

Application for a Permit to
Store Water in a Reservoir
 Alternate Review (ORS 537.409)



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.oregon.gov/OWRD

You may use this form for any reservoir storing less than 9.2 acre-feet *or* with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
MAILING ADDRESS			
CITY	STATE	ZIP	E-MAIL *

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Organization

NAME MARS ENTERPRISES, LLC		PHONE 503-932-4513	FAX
MAILING ADDRESS 4196 81ST AVE NE			CELL
CITY SALEM	STATE OR	ZIP 97305	E-MAIL * GANDCJEFF@GMAIL.COM

Agent – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME DOANN HAMILTON/PACIFIC HYDRO-GEOLOGY, INC		PHONE (503) 632-5016	FAX (503) 632-5983
ADDRESS 18487 S. VALLEY VISTA ROAD			CELL (503) 349-6946
CITY MULINO	STATE OR	ZIP 97042	E-MAIL * PHGDMH@GMAIL.COM

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



I (we) affirm that the information contained in this application is true and accurate.

Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Fire Pond				
Source*:	A Well (MARI 68838) in Howell Creek Basin	Tributary:	Pudding River		
County:	Marion				
Quantity:	0.49 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	7S	2W	14	NE NE	200
Maximum Height of Dam:	3 feet. If excavated write "zero feet."				

* Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multipurpose

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

- Yes (please check appropriate box below then skip to section 5)
- There are no encumbrances
 - This land is encumbered by easements, right of way, roads of way, roads or other encumbrances
- No (Please check the appropriate box below)
- I have a recorded easement or written authorization permitting access.
 - I do not currently have written authorization or easement permitting access.
 - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

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List the names and mailing addresses of all affected landowners:

MARS Enterprises LLC leases from:
Gerald and Carolyn Roth Trust, Gerald and Carolyn Roth Trustees
3124 82nd NE
Salem, OR 97305

SECTION 5: ENVIRONMENTAL IMPACT

Channel: Is the Reservoir: in-stream or off channel?

Wetland: Is the project in a wetland? YES NO unknown

Existing: Is this an existing reservoir? YES NO

If YES, how long has it been in place? 9 years.

Fish Habitat: Is there a fish habitat upstream of the proposed structure? YES NO unknown

If YES, how much? miles.

Existing: Have you been working with other agencies? YES NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project. **NA**

SECTION 6: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name: NA		Address:	
City:	State:	Zip:	

SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

The fire pond was installed per a condition of Marion County building permit for fire protection.

The fire pond is 58 x 104 ft rectangular pond raised approximately 3 feet above the land surface and 6.5 feet deep with 2:1 slopes. Water level is maintained at 1 foot below the top of the pond and holds a capacity of 159,100 gallons (0.49 AF).

The pond is filled and maintained by a well. Water is pumped from MARS Well (MARI 68838) using a 15 Hp submersible pump inside the north end of the pump shed to convey water through 5 feet of 4-inch galvanized steel pipe. The 4-inch pipe reduces down to 3-inch schedule 80 PVC pipe which then enters the pump shed on the southern end of the pump shed and then exits through the southwest corner of the shed.

At the west side of the shed, before the 4-inch PVC pipe extends to the north, the 4-inch PVC pipe also tees off to the west to connect to a 2-inch schedule 80 PVC line used to fill the fire pond as needed.

Inside the pond is 8-inch PVC pipe extending to the north to a "Dry Hydrant" where water can be pumped to fill fire trucks or empty the pond.

If the diversion involves a dam, use this space below for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

See attached engineer drawings

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Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

Applicant's Name: MARS Enterprises LLC		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO Explain: <i>N/A</i>		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: End: <i>year-round</i> Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: Greg Wacker

Watermaster Signature:  Date: 5-25-2023

NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

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This portion to be completed by the Applicant					
Applicant MARS Enterprises, LLC		Phone No. 503-932-4513		Email. gandcjeff@gmail.com	
Mailing Address 4196 81 st Ave NE		City Salem	State OR	Zip 97305	
Reservoir Name: Fire Pond		Source: A well		Volume (AF): 0.49 AF	
Township (N or S)	Range (E or W)	Section	Quarter/ Quarter	Basin Name:	<input type="checkbox"/> in-channel <input checked="" type="checkbox"/> off-channel
7S	2W	14	NE NE	Howell Creek Basin	

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District Staff	
1) Is the proposed project and AO ¹ off channel? <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes then proceed to #4; if no then proceed to #2)	
2) Is the proposed project or AO located where NMF ² are or were historically present? <input type="checkbox"/> YES <input type="checkbox"/> NO (If yes then proceed to #3; if no then proceed to #4)	
3) If NMF are or were historically present:	
a. Is there an ODFW – approved fish passage plan? <input type="checkbox"/> YES <input type="checkbox"/> NO	
b. Is there an ODFW-approved fish-passage waiver or exemption? <input type="checkbox"/> YES <input type="checkbox"/> NO	
If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be “Yes” to move forward with the application. If responses to 3(a) and 3(b) are “No”, then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.	
4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream: <input type="checkbox"/> YES <input type="checkbox"/> NO <i>Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)</i>	
<input type="checkbox"/> Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.	
<input type="checkbox"/> This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.	
If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource? <input type="checkbox"/> YES (Select from Menu of Conditions on next page) <input type="checkbox"/> NO (explain)	

ODFW Signature: _____ Printed Name: _____

ODFW Title: _____ Date: _____

NOTE: This completed form must be returned to the applicant

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635-412-0005 (32)

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: MARS Enterprises LLC

Address: 4196 81st Ave NE, Salem OR. 97305

Phone/Email: 503-932-4513 / gandcjeff@gmail.com

Reservoir Name: Fire Pond

Source: Well water (MARI 68838)

Basin Name: Mid Willamette

Twp Rng Sec QQ: 7S 2W 14 NENE

Volume (AF): .49

in-channel

off-channel

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Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.

1) Is the proposed project and AO¹ off channel?..... YES* NO
(if yes then proceed to #4; if no then proceed to #2)

**Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... YES NO

b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period type here through type here poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

Sensitive species (Coastal Cutthroat Trout) are present in Howell Prairie Creek. However, the proposed water source for this reservoir is groundwater. Conditions and/or mitigation should have been applied to the groundwater use, if applicable. According to the application materials, the reservoir is to be used in case of fire and will be maintained artificially. It does not appear that water from the reservoir will be released into waters of the State due to the distance from surface water, negating the need to restrict use based on the the Molalla-Pudding Subbasin Temperature TMDL and the Pudding River Dissolved Oxygen TMDL (June 1 – October 31). If groundwater is not the reservoir fill source, or if water is intended to be released into waters of the State, please contact ODFW for a revised review.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- NO** (explain)
- YES** (select from Menu of Conditions on next page)

- See applicable conditions selected from “Menu of Conditions” on next page

describe Mitigation Obligation here, if applicable

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ODFW Signature: Jorden D Smith Digitally signed by Jorden D Smith
Date: 2023.06.30 08:50:32 -07'00'

Print Name: Jorden Smith

ODFW Title: Hydro and Water Rights Coordinator

Date: 06/30/2023

NOTE: This completed form must be returned to the applicant.

