

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.24-046**

**APPLICATION:** Application of Elma J Edwards for a property line adjustment to adjust the property lines on a 0.47-acre parcel and a 1.19-acre parcel to create a 0.35-acre parcel and a 1.31-acre parcel in a UT-3 (Urban Transition) zone located at 257 & 263 Riverwood Dr, Jefferson (T10S, R3W, Section 11DD, Tax lots 1300 & 2000).

**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 **January 28<sup>th</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 drain field replacement areas, this parcel may not be able to support the proposal. To be sure the subject property can accommodate the proposed use 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. Prior to plat approval, the applicants shall complete all conditions of approval for case PLA20-023, including gaining approval of the final survey plat, so that the parcels are in the correct legal configuration. No survey shall be approved by Planning for this case until the survey for PLA20-023 is approved and recorded.
2. Per the Marion County Surveyor's Office; Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review. Survey checking fees are required at the time of review. Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4).
3. 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.
4. The resulting parcels shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by the Planning Director.

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

5. After the property line adjustment has been completed, no alteration of property lines shall be permitted without first obtaining approval from the Planning Director.

**OTHER PERMITS, FEES, AND RESTRICTIONS:** This approval does not remove or affect 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 agencies mentioned in Finding #\_\_\_ below be contacted to identify restrictions or necessary permits.

6. Prior to recording the deeds all taxes due must be paid to the Marion County Assessor's Office Tax Section (contact them at (503) 588-5215 for verification of payments).
7. The applicants should contact the Jefferson 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 **January 28<sup>th</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 **January 29<sup>th</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 as open space in the City of Jefferson's Comprehensive Plan and correspondingly zoned UT (Urban Transition) under the jurisdiction of Marion County. The primary intent of this designation and zone is to protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage and streets.
2. The properties are located at the westerly end of Riverwood Dr, approximately 600 feet west of its intersection with Isabel Dr. Both parcels were involved in a previous property line adjustment case PLA20-023, however this property line adjustment has not yet been completed. Property line adjustment deeds were recorded for the configuration of the lots proposed in the case, but the required survey for PLA20-023 was never finalized. As such, the tax lots reflect the proposed configuration of the lots in PLA20-023, but the legal configuration currently is that of the lots prior to PLA20-023. The applicants recently submitted a survey for review for PLA20-023 on December 5<sup>th</sup>, 2024, which is still under review. Consequentially, the parcels can become legal in the configuration described by the applicants, but it is contingent upon the survey for PLA20-023 being finalized. It shall therefore be made a condition that the applicants fully complete the requirements of PLA20-023 before starting the process of this proposal to ensure that the subject lots or parcels are legal for land use purposes.
3. All adjacent properties are zoned UT and consist of small parcels, some with dwellings and some that have no improvements.
4. The applicants are proposing to adjust the property lines of a 0.47-acre parcel and a 1.19-acre parcel to create a 0.35-acre parcel and a 1.31-acre parcel to increase the amount of frontage to the .
5. Various agencies were contacted about the proposal and given an opportunity to comment.

**Marion County Surveyor's Office** commented:

- 1) Properties 10 acres or less must be surveyed per ORS 92.060 (7) and the survey submitted for review.
- 2) Survey checking fee required at the time of review.
- 3) Property line adjustment deeds shall be recorded with the Marion County Clerk's Office. Per ORS 92.190 (4).

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

Marion County Septic commented:

“257 RIVERWOOD DR – This property is getting smaller and is only .35 acres. It has no septic history. A site evaluation is needed to demonstrate that the property can support a replacement area. Along with the Site Evaluation an Existing System Evaluation Report will be required for the existing system. This is to ensure that it is functional and does not cross over the proposed property line.”

“263 RIVERWOOD DR – This property is getting larger needs no further action at this time.”

Marion County Tax Assessor’s Office provided comments regarding the tax status of the property.

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

6. The following regulations shall apply when property line adjustments and partitioning of land regulated by Chapter 16.33 MCC, Subdivision and Partition Requirements, are proposed:
- a. *Additional street right-of-way required by adopted county standards shall be dedicated along the street frontage of any lot 10 acres or less in area that is part of a partition or lot line adjustment. Street and drainage improvements within the dedicated right-of-way shall be deferred until otherwise required by the county, or by the city following annexation. A non-remonstrance agreement for future road or drainage improvements within the right-of-way abutting the lot may be required.*

The parcels are served by a private road not maintained by the county. The criterion is met.

- b. *The location of lot lines shall not significantly reduce feasible options for the future location of urban streets or utility services, or preclude development options on the property or adjacent properties.*

The lot line adjustment will not reduce options for future streets or utilities. The adjustment will provide equal river frontage for both properties. The criterion is met.

- c. *When a lot occupied by a residence is reduced, or a lot is created to accommodate a new residence allowed in MCC 16.13.320, the lot should be as small as possible and should not be larger than one acre. If a lot of one acre or less is not feasible, the lot should either contain all of the undeveloped land or be large enough that the urban development potential will be a significant incentive for the owner to develop to planned urban uses when the lot is annexed.*

The lot being reduced is already under one acre. The criterion is met.

