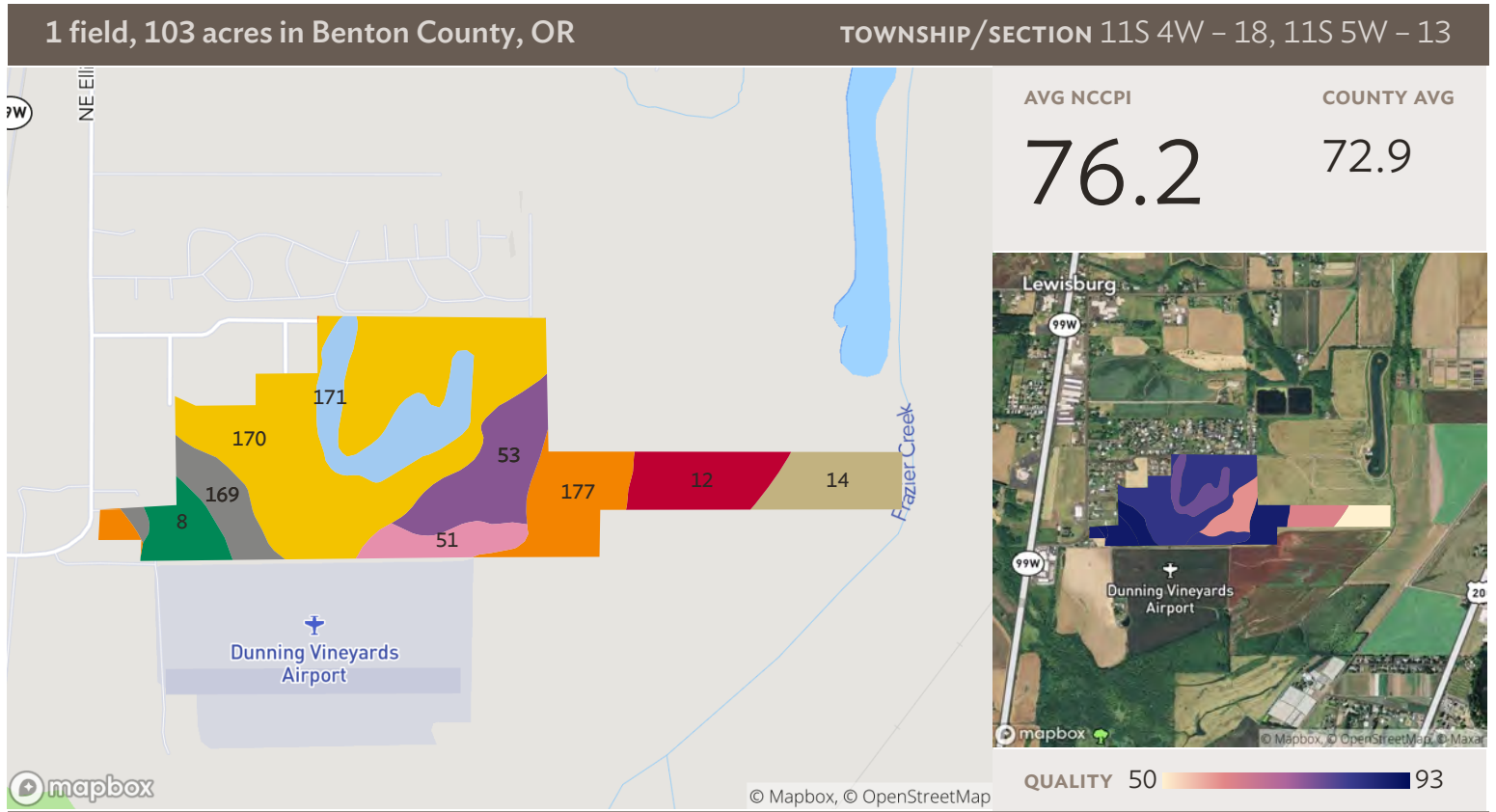
2125 Pacific Blvd. Albany 97321

1121 NW 9th Ave Corvallis 97330

**KW MID-WILLAMETTE**  
KELLERWILLIAMS. REALTY

KELLERWILLIAMS  
**LAND**

KELLERWILLIAMS  
*Luxury*  
INTERNATIONAL



## All fields

Source: NRCS Soil Survey

103 ac

SOIL CODE	SOIL DESCRIPTION	ACRES	PERCENTAGE OF FIELD	SOIL CLASS	NCCPI
170	Willamette silt loam, 3 to 12 percent slopes	41.58	40.6%	2	84.1
53	Dayton silt loam, 0 to 2 percent slopes	10.65	10.4%	4	59.7
177	Woodburn silt loam, 0 to 3 percent slopes	10.33	10.1%	2	89.0
171	Willamette silt loam, 12 to 20 percent slopes	10.20	9.9%	3	77.5
12	Awbrig silty clay loam, 0 to 2 percent slopes	7.98	7.8%	4	62.1
14	Bashaw clay, flooded, 0 to 3 percent slopes	7.26	7.1%	4	25.7
169	Willamette silt loam, 0 to 3 percent slopes	5.69	5.5%	1	90.3
8	Amity silt loam, 0 to 3 percent slopes	4.45	4.3%	2	89.9
51	Concord silt loam, 0 to 2 percent slopes	4.40	4.3%	3	84.3

1 field, 103 acres in Benton County, OR

TOWNSHIP/SECTION 11S 4W - 18, 11S 5W - 13

**102.53**

**76.2**



# Well Log

541-497-6514

OregonFarmBrokers.com

OregonFarmBrokers@gmail.com

2125 Pacific Blvd. Albany 97321

1121 NW 9th Ave Corvallis 97330

**kw** MID-WILLAMETTE  
KELLERWILLIAMS. REALTY

KELLERWILLIAMS  
**LAND**

KELLERWILLIAMS  
*Luxury*  
INTERNATIONAL



STATE OF OREGON  
**WATER SUPPLY WELL REPORT**  
 (as required by ORS 537.765)

*Bent* **RECEIVED**  
*504e3* SEP 18 1997

WELL I.D.# L14351

(START CARD) # 91231

Instructions for completing this report are on the last page of this form.