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state’s criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW’s Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to through .

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

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futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW’s Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266503-986-0900
 www.oregon.gov/OWRD

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NAME MARS ENTERPRISES LLC			PHONE (HM)		
PHONE (WK)		CELL 903-932-4513		FAX	
MAILING ADDRESS 4196 81 ST AVE NE					
CITY SALEM		STATE OR	ZIP 97305	E-MAIL* GANDCJEFF@GMAIL.COM	

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
7S	2W	14	_____	200	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Reservoir multi- purpose
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Marion County

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) _____

Estimated quantity of water needed: 0.49
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic for _____ household(s)
 Municipal
 Quasi-Municipal
 Instream
 Other Multi-purpose

Briefly describe:

A new reservoir permit to store water for multipurpose use.



Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Farm use is outright permitted in EFU per MCC 17.136.020
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Administrative review	Farm stand and processing facility per MCC 17.136.040 (A) and (F)	<input checked="" type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Attached is Administrative Review 09-032 decision. Our understanding is that the reservoir will primarily be for fire use, but other uses are permitted as well.

Name: Daniel Jansen Title: Assistant Planner

Signature: *Daniel Jansen* Phone: (503) 588 5038 Date: 8/3/2023

Government Entity: Marion County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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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.

**NOTICE OF DECISION
ADMINISTRATIVE REVIEW CASE NO. 09-32**

APPLICATION: Application of Gerard and Carolyn Roth for an administrative review to operate a farm stand on a 121 acre parcel in an EFU (Exclusive Farm Use) zone located at 2994 82nd Avenue NE, Salem. (T7S; R2W; Section 14; tax lot 200).

DECISION: Notice is hereby given that the Planning Director for Marion County has **APPROVED** the above described administrative review application, subject to the following conditions.

EXPIRATION DATE: This decision is valid only when exercised by **October 26, 2011** unless an extension is granted. The effective period of this application may be extended for two years subject to approval of an extension. Request for an extension must be submitted to the Planning Division prior to expiration of the approval. (Extension form available from the Planning Division).

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. The applicants shall obtain all permits, required by the Marion County Building Inspection Division.
2. Prior to issuance of permits, the applicant shall meet requirements of Marion County Public Works outlined in finding #7 below. The requirements shall be met to the department's satisfaction.

ADDITIONAL CONDITIONS: Once the approved use is established the following conditions must be continually satisfied:

3. Operation of the farm stand shall be limited to the sale of farm crops or livestock grown in the state of Oregon and the sale of incidental items or fee-based activities that do not make up more than 25 percent of the total annual sales of the farm stand.
4. The farm stand shall not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
5. The sale of incidental items or fee-based activities is limited to 25 percent of the total annual sales of the farming operation:
 - Sell fruit and vegetables through the farm store from other farm operations in the area
 - Engage in a subscription service for farm products (CSA) including products from other area farms
 - Sell meat and eggs raised on other farm operations in the area
 - Establish a pumpkin patch and corn maze
 - Offer a petting zoo and other activities for children
 - Provide hayrides

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- Sell hanging baskets and compost
 - Sell nursery plants and bedding plants raised on other farm operations in the area
 - Sell gift baskets
6. To the extent that compensation is received for the following sale and activities, the following sale of incidental items or fee-based activities that do not make up more than 25 percent of the total annual sales are permitted in conjunction with the farm stand:
- Provide a school field trip destination
 - Provide farm tours
 - Promote healthy eating and nutrition
 - Pass on a positive, hopeful attitude
7. The following activities are permitted outright as meeting the definition of farm use:
- Sell fruit and vegetables through the farm store raised on the farm operation
 - Plant berries and fruit trees for u-pick operations
 - Engage in a subscription service for farm products (CSA) where no products are from other area farms
 - Raise and sell meat and eggs raised on the farm operation
 - Sell nursery plants and bedding plants raised on the farm operation
 - Offer access for community gardens and rent plots
8. To the extent that no compensation is received for the sale or fee-based activity of the following, these activities are permitted outright as meeting the definition of farm use:
- Provide a school field trip destination
 - Provide farm tours
9. To the extent that no compensation is received for the sale or fee-based activity of the following, these activities are not regulated:
- Promote health eating and nutrition
 - Pass on a positive, hopeful attitude
10. The following activities are not regulated:
- Attend farmer's markets and promote fruit and pie sales
 - Promote and sell products at fairs, shows and restaurants
 - Partner with Marion and Polk Foodshare

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 # 7 below be contacted to identify restrictions or necessary permits.

11. The applicant should contact Marion County Fire District #1 and obtain a copy of their Building Access and Premise Identification standards. Fire District standards may be more restrictive than county standard.

APPEAL PROCEDURE: The Marion County Zoning Ordinance provides that Administrative Review and Conditional Use 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 deny the application. Any interested person who disagrees with the Director's decision may appeal the decision to the Marion County Hearings Officer. The applicant may also request a reconsideration (one time only and a fee of \$200.00) 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. Appeals must be in writing (Appeal Form available from the Planning Division) and be received in the Marion County Planning Division, 555 Court St. NE, 2nd Floor, Salem, by 4:00 p.m. on **October 26, 2009**. Please note an appeal directly to the Land Use Board of Appeals is not allowed under ORS 197.830. If you have any question about this application or the decision please call 588-5038 or visit the County Planning Office at the above address. This decision is effective **October 27, 2009** unless appealed.

FINDINGS AND CONCLUSIONS: The findings and conclusions on which the Director based his decision are noted below.

1. The subject property is designated Primary Agriculture in the Marion County Comprehensive Plan and zoned EFU (EXCLUSIVE FARM USE). The intent of both this designation and zone is to promote and protect commercial agricultural operations.
2. The property is located on the south side of Lardon Road and extends south on the east and west side of 82nd Avenue. The property was created in its present configuration through approval of Partition Case 98-42. The subject parcel contains agriculture buildings and primarily in commercial grass seed production and cane berry production. The farming operation also owns adjacent property to the south, which is also in grass seed and berry production.

