

**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. 25-011**

**APPLICATION:** Application of Jeremy and Charlene Vogel for a property line adjustment to adjust the property lines on a 1.53-acre parcel and a 0.99-acre parcel to create a 2.52-acre parcel in an Acreage Residential (AR) zone located at 7634 Shady Way SE, Turner (T8S; R3W; Section 25D, Tax lots 2900 & 3000).

**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 **May 21<sup>st</sup>, 2027**, (two years). The effective period may be extended for an additional year subject to approval of an 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 proposal is for land use purposes only. Due to septic, well and drainfield replacement areas, this parcel may not be able to support the proposal. To be sure the subject property can accommodate the proposal the applicant should contact 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: 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. 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 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 restrictions or conditions. It is recommended that the agencies mentioned in Finding #\_\_\_ below be contacted to identify restrictions or necessary permits.

5. Prior to recording the deeds 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).

**APPEAL PROCEDURE:** The Marion County Zone Code provide 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 **May 21<sup>st</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 **May 22<sup>nd</sup>, 2025**, unless further consideration is requested.

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

1. The subject properties are designated Rural Residential in the Marion County Comprehensive Plan and correspondingly zoned AR (Acreage Residential). The primary intent of the designation is to provide for rural residential development at a density sustainable with rural services.
2. The subject properties are located on the east side of Shady Wy SE, a private road easement, 0.15 miles north from the point where Shady Way enters onto Delaney Rd SE. Together, the properties make up a rectangular shape, with tax lot 3000 surrounding tax lot 2900 on three sides. Both parcels are on the western slope of a hill and the majority of both parcels are covered in trees. Tax lot 2900 is developed with a 1963 dwelling while tax lot 3000 is currently undeveloped. Tax lot 2900 has been in its current configuration since at least July 29<sup>th</sup>, 1963, when it was sold to Jerry and Donna Canning (Vol 575 Page 260). Tax lot 3000 was sold to Jerry and Donna Canning three years later on October 31<sup>st</sup>, 1966 (Vol 707 Page 551) as a separate parcel and the description of both parcels has remained the same since. Both tax lot 2900 and 3000 are separate legal parcels and both are legal for land use purposes.
3. Surrounding properties consist of a wide variety of uses. All immediately adjacent parcels are zoned AR and are either in use as acreage homesites or are vacant sloping hillsides covered in trees. Slightly further to the east is a large SA (Special Agriculture) zoned parcel in use as a commercial vineyard. Even further east (roughly 0.5 miles) is the Delaney Rd and I-5 interchange, which is zoned ID (Interchange District) and is undergoing development for new uses. Down the hill to the northeast is the main stem of Battle Creek and 0.25 miles further is a large P (Public) zoned parcel.
4. The applicants are proposing to eliminate the common property line between a 1.53-acre parcel and a 0.99-acre parcel to combine them into a single 2.52-acre parcel in an AR zone.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Surveyors Office commented:

- 1) Property line adjustment deeds shall be recorded with the Marion County Clerk's Office per ORS 92.190 (4).

Marion County Building commented: "No Building Inspection concerns. Permit(s) are required to be obtained prior to development of structures and/or utilities installation on private property, if proposed."