WATER RESOURCES DEPT.  
 SALEM, OREGON

(1) OWNER: Well Number \_\_\_\_\_  
 Name KYLE DUNNING  
 Address 4675 NE ELLIOTT CIR  
 City CORVALLIS State OR Zip 97330

(2) TYPE OF WORK  
 New Well  Deepening  Alteration (repair/recondition)  Abandonment

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  Auger  
 Other \_\_\_\_\_

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other \_\_\_\_\_

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well 95 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
10	0	4	BENT	0	4	2
10	4	31	CEMENT	4	31	12 SX
6	31	95				

How was seal placed: Method  A  B  C  D  E  
 Other POURED

Backfill placed from NA ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from NA ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6	+1	32	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 4 1/2				<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 32 1/2

(7) PERFORATIONS/SCREENS:

Perforations Method DRILL  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
75	95		80	1/2		<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump  Bailer  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
4.44	73		4 1/2 hr.

Temperature of water 56 Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 County BENTON Latitude 44°37.02N Longitude 123°14.28W  
 Township 11S N or S Range 5W E or W. WM.  
 Section 13 1/4 A 1/4  
 Tax Lot 1100 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) 4635 NE ELLIOTT CIR  
CORVALLIS

(10) STATIC WATER LEVEL:  
8 ft. below land surface. Date 908097  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:  
 Depth at which water was first found 39

From	To	Estimated Flow Rate	SWL
39	40	2	8
85	86	3	8

(12) WELL LOG:  
 Ground Elevation \_\_\_\_\_

Material	From	To	SWL
SOIL	0	2	
BROWN CLAY	2	23	
GREY CLAYSTONE	23	25	
GREY SILTSTONE	25	95	8

Date started 8-27-97 Completed 9-2-97

(unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
 WWC Number \_\_\_\_\_  
 Signed \_\_\_\_\_ Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
 WWC Number 1238  
 Signed Ornel Hildbrand Date 9-8-97



# WATER RIGHTS

541-497-6514

[OregonFarmBrokers.com](http://OregonFarmBrokers.com)

[OregonFarmBrokers@gmail.com](mailto:OregonFarmBrokers@gmail.com)

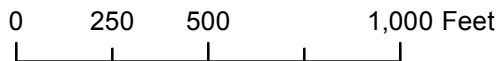
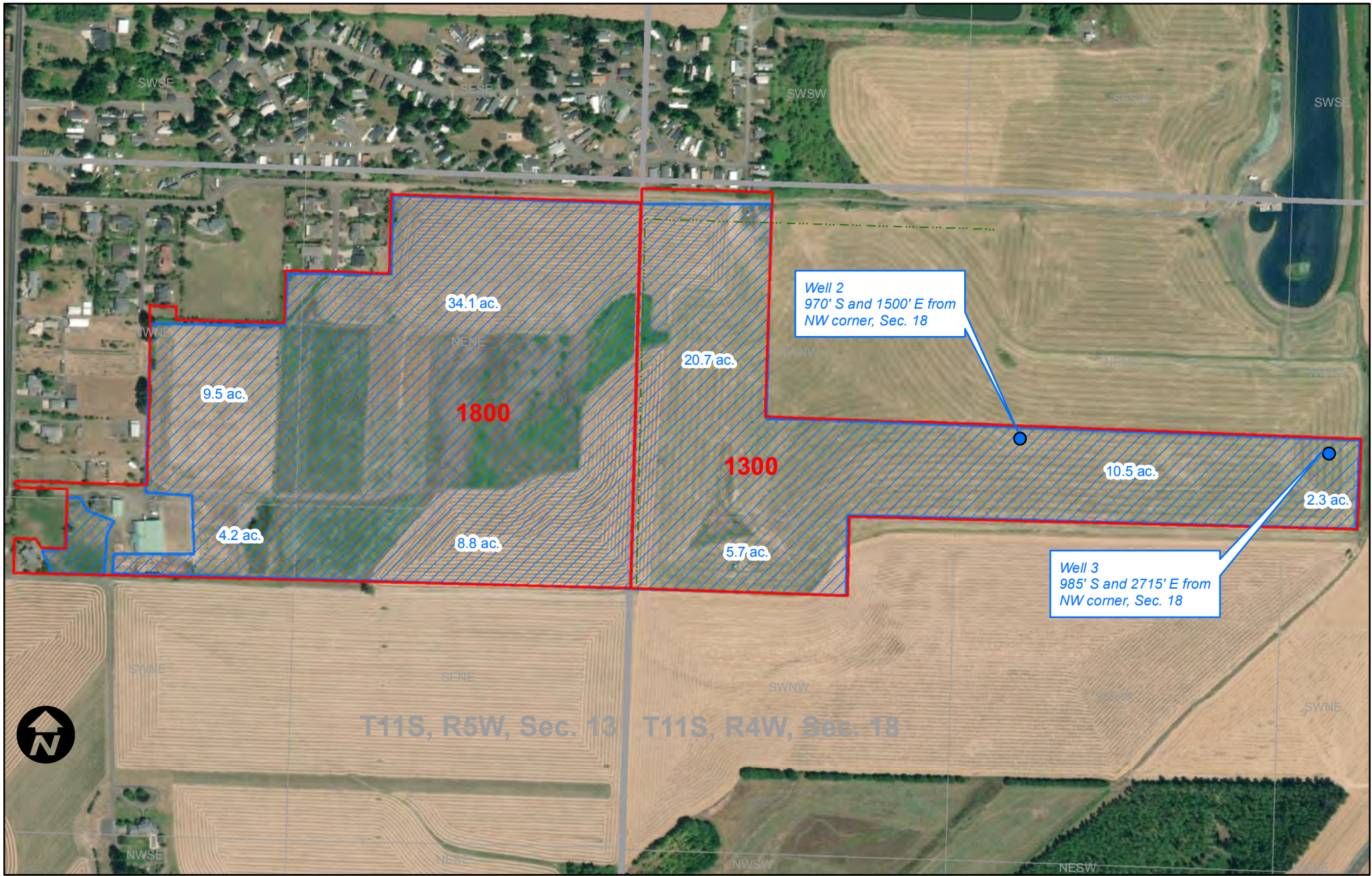
2125 Pacific Blvd. Albany 97321

