

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. 24-045**

**APPLICATION:** Application of the Doug and Jamie Zielinski Trust and Scenic Properties Northwest LLC for a property line adjustment to adjust the property lines on a 59.94-acre parcel and a 160.20-acre parcel to create a 215.14-acre parcel and a 5-acre parcel in an EFU (Exclusive Farm Use) zone located at 6770 Windsor Island Road N, Keizer (T6S; R3W; Section 28D, Tax lot 100; and Section 27, Tax lot 900).

**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 **January 13<sup>th</sup>, 2027**. The effective period of an approved application may be extended for an additional year subject to approval of an extension (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 proposed use is for land use purposes only. Due to septic, well and drainfield replacement areas, this parcel may not be able to support the proposed activities. To be sure the subject property can accommodate the proposed use the applicant needs to check with 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 Surveyors' Office commented:
  - a) Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review.
  - b) No survey required for properties greater than ten acres per ORS 92.060 (8).
  - c) Survey checking fee required at the time of review.
  - d) Property line adjustments shall be recorded with the Marion County Clerk's Office per ORS 92.190 (4).
2. **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
3. 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:

4. 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 any 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 any restrictions or conditions thereon. It is recommended that the agencies mentioned in Finding # 6 below be contacted to identify restrictions or necessary permits.

5. Prior to recording the deed all taxes due must be paid to the Marion County Assessor 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 **January 13<sup>th</sup>, 2025**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **January 14<sup>th</sup>, 2025**, unless further consideration is requested.

**FINDINGS AND CONCLUSIONS:** Findings and conclusions on which decision was based are noted below.

1. The subject properties are designated Primary Agriculture in the Marion County Comprehensive Plan and correspondingly zoned EFU (Exclusive Farm Use). The primary intent of both this designation and zone is to promote and protect commercial agricultural operations.
2. The properties at 6770 Windsor Island Rd NE in Keizer consist of two parcels. Parcel 1 is situated approximately 400 feet northeast of the intersection of Windsor Island Road and Naples Street, while Parcel 2 is immediately adjacent to the east and lies north of the Salem-Keizer urban growth boundary. According to floodplain case FP24-004, Parcel 1 (Section 28D; Tax lot 100) is flat and is utilized for agricultural activities. Meanwhile, property line adjustment case PLA07-34 designates Parcel 2 (Section 27; Tax lot 900) for hay and grass farming. Both parcels are in the 100-year floodplain and have been involved in prior land use cases. Both parcels are therefore legal for land use purposes.
3. Adjacent properties to the north and west of the parcels are also zoned EFU and consist of active farming operations. Properties directly east and south of the subject parcels are bordered by the Keizer urban growth boundary. These properties are predominantly single-family subdivisions intertwined with the McNary Golf course.
4. Soil Survey for Marion County, Oregon, indicates approximately 99.9% of the soils on the subject Tax Lots 100 and 900 are classified as high value.
5. The applicants are proposing to adjust the property lines on a 59.94-acre parcel and a 160.20-acre parcel to create a 215.14-acre parcel and a 5-acre parcel. The resulting configuration will consolidate the large parcels for farm use and create a smaller parcel containing a hay storage building.
6. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Surveyors Office commented:

- a) Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- b) No survey required for properties greater than ten acres per ORS 92.060 (8).
- c) Survey checking fee required at the time of review.
- d) Property line adjustments shall be recorded with the Marion County Clerks Office per ORS 92.190 (4).

Marion County Building Inspection commented: “[We] recommend new property lines be established at least 10 feet from existing commercial structures and at least 3 feet from existing residential structures. Permit(s) may be required to be obtained prior to any future development of structures and/or utilities on private property.”

Marion County Septic commented that a site evaluation is required on the proposed 5-acre parcel.

Marion County Assessor's Office provided information regarding taxes on the subject properties.