- d. *When a new or adjusted lot located in a residential plan designation is smaller than five acres and larger than one acre, a redevelopment plan shall be required demonstrating that the lot can accommodate future subdivision development at the median density proposed in the Comprehensive Plan. The zoning administrator shall review and approve the redevelopment plan. The redevelopment plan is only for the purposes of identifying a feasible means to subdivide the property and to identify an appropriate location for residences, and does not limit consideration of other development options when urban services are available.*

Both properties are already under the minimum lot size of three acres, so redevelopment may not be feasible and the City of Jefferson designates these parcels as open space in their comprehensive plan. A redevelopment plan is not required in this situation. The criterion is met.

e. *New lots shall have no dimension less than 80 feet.*

The proposed configuration would result in all dimensions of both lots being at least 80 feet in length. The criterion is met.

f. *When a lot located in a residential plan designation and occupied by a nonresidential use is created or altered, the lot should include as little undeveloped land suitable for residential uses as possible, unless evidence is presented that undeveloped land needs to be included in the lot to accommodate allowable expansion of the subject use.*

Both lots are currently being used for residential purposes, therefore the criterion does not apply.

g. *The minimum lot size, in acres, for lots in nonresidential plan designations is the numerical suffix added to the UT zone (i.e., one acre, three acres, five acres, 10 acres or 20 acres), or if no suffix is added, five acres. [Ord. 1301 § 4 (Exh. A), 2010; Ord. 1204 § 4, 2004; Ord. 1170 § 4, 2002; Ord. 863 § 5, 1990. UZ Ord. § 13.31.]*

Both lots are under the minimum parcel size of 3 acres, and will remain so after adjustment, therefore the criterion does not apply.

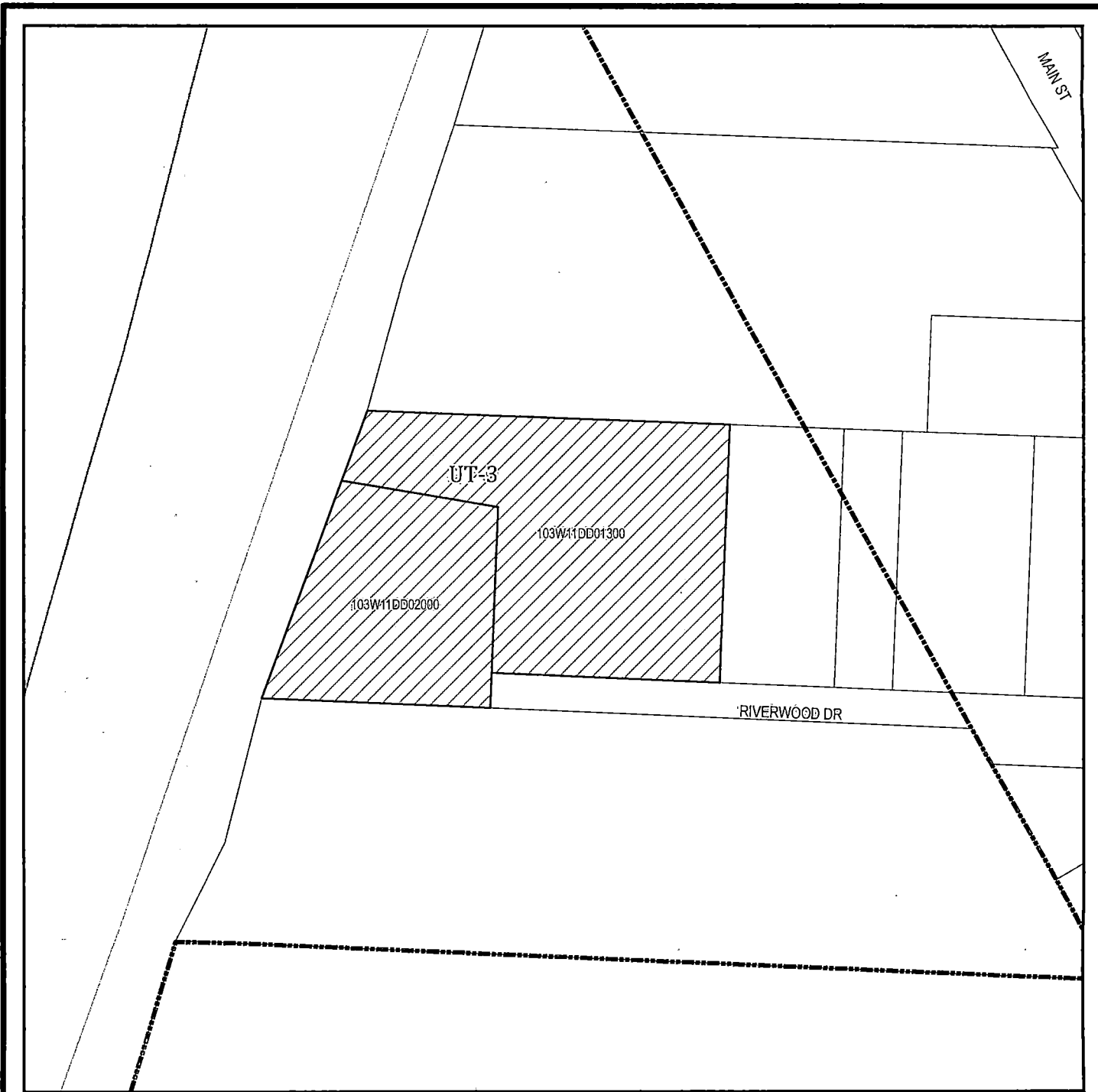
7. Based on the above findings, the proposal meets the applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director

Date: January 13<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): 103W11DD01300, 103W11DD02000

Owner Name: EDWARDS, ELMA J

Situs Address: 263 RIVERWOOD DR  
 City/State/Zip: JEFFERSON, OR, 97352  
 Land Use Zone: UT-3  
 School District: JEFFERSON  
 Fire District: JEFFERSON

### Legend

-  Input Taxlots
-  Highways
-  Lakes & Rivers
-  Cities



scale: 1 in = 121 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.