1121 NW 9th Ave Corvallis 97330

**kw** MID-WILLAMETTE  
KELLERWILLIAMS. REALTY

KELLERWILLIAMS  
**LAND**

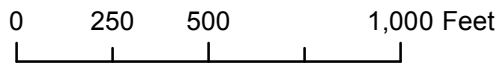
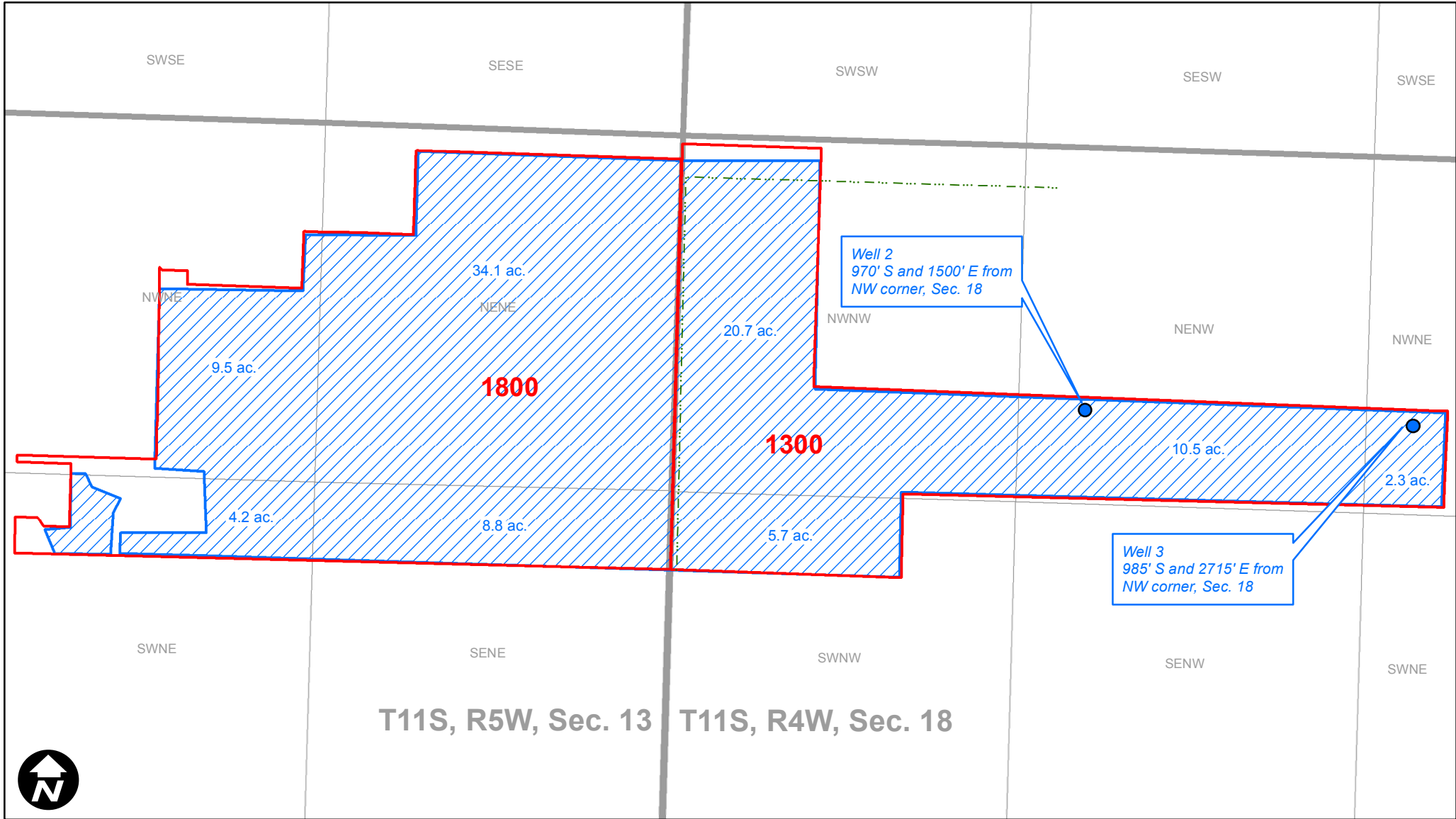
KELLERWILLIAMS  
*Luxury*  
INTERNATIONAL



