

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. 24-027**

**APPLICATION:** Application of Jeffrey & Denise Ruscoe and Barbara Ries-Fahey for a property line adjustment to adjust the property lines on a 1.98-acre parcel and 3.93-acre parcel to create a 2-acre parcel and a 3.91-acre parcel in an AR (Acreage Residential) zone located at 7755 Burton Pl SE & 2337 Baloo Ln SE, Salem (T8S; R1W; Section 2BC; Tax lots 1500 & 1501).

**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 25, 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. 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.
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 #5 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).
7. The applicants should contact the Marion County Fire District 1 to obtain a copy of the District's Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.

**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 25, 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 26, 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 in the rural area southeast of Salem between 74<sup>th</sup> Ave SE and 78<sup>th</sup> Ave SE. The two parcels are approximately 1,100 feet west of the intersection of 78<sup>th</sup> Ave SE and Burton Pl SE. Tax lot 1500 (7755 Burton Pl SE) was considered a legal lot in partition case P94-042 and recorded as Parcel 2 of Partition Plat 94-129, Reel 1021, Page 161 on October 26, 1994, and therefore is considered legal for land use purposes. Tax lot 1501 (2337 Baloo Ln SE) was considered a legal lot by partition case P05-021 and recorded in Partition Plat PP2005-111 dated August 18, 2005, and therefore is considered legal for land use purposes.
3. All adjacent properties are zoned AR and consist of small acreage homesites.
4. Tax lot 1500 has a 1994 dwelling and several accessory structures; tax lot 1501 has a 2018 dwelling. This is based on available satellite imagery and property information available at the time.
5. The applicants are proposing to adjust the existing property lines on a 1.98-acre parcel and 3.93-acre parcel to create a 2-acre parcel and a 3.91-acre parcel by transferring .02 acres from tax lot 1501 to tax lot 1500. This area consists of a strip along the private lane of Baloo Ln SE along the common western border. Once transferred will give tax lot 1500 a full 2.0-acres. The applicants state that they are adjusting the property line on tax lot 1500 to qualify for an ADU [MCC 17.128.20 (K)].
6. Several agencies were contacted for comments on the proposal.

Marion County Surveyor's Office commented:

“A re-plat (**in the form of a partition plat**) is required, due to the adjustment or elimination of a partition plat parcel line or subdivision lot line.”

The Re-plat: (Re-configuration of lots or parcels and public easements within a recorded plat)

- 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.

Land Development Engineering and Permits commented:

**ENGINEERING REQUIREMENT**

- A. Maintain Baloo Lane as a 20-ft wide access easement through the re-platting process.

Marion County Building Inspection commented:

“No Building Inspection concerns. Permit(s) are required to be obtained prior to development and/or utilities installation on private property. The construction of an accessory dwelling unit will be required to adhere to the wildfire hazard mitigation construction provisions of Section R327 in the 2023 Oregon Residential Specialty Code.

Marion County Fire District #1 provided details about fire department access standards and clearances. The comments are included in the case file.

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

7. 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.

Tax lot 1500 is below the minimum parcel size at 1.98-acres, and tax lot 1501 is above the minimum parcel size at 3.93-acres. The proposed property line adjustment will transfer approximately 0.2-acres from tax lot 1501 to tax lot 1500. This will maintain the conformance of tax lot 1501 with the minimum parcel size. The resultant tax lot 1500 will conform with the minimum parcel size, this application will reduce non-conformity. The criterion is met.

8. 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.
9. Based on the above findings, the request meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: September 10, 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.