

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. 23-004**

**APPLICATION:** Application of Carol M. Currie and Michael and Connie Carter to adjust the property lines on a 7.54 acre parcel, a 2.05 acre parcel, a 0.42 acre parcel and a 0.79 acre parcel to create a 5.89 acre parcel, a 2.00 acre parcel, a 2.02 acre parcel and a 0.86 acre parcel in an AR (Acreage Residential) zone located at 4398 Croisan Ridge Way S and 4546 Viewcrest Road S, Salem (T8S; R3W; Section 8BC; Tax Lots 500, 600, 700, and 800).

**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 **March 22, 2025**. 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. **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 is 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 23-004. (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. It is recommended that the agencies mentioned in Finding #7, 8 below be contacted to identify restrictions or necessary permits.

7. 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).
8. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #5 below, that may be required.

**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 **March 22, 2023**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **March 23, 2023**, 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 east side of the intersection of Inland Dr S and Croisan Ridge Way S. Tax lots 500 and 700 both contains dwellings while tax lots 600 and 800 are vacant. Tax lot 500 and 600 were surveyed and platted as part of the Tamarack Subdivision. Tax lot 700 is described by deed in Volume 763, Page 652 in October of 1973. Tax lot 800 is described by deed in Volume 713, Page 391 in September of 1971. Therefore, all are recognized as legal separate parcels for land use purposes.
3. All adjacent properties are zoned AR to the north, south and west. These properties are developed with single family homes and most have accessory structures related to the dwelling. To the east is property within the Salem/Keizer UGB zoned Urban Transition 5 acre minimum. These parcels range in size from 1.86 to 15 acres and have scattered dwellings amongst them.
4. The applicants are proposing to adjust the property lines on a 7.54 acre parcel, a 2.05 acre parcel, a 0.42 acre parcel and a 0.79 acre parcel to create a 5.89 acre parcel, a 2.00 acre parcel, a 2.02 acre parcel and a 0.86 acre parcel.
5. Marion County Surveyors Office commented:
  - A. Resultant properties must be surveyed per ORS 92.060 (7) and the survey submitted for review.
  - B. Survey checking fee required at the time of review. Depending upon complexity, multiple surveys may be required.
  - C. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. 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.

Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

### **ENGINEERING ADVISORIES**

A. The following pertains to access:

- 1) Access off the lower functional class Local Road Island Way is preferred versus from Minor Collector Viewcrest Road.
- 2) Physical establishment of a new access connection to a public road requires a permit.

Marion County Building Inspection Division reviewed the proposal and commented as follows:  
“Permits are required for development.”

Marion County Tax Assessor provided comments related to the subject property’s property taxes.

Marion County Septic commented:

“Any properties getting smaller in size require an existing septic system evaluation and will require a site evaluation. Repair areas have not been established by the County and new parcels require site evaluation.”

Salem Fire Department commented:

“Salem FD has no concerns with the PLA. We will provide comments when development is applied for.”

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

6. 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 zone, the minimum lot size is two acres. Of the four properties being adjusted, two begin below the minimum lot size as they predate the AR zone. After adjustment, one will be below the minimum lot size, tax lot 500, which contains a home as was platted as part of the Tamarack Subdivision. Subsequently, the proposal meets the AR zone standards.
7. 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.
8. Based on the above findings, the request meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: March 7, 2023

If you have any questions regarding this decision contact Austin Barnes 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.