

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. 21-037**

APPLICATION: Application of Donald Jenkins and Thelma Jenkins Living Revocable Trust and Dennis and Mary Jenkins to adjust the property lines on an 8.00 acre parcel and a 3.82 acre parcel to create an 8.78 acre parcel and a 3.04 acre parcel in an IUC (Unincorporated Community Industrial) and AR (Acreage Residential) zone located at 20573 North Santiam Highway SE, Stayton. (T9S, R1E, Section 13B, Tax Lots 1500 and 1701).

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 **August 31, 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 applicants shall have the resulting parcels surveyed per ORS 92.060(7). The survey shall be filed with the County Surveyor and shall contain the notation that the survey is the result of Property Line Adjustment Case 21-037. (Final Plat Instruction enclosed).
3. Property line adjustment deeds shall be recorded with the Marion County clerk's office prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the required survey.
4. Prior to recording the deeds, the applicants shall obtain any septic review and/or evaluations that may be required from the Marion County Building Inspection Division.
5. 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:

6. 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.

7. Prior to recording the deeds all taxes due must be paid to the Marion County Assessor's Office 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 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 **August 31, 2021**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **September 1, 2021** 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 Industrial in the Marion County Comprehensive Plan and correspondingly zoned IUC (Unincorporated Community Industrial). The primary intent of the IUC designation is to allow for industrial uses within unincorporated communities.
2. The properties are located on the north side of Highway 22, approximately 0.05 miles west of the intersection of Highway 22 and Philippi Lane. Tax lot 1500 is developed with four structures in support of a sawmill. Tax Lot 1701 is vacant land. Tax lot 1500 is described in its current configuration as far back as December 19, 1973 and recorded as Volume 768, page 112 in the Deed Records of Marion County. The property is considered legal for the purposes of land use. Tax lot 1701 was created in its current configuration by Partition file 98-040. This property is considered legal for the purposes of land use.
3. The properties to the east, south, and west are zoned Acreage Residential and are developed with small acreage homesites. Properties to the north are zoned Exclusive Farm Use and are typically covered in a mix of deciduous and conifer trees.
4. The applicants are proposing to adjust the property lines on an 8 acre parcel and a 3.82 acre parcel to create a 8.78 acre parcel and a 3.04 acre parcel in an IUC and AR zone. The line that is being adjusted is located fully within the IUC zone.
5. Marion County Septic commented that "an existing system evaluation for the septic system will be required for Parcel B. As stated in the application, the property owners have already applied to move their septic system to parcel A and a permit has been issued to do so."

Marion County Survey commented:

1. Parcels 10 acres and less must be surveyed.
2. Per ORS 92.050, plat must be submitted for review.
3. Checking fee and recording fees required
4. A current or updated title report must be submitted at the time of review.

Title reports shall be no more than 15 days old at the time of approval of the plat by the Surveyor's Office, which may require additional updated reports.

5. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office prior to submitting the property line adjustment survey. Deed recording reference numbers shall be noted on the survey map. 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 acknowledgment. Marion County Planning requires perimeter descriptions of the resultant properties.
6. 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, 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 acknowledgment.

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

Marion County Tax Assessor's Office submitted comments regarding the taxes on the property.

6. The criteria for reviewing property line adjustments within the IUC (Unincorporated Industrial) zone are listed in Marion County Code 17.164.060(C)(1). These criteria are as follows:

Rural Communities. The building site shall be of sufficient size to accommodate on-site sewage disposal and water systems unless these services are provided by a public or community source or can be accessed by easement, required parking, landscaping, and yard areas.

9. Marion County Septic commented that a permit has been issued to accommodate the septic system for tax lot 1500 completely on tax lot 1500. Tax Lot 1701 contains its own septic system which will require an existing system evaluation. Based on these facts, the criteria are met.
10. Based on the above findings, the proposal meets the applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore
Planning Director

Date: August 16, 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.