

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. 24-043**

**APPLICATION:** Application of Michael Gowiski and Elena Kormaskova for a property line adjustment to adjust the property lines on a 4.02-acre parcel and a 0.84-acre parcel to create a 2-acre parcel and a 2.86-acre parcel in the AR (Acreage Residential) zone located at 11685 and 11625 Hazelgreen Rd NE, Silverton (T6S; R1W; Section 33B; Tax Lots 1400 and 1300).

**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 **December 5<sup>th</sup>, 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. Marion County Surveyor's Office commented:
  1. Properties 10 acres or less must be surveyed per ORS 92.060 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.
2. 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.
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. See condition #4.
4. Per the Marion County Septic Department, Proposed Parcel 1 requires an existing system evaluation to verify setbacks from the septic system to any proposed property lines.
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 **December 5<sup>th</sup>, 2024**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **December 6<sup>th</sup>, 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 west of Silverton approximately 400 feet northeast of the intersection of Brush Creek Dr NE and Hazelgreen Rd NE. Tax lot 1400, the larger of the two, lies along the west and north sides of the smaller parcel, Tax lot 1300. Tax lot 1400 contains one dwelling built in 1970 and two accessory structures on the property. Tax lot 1300 contains one dwelling built in 1954 and one accessory structure. The dwellings on both properties predate the creation of land-use planning, therefore both are recognized as separate legal parcels for land use purposes.
3. Adjacent properties to the east and west are zoned AR and consist of small acreage homesites. Properties directly north and south are zoned EFU (Exclusive Farm Use).
4. The applicants are proposing to rotate the northern property line of tax lot 1300 counterclockwise and expand the lot to the northern most property line of tax lot 1400. There is no change in the total area of the existing lots, both parcels will be adjusted to roughly the same area in size. The second accessory structure on tax lot 1400 will now be located on tax lot 1300.
5. Several agencies were contacted for comments on the proposal.

**Marion County Septic** commented:

We have reviewed the proposal for Property Line Adjustment 24-043 and our comments are as follows: Proposed Parcel 2 is OK. Proposed Parcel 1 will require an existing system evaluation to verify setbacks from the septic system to any proposed property lines.

**Marion County Surveyor's Office** commented:

1. Properties 10 acres or less must be surveyed per ORS 92.060 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.

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

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

One existing lot is below the minimum parcel size. The new configuration of the parcels the applicants are proposing would result in increasing the size of the non-conforming parcel, making both proposed parcels above the minimum lot size for the AR zone. The criterion is met.

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: November 20<sup>th</sup>, 2024

If you have any questions regarding this decision contact Gillian Peden at (503) 588-4165

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.