

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. 22-022**

**APPLICATION:** Application of John Jr. & Monica Leamons for a property line adjustment to adjust the property lines on a 6.57-acre parcel and a 5.61-acre parcel to create a 5.81-acre parcel and a 6.37-acre parcel in an AR-5 (Acreage Residential 5-Acre Minimum) zone located at 21151 Bridge Creek Road SE, Silverton (T8S; 1E; Section 1A; Tax Lots 400 & 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 and any necessary survey plat (see conditions of approval) accomplishing the property adjustments shall be recorded by the applicants with the Marion County Clerk by **June 16, 2024**. The effective period of an approved application may be extended for an additional year subject to approval of an extension (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 uses is for land use purposes only. Due to well, septic, and drain field replacement area requirements, this parcel may not be able to support the proposed activities. To be sure the subject property can accommodate the proposed use the applicant needs to check with 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 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.
2. 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. 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 acknowledgement. The deeds conveying the re-platted parcels shall be recorded after the recording of the re-plat (see findings and conclusions).

**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 any 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 any restrictions or conditions thereon. It is recommended that the agencies mentioned in the Findings and Conclusions section below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

**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 **June 16, 2022**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **June 17, 2022**, unless further consideration is requested.

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

1. The subject properties are designated Rural Residential in the Marion County Comprehensive Plan and correspondingly zoned AR-5 (Acreage Residential 5-Acre Minimum). The primary intent of both this designation and zone is to allow for development of acreage homesites in a low-density environment in order to maintain quality of environment and compatibility with other rural uses.
2. Adjacent properties to the east, south and west are zoned AR-5 (Acreage Residential 5-Acre Minimum). Adjacent properties to the north are zoned TC (Timber Conservation). The AR parcels are mostly already developed with acreage homesites. The TC parcels appear to be under active timber management based on aerial images.
3. The subject properties are located approximately 0.5 miles west of the intersection of Lower Bridge Creek Road SE and Bridge Creek Road SE. Tax lot 500 is developed with one dwelling. Tax lot 400 is undeveloped.
4. Tax lot 400 is a single legal parcel corresponding with Lot 13 of the Silver Summit subdivision recorded in 1969. No further changes to tax lot 400 were recorded by deed (or otherwise) since, and so the property has remained legal. Tax lot 500 is a single legal parcel corresponding with Lot 12 of the Silver Summit subdivision recorded in 1969. No further changes to tax lot 500 were recorded by deed (or otherwise) since, and so the property has remained legal. Both properties are considered legal parcels for the purposes of land use per Marion County Code 17.110.427.
5. The applicants' initial survey and application are proposing to adjust the property lines on a 6.57-acre parcel (Parcel A/Tax Lot 400) and a 5.61-acre parcel (Parcel B/Tax Lot 500) to create a 5.81-acre parcel (Parcel A/Tax Lot 400) and a 6.37-acre parcel (Parcel B/Tax Lot 500).

6. Marion County Surveyor's Office commented:

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. 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 acknowledgement. The deeds conveying the re-platted parcels shall be recorded after the recording of the re-plat.

The re-plat must comply with all provisions per ORS 92.185 (6). Must be surveyed and platted per ORS 92.050, and the plat submitted for review. A checking fee and recording fee will be required. A current or updated title report must be submitted at the time of review.

7. Marion County Assessor's Office provided information regarding taxes on the subject properties.
8. Marion County Building Division commented that permits would be required for any proposed development and/or utilities on private property.

9. Various agencies were contacted about the proposal and given an opportunity to comment. All other contacted agencies either failed to comment or stated no objection to the proposal.
10. No specific criteria exist for property line adjustments in the AR zone. MCC 17.128.070 requires a minimum lot size of two acres, except when a numerical suffix has been applied. Therefore, in this AR-5 zone, the minimum lot size is five acres, and the adjusted parcels are consistent with this standard. The applicant states that the property line adjustment is also meant to allow for easier development of an accessory structure on Tax Lot 500. Special setbacks from the north property lines of both parcels apply due to the timber operations that exist on neighboring TC parcel. Adjustment application ADJ21-004 was approved to reduce the special setback on Tax Lot 400 from 200 feet to 120 feet for a proposed dwelling. The proposed property line adjustment will still allow for enough room to work within the limits of all required setbacks.
11. 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.
12. The resulting lots shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval of the Planning Director.
13. Based on the above findings, the applicants' proposal meets the criteria for a property line adjustment in an AR-5 zone. The property line adjustment request is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: June 1, 2022

If you have any questions regarding this decision contact Daniel Jansen 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.