### Legend

- Proposed POU
- Existing Mainline
- Taxlot

# Groundwater Application - Dunning



## Legend

-  Proposed POU
-  Existing Mainline
-  Taxlot



# GREEN BELT OVERLAY

541-497-6514

OregonFarmBrokers.com

OregonFarmBrokers@gmail.com

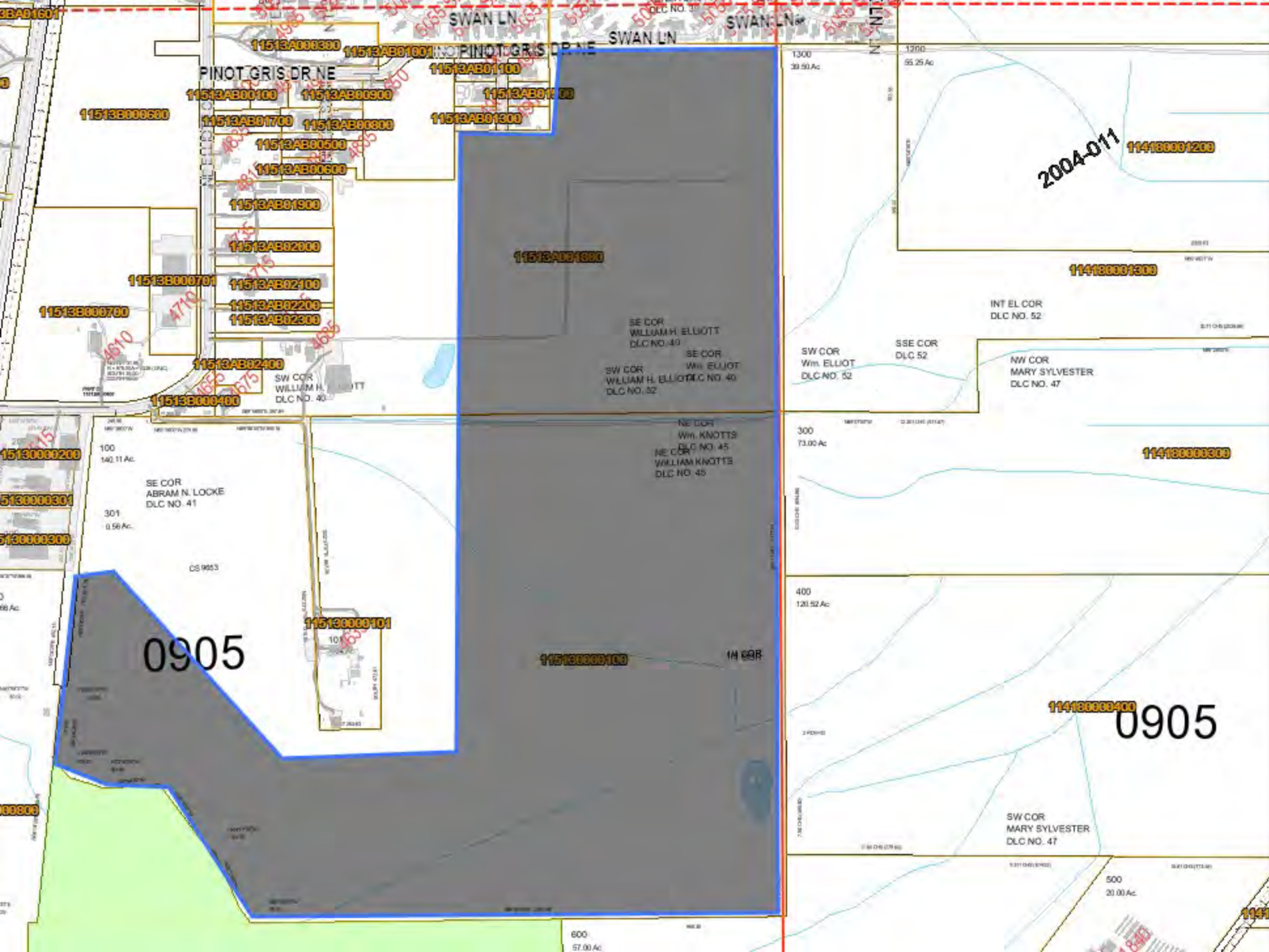
2125 Pacific Blvd. Albany 97321

1121 NW 9th Ave Corvallis 97330

**kw** MID-WILLAMETTE  
KELLERWILLIAMS. REALTY

KELLERWILLIAMS  
**LAND**

KELLERWILLIAMS  
*Luxury*  
INTERNATIONAL



Acres ▾

Measurement Result

139.9 Acres

Clear



# ADDITIONAL DOCS

541-497-6514

OregonFarmBrokers.com

OregonFarmBrokers@gmail.com

2125 Pacific Blvd. Albany 97321

1121 NW 9th Ave Corvallis 97330

**kw** MID-WILLAMETTE  
KELLERWILLIAMS. REALTY

KELLERWILLIAMS  
**LAND**

KELLERWILLIAMS  
*Luxury*  
INTERNATIONAL



**COMMUNITY DEVELOPMENT DEPARTMENT**

360 SW Avery Avenue  
Corvallis, OR 97333-1139  
(541) 766-6819  
FAX (541) 766-6891

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**PROPERTY LINE ADJUSTMENT STAFF REPORT & DECISION**

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NATURE OF APPLICATION:	<b>Property Line Adjustment</b>									
	<table><thead><tr><th>Property</th><th>Current Acreage</th><th>Resultant Acreage</th></tr></thead><tbody><tr><td>#1</td><td>62.18 acres</td><td>62.18 acres</td></tr><tr><td>#2</td><td>1.0 acres</td><td>1.0 acres</td></tr></tbody></table>	Property	Current Acreage	Resultant Acreage	#1	62.18 acres	62.18 acres	#2	1.0 acres	1.0 acres
Property	Current Acreage	Resultant Acreage								
#1	62.18 acres	62.18 acres								
#2	1.0 acres	1.0 acres								
APPLICABLE CRITERIA:	Benton County Code (BCC) Sections 94.010, 94.050, 94.200, 94.300, 94.350, 94.500, 94.550, 83.605, and 99.305 through 99.405.									
PROPERTY LOCATION:	Property 1: 4675 & 4685 NE Elliot Circle; T11S R5W Section 13A, Tax Lot 1800 Property 2: No address assigned, Philomath; T11S R5W Section 13AB, Tax Lot 2400									
APPLICANTS/ PROPERTY OWNERS:	Property 1 and 2: <b>Kyle and Holly Dunning</b>									
ZONE DESIGNATION:	Urban Residential, 5-acre minimum (UR-5)									
COMP. PLAN DESIGNATION:	Urban Residential									
CAC PLANNING AREA:	North-Benton (not active)									
FILE NUMBER:	LU-20-017									
STAFF CONTACT:	Patrick Depa, Associate Planner									

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**BACKGROUND**

On April 21, 2020, an application for a property line adjustment was received at the Community Development Department and was reviewed and deemed incomplete. A letter was sent to the Dunning's on April 30, 2020 asking for more information and to complete certain items on the application. They responded with the items requested and the application was deemed complete on May 28, 2020.

Based on the existing and proposed parcel sizes as well as the location of the properties outside of the Special Flood Hazard Area, review of the application is subject to the ministerial criteria as required by BCC 94.350(1). No notification of the application to surrounding property owners nor publication of a legal ad are required as part of the ministerial review criteria.

**COMMENTS**

On September 14, 2020, **Robert Turkisher, Environmental Health Specialist**, had the following comments:

A 2-party septic easement on a DEQ approved form will be required to accommodate the drainfield on the south parcel owned by Spies (115120000100) to benefit the 1994 mobile home on the north parcel owned by Dunning (11513A001800) at 4675 Elliot Circle. The septic easement shall include an easement diagram.



- a. A minimum 10 buffer is required around the perimeter of the drainfield and effluent line.
- b. Provide a copy of the septic easement to Benton County Environmental Health for review PRIOR to recording.

*Staff Response:* These comments have been addressed in the *Findings Applying Code Criteria* section below and included as a condition of approval.

No other comments had been received as of the writing of this decision.

## **FINDINGS OF FACT**

1. The subject properties and all adjacent properties to the north, east and west are located in the Urban Residential, 5-acre minimum (UR-5) zone. The adjacent properties to the south are located in the Exclusive Farm Land (EFU) zone.
2. Benton County Assessor's Office records indicate there is a dwelling<sup>1</sup> on Property 1 established in 1896, a manufactured home<sup>2</sup> placed on the property in 1994 as a replacement of a mobile home that had been previously placed on the property as a legal dwelling prior to 1976 with garage and multiple other accessory structures also established in 1994. Property 2<sup>3</sup> currently contains no structures.
3. The subject properties are located entirely outside of the Special Flood Hazard Area (SFHA) as shown on the Benton County Flood Insurance Rate Maps.<sup>4</sup>
4. Properties 1 and 2 are located within the Corvallis Rural Fire Protection District.

## ***FINDINGS APPLYING CODE CRITERIA***

The Planning Official, having reviewed all the evidence and testimony, finds as follows.

