

**Attention Property Owner:** A land use proposal has been submitted for property near where you live or 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. 22-007**

**APPLICATION:** Application of Victor and Corinna Rowland represented by Glen E. Nichol to adjust the property lines on a 1.68 acre parcel and a 1.74 acre parcel to create a 1.63 acre parcel and a 1.79 acre parcel on property in an AR (Acreage Residential) zone located at 8410 and 8420 Holmquist Road SE, Aumsville (T8S; R1W; Section 31B; tax lots 2500 and 2600).

**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 **March 31, 2024**. 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. **A replat shall be recorded with the County Clerk meeting requirements identified in ORS 92.185(6) and ORS 92.050.** 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. **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. 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 property line adjustment deeds,** the applicants shall have the parcels replatted per ORS 92.050. The replat shall be filed with the County Surveyor and shall contain the notation that the survey is the result of Property Line Adjustment Case 22-007. (Final Plat Instructions enclosed).
4. **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.
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 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 #5 below be contacted to identify restrictions or necessary permits.

7. 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 31, 2022**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **April 1, 2022**, unless further consideration is requested.

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

1. The subject property is designated Rural Residential in the Marion County Comprehensive Plan and correspondingly zoned AR (Acreage Residential). The primary intent of this designation and zone is to provide for rural residential development at a density sustainable with rural services.
2. The properties are located on the east side of Holmquist Rd SE approximately 350 feet south of its intersection with Bates Rd SE. The 1.68 acre parcel identified as tax lot 2500 contains an existing mobile home, accessory structures, well and septic system. The 1.74 acre parcel identified as tax lot 2600 contains an existing mobile home, accessory structure, well and septic system.
3. Surrounding properties into the north, south and west are zoned AR and in rural residential use. The property to the east is zoned EFU (Exclusive Farm Use) and contains an old gravel extraction site.
4. The applicants are proposing to adjust the property lines on a 1.68 acre parcel and a 1.74 acre parcel to create a 1.63 acre parcel and a 1.79 acre parcel.
5. Both parcels were approved for a Property Line Adjustment (PLA16-035) in 2016 which consists of an almost exact application as the current application (PLA22-007). However, the property line adjustment was not recorded in 2016 and, therefore, expired.
6. Based on the previous land use application (PLA16-035) for a Property Line Adjustment, the parcel is deemed to be legal.
7. Marion County Assessor's Office provided information regarding taxes on the subject properties.

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

8. There are no specific criteria for reviewing property line adjustments within an AR zone. Section 17.128.070 of the Marion County Code (MCC) requires a minimum lot size of two acres. Both of the existing parcels are currently under the minimum lot size of 2 acres and would remain so after the property line adjustment. Structures will maintain adequate setbacks from property lines with adequate access to a roadway. Subject to conditions, the property line adjustment complies with the standards of the AR zone.

9. 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.
10. 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.
11. Based on the above findings, the applicant's proposal meets the criteria for a property line adjustment in an AR zone and is, therefore, **APPROVED** subject to conditions.

Brandon Reich  
Planning Director/Zoning Administrator

Date: March 17, 2022

If you have any questions, please contact Jared Bradford at (503) 566-4173.

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.