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

7. The criteria for reviewing property line adjustments within an EFU zone are listed in Chapter 17.136.090(C) MCC. These criteria are as follows:

1. *When one or more lots or parcels subject to a proposed property line adjustment are larger than the minimum parcel size pursuant to subsection (A)(1) of this section, the same number of lots or parcels shall be as large or larger than the minimum parcel size after the adjustment. When all lots or parcels subject to the proposed adjustment are as large or larger than the minimum parcel size, no lot or parcel shall be reduced below the applicable minimum parcel size. If all lots or parcels are smaller than the minimum parcel size before the property line adjustment, the minimum parcel size pursuant to this section does not apply to those lots or parcels.*

As referred to above, this section provides the criteria for calculating the minimum parcel size. In this case, the minimum parcel size is calculated to be 80 acres. One of the existing subject parcels is larger than the minimum parcel size, and one of the resulting parcels will still be larger. The criterion is met.

2. *If the minimum parcel size in subsection (A)(1) of this section is larger than 80 acres, and a lot or parcel subject to property line adjustment is smaller than the minimum parcel size but larger than 80 acres, the lot or parcel shall not be reduced in size through property line adjustment to less than 80 acres.*

The minimum parcel size has been determined to be 80 acres. The criterion does not apply.

3. *Any property line adjustment shall result in a configuration of lots or parcels that are at least as suitable for commercial agriculture as were the parcels prior to the adjustment.*

The applicants aim to adjust the property lines to consolidate the farmable areas of the existing parcels, enhancing agricultural efficiency. The proposed parcels will be at least suitable for commercial agriculture. The criterion is met.

4. *A property line adjustment may not be used to:*

- a. *Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;*
- b. *Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling;*
- c. *Allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard; or*
- d. *Adjust a property line that resulted from a subdivision or partition authorized by a Measure 49 waiver so that any lawfully established unit of land affected by the property line adjustment is larger than the size granted by the waiver.*

Though it will be adjusted to greater than 160 acres, the larger parcel already contains an existing dwelling. No parcels are being increased to a size that would qualify them for an additional dwelling. This criterion does not apply.

5. *Any property line adjustment that results in an existing dwelling being located on a different parcel shall not be subject to the standards in MCC 17.136.030(A) so long as the adjustment:*

- a. *Does not increase any adverse impacts on the continued practice of commercial agriculture on the resulting parcels;*
- b. *Does not increase the potential number of dwellings on the resulting parcels.*
- c. *Does not allow an area of land used to qualify a tract for a dwelling based on an acreage standard to be used to qualify another tract for a dwelling if the land use approval would be based on an acreage standard.*

No dwellings will be located on a different parcel as a result of the proposal. Nor will this allow land to qualify for a dwelling which has already been used to do so. This criterion does not apply.