The property received approval for a facility to process farm crops under Administrative Review Case No. 00-26 and Conditional Use Case No. 03-48, and to expand the facility under Conditional Use Case No. 05-63. The operation processes frozen berries grown on the subject farm and in the Willamette Valley. The property received approval for a partition, P07-76, to partition the berry and frozen fruit processing facility from the remainder of the property in farm use. The final plat has not yet been recorded for the partition.

3. All surrounding properties are zoned EFU and a mixture of farm and non-farm parcels.
4. According to the Soil Survey of Marion County Oregon the property is composed entirely (100%) of high-value farm soils.
5. Current resource use of the parcel (from Standard Industrial Class - SIC):
Type 013 Acres 111 Type 001 Acres 10
6. The applicants are proposing to establish a farm stand and establish a variety of uses on their property:
 - Plant berries and fruit trees for u-pick operations
 - Sell fruit and vegetables through the farm store
 - Attend farmer's markets and promote fruit and pie sales
 - Engage in a subscription service for farm products
 - Establish a pumpkin patch and corn maze
 - Provide a school field trip destination
 - Offer a petting zoo and other activities for children
 - Provide farm tours
 - Provide hayrides
 - Raise and sell meat and eggs
 - Sell nursery plants, hanging baskets, bedding plants, and compost
 - Promote and sell products at fairs, shows and restaurants

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- Sell gift baskets
- Offer access for community gardens and rent plots
- Partner with Marion and Polk Foodshare
- Promote health eating and nutrition
- Pass on a positive, hopeful attitude

7. Marion County Department of Public Works reviewed the proposal and provided the following comments:

- The applicant's graveled public parking area may not accommodate anticipated traffic associated with gathering type events. The applicant shall provide a parking plan for those anticipated harvest season gathering events (pumpkin patch and corn maze).
- As it may pertain to the potential establishment of an overflow parking area, the applicant is advised that construction of improvements and/or site grading on the property should not block historical or naturally occurring runoff from adjacent properties. Furthermore, site grading should not impact surrounding properties, roads, or drainage ways in a negative manner.
- The subject property is within the unincorporated area of Marion County. Per Marion County Ordinance # 00-10R, Transportation Systems Development Charges (SDCs) will be assessed upon application for building permits or change in use. However, the application states intent to operate the proposed farm stand from within an existing building established under Conditional Use Case #CU07-079.
- Any work within the public right-of-way will require a permit from Public Works.

Marion County Building Inspection Division commented that a building and septic permits will be required.

Marion County Tax Office provided tax information for the property.

All other contacted agencies either failed to respond, or stated no objection to the proposal, at the time this report was written.

8. Chapter 136.020(a) of the Marion County Rural Zoning Ordinance (MCRZO) permits "farm use" as an outright use. Chapter 110.223 defines farm use:

"Farm Use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3) of this section or land described in ORS 321.267 (3) or 321.824(3).

Preparation of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products. Products or by-products raised on such land means that those products or by-products are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land."

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Some of the activities described by the applicant meet the definition of farm use: planting berries and fruit trees for u-pick operations, engaging in a subscription service for farm products (CSA) where no products are from other area farms, raising and selling meat and eggs raised on the farm operation, selling nursery plants and bedding plants raised on the farm operation, offering access for community gardens and rent plots. These uses involve the raising, harvesting and selling of crops or the management of animals under the definition of farm use. These activities are permitted outright in Chapter 136.020(a).

Two of the uses proposed by the applicant may be considered related to the farm operation if there is no compensation received for the use (otherwise, it may be considered as part of the farm stand activity): providing a school field trip destination and providing farm tours. To the extent that no compensation is received for these uses, they are considered part of the farm use on the property and are permitted outright in Chapter 136.020(a).

9. Chapter 136.040 (a) provides that a farm stand may be permitted in an EFU zone based on specified standards and criteria for the use and subject to approval by the Planning Director subject the following standards:
- (a) Structures shall be designed and used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area.
 - (1) As used in this section, "farm crops or livestock" includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another produce but not prepared food items.
 - (2) As used in this section, "local agricultural area" is limited to the State of Oregon.
 - (c) The sale of incidental retail items and fee-based activity to promote the sale of farm crops or livestock sold at the farm stand is permitted provided the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand.
 - (e) Farm stand shall not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment.
10. Many of the activities described by the applicant can be permitted in conjunction with a farm stand. Aside from the sale of farm crops or livestock grown in the state of Oregon, it can be made a condition of approval that the sale of incidental items or fee-based activities is limited to 25 percent of the total annual sales of the farming operation for the following uses:
- Sell fruit and vegetables through the farm store raised on other farm operations in the area
 - Engage in a subscription service for farm products (CSA) including products from other area farms

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- Sell meat and eggs raised on other farm operations in the area
- Establish a pumpkin patch and corn maze
- Offer a petting zoo and other activities for children
- Provide hayrides
- Sell hanging baskets and compost
- Sell nursery plants and bedding plants raised on other farm operations in the area
- Sell gift baskets

To the extent that compensation is received for the following sale and activities, the following sale of incidental items or fee-based activities that do not make up more than 25 percent of the total annual sales are permitted in conjunction with the farm stand:

- Provide a school field trip destination
- Provide farm tours
- Promote healthy eating and nutrition (for instance, selling books on nutrition)
- Pass on a positive, hopeful attitude (for instance, providing classes)

If compensation is not received for these items, the use may either be considered part of the farm use of the property (providing a school field trip destination and farm tours) or not regulated (promoting health eating and nutrition and passing on a positive, hopeful attitude).

Any approval can be conditioned so that the standards in 8 are met.

11. Because the following uses either take place off site from the property or involve partnerships with other entities that itself isn't a use regulated by the Marion County Rural Zoning Ordinance:
 - Attend farmer's markets and promote fruit and pie sales
 - Promote and sell products at fairs, shows and restaurants
 - Partner with Marion and Polk Foodshare
12. Based on the above, the applicants' request meets, or can be conditioned to meet, all the applicable standards for establishment and operation of a farm stand is, therefore, **APPROVED**.

Sterling Anderson
Director-Planning Division

Date: October 9, 2009

If you have any questions please contact Brandon Reich, at (503) 588-5038.

