

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. 24-026**

**APPLICATION:** Application of 5260 Auburn Rd, LLC and Stacie Tavares for a property line adjustment to adjust the property lines on a 0.97-acre parcel and a 0.84-acre parcel to create a 1.00-acre parcel and a 0.81-acre parcel in an AR (Acreage Residential) zone located at 5260 & 5280 Auburn RD NE, Salem (T7S; R2W; Section 29AD; Tax Lot 600 & 700).

**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 **September 24, 2026** (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 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. Per Marion County Surveyor's Office properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey must be submitted for review. A survey checking fee will be required at the time of review and 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.
3. As per 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. 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 #5 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).

**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 **September 24, 2024**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **September 25, 2024**, 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 parcels are located just outside the Salem urban growth boundary; approximately one quarter of a mile east of Cordon Rd NE on Auburn Rd NE. Deed research on the lots determined that Tax Lot 600 was recorded in its current configuration in a deed from 1971 listed in the Book of Land Records, Marion County Oregon on Reel 289, Page 1959 & 1960. Therefore, is recognized as legal parcel for land use purposes. Tax Lot 700 was recorded in its current configuration in a deed from 1981 listed in the Book of Land Records, Marion County Oregon on Reel 225, Page 1760. Therefore, is recognized as legal parcel for land use purposes.
4. Both lots currently have dwellings and various accessory buildings.
5. The majority of the adjacent properties are zoned AR and consist of small acreage homesites. There are also several larger parcels of land classified as Public (P) with limited use overlay, and Industrial (I).
6. The applicants are requesting a property line adjustment to adjust the property lines on a 0.97-acre parcel and a 0.84-acre parcel to create a 1.00-acre parcel and a 0.81-acre parcel. The application is in response to an adverse possession claim that awarded tax lot 600 (5260 Auburn Rd NE) a 0.3-acre wedge shaped piece of land along the common north-south property line.
7. Several agencies were contacted for comments on the proposal.

**Marion County Surveyors Office** commented:

1. Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review.

2. Survey checking fee required at the time of review.
3. 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.

Marion County Tax Assessor's Office provided information about the taxes on the property.

Marion County Building commented:

"No Building Inspection concerns as it appears the new property line will be further away from the existing structure, according to the language in the application and site plan submitted."

Marion County Septic commented:

"We have reviewed the proposal for Property Line adjustment 24-026 and our comments are as follows: 5280 Auburn Rd is OK. 5260 Auburn Rd will require that the site plan identify an area physically large enough for a septic repair area.

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

8. 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. When a property line adjustment proposes to alter non-conforming parcels, the proposed configuration must not result in additional non-conformance.

Both existing lots are below the 2-acre minimum parcel size for the AR zone, meaning any alterations to the lots cannot result in additional non-conformance. The new configuration of the parcels the applicants are proposing would result in a change in the common boundary line between the parcels, the size of the parcels will change from their original acreages by approximately 0.3 acres. The current standard for side yards in the AR zone (MCC 17.128.060) is 10 feet. This accomplishes a change in the property lines that reduces the non-conformance of the property line setbacks for tax lot 600. The criterion is met.

9. 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.
10. Based on the above findings, the request meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

September 9, 2024

If you have any questions regarding this decision contact George Brandt at (503) 566-3981.

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.