

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
MODIFIED PROPERTY LINE ADJUSTMENT CASE NO. 25-005**

APPLICATION: Application of Karlyn R. Cage for a property line adjustment to adjust the property lines on a 33-acre parcel and a 0.5-acre parcel to create a 31.5-acre parcel and a 2-acre parcel in an Exclusive Farm Use (EFU) zone located at 5963 and 5993 Silverton Rd NE, Salem (T7S; R2W; Section 9B, Tax lot 100, 400).

DECISION: The Planning Director for Marion County has **APPROVED** a **MODIFIED** Property Line Adjustment application to adjust the property lines on a 30.59-acre parcel and a 0.5-acre parcel to create a 2-acre parcel and a 29.09-acre parcel in an EFU zone.

EXPIRATION DATE: Title transfer instruments accomplishing the property adjustments shall be recorded by the applicants with the Marion County Clerk by **March 28th, 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:
 - No survey required for properties greater than ten acres per ORS 92.060 (8).
 - Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review.
 - Survey checking fee required at the time of review.
 - Property line adjustment deeds 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. Prior to recording the deeds, the applicants must get an easement reversal from Marion County Septic.
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 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 **March 28th, 2025**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **March 31st, 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 subject properties are located directly northwest of the intersection of Silverton Road and 60th Ave. Tax lot 100 has access from Silverton Road, while tax lot 400 has access from 60th Ave, though it is addressed to Silverton Road. Tax lot 100 includes farmland and a solar farm approved under land use case CU17-030. Tax lot 400 features a homesite and a temporary hardship dwelling approved through CU22-039.

Due to inconsistencies between the submitted deed and the tax lot configuration, research was done to verify the legality of the lots. The submitted deed indicates the existence of a third 2.41-acre parcel in the western portion of tax lot 100, which was also the subject of land use case PLA10-026. This parcel has been continuously described since its creation in 1967 (Volume 634, Page 476). For these reasons, the lot is still considered a legal separate parcel for land use purposes. This discovery will have no effect on this property line adjustment, as this case pertains solely to the eastern 30.59-acre parcel of tax lot 100 and tax lot 400.

Both parcels were the subject of property line adjustment case PLA10-026, which was approved but never finalized. The subject parcels are legal for land use purposes.

3. All surrounding properties are zoned EFU with some containing homesites and farming operations.
4. Soil Survey for Marion County, Oregon, indicates approximately 100% of the soils on the subject parcels are classified as high value.
5. The applicants are proposing to adjust the property lines on a 30.59-acre parcel and a 0.5-acre parcel to create a 2-acre parcel and a 29.09-acre parcel. The resulting configuration will place the septic system for 5993 Silverton Road on the same property as the home it serves. This will also place the well and existing agricultural structures on the larger farm property.
6. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Surveyors Office commented:

- No survey required for properties greater than ten acres per ORS 92.060 (8).
- Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- Survey checking fee required at the time of review.
- Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4).

Marion County Building Inspection commented: “No Building Inspection concerns. Permit(s) would be required to be obtained prior to development and/or utilities installation on private property, if anticipated.”

Marion County Septic commented: “An easement reversal is required since a drainfield easement will no longer be needed due to the movement of the property line to encompass the drainfield onto the property for which it serves.”

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.*

Both parcels are smaller than the minimum parcel size. The criteria do 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 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.*

Although the larger parcel is losing 1.5 acres to the smaller parcel, it will gain essential agricultural structures and a well with water rights, enhancing the farm’s efficiency now and in the future. 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.*

Both subject parcels are smaller than the minimum parcel size, and neither parcel will exceed this minimum. Therefore, the criteria do 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 that has already been used to qualify for a dwelling. 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: March 13th, 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): 072W09B000100, 072W09B000400

Owner Name: CAGE, KARLYN R

Situs Address: 5993 SILVERTON RD NE
City/State/Zip: SALEM, OR, 97305
Land Use Zone: EFU
School District: SALEM-KEIZER
Fire District: MARION COUNTY NO.1

<p>Legend</p> <ul style="list-style-type: none"> Input Taxlots Lakes & Rivers Highways Cities 		
<p>N</p>  <p>scale: 1 in = 618 ft</p>	<p><small>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.</small></p>	