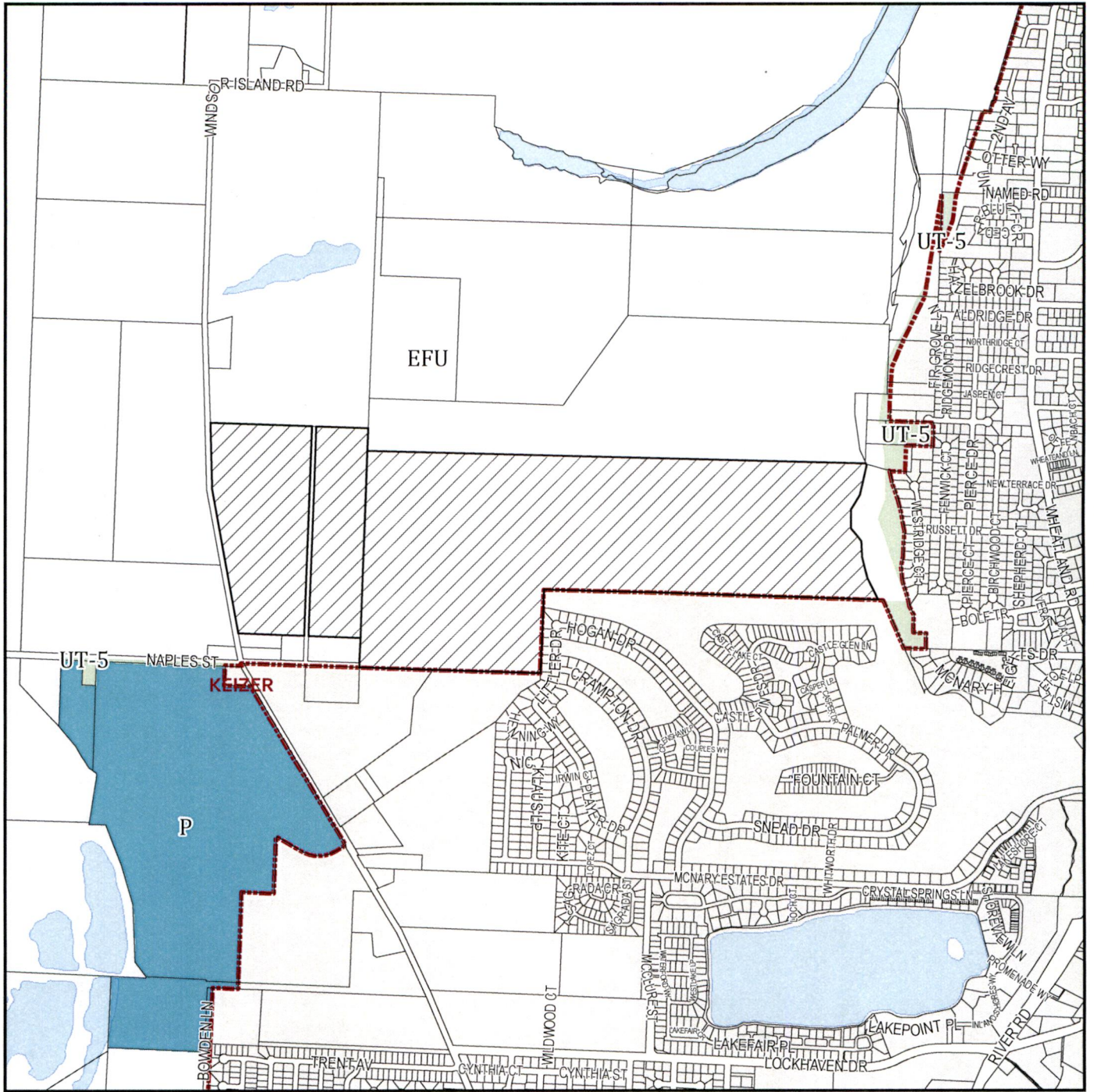
8. Under MCC 17.172.120(E) Property line adjustment deeds shall be recorded with the Marion County clerk's office prior to submitting the property line adjustment survey, if a survey is required. Deed recording reference numbers shall be noted on the required survey.
9. The resulting lots shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval of the Planning Director.
10. Based on the above findings, the applicants' proposal meets the criteria for a property line adjustment in an EFU zone. The property line adjustment request is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: December 27<sup>th</sup>, 2024

If you have any questions regarding this decision contact Gillian Peden at (503) 566-4165

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.





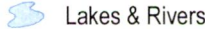
## ZONING MAP

Input Taxlot(s): 063W270000900, 063W28D000100

Owner Name: ZIELINSKI LT & ZIELINSKI, DOUGLAS L  
TRE & ZIELINSKI, JAMIE P TRE

Situs Address: 6770 WINDSOR ISLAND RD N  
City/State/Zip: KEIZER, OR, 97303  
Land Use Zone: EFU  
School District: SALEM-KEIZER  
Fire District: KEIZER

### Legend

-  Input Taxlots
-  Highways
-  Lakes & Rivers
-  Cities



scale: 1 in = 1,332 ft

DISCLAIMER: This map was produced from Marion County Assessor's geographic database. This database is maintained for assessment purposes only. The data provided hereon may be inaccurate or out of date and any person or entity who relies on this information for any purpose whatsoever does so solely at his or her own risk. In no way does Marion County warrant the accuracy, reliability, scale or timeliness of any data provided on this map.