

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. 19-033**

**APPLICATION:** Application of Oregon Revival Center and Eva Cutler to adjust the property lines on a 2.68 acre parcel and a 1.5 acre parcel to create a 2.61 acre parcel and 1.57 acre parcel each in an AR (Acreage Residential) zone located at 7625 Sunnyside Road SE, and 7611 Jackson Hill Road SE, Salem (T8S; R3W; Section 26C; tax lots 600 and 801).

**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 **November 4, 2021**. 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 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 acknowledgement. **This property line adjustment is not complete until the title transfer instruments accomplishing the property adjustments is recorded by the applicants with the Marion County Clerk.**
2. The applicant shall have the parcels re-platted per ORS 92.185(6) and ORS 92.050. The re-plat shall be filed with the Marion County Surveyor and shall contain the notation that the survey is the result of Property Line Adjustment/Adjustment Case 19-033. (Final Plat Instructions enclosed).
3. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the final plat for recordation until the following condition has been satisfied:  
  
***Condition A*** – Prior to PLA survey approval, permanently remove the three easternmost bollards that are within the roadway 10' clear zone of Jackson Hill Road fronting TL 600 (ORC property).
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. It is recommended that the agencies mentioned in Finding #\_\_\_\_ below be contacted to identify restrictions or necessary permits.

6. 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 **November 4, 2019**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **November 5, 2019** 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 on the north side of Jackson Hill Road SE at the intersection with Sunnyside Road. The larger parcel contains a ministry center that was approved by Conditional Use #CU90-51 and considered a lawfully created parcel. The other parcel contains a dwelling, accessory structures, well and septic system and was lawfully created by Partition #P97-027.
3. All adjacent property to the east across Sunnyside Road is zoned SA (Special Agriculture) and in farm use. All other surrounding property is zoned AR and developed with rural homes.
4. The applicants are proposing to adjust the property lines on a 2.68 acre parcel and a 1.5 acre parcel to create a 2.61 acre parcel and 1.57 acre parcel. The purpose of the adjustment to move the property line between the parcels to align with the existing fence and accommodate a structure placed over the existing property line.
5. Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision: "Prior to PLA survey approval, permanently remove the three easternmost bollards that are within the roadway 10' clear zone of Jackson Hill Road fronting TL 600 (ORC property)."

Marion County Surveyors 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 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 acknowledgement. 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. Checking fee and recording fees required. A current or updated title report must be submitted at the time of review."

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

6. There are no specific approval criteria for property line adjustments in the AR zone. MCC 17.128.070 requires a minimum lot size of two acres. The smaller parcel is currently less than two acres but will become a little larger under the proposal and the other parcel will still be over two acres in size. The proposed reconfigured parcels will continue to meet all the development standards in the zone.
7. Based on the above findings, the request meets the applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore  
Planning Director

Date: October 18, 2019

If you have any questions regarding this decision contact Joe Fennimore 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.