

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. 25-002**

APPLICATION: Application of Shirazee LLC for a property line adjustment to adjust the property lines on a 28.38-acre parcel and a 20.45-acre parcel to create a 30.89-acre parcel and a 17.92-acre parcel in a SA (Special Agriculture) zone located at 1780 and 1660 Hidden Hills Ln S, Salem (T9S; R3W; Section 4; Tax Lots 400 & 401).

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 **February 21st, 2027** (two years). 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 uses 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 Surveyor 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:
 - A. Must be surveyed and platted per ORS 92.050, and the plat submitted for review. Parcels larger than 10 acres created outside an urban growth boundary are not required to be surveyed and monumented and shall comply with all applicable provisions of ORS Ch. 92.
 - B. Checking fee and recording fees required.
 - C. A current or updated title report must be submitted at the time of review.
 - D. The portion of the subdivision or partition plat proposed for replatting contains utility easement(s) that will need to be addressed. Per ORS 92.185 (4), when a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.
 - a. If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all of the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.

"The relationship between the new line and the existing easement is unclear to me. I have checked the easement box for consideration."

2. 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:

3. 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.

4. 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).
5. The applicants should contact the Salem Suburban Fire District 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 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 **February 21st, 2025**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **February 24th, 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 Special Agriculture in the Marion County Comprehensive Plan and correspondingly zoned SA (Special Agriculture). The primary intent of both this designation and zone is to promote and protect small farm operations or areas with a mixture of good and poor farm soils.
2. The properties are at the end of Hidden Hills Lane, approximately ½ mile west of Liberty Road. Both properties contain a dwelling and a farm building. Tax lot 400 is 20.45 acres, featuring flat land suitable for farming and a wooded, sloped southern portion. The dwelling was approved in 1996 (AR96-032) alongside Asian Pear tree planting. Tax lot 401, measuring 28.36 acres, is mostly wooded with a steep slope in the south. Both parcels were partitioned under partition case P/FD93-062 and have remained in this configuration since. The subject parcels are therefore considered legal for land use purposes.
3. All adjacent properties to the subject parcels are zoned SA (Special Agriculture) and consist of large acreage homesites on hilly, wooded terrain.
4. Soil Survey for Marion County, Oregon, indicates approximately 29.2% of the soils on tax lot 401 are classified as high value, while 39.8% of the soils on tax lot 400 are classified as high value.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

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:

- A. Must be surveyed and platted per ORS 92.050, and the plat submitted for review. Parcels larger than 10 acres created outside an urban growth boundary are not required to be surveyed and monumented and shall comply with all applicable provisions of ORS Ch. 92.
- B. Checking fee and recording fees required.
- C. A current or updated title report must be submitted at the time of review.
- D. The portion of the subdivision or partition plat proposed for replatting contains utility easement(s) that will need to be addressed. Per ORS 92.185 (4), when a utility easement is proposed to be realigned, reduced in width or omitted by a replat, all affected utility companies or public agencies shall be notified, consistent with a governing body's notice to owners of property contiguous to the proposed plat. Any utility company that desires to maintain an easement subject to vacation must notify the governing body in writing within 14 days of the mailing or other service of the notice.

If it is necessary to re-configure the utility easement created by this partition plat (see map), then it will be the responsibility of the applicant to determine the names of all of the utility companies affected by the proposed re-configuration, and give this list of names to the Marion County Surveyor's Office. Letters of notice will be sent by this office to the affected utility companies, who will determine whether or not the easement is to be maintained.

"The relationship between the new line and the existing easement is unclear to me. I have checked the easement box for consideration."

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

Marion County Septic Division commented: "Septic has no requirements for this action. Both properties are above 10-acres. The septic system serving each lot do not appear impacted by this action."

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

6. The criteria for reviewing lot line adjustments within an SA zone are listed in Chapter 17.137.090(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*

The minimum parcel size listed in MCC 17.137.090(A)(1) for SA parcels is 80 acres. Both parcels are under this threshold, therefore, this section does not apply.

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 is not larger than 80 acres; both parcels are under the minimum parcel size. Therefore, this section 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 state that they are consolidating a farmable portion of land by applying for this property line adjustment. The 2.53-acre portion of tax lot 400, located north of Hidden Hills Ln, is suitable farmland that will be merged with the remainder of tax lot 400, which also comprises suitable farmland. Tax lot 400 will retain its farmable quality, and the five acres of Asian Pear Trees, required by land use case AR96-032, will remain on the southern side of the lot. The proposed configuration will enhance the farming potential by consolidating farmable portions from separate parcels into one larger area 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.*

No lot will be increased larger than the minimum parcel size. Both parcels already have dwellings on them, and neither dwelling will be located on the other parcel because of this property line adjustment. Neither parcel can qualify for a dwelling because of this property line adjustment, and neither parcel was the subject of a Measure 49 Claim. The 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 17.137.030(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; and*
- 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.*

The subject properties will not qualify for a dwelling based on the proposed acreage of the properties. No dwelling will be on a different resulting parcel. The proposed property line adjustment will not have any adverse impacts on commercial agriculture, as commercial farming potential will be maximized by this property line adjustment. The criterion is met.