REEL 3636 PAGE 470
MARION COUNTY
BILL BURGESS, COUNTY CLERK
09-19-2014 04:42 pm.
Control Number 369113 \$ 66.00
Instrument 2014 00031964

AFTER RECORDING, RETURN TO:

Barbara Jo Smith
Heltzel, Williams, Yandell,
Roth, Smith, Petersen & Lush, P.C.
PO Box 1048
Salem, OR 97308-1048

Tax Statements:
Gerald E. Roth, Trustee
4819 San Francisco Drive SE
Salem, OR 97305

Consideration: \$0 (Trust Distribution)

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BARGAIN AND SALE DEED

GERALD E. ROTH, as Trustee of the CAROLYN M. ROTH TRUST,
under Agreement dated November 30, 1999, as Grantor, 4819 San
Francisco Drive SE, Salem, OR 97305,

conveys to

GERALD E. ROTH, Trustee of the CAROLYN M. ROTH FAMILY
TRUST, as Grantee, 4819 San Francisco Drive SE, Salem, OR 97305,

the following described real property:

See attached Exhibit A.

CAROLYN M. ROTH died on November 6, 2013. Pursuant to Section 13.1 of the
Carolyn M. Roth Trust, Gerald E. Roth is now the sole Trustee. This deed is a
distribution from the trust pursuant to its terms.

**WARNING. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT,
THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE
PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO
195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007,
SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND
SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT
DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS
INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND
REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT,
THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING
DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING
TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS
DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF**

THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

The true consideration for this conveyance is \$0 (trust distribution).

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Duly executed 9/18, 2014.

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OWRD

Gerald E. Roth

Gerald E. Roth, Trustee

GRANTOR

Marion County, Oregon - ss:

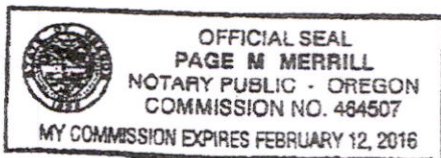
On this 18th day of September, 2014 personally appeared Gerald E. Roth as Trustee of THE CAROLYN M. ROTH TRUST under Agreement dated November 30, 1999, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:

Page M Merrill

Notary Public for Oregon

My Commission Expires: 2/12/2016



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All of the Grantor's interest which is a 50% interest in:

15.75 Acres at 7S-2W-13, 1000: R 22880

Beginning on the North line of the J. H. Foss Donation Land Claim in Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, at a point which is 62.65 feet North 86° 30' West from the Northeast corner thereof; thence South 9° 07' West, 2.85 chains to the inner angle on the East line of said claim; thence South 19° 39' West along the East line of said claim 10.35 chains; thence North 86° 30' West parallel with the North line of said claim 12.10 chains; thence North 15° 40' East 13.05 chains to a point on the North line of said claim; thence South 86° 30' East along the North line of said claim 12.54 chains to the place of beginning.

7.60 Acres at 7S-2W-14, 200:

Parcel 1 of Partition Plat 2011-005. R 22920

8.69 and 99.91 Acres at 7S-2W-14, 202:

Parcel 2 of Partition Plat 2011-005. R 22921 R 348724

116.96 Acres at 7S-2W-14, 201:

Parcel 1 of Partition Plat 2000-46. R 326295

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All of the Grantor's interest which is a 100% interest in:

Tax Account No. R22802 50.29 acres: 7S-2W-11 300 and 399

TRACT I:

Beginning at a point of the East line of the Donation Land Claim of William Greenwood and wife, Claim No. 57, Township 7 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, which point is 25.57 chains East and 2 chains South of the Northwest corner of Section 12, said Township; and running thence South 28.05 chains to the Northeast corner of lands formerly owned by Jno. W. Low; thence South 80°22' West 43.45 chains to an angle; thence South 76°43' West 27.75 chains to the West line of said claim; thence North 6° West about 30 chains to an angle in the West boundary of said Donation Land Claim; thence North along the West boundary of the said claim about 14 chains to a point due West of the place of beginning, and the Northwest corner of that part of said donation claim now owned by Frank W. Durbin; thence East to said place of beginning.

EXCEPTING THEREFROM those tracts of land described in Deeds Recorded March 29, 1918 in Volume 145 on Page 497, and Recorded July 12, 1927 in Volume 192 on Page 379, Deed Records for Marion County, Oregon.

TRACT II:

A small tract of land situated in the William Murphy Donation Land Claim No. 58 in Township 7 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, described as follows:

Beginning at a point on the West line of William Greenwood Claim No. 57, which point is 20.45 chains North 6° West from the Southwest corner of said claim; and running thence North 89°40' West 2.33 chains; thence North 11.69 chains; thence North 89°57' East to the West line of said William Greenwood Donation Land Claim; thence South 6° East, along the West line of said Donation Land Claim, to the place of beginning.

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All of the Grantor's interest which is a 50% interest in:

Tax Account No. R22803 - 96.77 acres: 7S-2W-11, 100 ~~R22803~~

96.77 Acres:

Beginning at a point 37.83 chains North and 14.00 chains South 89° 52' West from the Southeast corner of the Donation Land Claim of William Greenwood and wife in Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; thence South 89° 52' West 28.535 chains to the middle of the County Road leading Northerly and Southerly through the William Greenwood Claim; thence South 10° 38' West 5.988 chains along the middle of said County Road; thence South 3° 25' West 30.00 chains along the middle of the County Road; thence North 76° 30' East 2.91 chains, along the North line of John Tweed's land; thence North 80° 06' East 29.07 chains, to the Southwest corner of a 40.60 acre tract; thence North 30.20 chains, to the place of beginning and containing 99.40 acres of land.

SAVE AND EXCEPT:

That portion of the Southeast 1/4 of Section 2 and the Northeast 1/4 of Section 11, Township 7 South, Range 2 West of the Willamette Meridian, in the City of Salem and State of Oregon, described as follows:

Beginning at the Northwest corner of a tract of land conveyed by Deed recorded in Volume 629, Page 833, of the Marion County Deed Records, said point being in the center of a County Road; thence North 89° 52' East along the North line of the said tract 159.22 feet; thence South 7° 44' West 574.40; thence North 83° 14' West 193.42 feet to the center of a County Road; thence North 11° 23' East along the center of the said County Road 556.94 feet to the place of beginning.

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REEL: 3636

PAGE: 470

September 19, 2014, 04:42 pm.