**1) Each existing properties are legally created or will become legally created as a result of the property line adjustment. [BCC 94.300(1)]**

### **Platted Parcels and Lots.**

**(a) Adjustment of all or a portion of the common property line between abutting properties, one or both of which is a parcel or lot in a recorded partition or subdivision plat, shall: [BCC 94.050(1)]**

**(A) Not be subject to the provisions of Chapter 95 or 97, provided the adjustment complies with the provisions of Chapter 94; [BCC 94.050(1)(a)]**

**(B) Comply with BCC 94.550(1) by means of a partition or subdivision plat prepared in accordance with the standards of the Benton County Surveyor, but shall not require review pursuant to the provisions of Chapter 95 or Chapter 97; and, [BCC 94.050(1)(b)]**

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<sup>1</sup> Tax account #416126.

<sup>2</sup> Tax account #353146.

<sup>3</sup> Tax account #043103.

<sup>4</sup> Benton County FIRM Panel No. 41003C 0201F, Effective June 2, 2011

**(C) If the properties are under separate ownership, include a transfer deed meeting the standards of 94.550(1)(d) for the adjusted area(s). [BCC 94.050(1)(c)]**

**Property 1:** The large property (Lot 16) was approved by PC-00-07 as the “remainder parcel” per BCC 100.205(6) in its current configuration as a result of the Pinot Gris Estates subdivision plat<sup>5</sup> recorded in 2001.

**Property 2:** The creation of this one acre property (shown as the “Remainder Lot” on the Pinot Gris Estates subdivision plat) received preliminary approval on May 9, 2000 by LD-00-10 as the 1 acre “exemption parcel” per BCC 100.205(6)(A), which was several weeks prior to the submission of PC-00-07 to the county. The Notice of Decision for LD-00-10 is included as Attachment C. The applicant had one year to complete the conditions of approval for LD-00-10, with the option to request a one-time extension. The applicant requested a six month extension in order to complete both the Pinot Gris Estates subdivision and the conditions of approval for this file. It appears that LD-00-10 included several of the conditions of approval that were not completed, however, the county signed off and recorded the subdivision that effectively completed the creation of this one acre parcel. As a result, Property 2 is considered a legally created parcel.

**Criterion met?**       Yes       No

**2) As a result of the amount of land transferred, the resulting properties will: [BCC 94.300(2)]**

...

**(a) Comply with applicable minimum and maximum size per BCC 100.205(6), if the properties are within the Urban Growth Boundary of Corvallis and were created pursuant to Chapter 100; [BCC 94.300(2)(c)]**

...

**(b) BCC 100.205(6) Parcel or Lot Size**

**(a) Parcels or lots created shall be located in a manner that allows for the orderly and efficient transition of the entire property to urban uses. All parcels or lots shall be designed such that “Highly Protected” Natural Features identified on the Corvallis Urban Fringe Riparian Corridors and Wetlands Map and Significant Vegetation Map are contained entirely on the remainder parcel and/or the exception parcel authorized by subsection (A) of this section. If the number of lots or parcels allowed by the zoning cannot reasonably be accommodated outside of the Significant Vegetation area, then the proposed lots or parcels may include the least amount of Significant Vegetation necessary to allow reasonable layout of the land division. Proposed parcels or lots containing Natural Features shall be designed so that subsequent development will comply with the Natural Features provisions of Chapters 83 and 88. Parcels or lots shall be the minimum size necessary to provide for reasonable development and for the provisions of streets, sewage disposal, water, drainage, and other improvements pursuant to the applicable provisions of this code. Parcels and lots shall contain a minimum of 5,000 square feet and a maximum of 20,000 square feet, except that the remainder parcel resulting from the creation of these parcels and lots need not comply with the 20,000 square foot maximum. In addition, the following exceptions apply:**

---

<sup>5</sup> Subdivision Plat SP0010-032 recorded July 17, 2001.

- (A) A one-time exemption to the maximum parcel size of 20,000 square feet shall be allowed to create one parcel with a minimum size of 1 acre, subject to the following:
  - (i) Only tracts, as defined in BCC 51.020, that are at least 10 acres in the UR-5 and FPA zones or 20 acres in the UR-10 zone shall qualify for such exemption.
  - (ii) All areas on the proposed new exemption parcel that are identified as riparian corridor or wetlands are protected through one of the permanent means listed in BCC 100.205(7)(b)(A)(v).
  - (iii) A parcel or lot created pursuant to this subsection shall count as one of the parcels permitted in subsection (b). All other lots or parcels created pursuant to this chapter shall comply with the minimum and maximum size requirements in subsection (a) above.
  - (iv) The owner of a tract is eligible for only one exemption in subsection (A) above for the entire tract as it existed on November 6, 1998. The remaining portions of the tract will not be eligible for the exemption. As a condition of approval, the owner shall sign a deed covenant to be recorded into the County Deed Records against all lots and parcels contained in the tract as it existed on November 6, 1998. The covenant shall notify all future owners contained in the tract that those lots and parcels shall not be eligible for the exemptions allowed by subsection (A) above.
- (B) A lot or parcel allowed pursuant to BCC 64.305(3).
- (C) Creation of lots or parcels within a UR-2, UR-1, or UR-0.5 zone established pursuant to BCC 64.307.

*Minimum Parcel Size: 5 acres*

Property 1

*Current Parcel Size: 62.18 acres*

*Proposed Parcel Size: 62.18 acres*

Property 2

*Current Parcel Size: 1.0 acres*

*Proposed Parcel Size: 1.0 acres*

**Findings:** The proposed parcel size for Property 1 remains the same and complies with the minimum parcel size required by the UR-5 zone designation. The proposed parcel size for Property 2 remains the same. It adheres to **BCC 100.205(6)(a)(A) that allows for a one time exception for the creation of one parcel with a minimum size of 1 acre.**

**Criterion met?**       Yes: BCC 94.300(2)(c)       No

**3) Each of the resulting properties retains the entire septic drainfield (and reserve area if one has been designated) on the property.** *If any portion of the septic system or reserve area is located on the other property, appropriate easements shall be established if not already existing. If no reserve area has been designated, or if the County Sanitarian determines the system or reserve area could potentially be impacted by the proposed property line adjustment, the County Sanitarian may require the applicant to apply for a septic system evaluation certifying that the proposed property line adjustment does not affect any portion of the on-site sewage disposal system. [BCC 94.300(3)(a)]*

**Findings:** Based on the plot plan submitted for this property line adjustment, Property 1 will continue to have its septic tank and drain field associated with the dwelling contained within Property 1. The new configuration of Property 2 will result in having one dwelling that currently has its drain field on the property to the south, Map and tax lot: 115130000101. As directed by Mr. Turkisher in the

comments section above, as a condition of approval the applicant shall obtain a 2-party septic easement on a DEQ approved form to accommodate the drainfield on the Property 2.

