

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. 25-010**

APPLICATION: Application of Keudell Brothers LLC and Kevin and Amanda Taylor for a property line adjustment to adjust the property lines on a 72.29-acre parcel and a 10-acre parcel to create a 68.60-acre parcel and a 13.39 -acre parcel in an EFU (Exclusive Farm Use) zone located at 10985 Bean Alley Rd SE, Aumsville (T9S; R1W; Section 7C, Tax lot 800 & 1500).

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 **April 29th, 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 use is for land use purposes only. Due to septic, well and drain field 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. Per the Marion County Surveyor's Office, 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. Must be platted per ORS 92.050/055, and the plat submitted for review. Survey checking fee and recording fees required. A current or updated title report must be submitted at the time of review.
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.
4. Prior to recording the plat 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).

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.

6. The applicants should contact the Stayton 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 **April 29th, 2025**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **April 30th, 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 the EFU (exclusive farm use) zone is to provide areas for continued practice of commercial agriculture. These areas are generally well suited for large-scale farming. The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.
2. The properties are located on the west side of Bean Alley Rd SE and the south side of the Willamette Valley Railway tracks, approximately three quarters of a mile north of the intersection of Bean Alley DR SE and West Stayton Road SE. According to tax accessor data, parcel 1500 (tax lot 353101) does not contain dwellings or accessory structures and appears to be used for agricultural purposes. Parcel 1500 was part of a property line adjacent land use case in 2015 (PLA15-037) and is described in its current configuration by plat P2016-018 and is considered a legally created parcel for land use purposes..

Parcel 800 (tax account 564492) contains a 1957 dwelling and various accessory structures. The parcel was created as part of the *Plat "A" of the Willamette Valley Irrigated Land Co.* and is shown on a 1911 survey (S07-081) and has remained in its original configuration. This parcel is considered legal for land use purposes.

3. Adjacent properties are all zoned EFU and are primarily engaged in agricultural uses. The surrounding lots are of various acreages acres, with some smaller parcels ranging from one to 10 acres with dwellings. The majority of the remaining lots are over 15 acres with others of approximately 80 acres.
4. Soil Survey for Marion County, Oregon, indicates approximately 100% of the soils on the subject tax lots are classified as high value.
5. The applicants are proposing to adjust the property lines on a 72.29-acre parcel and a 10-acre parcel to create a 68.60-acre parcel and a 13.39-acre parcel. The applicants are proposing to put the non-farmed portion of parcel 1500 that contains a pond, and a portion of the parcel separated from the rest by a drainage ditch into parcel 800.
6. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Surveyor's Office commented:

Property Line Adjustment (continued):

1. 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.

Re-plat: (Re-configuration of lots or parcels and public easements within a recorded plat)

1. Must be platted per ORS 92.050/055, and the plat submitted for review.
2. Checking fee and recording fees required.
3. A current or updated title report must be submitted at the time of review.

Marion County Building commented:

No Building Inspection concerns with proposed property line adjustment.

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

Marion County Septic commented:

Had no comments.

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

7. The criteria for reviewing lot 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.*

All the lots and parcels involved in this property line adjustment are below the minimum parcel size of 80-acres. This criterion 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.*

All lots and parcels involved are already below the minimum parcel size and below 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 applicant is proposing to move a portion of the non-farmed land (approximately 3.39 acres) to the adjacent property. Parcel 1500 has an area that contains a pond and is not commercially farmed because it is separated from the main farmable acreage by an irrigation canal. The applicants report that this area is outside the range of the pivot irrigation system and that they have never included it in their day-to-day farming activities. The suitability for commercial agriculture on both farm parcels would be negligibly affected. 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.*

The proposal does not adjust either parcel in such a way that would qualify for a new dwelling. Both parcels are below the minimum lot size for the EFU Zone, and one parcel already contains an existing dwelling thus satisfying criteria *a* and *b*. Criteria *c* is met as the larger lot would qualify for a dwelling based on an acreage standard, and the other lot already has a dwelling. Finally, none of the lots were created by a partition authorized by Measure 49, so *d* is satisfied. The criterion is met.

- 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; 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.*

No dwellings would be located on a different lot or parcel as a result of the proposed property line adjustment. The criterion does not apply.

- 8. 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: April 14th, 2025

If you have any questions regarding this decision contact George Brandt at (503) 566-3981.

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): 091W07C000800, 091W07C001500

Owner Name: TAYLOR, KEVIN L & TAYLOR, AMANDA E

Situs Address: 10985 BEAN ALLEY RD SE

City/State/Zip: AUMSVILLE, OR, 97325

Land Use Zone: EFU

School District: CASCADE

Fire District: STAYTON

Legend



Input Taxlots



Lakes & Rivers



Highways



Cities



scale: 1 in = 802 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.