CONTROL #: 369113

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 66.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

REEL 3695 PAGE 109
MARION COUNTY
BILL BURGESS, COUNTY CLERK
05-01-2015 09:48 am.
Control Number 383607 \$ 76.00
Instrument 2015 00016380

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MAIL TAX STATEMENTS TO:
No Change

AFTER RECORDING RETURN TO:
Gerald Roth
924 Sahalee Ct. SE
Salem, OR 97306

(PLA 1 of 3)

PROPERTY LINE ADJUSTMENT DEED

Gerald E. Roth, Trustee of the Gerald E. Roth Trust under agreement dated November 30, 1999 as to an undivided one-half interest, and Trustee of the Carolyn M Roth Family Trust as to an undivided one-half interest, are the owners of real property located in Marion County, Oregon, referred to herein as "Property A," and more particularly described on Exhibit "A," which is attached hereto and by this reference incorporated herein. Gerald E. Roth, Trustee of the Gerald E. Roth Trust under agreement dated November 30, 1999 as to an undivided one-half interest, and Trustee of the Carolyn M Roth Family Trust as to an undivided one-half interest, are the owners of real property located in Marion County, Oregon, referred to herein as "Property B," more particularly described on Exhibit "B," which is attached hereto and by this reference incorporated herein.

The purpose of this Property Line Adjustment Deed (the "Deed") is to effect a property line adjustment between Property A and Property B such that Property A will be decreased in size by 7.48 acres and hereafter consist of only the land described on Exhibit "C," which is attached hereto and incorporated herein by this reference, and Property B will be increased in size by 7.48 acres and hereafter consist of the land more particularly described on Exhibit "D," which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to effect the property line adjustment and to create the reconfigured lots as described on Exhibits "C" and "D", Gerald E. Roth, Trustee of the Gerald E. Roth Trust under agreement dated November 30, 1999 as to an undivided one-half interest, and Trustee of the Carolyn M Roth Family Trust as to an undivided one-half interest, does hereby grant, transfer, and convey unto Gerald E. Roth, Trustee of the Gerald E. Roth Trust under agreement dated November 30, 1999 as to an undivided one-half interest, and Trustee of the Carolyn M Roth Family Trust as to an undivided one-half interest, all of that certain real property situated in Marion County, Oregon, described on Exhibit "E," which is attached hereto and by this reference incorporated herein.

The following is the notice as required by Oregon law: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS

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A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHT OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true and actual consideration for this transfer, stated in terms of dollars is N/A; however the actual consideration consists of other property or values which is the whole consideration. The purpose of this Deed is to effect a property line adjustment, and the two parcels are to remain separate and distinct.

This Property Line Adjustment Deed is executed this 30 day of April, 2015.

GRANTOR

GRANTEE

Gerald E. Roth Trust under agreement dated November 30, 1999

Gerald E. Roth Trust under agreement dated November 30, 1999

By: Gerald E. Roth
Gerald E. Roth, Trustee

By: Gerald E. Roth
Gerald E. Roth, Trustee

Carolyn M. Roth Family Trust

Carolyn M. Roth Family Trust

By: Gerald E. Roth
Gerald E. Roth, Trustee

By: Gerald E. Roth
Gerald E. Roth, Trustee

State of Oregon)
Marion) ss.
County of Marion)

This instrument was acknowledged before me on April 30, 2015, by Gerald E. Roth, Trustee of the Gerald E. Roth Trust under agreement dated November 30, 1999 and the Carolyn M. Roth Family Trust.

Before me:

Carol R Wilson
Notary Public for Oregon
My Commission Expires: 4/8/15



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EXHIBIT "A"

Legal Description For:
Original Property "A"

"Parcel 2, Partition Plat 2011-005", as platted and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 3267, Page 368, Marion County Deed Records.

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EXHIBIT "B"

Legal Description For:
Original Property "B"

"Parcel 1, Partition Plat 2011-005", as platted and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 3267, Page 368, Marion County Deed Records.

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EXHIBIT "C"

Legal Description For:
Adjusted Property "A"

"Parcel 2, Partition Plat 2011-005", as platted and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 3267, Page 368, Marion County Deed Records.

SAVE AND EXCEPT the following described property:

A tract of land situated in the northwest one-quarter of Section 13 and the northeast one-quarter of Section 14, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, said tract being described as follows:

Beginning at the northeast corner of Parcel 1, Partition Plat 2011-005, as platted and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 3267, Page 368, Marion County Deed Records; and running thence:

South 82°12'36" East 413.65 feet;
thence South 8°48'51" West 306.53 feet;
thence North 82°12'36" West 413.71 feet to a point on the east line of said Parcel 1;
thence North 8°49'29" East 306.53 feet along said east line to the Point of Beginning.

ALSO SAVE AND EXCEPT the following described property:

A tract of land situated in the northeast one-quarter of Section 14, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, said tract being described as follows:

Beginning at the southwest corner of Parcel 1, Partition Plat 2011-005, as platted and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 3267, Page 368, Marion County Deed Records; and running thence:

South 82°22'21" East 544.00 feet along the south line of said Parcel 1;
thence South 8°48'51" West 312.00 feet to a point on the south line of Parcel 2 of said Partition Plat 2011-005;
thence South 86°24'20" West 556.89 feet along said south line to a point on the east right of way of 82nd Avenue (County Road 734) at a perpendicular distance of 30.00 feet from the centerline of said road;
thence North 8°48'51" East 420.40 feet along said east right of way to the Point of Beginning.

Adjusted property has 101.12 acres of land, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRES '6-30-16

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EXHIBIT "D"

Legal Description For:
Adjusted Property "B"

"Parcel 1, Partition Plat 2011-005", as platted and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 3267, Page 368, Marion County Deed Records.

TOGETHER WITH the following described property:

A tract of land situated in the northwest one-quarter of Section 13 and the northeast one-quarter of Section 14, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, said tract being described as follows:

Beginning at the northeast corner of Parcel 1, Partition Plat 2011-005, as platted and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 3267, Page 368, Marion County Deed Records; and running thence:

South 82°12'36" East 413.65 feet;
thence South 8°48'51" West 306.53 feet;
thence North 82°12'36" West 413.71 feet to a point on the east line of said Parcel 1;
thence North 8°49'29" East 306.53 feet along said east line to the Point of Beginning.

ALSO TOGETHER WITH the following described property:

A tract of land situated in the northeast one-quarter of Section 14, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, said tract being described as follows:

Beginning at the southwest corner of Parcel 1, Partition Plat 2011-005, as platted and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 3267, Page 368, Marion County Deed Records; and running thence:

South 82°22'21" East 544.00 feet along the south line of said Parcel 1;
thence South 8°48'51" West 312.00 feet to a point on the south line of Parcel 2 of said Partition Plat 2011-005;
thence South 86°24'20" West 556.89 feet along said south line to a point on the east right of way of 82nd Avenue (County Road 734) at a perpendicular distance of 30.00 feet from the centerline of said road;
thence North 8°48'51" East 420.40 feet along said east right of way to the Point of Beginning.