Criterion met?  Yes, with above condition of approval.  No

**4) Each of the resulting properties maintains required setbacks. [BCC 94.300(3)(b)]**

**Findings:** The adjusted property line for Property 2 will be at least 33 feet from the primary structure and 20 feet for the accessory structure, which exceeds both setback requirements. Property 1 will retain its current setback distances or will have them increase as a result of the property line adjustment.

Criterion met?  Yes  No

**5) Each of the resulting properties maintains required frontage, depth-to-width ratio, and flag-lot dimensions pursuant to Chapter 99 and the applicable zone. [BCC 94.300(3)(c)]**

**Frontage.** Each resulting property complies with the access or frontage standards of BCC 99.405 to BCC 99.430.

**Every proposed parcel or lot in a land division shall have a minimum of twenty-five (25) feet of frontage along an improved public road. [BCC 99.405(2)]**

**Findings:** Resultant Property 1 will increase its frontage along NE Elliot Circle from 25 feet to approximately 110 feet. Resultant Property 2 will have the required 25 feet of frontage along NE Elliot Circle.

Criterion met?  Yes  No

**Depth-to-Width Ratio.** The depth to width ratio of every proposed parcel or lot shall not exceed 2.5 to 1, or the least modification of this standard when considering the location, nature of the land and the type of use contemplated. [BCC 99.305]

**Resultant Property 1:** The depth to width ratio will be approximately 0.04 to 1.

**Resultant Property 2:** The depth to width ratio will be approximately 0.4 to 1.

Criterion met?  Yes  No

**Flag Lots.** The access strip to a flag lot shall be at least twenty-five (25) feet wide, and shall not exceed 300 feet in length inside an urban growth boundary or 750 feet in length outside an urban growth boundary. [BCC 99.310]

**Findings:** Resultant Property 2 is proposed to be a flag lot with a flag 110 feet in length. Resultant Property 1 will not be a flag lot.

Criterion met?  Yes  No  Not applicable

**6) A property line adjustment involving an existing property that is nonconforming to the standards referenced in subsections (3)(b) and (c) of this section may be approved if the property line adjustment will not increase the degree of the nonconformity. [BCC 94.300(4)]**

**Findings:** The proposed property configurations conform to the applicable standards identified in BCC 94.300(3)(b) and (c) as provided by the findings in Subsections (4) and (5) above.

Criterion met?  Yes  No  Not applicable

**7) When one or more structures exists on one or both properties, the property line adjustment may cause one or more structures to shift to a different property if:**

- (a) The zoning of the property receiving the structure or structures allows the type and number of structures being received as an outright permitted use; or**
- (b) The property receiving the structure or structures has received land use approval for the type and number of structures being received.**

**[BCC 94.300(5)]**

**Findings:** A letter mailed to the property owner (Kyle Dunning) on November 2, 1992 (See Attachment D) states that Property 1 contains two legal dwelling rights. One of those dwellings (4675 NE Elliott Circle) and an accessory structure will be transferred from Property 1 to Property 2 as a result of the proposed property line adjustment. This manufactured home being added to Property 2 is an established legal dwelling per the above referenced letter and a placement permit approved in 1994.<sup>6</sup> One dwelling per parcel or lot and accessory structures are allowed uses in the UR-5 zone.

As provided by BCC 53.320, the legal non-conforming status of Property 1 of having two legal dwelling rights will run with the land for one year from the date the partition plat is recorded completing this property line adjustment. This statement has been included as an advisory.

**Criterion met?**       Yes       No       Not applicable

**8) A property line adjustment shall not separate a temporary medical hardship dwelling, an accessory dwelling unit, or a home occupation from the property on which the primary residential use exists. [BCC 94.300(6)]**

**Findings:** Neither property contains a temporary medical hardship dwelling, an accessory dwelling unit, or an approved home occupation.

**Criterion met?**       Yes       No       Not applicable

**9) Both properties are entirely outside of an identified Special Flood Hazard Area (SFHA) or no land outside of a SFHA is transferred and the standards of BCC 83.605(2)(b) are met. [BCC 94.350(1)(a)]**

**Findings:** Properties 1 and 2 are located entirely outside of the Special Flood Hazard Area (SFHA) identified on Benton County FIRM Panel No. 41003C 0167F.<sup>7</sup>

**Criterion met?**       Yes       No       Not applicable

**10) Parcels or lots resulting from subdivisions, partitions and property line adjustments shall be designed such that existing and future uses and development activities allowed by the underlying zone can be carried out in conformance with the regulations contained in [Chapter 88]. Creation of lots or parcels that do not meet this requirement are prohibited, with the exception of lots or parcels created for Public Park or open space purposes. [BCC 88.450]**

**Findings:** The underlying zone of the subject properties is Urban Residential (UR). The primary purpose of the UR zone is residential development, but also allows a mobile home or manufactured dwelling park, a daycare for fewer than thirteen children, and fire stations or other public facilities.

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<sup>6</sup> Building Permit #C9400244.

<sup>7</sup> Effective June 2, 2011.

Property 1 already contains a dwelling<sup>8</sup>, septic system and well, and will continue to contain these amenities after the proposed property line adjustment. Property 2 is currently vacant but will be transferred a dwelling after the proposed property line adjustment.

**Conclusion:** This criterion is met.

### ***CONCLUSION AND DECISION***

Based on the findings in this staff report, as well as information in the file, the application meets the above referenced Property Line Adjustment criteria and is granted ***preliminary approval*** subject to the conditions listed below.

***Preliminary approval is effective for a period of one year from the date of decision.*** Upon written request submitted prior to the expiration of the preliminary approval period, the Planning Official may extend the expiration date for one additional six-month period.