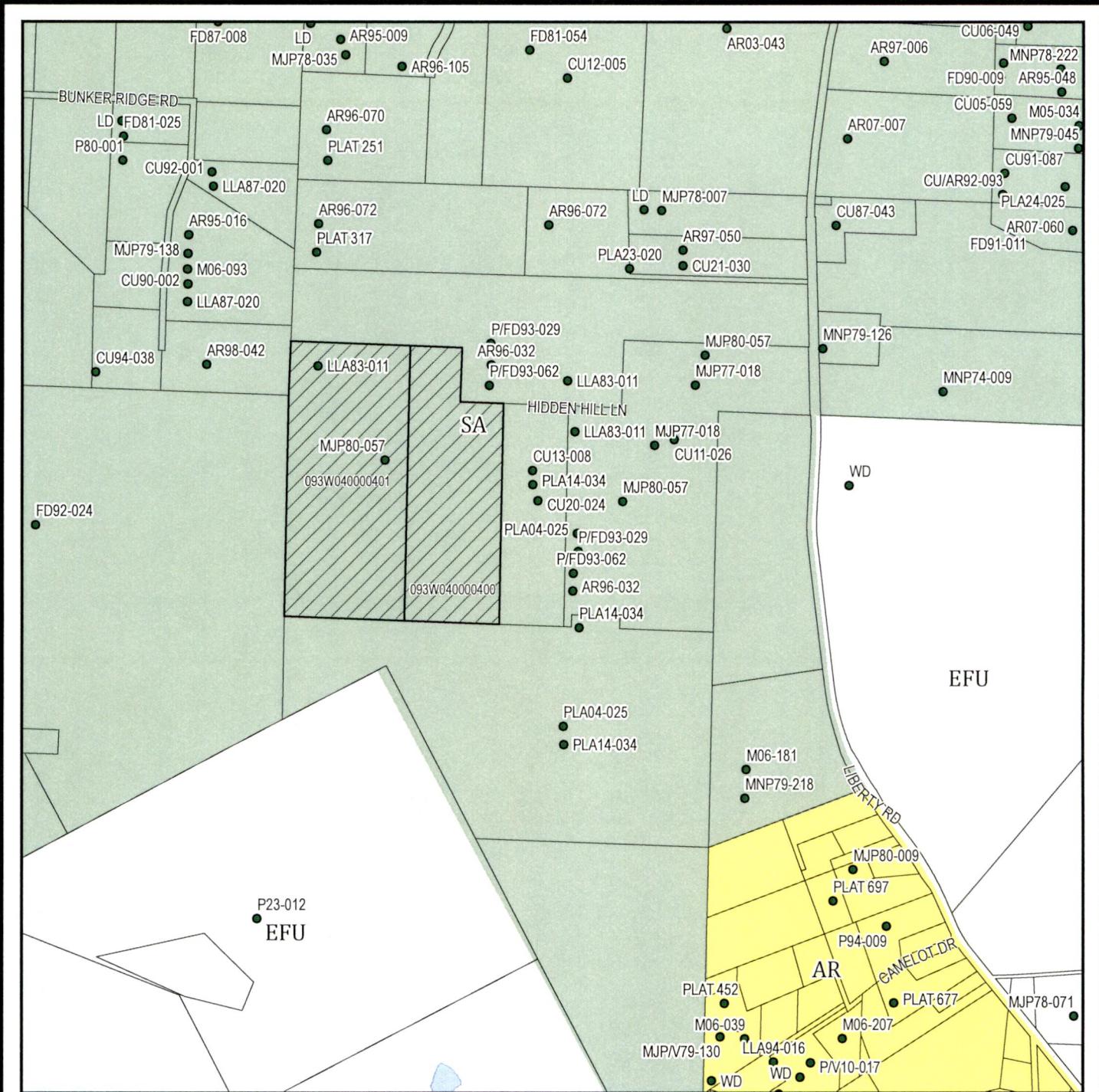
7. Under MCC 17.172.120(E) Property line adjustment deeds shall be recorded with the Marion County clerk's office prior to submitting the property line adjustment survey—if a survey is required. Deed recording reference numbers shall be noted on the required survey.
8. The resulting lots shall significantly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

Brandon Reich
Planning Director/Zoning Administrator

Date: February 6th, 2025

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): 093W040000400, 093W040000401

Owner Name: SHIRAZEE LLC

Situs Address: 1780 HIDDEN HILL LN S
City/State/Zip: SALEM, OR, 97306
Land Use Zone: SA
School District: SALEM-KEIZER
Fire District: SALEM SUBURBAN

Legend

Input Taxlots

Highways

Lakes & Rivers

Cities

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.

scale: 1 in = 875 ft