Adjusted property has 15.08 acres of land, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 19, 1994
GREGORY L. WILSON
2687

EXPIRES: 6-30-16

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EXHIBIT "E"

Legal Description For:
Transferred Property (Property "A" to Property "B")

A tract of land situated in the northwest one-quarter of Section 13 and the northeast one-quarter of Section 14, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, said tract being described as follows:

Beginning at the northeast corner of Parcel 1, Partition Plat 2011-005, as platted and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 3267, Page 368, Marion County Deed Records; and running thence:
South 82°12'36" East 413.65 feet;
thence South 8°48'51" West 306.53 feet;
thence North 82°12'36" West 413.71 feet to a point on the east line of said Parcel 1;
thence North 8°49'29" East 306.53 feet along said east line to the Point of Beginning, containing 2.91 acres of land, more or less.

ALSO the following described property:

A tract of land situated in the northeast one-quarter of Section 14, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, said tract being described as follows:

Beginning at the southwest corner of Parcel 1, Partition Plat 2011-005, as platted and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 3267, Page 368, Marion County Deed Records; and running thence:
South 82°22'21" East 544.00 feet along the south line of said Parcel 1;
thence South 8°48'51" West 312.00 feet to a point on the south line of Parcel 2 of said Partition Plat 2011-005;
thence South 86°24'20" West 556.89 feet along said south line to a point on the east right of way of 82nd Avenue (County Road 734) at a perpendicular distance of 30.00 feet from the centerline of said road;
thence North 8°48'51" East 420.40 feet along said east right of way to the Point of Beginning, containing 4.57 acres of land, more or less.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Gregory L. Wilson

OREGON
JULY 19, 1994
GREGORY L. WILSON
2887

EXPIRES: 6-30-16

RECEIVED
AUG 07 2023
OWRD

REEL: 3695

PAGE: 109

May 01, 2015, 09:48 am.

CONTROL #: 383607

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 76.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

RECEIVED
AUG 07 2023

2021-48

PARTITION PLAT NO. 2021-48

OWRD

SHEET 1 OF 2

A REPLAT OF PARCEL 3, PARTITION PLAT 2021-27 AND OTHER PROPERTY LOCATED IN THE S.E. 1/4 OF SECTION 11, THE S.W. 1/4 OF SECTION 12, THE WEST 1/2 OF SECTION 13 AND THE EAST 1/2 OF SECTION 14, T. 7 S., R. 2 W., W.M., MARION COUNTY, OREGON
APRIL 21, 2021
PROPERTY LINE ADJUSTMENT CASE NO. 18-044

NARRATIVE:

The purpose of this survey is to complete a property line adjustment per Marion County Property Line Adjustment Case No. 18-044. Since the approval was between four separate legal properties and involved platted properties, it was required to have two sequential partition plats recorded. This second partition plat shows a property line adjustment between Parcel 3 of Partition Plat 2021-27 (the first plat in the sequence for this land use approval) and the first described property in Reel 3636, Page 470, Marion County Deed Records. The basis of bearings used was along the south line of Parcel 1 of Partition Plat 2021-27 per Partition Plat 2000-046 between monuments B and C. To determine the boundary of the subject property, I held the determined boundary of said Parcel 3 and the property described in Reel 3636, Page 470 as shown in Partition Plat 2021-27. No monuments were set in this survey.

LEGEND:

- = Found monument within 0.2' of ground surface unless noted otherwise (see found monument list)
- () = Data of record per survey noted
- ()' = Record equals measured data per P.P. 2021-27
- P.P. = Partition Plat
- R. = Reel
- P. = Page
- MCSR = Marion County Survey Records
- MCDR = Marion County Deed Records
- CALC = Calculated Survey Value
- CR = County Road
- MR = Market Road
- [#] = Survey Reference Number

FOUND MONUMENT LIST:

- (A) 3" Marion County brass cap, down 0.6' in monument box, set in [4]. Held.
- (B) 3 1/4" Marion County aluminum cap, DLC angle corner No. 61 and 62, set in [8].
- (C) 1/2" iron pipe with flared top, down 0.7' in asphalt, set in [2]. Held.
- (D) 1" iron rod, up 0.6', set in [3]. Held.
- (E) 2 1/2" Marion County brass cap, down 1.0', set in [7]. Held as northwest corner L. English DLC No. 67.