***Final approval may be granted upon completion of the conditions listed below.*** The Community Development Department will objectively determine compliance with all conditions of approval. Physical development of the property is not authorized except as specified to satisfy conditions set forth herein. All development on the property must be consistent with approved plans and the construction conditions set forth herein:

### ***CONDITIONS OF APPROVAL***

The following conditions shall be imposed at the time of preliminary approval and all conditions must be met prior to issuance of final approval:

1. The scope of approval shall be limited to the adjustment of property lines, as described in this decision and application. Each resulting parcel shall be of the general dimensions shown on the plot plan submitted on May 20, 2020. Resultant Property 1 shall be approximately 62.18 acres and Resultant Property 2 shall be approximately 1.0 acres.
2. A partition plat<sup>9</sup> for the resulting properties shall be submitted to the County Surveyor and shall conform to the applicable standards of ORS 92, the Benton County Surveyor, and BCC 94.550(1)(a) and (c); monuments shall be established to mark the adjusted line.
3. Once the Community Development Department has reviewed and approved the partition plat, the appropriate parties may sign and notarize the documents and submit them to the Community Development Department. After the plat has been provided to and approved by the County Surveyor, it will be signed by the Planning Official. Once all of the above documentation has been submitted and approved, staff will record the plat, thereby completing the property line adjustment.
4. The applicant shall pay to the Community Development Department the fee for recording any documents in addition to the **three (3)** documents and the survey or plat covered by the property line adjustment application fees.
5. The property owner shall sign and record, a 2-party septic easement on a DEQ approved form to accommodate the septic drainfield on the south parcel owned by Spies (115120000100) to benefit

---

<sup>8</sup> Established in 1896 according to Benton County Assessor Records Account #293099.

<sup>9</sup> The re-plat is required instead of a survey because the subject property was create in its current configuration by subdivision plat or by partition plat. The appropriate fees to cover the cost of reviewing and recording the re-plat were paid at the time the current property line adjustment application was submitted.

the 1994 mobile home on the north parcel owned by Dunning (11513A001800) at 4675 Elliot Circle. The septic easement shall include an easement diagram.


- a. A minimum 10 buffer is required around the perimeter of the drainfield and effluent line.
- b. Provide a copy of the septic easement to Benton County Environmental Health for review PRIOR to recording.

**Advisories:**

- **2<sup>nd</sup> Dwelling Right on Property 1.** The legal non-conforming status of Property 1 having two legal dwelling rights will run with the land for one year<sup>10</sup> from the date the partition plat is recorded completing this property line adjustment. To maintain the 2<sup>nd</sup> dwelling right, the property owner must submit complete applications for all permits required for placement or construction of a 2<sup>nd</sup> dwelling by 5pm the day of the deadline. If the permits for the 2<sup>nd</sup> dwelling are allowed to expire after the deadline, the 2<sup>nd</sup> dwelling right is no longer valid and if the dwelling is under construction it must be removed or converted to a non-residential use.

**Attachment:**

- Attachment A - Site map – Wide View indicating proposed property line adjustment.
- Attachment B - Site map – Close up indicating proposed property line adjustment.
- Attachment C – Notice of Decision for LD-00-10.
- Attachment D – Dwelling Rights

PLANNING OFFICIAL:  Date of Decision: September 24, 2020

***Pursuant to BCC 94.350(1), this is a ministerial action of the Benton County Community Development Department. This is not a land use decision pursuant to ORS 197.015 and, therefore, is not subject to appeal.***

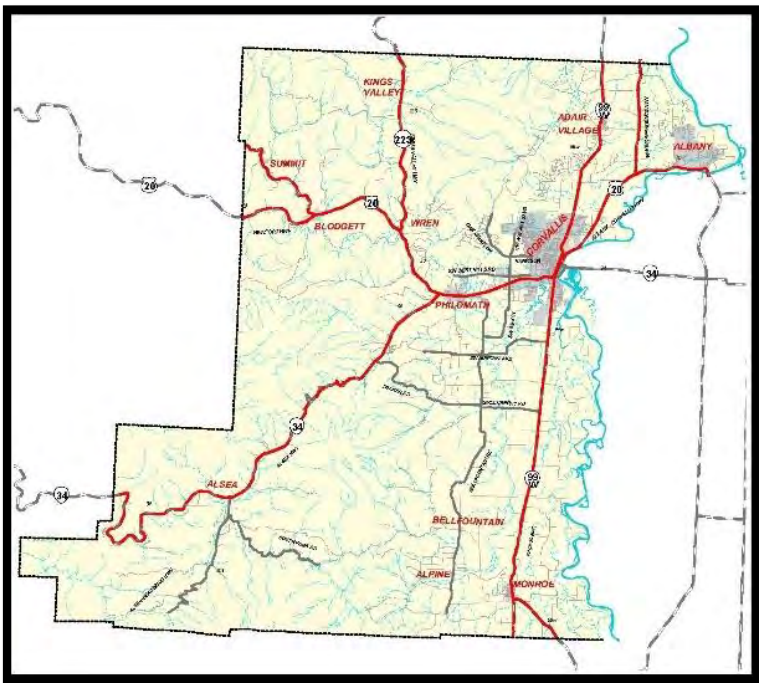
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<sup>10</sup> As provided by BCC 53.320.

# Attachment A – Wide View



Vicinity Map



**File Number:**  
LU-20-017

**File Type:**  
Property Line  
Adjustment

**Applicants:**  
Kyle and Holly Dunning



# Attachment B – Close Up



# Attachment C – Notice of Decision for LD-00-10



## COMMUNITY DEVELOPMENT DEPARTMENT

360 SW Avery Avenue  
Corvallis, OR 97333-1192  
(541) 766-6819  
FAX (541) 766-6891

### NOTICE OF DECISION

**NATURE OF APPLICATION:** A one time partition of a 47.28 acre parent property located within the Corvallis Urban Growth Boundary to create a 1.0 acre parcel based on the provisions of Benton County Code 100.205(6)(A).

**APPLICABLE CRITERIA:** Benton County Code Sections 51.615, 60.050, 60.305, 95.005, 95.105, 95.115 through 95.150, 99.105 through 99.110, 99.305 through 99.315, 99.405 through 99.420, 99.505 through 99.960, and 100.205(6)(A).

**PROPERTY LOCATION:** Located within the Corvallis Urban Growth Boundary approximately ¾ of a mile northeast of the Corvallis city limits, on the eastern side of Elliot circle (T11S-R5W-Section 13A, Tax Lot 1100).

**PROPERTY OWNERS:** **Kyle L. and Holly J. Dunning**

**ZONE DESIGNATION:** Urban Residential with a 5-acre minimum lot size (UR-5).

**COMP. PLAN DESIGNATION:** Residential/Urban Growth Boundary

**CAC PLANNING AREA:** North Benton

**STAFF CONTACT:** William Rice

**FILE NUMBER:** LD-00-10

### Decision

The above partition application is granted **preliminary approved** based on the findings contained in the Staff Report, and evidence in the file. The approval is effective for one (1) year from the date of decision, unless extended by the Planning Official after the applicant has submitted a written request for an extension prior to the approval expiring.