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

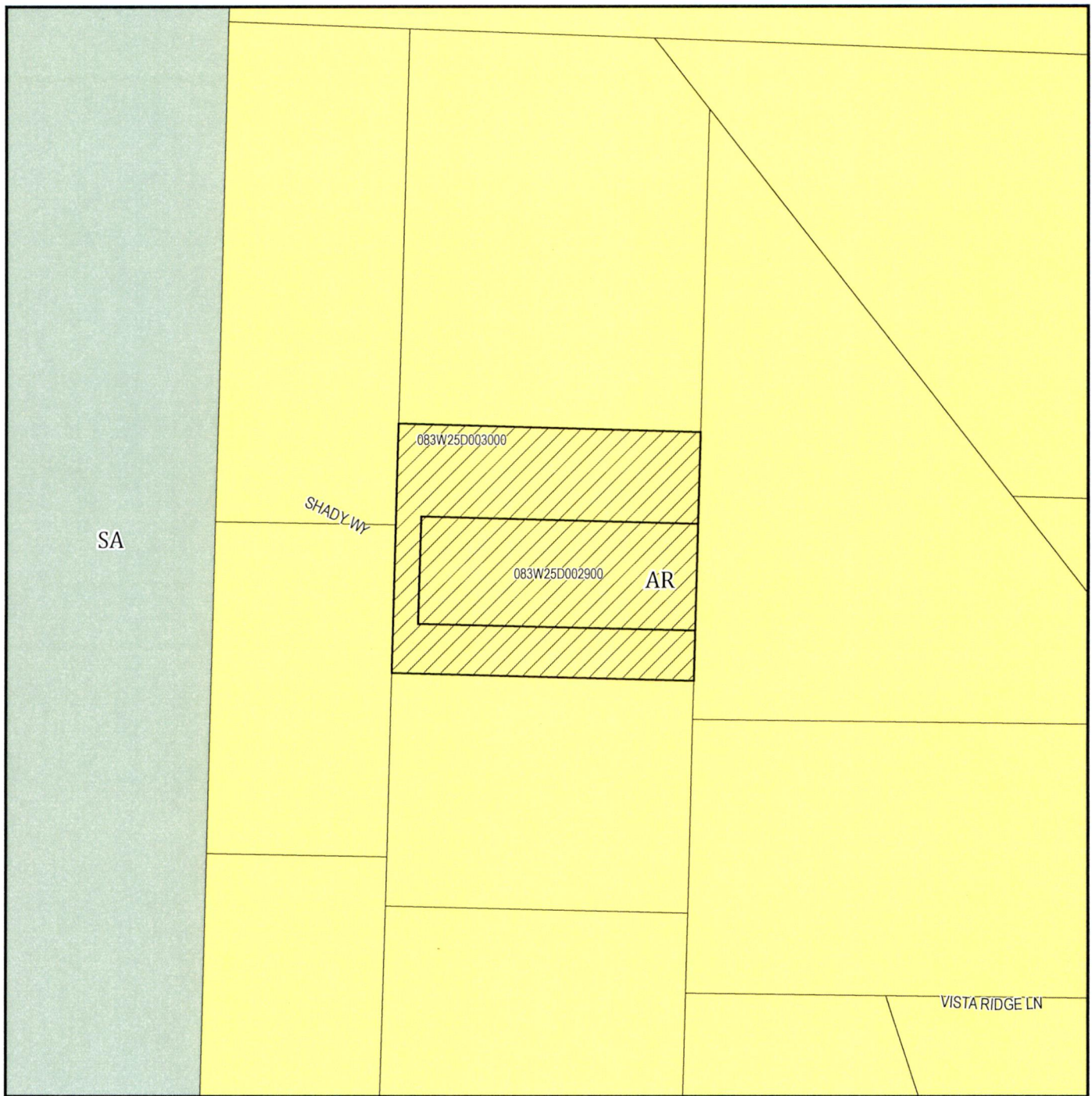
6. No specific criteria exist for property line adjustments in the AR zone. MCC 17.128.070 requires a minimum lot size of two acres, except when a numerical suffix has been applied. Therefore, in this AR zone, the minimum lot size is two acres. When a property line adjustment proposes to alter non-conforming parcels, the proposed configuration must not result in additional non-conformance.  
  
Both existing lots are below the minimum parcel size of 2.0-acres for the AR zone. The proposed property line adjustment would result in the coalescence of both parcels into a single parcel that is larger than the minimum parcel size. The proposal would result in a new configuration that is of greater conformance to the minimum parcel size. 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. Based on the above findings, the request meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: May 6<sup>th</sup>, 2025

If you have any questions regarding this decision contact Alexander Seifer at (503) 588-5038.

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): 083W25D002900, 083W25D003000

Owner Name: VOGEL, JEREMY VOGEL, CHARLENE

Situs Address: 7634 SHADY WAY SE

City/State/Zip: TURNER, OR, 97392

Land Use Zone: AR

School District: CASCADE

Fire District: TURNER

### Legend



Input Taxlots



Lakes & Rivers



Highways



Cities



scale: 1 in = 175 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.