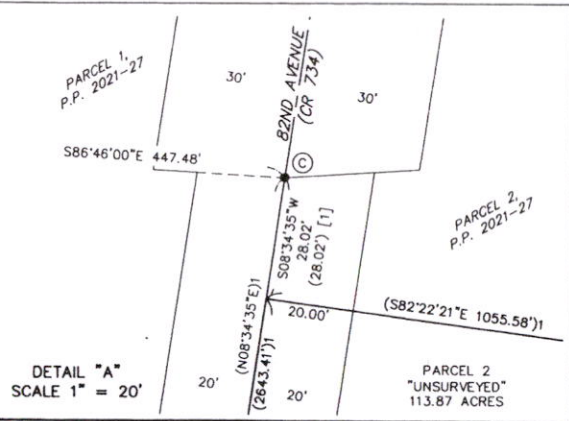
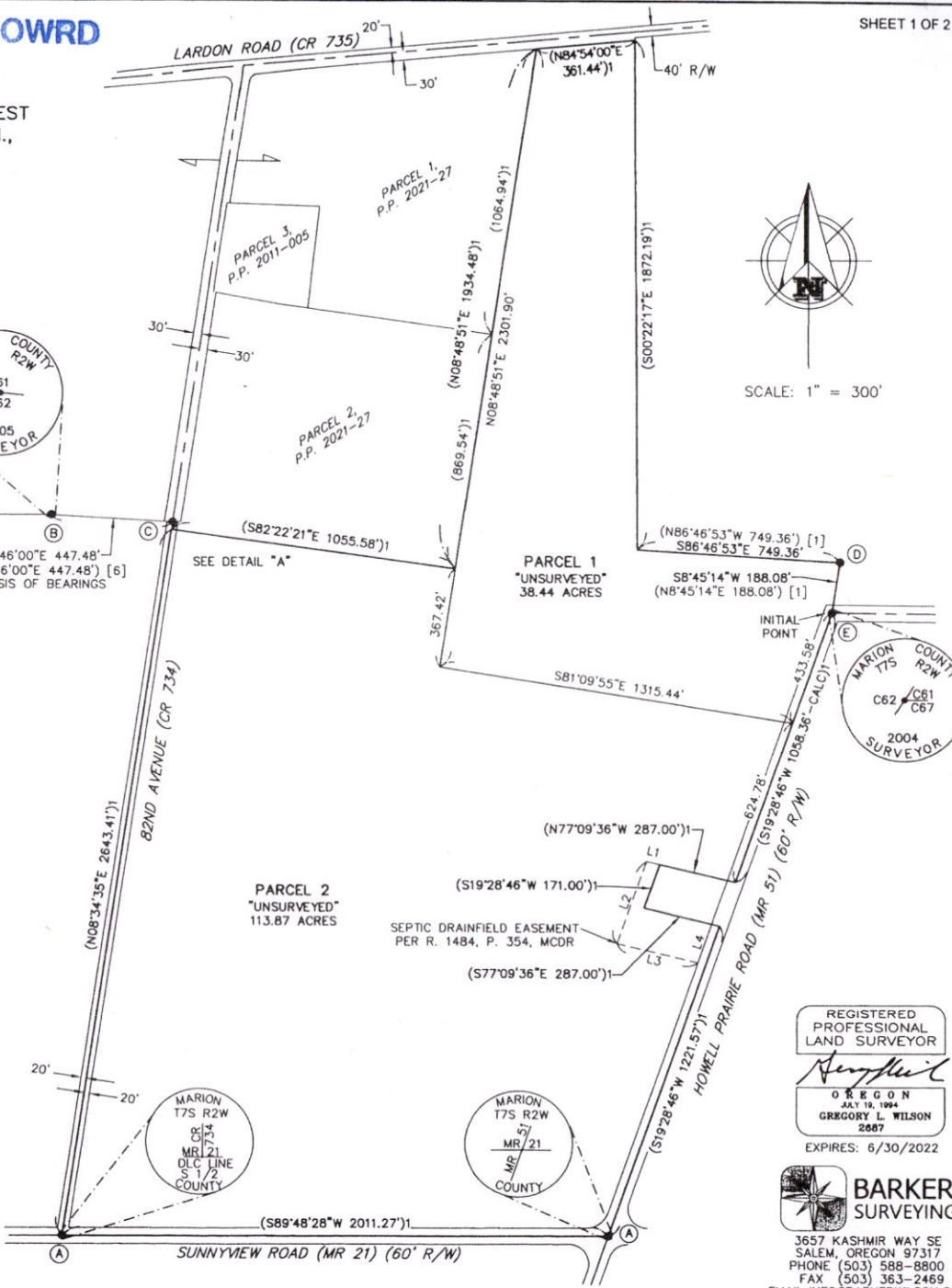
Line #	Direction	Length
L1	(N77°09'36"W)1	(50.00')1
L2	(S19°28'46"W)1	(321.00')1
L3	(S77°09'36"E)1	(306.80')1
L4	(N19°28'46"E)1	(150.00')1

SURVEY REFERENCES:

- [1] PARTITION PLAT 2021-27
- [2] MCSR 1606
- [3] MCSR 9248
- [4] MCSR 11678
- [5] PARTITION PLAT NO. 2011-005
- [6] PARTITION PLAT 2000-046
- [7] MCSR 36717
- [8] MCSR 36922

DEED REFERENCES:

R1 R. 3636, P. 470, M.C.D.R.



REGISTERED PROFESSIONAL LAND SURVEYOR
Gregory L. Wilson
OREGON
JULY 19, 1994
GREGORY L. WILSON
2687
EXPIRES: 6/30/2022

BARKER SURVEYING
3657 KASHMIR WAY SE
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PHONE (503) 588-8800
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RECEIVED

AUG 07 2023

OWRD

2021-27

PARTITION PLAT NO. 2021-27

A REPLAT OF PARCEL 1, PARTITION PLAT 2000-46 AND PARCELS 1 AND 2, PARTITION PLAT 2011-005 LOCATED IN THE S.E. 1/4 OF SECTION 11, THE S.W. 1/4 OF SECTION 12, THE WEST 1/2 OF SECTION 13 AND THE N.W., N.E. & S.E. 1/4 OF SECTION 14, T. 7 S., R. 2 W., W.M., MARION COUNTY, OREGON
 SEPTEMBER 11, 2020
 PROPERTY LINE ADJUSTMENT CASE NO. 18-044

SHEET 1 OF 2

NARRATIVE:

The purpose of this survey is to show a property line adjustment between those properties modified in a previous property line adjustment case (Case No. 14-027) which was never completed, being those properties described in Exhibits C and D in Reel 3695, Page 108 and in Exhibit C in Reel 3695, Page 110, Marion County Deed Records, collectively consisting of Parcel 1 of Partition Plat 2000-46 and Parcels 1 and 2 of Partition Plat 2011-005, being in the form of a partition plat per Marion County Property Line Adjustment Case No. 18-044. The basis of bearings used was along the south line of said Parcel 2 per Partition Plat 2000-46 between monuments B and C. To determine the overall boundary of the subject property, I held the boundary of Partition Plat 2011-005 and utilized the found monuments shown to better define the boundary of Parcel 1, Partition Plat 2000-46. No monuments were set in this survey.

EASEMENT NOTE: A One-Party Easement, Covenant and Servitude recorded in R. 3583, P. 500, M.C.D.R. in favor of Marion County, as contract agent for the State of Oregon through its Department of Environmental Quality, for a permit to construct an individual onsite sewage disposal system on Parcel 2 of Partition Plat 2011-005, intended to serve Parcel 1 of said Partition Plat 2011-005 affects the subject property with the approximate location of said onsite system shown in Detail "C" on this sheet.

LEGEND:

- = Found monument within 0.2' of ground surface unless noted otherwise (see found monument list)
- () = Data of record per survey noted
- { } = Record equals measured data per P.P. 2011-005
- P.P. = Partition Plat
- R. = Reel
- P. = Page
- MCSR = Marion County Survey Records
- MCDR = Marion County Deed Records
- CALC. = Calculated Survey Value
- CR = County Road

FOUND MONUMENT LIST:

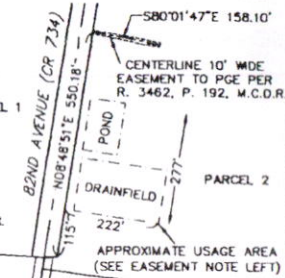
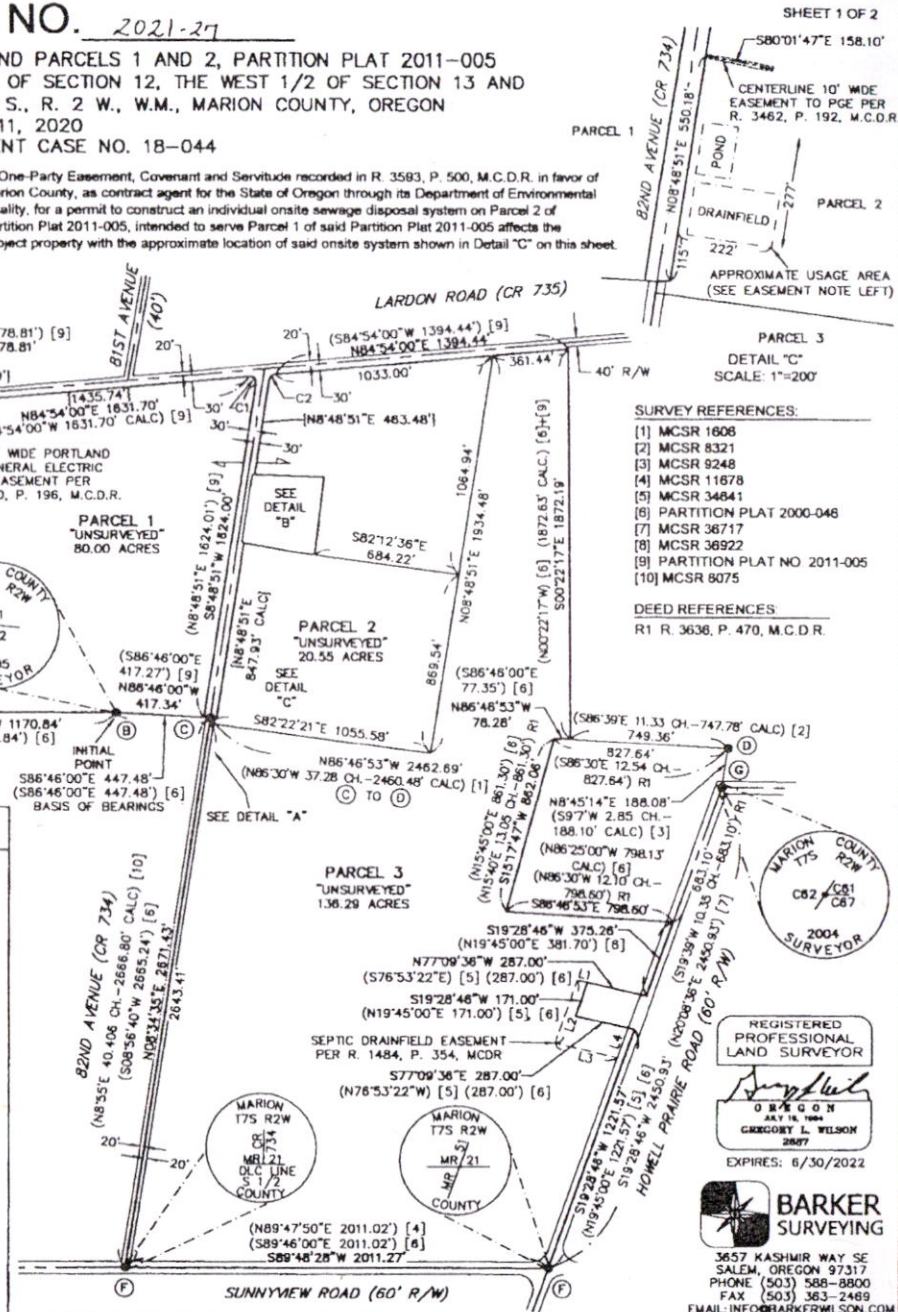
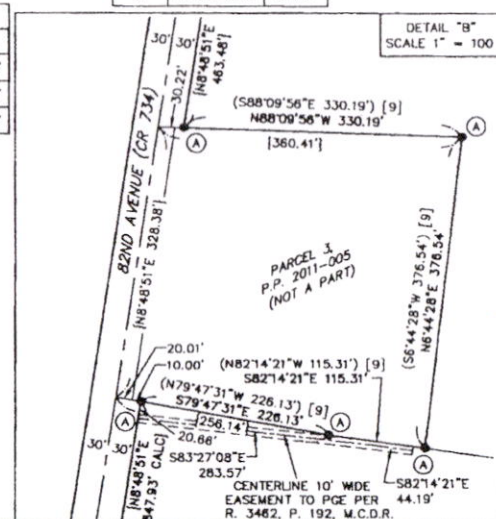
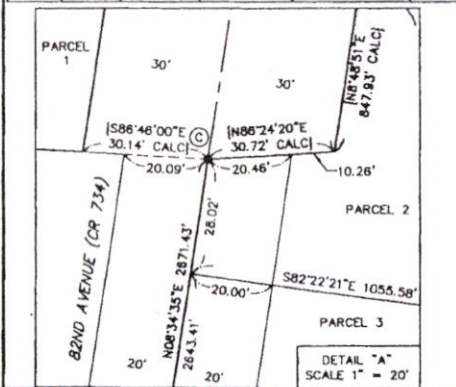
- (A) 5/8" iron rod with yellow plastic cap stamped "WILSON PLS 2687" set in [9]. Held.
- (B) 3 1/4" Marion County aluminum cap, DLC angle corner No. 61 and 62, set in [8]. Held for Initial Point.
- (C) 1/2" iron pipe with flared top, down 0.7' in asphalt, set in [1]. Held.
- (D) 1" iron rod, up 0.6', set in [3]. Held.
- (E) 3" Marion County brass cap, down 0.6" in monument box, set in [4]. Held.
- (F) 2 1/2" Marion County brass cap, down 1.0', set in [7]. Held.



SCALE: 1" = 400'

Line #	Direction	Length
L1	N77°09'36"W	50.00'
L2	S19°28'46"W	321.00'
L3	S77°09'36"E	306.80'
L4	N19°28'46"E	150.00'

CURVE	RADIUS	DELTA	ARC LENGTH	CHORD BEARING	DIST.
C1	30.00'	103°54'51"	54.41'	S43°08'35"E	47.25'
(C1) [9]	30.00'	103°54'51"	54.41'	N43°08'35"W	47.25'
(C2)	30.00'	76°05'09"	39.84'	N46°51'25"E	36.98'



- ### SURVEY REFERENCES:
- [1] MCSR 1608
 - [2] MCSR 8321
 - [3] MCSR 8248
 - [4] MCSR 11678
 - [5] MCSR 34641
 - [6] PARTITION PLAT 2000-046
 - [7] MCSR 36717
 - [8] MCSR 36922
 - [9] PARTITION PLAT NO 2011-005
 - [10] MCSR 8075
- ### DEED REFERENCES:
- R1 R. 3636, P. 470, M.C.D.R.

REGISTERED PROFESSIONAL LAND SURVEYOR

Gregory L. Wilson

GREGORY L. WILSON
2607

EXPIRES: 6/30/2022

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