The approval becomes final when compliance with all conditions of approval are completed. The Community Development Department will objectively determine compliance with all conditions of approval. Physical development of the property is not authorized except as specified to satisfy conditions set forth herein. All development on the property must be consistent with approved plans and the construction conditions set forth herein. The following conditions shall be met prior to conveyance of property and Final Approval:

### CONDITIONS OF APPROVAL

The following conditions shall be imposed at the time of preliminary approval and all conditions must be met prior to issuance of Final Approval: [BCC 95.125] The following conditions shall be imposed at the time of preliminary approval and all conditions must be met prior to issuance of Final Approval: [BCC 95.125]

- 1) Approval of this application authorizes the one-time creation of a one-acre parcel from the tract as it existed on November 6, 1998. The one-acre parcel created by this application will count as one of nine lots or parcels allowed by BCC 100.205 (6)(b). All other lots or parcels created prior to annexation shall comply with the provisions contained in BCC 100.205(6)(a-d).

- 2) The owner shall sign a deed covenant to be recorded into the County Deed Records against all lots and parcels contained in the tract as it existed on November 6, 1998. The covenant shall notify all future owners that the tract shall not be eligible for the exemptions allowed by BCC 100.205(6)(a).
- 3) An Oregon licensed land surveyor shall survey and monument proposed Parcel 1. Proposed Parcel 2 need not be surveyed or monumented. The surveyor shall prepared the partition plat in conformance with ORS Chapter 92 and County Surveyor plat standards. The configuration shall conform to that in the submitted application and described in the staff report. The surveyor shall submit the original plat and a true reproducible of the plat to the County Surveyor. [BCC 95.125(1)]
- 4) The applicant shall comply with the requirements of BCC 99.505 to 99.830 for roads, sewage disposal, water supply, and fire protection. [BCC 95.125(3)]
  - a. Each parcel shall be served by a sewage disposal system, which complies, with the requirements of the Oregon Department of Environmental Quality requirements. [BCC 99.705]

The applicant shall obtain site suitability approval from the County Sanitarian for Parcel 1 prior to issuance of a permit or final approval of the partition indicating that each proposed parcel is capable of accommodating a standard septic system or approved alternative system. [BCC 99.710]

The applicant shall request the County Sanitarian to evaluate the existing septic system. If repairs to the system are recommended, provisions of the repair permit shall be completed prior to final approval. [BCC 99.715]

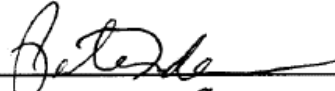
- b. The applicant shall submit evidence of adequate, potable water for each parcel pursuant to BCC 99.805 through 99.835. In general, the production for a well shall be ten (10) gallons per minute by air test or five (5) gallons per minute by pump or bailer test per parcel. Coliform bacteria shall be absent. If a well is to be shared as the water source between the proposed parcels the applicable maintenance agreements available from Benton County shall be recorded.
- 4) All taxes, interest and penalties shall be paid in the manner prescribed for subdivision plats pursuant to ORS 92.095. [BCC 95.125(4)]
- 5) For any proposed new dwelling on Parcel 1 documentation shall be provided that the proposed siting is located as far as reasonably possible from EFU land located to the south of the parcel, and complies to the greatest extent possible to the 300 foot setback requirement from adjacent EFU lands.
- 6) The owner shall sign the following declaratory statement to be recorded into the County Deed Records for Parcel 1 recognizing the rights of adjacent and nearby landowners to conduct farm operations on adjacent EFU lands:

The property herein described is located near land zoned for Exclusive Farm Use in Benton County, Oregon. The purpose of such zone is to encourage farm and forest use and minimize conflicts with farm and forest uses. Residents may be subjected to customary farm or forest management practices that produce noise, dust, smoke and other impacts. The resource nature of surrounding properties can result in herbicide spraying, slash burning, timber cutting, farm operations, big-game use and other accepted resource management practices. Resource uses are the preferred uses in this zone.

In consideration for the approval by Benton County of Land Use Application LD-00-10 (Partition), the grantee, including heirs, assigns and lessees, recognizes that such impacts are likely to occur, and agrees therefore that no action shall be brought at law or before any

governmental body or agency involving the non-negligent utilization or continuation of accepted resource-management practices such as, but not limited to, the examples noted above. As used in this section, "accepted resource management practices" means a mode of operation that is authorized under the Forest Practices Act or necessary to a farm or forest operation to obtain a profit in money.

PLANNING OFFICIAL:

  
\_\_\_\_\_

DATE OF DECISION:

May 9, 2000  
\_\_\_\_\_

THIS DECISION MAY BE APPEALED TO THE PLANNING COMMISSION IN WRITING ON THE APPROPRIATE FORM AT 360 SW AVERY AVENUE, CORVALLIS, WITHIN 14 CALENDAR DAYS OF THE DATE OF THE DECISION. A copy of the Findings is available from the Community Development Department. A copy will be provided at a reasonable cost.

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE IT MUST BE PROMPTLY FORWARDED TO THE PURCHASER. The recipient of this notice is hereby responsible to promptly forward a copy of this notice to every person with a documented interest, including a renter or lessee.

## Attachment D – Dwelling Rights



### DEVELOPMENT DEPARTMENT

408 SW Monroe  
Corvallis, OR 97333

(503) 757-6819  
FAX (503) 757-6894

11-5-13A-1100

November 2, 1992

Kyle Dunning  
4616 SW 35th Place  
Portland, OR 97221

RE: Existing Mobile Home at T11S-R5W-Section 13A, Tax Lot 1100

Dear Mr. Dunning:

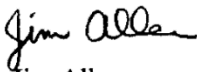
Thank you for the information you have provided showing the date the mobile home was placed on the above noted property. Upon further review with the Building and Planning Officials, it has been determined that the mobile home was placed legally. The establishment of the mobile home occurred prior to requirements for mobile homes in the area.

The current code allows replacement of the mobile home, provided that the use has not been interrupted or abandoned for one year unless the resumed use complies with the requirements of the Development Code in effect at the time of resumption of the use (BCC 53.320). Under the current zoning, Urban Residential 5 acre minimum (UR-5), one dwelling is allowed per parcel. If the use is interrupted for more than one year, any new dwellings would be required to be located on a separate parcel of land.

The above discussion is based on existing laws and regulations. These laws and regulations are subject to change or new court interpretation. Such changes could affect the rights and obligations discussed above. This letter should be read solely as a statement of existing law as it is interpreted by this department. The department does not, and cannot, guarantee that these laws or interpretations will not change in the future.

If you have any further questions regarding this property, please feel free to contact me at the Development Department during regular office hours at 757-6819.

Sincerely,

  
Jim Allen  
Planner